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6TH ANNUAL STUDENT CONVENTION

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JD 2023

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ANIMAL LEGAL DEFENSE FUND **STUDENT CONVENTION 2022**

Any Emergency Assistance for Animal Deaths Caused by Extreme Weather Events Should Be Conditional on Disaster Precautions

- This article argues in favor of adding conditions to eligibility for indemnity assistance
- The article proceeds by comparing the Livestock Indemnity Program with other federal indemnity programs
- The article analogizes indemnity programs to other forms of subsidies, arguing that their structure can influence behaviors



The Livestock Indemnity Program

- The Livestock Indemnity Program provides benefits to livestock producers for animal deaths caused by adverse weather
- Eligible adverse weather events can include earthquakes, lightning, tornados, winter storms, floods, wildfires, and more
- Livestock deaths only receive benefits to the extent they exceed normal annual mortality. Livestock owners can expect to receive 75% of the average fair market value of each eligible animal



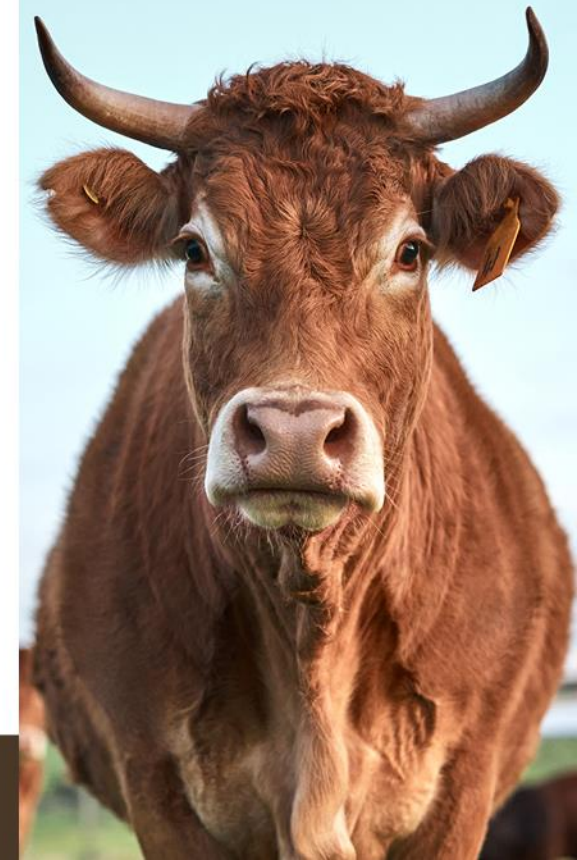
Other Agricultural Assistance Programs

- The Dairy Indemnity Payment Program
- The Livestock Forage Disaster Program
- The Quality Loss Adjustment Program
- The Tree Assistance Program



The Arts and Artifacts Indemnity Program

- Congress passed the Arts and Artifacts Indemnity Act of 1975 to solve the problem of funds to acquire international exhibitions on loan
- The National Endowment for the Arts advises that “for reasons of risk, the Federal Council is generally opposed to indemnifying” fragile items such as oil on copper paintings and certain types of glass
- The application for indemnification requests thorough information about measures taken to safeguard items in an exhibition.



The Arts and Artifacts Indemnity Program

- Office of Legal Counsel published an opinion holding that the Act does not require an indemnity agreement to cover the entire value of an exhibit
- The Council is justified in fully indemnifying, denying indemnification, or taking an intermediate stance according to “its evaluation of the risks of a particular situation.”



“Good Farming Practices” as a Hook

How to incorporate the requirements modeled in other programs

- An eligible adverse weather event must directly result in the death of livestock according to the Secretary’s determination “despite the livestock producer’s performance of expected and normal preventative or corrective measures and good farming practices.”
- Defining normal preventative measures and good farming practices to impose conditions on eligibility
- Using definitions to provide a hook for limiting indemnity as per the Arts and Artifacts Indemnity Program





THANK YOU!

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