

**AN EXAMINATION OF THE IMPLICATIONS OF
PROPOSITION 12**

HEARING
BEFORE THE
COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

JULY 23, 2025

Serial No. 119-12



Printed for the use of the Committee on Agriculture
agriculture.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

61-829 PDF

WASHINGTON : 2025

COMMITTEE ON AGRICULTURE

GLENN THOMPSON, Pennsylvania, *Chairman*

FRANK D. LUCAS, Oklahoma	ANGIE CRAIG, Minnesota, <i>Ranking Minority Member</i>
AUSTIN SCOTT, Georgia, <i>Vice Chairman</i>	DAVID SCOTT, Georgia
ERIC A. "RICK" CRAWFORD, Arkansas	JIM COSTA, California
SCOTT DESJARLAIS, Tennessee	JAMES P. McGOVERN, Massachusetts
DOUG LAMALFA, California	ALMA S. ADAMS, North Carolina
DAVID ROUZER, North Carolina	JAHANA HAYES, Connecticut
TRENT KELLY, Mississippi	SHONTEL M. BROWN, Ohio, <i>Vice Ranking Minority Member</i>
DON BACON, Nebraska	SHARICE DAVIDS, Kansas
MIKE BOST, Illinois	ANDREA SALINAS, Oregon
DUSTY JOHNSON, South Dakota	DONALD G. DAVIS, North Carolina
JAMES R. BAIRD, Indiana	JILL N. TOKUDA, Hawaii
TRACEY MANN, Kansas	NIKKI BUDZINSKI, Illinois
RANDY FEENSTRA, Iowa	ERIC SORENSEN, Illinois
MARY E. MILLER, Illinois	GABE VASQUEZ, New Mexico
BARRY MOORE, Alabama	JONATHAN L. JACKSON, Illinois
KAT CAMMACK, Florida	SHRI THANEDAR, Michigan
BRAD FINSTAD, Minnesota	ADAM GRAY, California
JOHN W. ROSE, Tennessee	KRISTEN McDONALD RIVET, Michigan
RONNY JACKSON, Texas	SHOMARI FIGURES, Alabama
MONICA DE LA CRUZ, Texas	EUGENE SIMON VINDMAN, Virginia
ZACHARY NUNN, Iowa	JOSH RILEY, New York
DERRICK VAN ORDEN, Wisconsin	JOHN W. MANNION, New York
DAN NEWHOUSE, Washington	APRIL McCLAIN DELANEY, Maryland
TONY WIED, Wisconsin	CHELLIE PINGREE, Maine
ROBERT P. BRESNAHAN, JR., Pennsylvania	SALUD O. CARBAJAL, California
MARK B. MESSMER, Indiana	
MARK HARRIS, North Carolina	
DAVID J. TAYLOR, Ohio	

PARISH BRADEN, *Staff Director*
BRIAN SOWYRDA, *Minority Staff Director*

CONTENTS

	Page
Adams, Hon. Alma S., a Representative in Congress from North Carolina:	
Prepared statement	7
Submitted statement on behalf of Maggie Garrett, Vice President of Federal Affairs, American Society for the Prevention of Cruelty to Animals	248
Costa, Hon. Jim, a Representative in Congress from California, submitted analysis	172
Craig, Hon. Angie, a Representative in Congress from Minnesota, opening statement	5
Prepared statement	6
Davis, Hon. Donald G., a Representative in Congress from North Carolina, submitted article	250
Feenstra, Hon. Randy, a Representative in Congress from Iowa:	
Submitted letter on behalf of Blake Edler, E 2 Farm LLC	169
Submitted letters	170
McGovern, Hon. James P., a Representative in Congress from Massachusetts, submitted letters	174
Scott, Hon. Austin a Representative in Congress from Georgia:	
Submitted letters	161
Submitted statement	168
Thompson, Hon. Glenn, a Representative in Congress from Pennsylvania, opening statement	1
Prepared statement	3
Submitted article	149
Submitted comment	150
Submitted letters	151

WITNESSES

Hord, Patrick, Vice President, National Pork Producers Council; Chief Executive Officer, Hord Family Farms, Bucyrus, OH	9
Prepared statement	10
Submitted questions	251
Schuiteman, Matthew, District 3 Member, Board of Directors, Iowa Farm Bureau Federation; Co-Owner, AJS Farms, Sioux Center, IA	15
Prepared statement	17
Submitted question	256
Cook, Holly, Economist, National Pork Producers Council, Washington, D.C. ..	20
Prepared statement	21
Cushman, Travis, Deputy General Counsel, Litigation and Public Policy, American Farm Bureau Federation, Washington, D.C.	29
Prepared statement	30
Rocha, Lilly, Executive Director, Latino Restaurant Association, Los Angeles, CA	36
Prepared statement	37
Lashmet, J.D., Tiffany Dowell, Professor and Extension Specialist, Agricultural Law, AgriLife Extension, Department of Agricultural Economics, College of Agriculture and Life Sciences, Texas A&M University, Amarillo, TX	41
Prepared statement	43

AN EXAMINATION OF THE IMPLICATIONS OF PROPOSITION 12

WEDNESDAY, JULY 23, 2025

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The Committee met, pursuant to call, at 10:00 a.m., in Room 1300, Longworth House Office Building, Hon. Glenn Thompson, [Chairman of the Committee] presiding.

Members present: Representatives Thompson, Lucas, Austin Scott of Georgia, LaMalfa, Bacon, Johnson, Baird, Mann, Feenstra, Miller, Moore, Finstad, Jackson of Texas, De La Cruz, Nunn, Wied, Messmer, Harris, Taylor, Craig, David Scott of Georgia, Costa, McGovern, Adams, Brown, Davids of Kansas, Davis of North Carolina, Budzinski, Sorensen, Thanedar, McDonald Rivet, Figures, and Carbajal.

Staff present: Justin Benavidez, Parish Braden, Luke Franklin, Justina Graff, Harlea Hoelscher, Sofia Jones, Patricia Straughn, Trevor White, Suzie Cavalier, Daniel Feingold, Clark Ogilvie, and Jackson Blodgett.

OPENING STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

The CHAIRMAN. The Committee will come to order. Welcome, and thank you for joining today's hearing entitled, *An Examination of the Implications of Proposition 12*.

After brief opening remarks, Members will receive testimony from our witnesses today, and then the hearing will be open to questions.

So good morning, everyone, and thank you for joining us today for this important hearing to examine the implication of California's Proposition 12.

To each of our witnesses, thank you for taking time out of your busy schedule to share your expertise with us.

In 2018, California passed Proposition 12, a law that imposes arbitrary and unscientific housing standards on any pork, veal, or egg products that a producer may wish to sell into the state. Backed by animal rights activists, the requirements of Prop 12 have no standing in reality and do nothing to improve animal welfare, food safety, or food affordability. In fact, California's Department of Food and Agriculture noted in their rulemaking that: "animal confinement space allowances prescribed in the Act are not based in specific peer-reviewed published scientific literature or accepted as standards within the scientific community to reduce

human foodborne illnesses, promote worker safety, the environment, or other human or safety concerns.”

Similarly, the American Veterinary Medical Association opposes Prop 12, stating the arbitrary housing requirements do not objectively improve animal welfare and may unintentionally cause harm.

Such concerns, along with compliance costs for producers and consumers alike, led Prop 12 all the way to the Supreme Court of the United States. After years of litigation, the United States Supreme Court ultimately upheld California’s law. Importantly, Justice Gorsuch noted several times in a majority opinion that Congress would be well within its power to act in this case.

I disagree with the Court’s decision to uphold Prop 12, but I do agree that Congress can and must act to rectify the burdens of Prop 12 as imposed on interstate commerce.

I am submitting for the record a letter from the Secretary of Agriculture, Brooke Rollins, that outlines the economic impacts that we have seen since Prop 12 went into effect on January 1, 2024. So without objection, that letter is entered into the record.

[The letter referred to is located on p. 157.]

The CHAIRMAN. The letter highlights many concerning economic realities that our producers and consumers are facing in a post-Prop 12 world. The average cost of retrofitting or rebuilding facilities to meet Prop 12 standards is estimated at \$3,500 to \$4,500 per sow. The same data shows that compliance costs disproportionately affect small- and mid-sized producers who face tighter margins and have less access to capital. In fact, as of the first quarter of 2025, 12 percent of small pork operations have exited the market or shifted production away from breeding, citing regulatory uncertainty and high transition costs.

On the consumer side, retail pork prices in California have increased by 18.7 percent year over year, compared to a 6.3 percent increase nationwide over the same period. A recent USDA consumer affordability study found that low-income households in California reduced pork purchases by 22 percent, indicating price increases are affecting food access and affordability for economically vulnerable populations. The data shows that both producers and consumers are facing significant cost increases due to Prop 12. It begs the question, if producers are paying more and consumers are paying more, who is winning?

Thankfully, the complexity and unfairness of Prop 12 has been realized by both sides of the aisle. Former Secretary of Agriculture Tom Vilsack testified before this Committee about the harms of Prop 12, stating there would be “chaos in the marketplace” without a fix. Our current Secretary of Agriculture Brooke Rollins also thinks that we must act and offered her full support for our efforts. She stated, “California has the right to do what California wants to do, but the minute that crosses the border and starts to compromise in such a significant way our pork producers, we need to act.”

That is why I introduced section 12007 in the Farm, Food, and National Security Act of 2024 (H.R. 8467). This provision is a commonsense, middle-ground approach to protect consumers from arbitrary and unscientific mandates. It does not undo thousands of

state-based agriculture laws, and it does not restrict a state's right to impose standards within their own borders. It simply clarifies that states cannot impose, as a condition for sale or consumption, a production standard on livestock unless that livestock is located within the state's borders. This means that Prop 12 will stand in California, but only for those producers within California's borders. Similar state mandates, like Question 3 in Massachusetts, will also stand, but again, only for the producers within their borders.

Section 12007 enjoys the support of the National Pork Producers Council, the American Farm Bureau Federation, and over 900 more national, state, and local farm organizations, as well as the AVMA.

Despite this support from the agriculture community, false narratives about section 12007 continue to be told in D.C. and across the countryside. Driven by animal rights groups who are parading as farmers and ranchers, I have heard every accusation possible, from China somehow gaining access to our farmland to thousands of state laws being overturned. Neither of these carries any weight. While false, the China argument is a convenient strawman during a time of heightened scrutiny of China's investments in the United States. The truth is that protein conglomerates with foreign ownership have the resources to comply with state-by-state mandates, while small family farmers and ranchers do not. The cost of compliance for small producers could actually push them out of the market altogether, leading to further consolidation in the industry, and that would be a true gift to China.

As we hear from our witnesses today, it is my hope that we all take to heart what they are saying. From producers on the ground to the economic and legal experts who have watched this unfold, to the consumer advocate who sees higher prices every day in California, it is paramount that we take their concerns seriously. In order to protect the right of American farmers and ranchers to raise their animals how they see fit, we must provide a fix for Proposition 12.

And I am proud of the work we did to get section 12007, which passed out of Committee last year with a bipartisan vote. I look forward to working with my colleagues to include this provision in the upcoming farm bill reauthorization.

Thank you again to our witnesses for being here today. We look forward to hearing from you.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS
FROM PENNSYLVANIA

Good morning, everyone and thank you for joining us at today's important hearing to examine the implications of California's Proposition 12.

To each of our witnesses, thank you for taking time out of your busy schedule to share your expertise with us.

In 2018, California passed Proposition 12, a law that imposes arbitrary and unscientific housing standards on any pork, veal, or egg products that a producer may wish to sell into the state.

Backed by animal rights activists, the requirements of Prop 12 have no standing in reality, and do nothing to improve animal welfare, food safety, or food affordability.

In fact, California's Department of Food and Agriculture noted in their rule-making that "animal confinement space allowances prescribed in the Act are not based in specific peer-reviewed published scientific literature or accepted as stand-

ards within the scientific community to reduce human foodborne illness, promote worker safety, the environment, or other human or safety concerns.”

Similarly, the American Veterinary Medical Association opposes Prop 12, stating the arbitrary housing requirements do not objectively improve animal welfare and may unintentionally cause harm.

Such concerns, along with the compliance costs for producers and consumers alike, led Prop 12 all the way to the Supreme Court of the United States.

After years of litigation, the United States Supreme Court ultimately upheld California’s law.

Importantly, Justice Gorsuch noted several times in the majority opinion that Congress would be well within its power to act in this case.

I disagree with the Court’s decision to uphold Prop 12, but I do agree that Congress can and must act to rectify the burdens Prop 12 has imposed on interstate commerce.

I am submitting for the record a letter from Secretary of Agriculture Brooke Rollins that outlines the economic impacts we have seen since Prop 12 went into effect on January 1, 2024.¹

The letter highlights many concerning economic realities that our producers and consumers are facing in a post-Prop 12 world.

The average cost of retrofitting or rebuilding facilities to meet Prop 12 standards is estimated at \$3,500 to \$4,500 per sow.

The same data shows that compliance costs disproportionately affect small- and mid-sized producers, who face tighter margins and have less access to capital.

In fact, as of the first quarter of 2025, 12 percent of small pork operations have exited the market or shifted production away from breeding, citing regulatory uncertainty and high transition costs.

On the consumer side, retail pork prices in California have increased by 18.7 percent year-over-year, compared to a 6.3 percent increase nationwide over the same period.

A recent USDA consumer affordability study found that low-income households in California reduced pork purchases by 22 percent, indicating price increases are affecting food access and affordability for economically vulnerable populations.

The data shows that both producers and consumers are facing significant cost increases due to Prop 12.

It begs the question—if producers are paying more, and consumers are paying more, who is winning?

Thankfully, the complexity and unfairness of Prop 12 has been realized by both sides of the aisle.

Former Secretary of Agriculture Tom Vilsack testified before this Committee about the harms of Prop 12, stating there would be “chaos in the marketplace” without a fix.

Our current Secretary of Agriculture Brooke Rollins also thinks that we must act and offered her full support for our efforts.

She stated that “California has the right to do what California wants to do, but the minute that crosses the border and starts to compromise in such a significant way our pork producers, we need to act.”

That’s why I included Section 12007 in the Farm, Food, and National Security Act of 2024.

This provision is a common-sense, middle-ground approach to protect producers from arbitrary and unscientific mandates.

It does not undo thousands of state-based agricultural laws, and it does not restrict a states’ right to impose standards within their own borders.

It simply clarifies that states cannot impose, as a condition for sale or consumption, a production standard on livestock, unless that livestock is located within the states’ borders.

This means that Prop 12 will stand in California, but only for those producers within California’s borders. Similar state mandates, like Question 3 in Massachusetts, will also stand—but again, only for those producers within their borders.

Section 12007 enjoys the support of the National Pork Producers Council, American Farm Bureau Federation, and over 900 more national, state, and local farm organizations, as well as the AVMA.

Despite this support from the agriculture community, false narratives about Section 12007 continue to be told in D.C. and across the countryside.

Driven by animal rights groups who are parading as farmers and ranchers, I’ve heard every accusation possible, from China somehow gaining access to our farmland to thousands of state laws being overturned.

¹ **Editor’s note:** the letter referred to is located on p. 157.

Neither of these carry any weight.

While false, the China argument is a convenient strawman during a time of heightened scrutiny of China's investments in the United States.

The truth is that protein conglomerates with foreign ownership have the resources to comply with state-by-state mandates, while small family farmers and ranchers do not.

The cost of compliance for small producers could actually push them out of the market altogether, leading to further consolidation in the industry, and that would be the true gift to China.

As we hear from our witnesses today, it is my hope that we all take to heart what they are saying.

From the producers on the ground, to the economic and legal experts who have watched this unfold, to the consumer advocate who sees higher prices every day in California, it is paramount that we take their concerns seriously.

In order to protect the right of American farmers and ranchers to raise their animals how they see fit, we must provide a fix for Proposition 12.

I am proud of the work we did to get to Section 12007, which passed out of Committee last year with a bipartisan vote.

I look forward to working with my colleagues to include this provision in the upcoming farm bill reauthorization.

Thank you again to our witnesses for being here today. We look forward to hearing from you.

With that, I yield to the Ranking Member for any opening comments she'd like to make.

The CHAIRMAN. And with that, I yield to the distinguished gentlelady from Minnesota, the Ranking Member of the Agriculture Committee, for any opening comments that she would like to make.

OPENING STATEMENT OF HON. ANGIE CRAIG, A REPRESENTATIVE IN CONGRESS FROM MINNESOTA

Ms. CRAIG. Thank you, Mr. Chairman, and good morning, everyone.

I am proud to say that Minnesota ranks second in the country for hog production, with over 3,000 pig farms operating in the state. As such, I am intensely familiar with the subject of today's hearing and have heard from producers on both sides of the issue.

Like most controversial cases, it is not really that simple. Today's topic has been litigated extensively since I first came to Congress. Since California residents voted to enact Proposition 12 in 2018, we have seen challenges to the law, the Supreme Court ruling in favor of the law, numerous proposals, and attempts to negate the law through Federal legislation, and now, a hearing regarding where we go from here.

Prop 12 is clearly a contentious issue, and it merits thoughtful, bipartisan discussion. Even today, this very day, I have seen two different letters citing two different sets of data that come to different conclusions about pork prices in California. Any true representative of farm country knows that Prop 12 is a concern for producers on both sides of the issue.

We can't ignore the questions and challenges Prop 12 raises. Even the Biden Administration's Agriculture Secretary said we need to treat this issue seriously to ensure stability in the marketplace. I agree that we can't have 50 states with 50 different regulatory frameworks because of the significant challenges it would present to producers. But I also believe that there are ways to avoid that situation.

I also recognize that many pork producers have made significant financial investments to make their operations Prop 12-compliant

to satisfy the desires of California's consumers for premium pork products. It would be unfair to the family farmers who updated their facilities to comply with new rules to keep or gain market access to change the rules on them after they have already made those investments.

I think Congress also needs to be mindful of the voters in California who exercised their rights under the state constitution to adopt this policy. We should think carefully before allowing legislators in Washington to override their will.

While I welcome more attention to this topic, there are additional threats to the livestock sector happening right now that also deserve this Committee's focus. This Administration's worldwide trade war could hurt our domestic livestock industry. We export 30 percent of the pork we produce, and hogs are constantly moving back and forth across our border with Canada.

But today, packers are being forced to render hogs that normally would have been exported. We haven't gained new market access to replace the lost Chinese market, which took a hit during the COVID-era supply chain chaos, and then shrank further after China canceled 12,000 metric tons of U.S. pork imports in retaliation against President Trump's first trade war.

At the same time, there is ongoing labor shortage for hog farms and meat processors that is being exacerbated by the Administration's chaotic and volatile mass deportation program. The Administration is eliminating large portions of the meatpacking workforce, which will affect hog prices when packers can't operate facilities at full capacity. Just the other week, 200 legal workers at a JBS plant in Iowa had their visas revoked and are now being deported. Congress can work on solutions to revitalize and strengthen the agricultural guestworker program, but common sense needs to prevail.

I am hopeful that this Prop 12 hearing will give us some new ideas to work with and possibly yield a viable path forward for all of our nation's hog farmers. I am also hopeful that the Majority, during any farm bill discussions that might occur, will be open to new ideas.

I want to thank our witnesses for their testimony today. I look forward to hearing from them.

And with that, Mr. Chairman, I yield back.

[The prepared statement of Ms. Craig follows:]

PREPARED STATEMENT OF HON. ANGIE CRAIG, A REPRESENTATIVE IN CONGRESS FROM MINNESOTA

Good morning.

I am proud to say that Minnesota ranks second in the country for hog production, with over 3,000 pig farms operating in the state. As such, I am familiar with the subject of today's hearing and have heard from producers on both sides. Like most controversial cases, it's not so simple.

Today's topic has been litigated extensively since I first came to Congress. Since California residents voted to enact Proposition 12 in 2018, we've seen challenges to the law, the Supreme Court ruling in favor of the law, numerous proposals and attempts to negate the law through Federal legislation, and now a hearing regarding where we go from here.

Prop 12 is clearly a contentious issue, and it merits thoughtful, bipartisan discussion. Even today, I've seen two different letters citing two sets of data that come to two different conclusions about pork prices in California. Any true representative of farm country knows that Prop 12 is a concern for producers on both sides.

We cannot ignore the questions and challenges Prop 12 raises. Even the Biden Administration's Agriculture Secretary said we need to treat this issue seriously to ensure stability in the marketplace. I agree that we cannot have 50 states with 50 different regulatory frameworks because of the significant challenges it would present to producers, but I believe that there are ways to avoid that situation.

I also recognize that many pork producers have made significant financial investments to make their operations Prop 12-compliant to satisfy the desires of California's consumers for premium pork products. It would be unfair to the family farmers who updated their facilities to comply with new rules to keep or gain market access, to change the rules on them after they've already made these investments.

I think Congress also needs to be mindful of the voters in California who exercised their rights under their state constitution to adopt this policy. We should think carefully before allowing legislators in Washington to override their will.

While I welcome more attention to this topic, there are additional threats to the livestock sector happening right now that also deserve this Committee's focus. This Administration's worldwide trade war could hurt our domestic livestock industry.

We export 30 percent of the pork we produce, and hogs are constantly moving back and forth across our border with Canada. But today, packers are being forced to render hogs that normally would've been exported. We haven't gained new market access to replace the lost Chinese market, which took a hit during the COVID-era supply chain chaos, and then shrank further after China canceled 12,000 metric tons of U.S. pork imports in retaliation against President Trump's tariffs.

At the same time, there is an ongoing labor shortage for hog farms and meat processors that is being exacerbated by the Administration's chaotic and volatile mass deportation program.

The Administration is eliminating large portions of the meat-packing workforce, which will affect hog prices when packers can't operate facilities at full capacity.

Just the other week, 200 legal workers at a JBS plant in Iowa had their visas revoked and are being deported.

Congress can work on solutions to revitalize and strengthen the agricultural guestworker program, but common sense needs to prevail.

I am hopeful that this Prop 12 hearing will give us some new ideas to work with and possibly yield a viable path forward for all of our nation's hog farmers. I want to thank our witnesses for their testimony today, and I look forward to hearing from them.

I yield back.

The CHAIRMAN. I thank the gentlelady.

The chair would request that other Members submit their opening statements for the record so the witnesses may begin their testimony to ensure that there is ample time for questions.

[The prepared statement of Ms. Adams follows:]

PREPARED STATEMENT OF HON. ALMA S. ADAMS, A REPRESENTATIVE IN CONGRESS
FROM NORTH CAROLINA

Thank you, Mr. Chairman.

I want to begin by clearly stating why we are gathered today. Several Members of this Committee have emphasized that it is "imperative" to include a provision in a future farm bill that preempts California's Proposition 12 and similar state laws.

Proposition 12 aims to improve the welfare of these animals by mandating minimum space requirements and prohibiting extreme confinement practices.

And while the National Pork Producers' Council sued to overturn Proposition 12 after it passed in 2018, the Supreme Court ruled in 2023 that it is within California's right to regulate the sale of agricultural products within its borders. The pork industry brought an additional case to the Supreme Court, and the Court refused to hear the case last month.

This is not the case of California imposing its standards upon other states; producers are free to choose whether to serve particular markets or to separate production for different regulatory environments.

Compliance with Proposition 12 is entirely voluntary. There are 49 other states to which farmers can sell products if they do not wish to meet these standards. Proposition 12 is not a mandate, but an opportunity for farmers to sell a higher-welfare product.

California's Proposition 12 has established new market opportunities for farmers. A growing number of consumers are demanding more humane animal products, both within and outside of California, and Proposition 12 helps meet this demand.

In fact, 80% of Americans are concerned about the negative impacts of industrial animal agriculture on animal welfare and 80% support bans on the confinement of farm animals.

To suddenly mandate a reversal of this law would create significant instability within the agricultural sector and would be harmful for those farmers who have invested heavily to comply with California's standards. In fact, more than 200 family farms in North Carolina have expressed opposition to overturning state and local farm animal welfare laws.

But we see efforts outside of this Committee trying to do the same thing. In fact, the House Republican Appropriations bill proposal includes language that is designed to open the door to preempting Proposition 12 in the future.

I am surprised that there is a strong stance to preempt Proposition 12 when there is bipartisan opposition to any legislation that would overturn Proposition 12 and other similar state laws.

Ultimately, it has been made clear—the Supreme Court rules that states are within their right to regulate the sale of agricultural products within its borders, and farmers have already made the necessary arrangements to voluntarily comply with the standards. Reverting back when there is consumer demand for the product, and bipartisan support to uphold Proposition 12, would simply make no sense.

I yield back.

The CHAIRMAN. Our first witness today is Mr. Patrick Hord, who is the CEO of Hord Family Farms, a fifth-generation family farming operation located in Ohio, Pennsylvania, Minnesota, and surrounding states. They raise approximately 8,500 acres of corn, soybeans, wheat, and hay, as well as care for 47,000 sows and pigs from birth to market. They also feed approximately 1,200 beef cattle per year, operate three grain elevators, employ 350 team members, and partner with over 200 farmer swine growers. Mr. Hord also serves as Vice President of the National Pork Producers Council Board of Directors.

Our next witness is Mr. Matt Schuiteman, a pig farmer and Board Member with the Iowa Farm Bureau. He lives and farms with his wife, Mindy, and their seven children near Sioux Center in Sioux County, Iowa.

Our third witness today is Ms. Holly Cook, who is an economist at the National Pork Producers Council. Ms. Cook collects and analyzes data for the pork industry and conducts research on the impact of proposed policies and regulations on the pork industry. She grew up on a farrow-to-finish farm operation in Winthrop, Iowa.

Our next witness is Mr. Travis Cushman, the Deputy General Counsel for Litigation and Public Policy at the American Farm Bureau Federation. He has spent the better part of 4 years examining the negative effects of California's Proposition 12 and helped elevate the issue to the Supreme Court.

Our fifth witness today is Ms. Lilly Rocha, the Executive Director of the Latino Restaurant Association, an 800+ member national organization based in Los Angeles, California. And she is also the founder of Latino Food Industry Trade Show, the nation's largest Latin food trade show.

I now yield to our Ranking Member, Ms. Craig, to introduce our next witness.

Ms. CRAIG. Thank you. Tiffany Dowell Lashmet is a Professor and Extension Specialist in Agriculture Law. She is located in the Department of Agriculture Economics at Texas A&M University.

Tiffany grew up on a family farm and ranch in northeastern New Mexico, where her family raised sheep, cattle, alfalfa, wheat, and milo. Tiffany has a BS in agribusiness farm and ranch manage-

ment from Oklahoma State University and a juris doctorate from the University of New Mexico School of Law.

The CHAIRMAN. Thank you very much.

Thank you all for joining us today. We are now going to proceed to your testimony. You will each have 5 minutes. The timer in front of you will count down to zero at which point your time has expired.

Mr. Hord, please begin when you are ready.

STATEMENT OF PATRICK HORD, VICE PRESIDENT, NATIONAL PORK PRODUCERS COUNCIL; CHIEF EXECUTIVE OFFICER, HORD FAMILY FARMS, BUCYRUS, OH

Mr. HORD. Good morning, Chairman Thompson, Ranking Member Craig, and Members of the Committee. Thank you for the invitation to testify. My name is Pat Hord, and I am a fourth-generation pork producer from Bucyrus, Ohio.

Our farm's legacy stretches back to 1905, when my great-grandfather purchased a track of land in north-central Ohio. My wife, Janel, and I carry on that legacy by caring for our pigs from birth to market. We have been blessed to farm row crops and livestock across a number of states, and importantly for today's discussion, we produce pork compliant with California Prop 12.

I serve as the Vice President of the National Pork Producers Council. We represent the interests of America's more than 60,000 pork producers. Our industry supports over 573,000 U.S. jobs and adds about \$63 billion to the nation's GDP.

Despite producing Prop 12-compliant pork, I am here to say that Prop 12 and an unmitigated regulatory patchwork threatens our farm. Prop 12 makes it a crime in California to sell uncooked whole pork meat from the offspring of sows that aren't raised according to the state's arbitrary housing standards. Meatpackers and retailers will not stop selling to California's 40 million residents, which means producers across the country have needed to comply with California's mandate.

Proponents of Prop 12 claim the measure was designed to improve animal welfare. However, welfare is a complex issue. Every style of housing, including group pens, which are functionally required by Prop 12, come with challenges. Last year, supporting the preemption of Prop 12, the American Veterinary Medical Association stated the arbitrary housing requirements in Prop 12 do not objectively improve animal welfare and may unintentionally cause harm.

Larger farms tend to have access to sufficient capital to diversify and absorb Prop 12's cost burdens, but smaller farms find it difficult to obtain the capital and undertake the associated risks.

Regardless of size, all farms have or will continue to experience productivity losses under Prop 12. You simply cannot house the same number of sows in the same size barn. Prop 12-compliant housing is inherently less efficient.

The existential challenge of Prop 12 is a patchwork of differing regulations across the country. It creates uncertainty around what design we need to use for our new barns and even how I decide what to do when an existing barn needs remodeling. Whatever I do today could need to be changed when a new state decides they

want a different housing standard. These are expensive changes, and some farmers may exit the business amid this uncertainty, which increases consolidation.

NPPC fought to stop California from regulating farms outside of its borders, filing suit against Prop 12 and taking the case to the Supreme Court. The lawsuit raised important legal questions around federalism, the relationship between states, and the power of individual states to regulate out-of-state businesses. The Court made it clear Congress can and should fix Prop 12.

There is strong bipartisan opposition to Prop 12. The Biden Administration argued against it before the Supreme Court, and the Trump Administration recently filed suit against Prop 12 over its impacts on egg prices, arguing it unnecessarily increases the cost of food and food production by manipulating interstate commerce.

Prop 12 isn't only a domestic problem. It applies to and greatly concerns our trading partners. The Canadian Government, for example, is analyzing the effects of Prop 12 and considering the U.S. obligations under the USMCA and the WTO.

To summarize, Prop 12's housing standards were developed without the input of hog farmers, veterinarians, or food safety experts. Prop 12 does not objectively improve animal welfare and leaves the industry vulnerable to the uncertainty of a 50 state patchwork. NPPC urges Congress to fix Prop 12. We ask that you support Chairman Thompson's efforts to rein in the state's attempt to regulate interstate commerce, restore the sovereignty of states to deal with their own businesses, and abide by our internal obligations.

I am happy to answer any of your questions today.

[The prepared statement of Mr. Hord follows:]

PREPARED STATEMENT OF PATRICK HORD, VICE PRESIDENT, NATIONAL PORK PRODUCERS COUNCIL; CHIEF EXECUTIVE OFFICER, HORD FAMILY FARMS, BUCYRUS, OH

Introduction

The National Pork Producers Council (NPPC) represents 42 affiliated state associations, working together to ensure the U.S. pork industry remains a consistent and responsible supplier of high-quality pork to domestic and international markets. Through public policy outreach, NPPC fights for reasonable legislation and regulations, develops revenue and market opportunities, and protects the livelihoods of America's more than 60,000 pork producers.

The U.S. pork industry serves as a major contributor to the agricultural and overall U.S. economies. In 2023, U.S. pork producers marketed more than 149 million hogs valued at over \$27 billion while supporting more than 573,000 U.S. jobs and supplying consumers with nutritional products that are raised safely and humanely. The U.S. is also a global supplier of pork, with exports accounting for about a quarter of annual pork production and supporting more than 140,000 U.S. jobs. Last year, the U.S. pork industry exported more than \$8.6 billion of product to more than 100 countries.

The pork industry used roughly 1.7 billion bushels of corn and the soybean meal from 462 million bushels of soybeans in 2023. It also used about 40 billion pounds of other feed ingredients, including distillers dried grains with solubles (DDGS), a major byproduct of corn ethanol production.

California Proposition 12

The successes of the U.S. pork industry are particularly impressive given the challenges—weather, diseases, labor shortages—producers face to put safe and accessible food on American tables. One of the most significant hurdles the U.S. pork industry continues to face is California's Proposition 12, a challenge compounded by the reality that other states have followed suit with efforts to mandate entirely different production standards for pig farms. The risk of a balkanized patchwork of varied state regulations is causing chaos in the pork industry and threatens to

cause long-term fundamental harm to the foundation of the United States economic system.

Approved in 2018 through a state ballot initiative, Proposition 12 makes it a civil and criminal offense to engage in the commercial sale within the state of California of uncooked whole pork meat derived from the offspring of sows that are not raised according to California’s prescriptive, arbitrary, and unscientific animal housing standards.

Pork producers who want to sell their product in California must provide their sows a minimum of 24 square feet of space. That compares with an industry average of 18–20 square feet per sow. Proposition 12 also prohibits the use of breeding pens, which allow sows to recover in the days following delivery and nursing of piglets. Those pens also greatly reduce aggression and fighting among sows.

Despite claims by its proponents that the initiative would improve sow welfare, in drafting Proposition 12 implementing regulations, the California Department of Food and Agriculture admitted the loss of breeding pens would result in significant increases in animal mortality and reduced litter sizes because of aggression among sows. Like other animals, sows in groups develop a pecking order, often fighting to determine their rank.

Group pens, which are functionally required by Proposition 12, place multiple sows together in a single pen. Group pens have the potential to increase pregnancy losses, lengthen recovery from weaning, and heighten risks for sow injury and death. In fact, Proposition 12 is opposed by both the American Veterinary Medical Association (AVMA) and the American Association of Swine Veterinarians (AASV).

In a *letter*¹ to this Committee supporting the preemption of Prop. 12 in the Farm, Food, and National Security Act of 2024, the AVMA wrote, “Because no one husbandry style is appropriate for all circumstances, regulations aimed at improving animal welfare should be based upon scientific evidence and the professional judgement of veterinarians. The arbitrary housing requirements in Prop 12 do not objectively improve animal welfare and may unintentionally cause harm.”

In a *separate letter*,² the AASV wrote, “A well-established body of scientific literature assessing biological metrics of sow welfare in individual stalls and group pens shows that both housing methods can be important tools in managing a healthy herd. Categorically banning one of them, as Proposition 12 does, will likely harm rather than improve animal well-being,” and that, “Without a solution, veterinarians will be restricted in their options to maximize animal welfare based on a herd’s specific needs.”

Additionally, Proposition 12 does not enhance food safety, contrary to proponents’ claims when the measure was presented to voters. There is no evidence that housing sows in individual gestation pens increases the risk of disease spreading from the sows’ offspring to humans. Likewise, there is no evidence that disease prevalence in mature slaughter pigs has any relationship to whether their mothers were housed in groups or individual pens. Each farm mitigates food safety risks through veterinarian-established herd health plans, as well as separating market pigs from other populations. There is no correlation between the housing of sows and food safety risks.

The CDFA acknowledged that Proposition 12’s space requirements are not based on peer-reviewed science or accepted as standard in the scientific community to reduce human-borne illness.

Cost to Pork Producers

The pork industry is complex, vertically segmented, and specifically designed to produce high-quality, affordable meat in a safe and efficient manner, with cuts from a single pig sold across the country. This means retailers, distributors, and packers, who would bear the consequences for violating Proposition 12, will incur significant costs when supplying pork products to the California market. And, despite not every product being covered by Proposition 12, the entire hog must be raised in a compliant manner, adding even more to the price that must be received on covered pork products to offset compliance costs. Without Congressional intervention, the industry is left vulnerable to a regulatory patchwork that fractures the national pork market based on arbitrary and costly state-by-state requirements.

Pork producers throughout the country have already collectively spent hundreds of millions of dollars converting existing structures or building new barns to continue selling pork in California.

Recent estimates show that new construction of Proposition 12 compliant barns can cost at least 15–20% more per sow than standard open pen gestation systems.

¹ <https://nppc.org/wp-content/uploads/2024/05/AVMA.2024FBSupportLetter.pdf>.

² <https://nppc.org/wp-content/uploads/2024/05/AASV-letter-Farm-Bill-Prop-12.pdf>.

Retrofitting existing barns, though highly dependent on the starting point of the barn, could cost at least \$100 per sow to provide the required square footage. This approach is also associated with at least a 30 percent reduction in throughput because of fewer sows and likely productivity impacts. To maintain their sow herd, there are also added higher operating expenses for things such as utilities, veterinary care, labor, and other costs.

While some farms, mostly larger ones, have access to sufficient capital to amortize and absorb the cost burden, smaller and independent producers have limited access to capital and cannot easily cover Proposition 12's costs. Moreover, the farms that make the effort to comply with Proposition 12 likely will experience losses in productivity, which exacerbates the challenges created by the costs associated with increasing square footage required by the initiative. Increased costs and risk will force further consolidation of the pork industry, reducing competition to the detriment of consumers nationwide.

Proposition 12 also requires that pork producers pay for and certify—through third-party audits—that their sow barns comply with the initiative's space requirements. This inspection and certification regime, in addition to being expensive and burdensome, could also interfere with farms' operations and biosecurity measures.

Efforts to Fix Proposition 12

Proposition 12 was challenged in the court system by NPPC and the American Farm Bureau Federation (AFBF), with dozens of other agricultural organizations and states filing briefs in support. While the lawsuit centered on pork production, its implications were far greater and raised a host of important legal questions around federalism, the relationships between states, and the sovereign power of individual states to assert sole jurisdiction over the operation and regulation of their businesses.

The U.S. Supreme Court rejected the argument that by regulating farms outside its borders, California violated the Constitution's "dormant commerce clause," which prevents economic discrimination and protectionism but also stops states from "imped[ing] substantially the free flow of commerce from state to state."

Subsequently, the Iowa Pork Producers Association (IPPA), an affiliate of NPPC, challenged Proposition 12 in the courts based on arguments not made in the NPPC-AFBF case. In appealing lower court decisions against its suit, IPPA said allowing Proposition 12 to stand "would implicitly endorse an individual state's regulation of an out-of-state industry based on the state's own sense of what is 'moral.' It's difficult to see where that road ends."

The organization pointed out that while its case involves pork, others could involve any good or service imaginable and would incentivize tit-for-tat trade wars among the states.

"If issues of 'morality' can drive the regulation of out-of-state industry," IPPA argued in a brief to the U.S. Supreme Court, "why couldn't future regulation be based on minimum wage policies of sister states, or employees' immigration status, or any other hot-button social issue of the day?"

"The framers [of the Constitution] prohibited precisely this type of discriminatory and overly onerous out-of-state regulation."

In fact, such extraterritoriality—the legal concept that a state's laws can apply to people or actions outside its borders—was addressed in the design of the Constitution. A state law that has the practical effect of regulating wholly out-of-state commerce is invalid, regardless of whether it also regulates in-state commerce. The practical effect of Proposition 12 is that commercial pork activity outside of California needs to comply with that state's regulations, making the initiative an extraterritorial regulation of the \$27 billion interstate pork market.

Some supporters of Proposition 12 argue that this practical effect doctrine is limitless and could invalidate a wide range of laws. But the extraterritoriality principle comes into play only when a state law has the practical effect of controlling transactions that occur entirely outside the enacting state, imposing the enacting state's policies on residents of other states and usurping the sovereign power of the other states.

The practical effect of Proposition 12 is a ban on the use of individual pens by pork producers outside of California. In-state sow producers already were prohibited from using individual pens by Proposition 2, a 2008 ballot initiative that took effect in 2015 (nearly all of California's sow operations—about 100,000 animals—moved out of the state following passage of Proposition 2). This means Proposition 12 wholly regulates out-of-state pork production.

There is nothing incidental about Proposition 12's extraterritorial effect. It applies to sows across the country, 99.9 percent of which are raised outside of California, and interferes almost entirely with out-of-state contracts. Essentially, there is no

sow industry in California where sow farms cannot meet land use and environmental requirements or bear the cost of doing business.

California keeps pork production out but imposes costly measures on pork producers in other states. It does so despite having no *valid* interest in other states' animal husbandry practices or policies. To attach restrictions to the sale in California of out-of-state pork based on concerns for animals raised in other states extends California's police power beyond its jurisdictional bounds.

The Trump Administration is picking up where the Biden Administration left off in challenging the effects on interstate commerce of Proposition 12. On July 9, 2025, the Department of Justice filed suit in the U.S. District Court for the Central District of California over the impacts that Proposition 12, as well as 2008's Proposition 2, have had on the national market for eggs and egg products. While the lawsuit does not impact pork products, NPPC agrees with the Department of Justice that Proposition 12, and laws like it, unnecessarily increase the cost of food and food production by manipulating interstate commerce without improving animal welfare.

Unlike laws and regulations directed at harm to in-state persons or property, philosophical objections to out-of-state policies on wages, investors, or animal welfare are not legitimate local interests. Measures such as Proposition 12 impose substantial burdens on interstate commerce that outweigh a state's negligible local benefits.

Taken as a whole, the negative effects of Proposition 12 far outweigh California's minor interests.

Harm to Producers and Consumers

Proposition 12 is disadvantaging family pork producers across the country by requiring compliance with expensive and arbitrary production standards—or losing access to the country's largest pork market. Meanwhile, consumers in California already are experiencing significantly higher pork prices as a direct result of Proposition 12.

With nearly 40 million residents, California represents 12 percent of the U.S. population and an estimated 13 percent of the domestic pork market. The state has large Asian, Black, and Latino populations, all of which have longstanding cultural preferences for pork. Despite being such a large market for pork, California accounts for less than 0.1 percent of U.S. pork production and, as referenced above, is dependent on farms located outside its borders to feed its residents. Approximately 700,000 sows are needed to supply California with the product mix it routinely consumes; the state has only about 6,000 sows on commercial farms.

A 2024 report³ by economists with the U.S. Department of Agriculture's Office of the Chief Economist found that after Proposition 12 was implemented, prices for covered pork products in California increased by 20 percent on average, with pork loins increasing as much as 41 percent. This disproportionately affects lower-income households and families battling inflation and increasing food costs.

Outside California, more widespread adoption of measures like Proposition 12 would likewise lead to consumers across the country paying higher prices for pork.

Left unchecked, a patchwork of conflicting, Proposition 12-style regulations around the country would also lead to even more consolidation of the industry as pork producers are forced to constantly reconstruct their operations or close their doors. Moreover, the producers who can afford to comply would experience losses in productivity at the same time they would face the costs of increasing their square footage. And when activists are again successful at persuading a state to adopt anything above Proposition 12's 24 square foot requirement, the wholesale revision of farm practices and contracts will start all over again.

Bipartisan Opposition

The implications of Proposition 12 go far beyond pork producers' farm gates and open a Pandora's box of potential state regulations that would fracture the national market. Combined with the economic and structural impacts on the pork industry, this leads to strong opposition to Proposition 12 by officials and lawmakers in both parties.

President Trump opposes Proposition 12 and *has committed*⁴ to using every legal tool to address the problems it has caused outside of California's borders. *Former President Biden*⁵ also opposed the initiative, with his solicitor general arguing in

³ https://s.giannini.ucop.edu/uploads/pub/2024/03/19/v27n3_2_e40mBEN.pdf.

⁴ <https://web.archive.org/web/20240912215853/https://www.fb.org/presidential-candidate-questionnaire%22%20/l%20%22stateregulations>.

⁵ <https://www.dtnpf.com/agriculture/web/ag/news/article/2022/06/21/biden-administration-sides-ag-scotus>.

support of the position of NPPC and American Farm Bureau Federation in their case against Proposition 12 before the Supreme Court.

In testimony before this Committee, former Agriculture Secretary *Tom Vilsack said*⁶ of the problems caused by Proposition 12, “If we don’t take this issue seriously, we’re going to have chaos in the marketplace.” Likewise, current *USDA Secretary Brooke Rollins testified*⁷ that “California has the right to do what California wants to do. But the minute that crosses the border and begins to compromise, in such a significant way, our pork producers, we need to act.”

Chairman GT Thompson thought Proposition 12 important enough to address in the “Farm, Food, and National Security Act of 2024.” *In a letter*⁸ supporting that act sent May 2024 to Chairman Thompson and Ranking Member David Scott, more than 900 agricultural organizations pointed out that “California’s Proposition 12 . . . [is] causing turmoil in agricultural markets and having significant detrimental impacts on our members’ farms and ranches, especially small- and medium-sized farms.”

Senate legislation, the “Food Security and Farm Protection Act,” was introduced earlier this Congress to prohibit states from imposing a standard or condition on the pre-harvest production of any agricultural products sold or offered for sale if produced elsewhere. NPPC and many other agricultural associations have *offered their support*⁹ for this approach.

Beyond the concerns of pork producers around the country, Proposition 12 also sets a dangerous precedent that allows a large state to effectively regulate agriculture and farming—indeed, any sector—in other states, an outcome with negative implications for interstate commerce.

Effects on International Trade

Proposition 12 is not only a domestic problem. It applies to foreign pork industries that want to sell pork in California, forcing them to forgo the market or spend millions converting farms and accept foreign auditors to ensure their compliance. (Pork importing distributors will need to submit third-party certifications to California officials that their products meet the state’s housing standards.)

U.S. trading partners are pushing back. The Canadian Pork Council (CPC), for example, claims *Proposition 12 violates*¹⁰ the U.S. Constitution’s Commerce Clause by preventing the United States “from speaking with one voice on the regulation of foreign commerce.” The CPC filed a *friend-of-the-court brief*¹¹ with the U.S. Supreme Court in the NPPC–AFBF case against Proposition 12.

“It’s a state proposition,” said Stephen Heckbert, executive director of the CPC. “International trade and international trade agreements are the sole provision of the U.S. Government.”

Indeed, under the U.S.-Mexico-Canada Agreement (USMCA), provinces and states are not permitted to create non-tariff barriers to trade. The Canadian government issued a statement saying it is analyzing the effects of Proposition 12 on trade and considering the U.S. obligations under USMCA, as well as the World Trade Organization’s Agreement on Technical Barriers to Trade.

Furthermore, a state-based regulation with a clear international reach such as Proposition 12, created outside of normal and customary international negotiations and agreements, puts all American agriculture in a vulnerable position by providing a pathway for any nation to impose its own production standards.

Conclusion

Proposition 12 has wrought negative impacts on the pork industry and set a dangerous precedent for a patchwork of state legislation. Simply stated, this must be undone. NPPC and the AFBF attempted to use the courts to reverse Proposition 12, and while the Supreme Court did not accept their arguments on the “dormant commerce” clause, the high court did make clear that Congress can act to address the problems with Proposition 12.

The bottom line is that Proposition 12’s arbitrary sow housing standards were developed without input from pork producers, veterinarians, or experts in animal care,

⁶ <https://www.reuters.com/markets/commodities/us-agriculture-secretary-sees-chaos-meat-market-without-congressional-action-2024-02-14/>.

⁷ <https://x.com/NPPC/status/1932892752284660061/video/1>.

⁸ <https://nppc.org/wp-content/uploads/2024/05/Agriculture-Stakeholder-Proposition-12-Letter-to-House-Ag-Leadership.pdf>.

⁹ <https://nppc.org/news/nppc-praises-sens-ernst-grassley-marshalls-efforts-to-avert-pork-industry-crisis/>.

¹⁰ <https://www.farmprogress.com/commentary/foreign-impacts-of-proposition-12>.

¹¹ https://www.supremecourt.gov/DocketPDF/21/21-468/228288/20220617125858968_21-468_NPPCvRoss_AmicusBrief_2022-06-17.pdf.

food safety, and other elements of pork production. Proposition 12 advances no legitimate public interest. The AVMA and AASV state that it is not objectively better for animals and, further, limits tools to maximize animal welfare. The initiative has no human health benefits but rather, could increase pathogen transmission, according to the CDFA, and it eliminates pork producers' flexibility to decide which housing methods are best for their sows, their operations, and their ability to produce safe, wholesome, affordable pork.

NPPC urges Congress to follow the path laid out by the Supreme Court and use its ability to fix Proposition 12 and the myriad problems it has created or set in motion. Congressional lawmakers should support efforts to rein in state attempts to regulate a safe, responsible, reliable \$27 billion pork industry, restore the sovereignty of states to effectively manage their own businesses, and abide by international trade obligations.

The CHAIRMAN. Mr. Hord, thank you so much for your testimony. Mr. Schuiteman, please begin when you are ready.

**STATEMENT OF MATTHEW SCHUITEMAN, DISTRICT 3
MEMBER, BOARD OF DIRECTORS, IOWA FARM BUREAU
FEDERATION; CO-OWNER, AJS FARMS, SIOUX CENTER, IA**

Mr. SCHUITEMAN. Thank you, Chairman Thompson, Ranking Member Craig, and House Agriculture Committee, to allow me to testify on this important issue.

Sioux County, where I live, is consistently one of the top pork-producing counties in the United States, and Iowa accounts for nearly 40 percent of all hog production in this country.

I have been farming and raising pigs all my life. I was born and raised on a farrow-to-finish operation and continued to farrow pigs until 2018. I have witnessed firsthand the advancements and improvements in our industry that prioritizes responsible production and animal well-being. I have raised hogs in all types of environments, and my life experiences provide a unique perspective to understand the negative consequences of initiatives like California's Prop 12 for both farmers and consumers.

I am confident that U.S. pork production is more sustainable and humane than ever before. Our responsible industry growth resulted from stakeholders coming together, from producers to veterinarians to animal health and behavioral experts. It is the result of our pursuit of continuous improvement and seeking ways to provide our pigs the best possible environment.

New technologies like computer thermostats and devices that measure both the volume and air movement in a hog barn are resources we use to ensure the maximum comfort of our pigs. In northwest Iowa, our climate can be extreme. Modern climate-controlled barns allow pigs to live comfortably year-round with access to fresh water, controlled feed, and real-time monitoring to provide the best customized environment and care.

The most important thing I have learned from a lifetime of raising pigs is that it is critical for producers to have full control over the environment in which their pigs are raised. Lacking control to tailor our farm to best serve the animals' needs is one of the biggest problems with Prop 12. When the rates at which barns may be stocked are determined arbitrarily, it creates economic hardship for the producer and can be detrimental to the pigs themselves. The decision of how many pigs to put in a barn at any given time in a production cycle should be left to the owners and managers of these farms who have the knowledge and experience.

Prop 12 regulation centers around housing requirements of breeding stock. Management and husbandry of swine breeding stock is an area rife with misconceptions and misinformation. The intent behind giving sows more room to move around has good intention but creates several challenges and unintended consequences.

Our efforts have always revolved around three principles: one, the comfort of the animal; two, the productivity of the animal; and three, the health and safety of the stockman. We have learned that confinement of breeding females has proven to be the best mix of those three principles.

One thing that must be understood in the housing conversation is the ever-changing group dynamic of female breeding herds. Often, sows on the lowest rungs of the social hierarchy are pushed away from feed and water, and in many cases they will be targeted and can be physically harmed by others in the group. Production systems have evolved with this reality in mind to provide the best animal care.

That social hierarchy and behavior has real impacts for both animal welfare and farmer profitability. It can mean the difference between a female that produces 15 pigs in one litter *versus* a female that has only five, or in many cases will end up aborting her entire litter altogether. The safety and survivability of piglets is a top priority. Proper housing of an expectant female significantly impacts her offspring and number of healthy piglets.

From years of experience and lessons learned raising pigs, the pork industry found farrowing stalls to be the best method for both nursing sows and their baby pigs. The stalls help confine the mother while providing large, comfortable areas for the newborn baby pigs to lay down and rest. Confinement of the sow at this point is critical to the survival of her piglets.

When making animal housing decisions, we must also consider the safety of the farmer and other herd caretakers. The sheer size of sows poses a risk to the stockman when undertaking everyday herd management activities. Breeding females also become more aggressive during the breeding and farrowing time periods, the times when the most direct management is needed. Regulation dictating how sows are housed and managed during these parts of the production cycle adds significant safety risks to the animals and caretakers. These housing decisions must stay on the farm with the people that know their animals best.

Some consumers demand products that require premium pricing to compensate for less efficient production methods, while at the same time, many consumers have limited household budgets and are looking for affordable protein. When given flexibility in production, the pork industry can accommodate both.

Spending my entire life raising pigs in a variety of ways, I am convinced it is best to allow production methods and consumption demands to take shape in the open market as opposed to arbitrarily shaping them through poorly worded and short-sighted ballot initiatives. We need Congress to pass a fix to the Prop 12 issue, and we are asking you to protect Iowa farmers from overreach from initiatives that seek to harm animal agriculture and that increase the cost of animal protein to the consumer.

Thank you to the Committee for the time.
[The prepared statement of Mr. Schuiteman follows:]

PREPARED STATEMENT OF MATTHEW SCHUITEMAN, DISTRICT 3 MEMBER, BOARD OF DIRECTORS, IOWA FARM BUREAU FEDERATION; CO-OWNER, AJS FARMS, SIOUX CENTER, IA

Thank you, Chairman Thompson, Ranking Member Craig, and House Ag Committee, to allow me to testify on this important issue.

My name is Matt Schuiteman, and I live and farm with my wife Minde and our seven children near Sioux Center in Sioux County, Iowa. I am here today representing my farm, my county, and the Iowa Farm Bureau, where I currently serve as a Member of the Board of Directors. Sioux County is the heart of the hog industry—our county is consistently one of the top five pork producing counties in the United States, and beyond that, Iowa represents almost 40% of all hog production in the country.

I have been involved in the hog industry my entire life. I was born and raised on a farrow-to-finish operation and continued to farrow pigs until 2018. I have witnessed firsthand the transformation of the swine industry from outdoor production facilities with barns and feeding floors to fully indoor facilities that are entirely contained and climate controlled. I have raised hogs in all types of environments, outdoors and indoors, on cement and on grass pasture. I believe my life experiences allow me the opportunity to evaluate the effects of initiatives like California's Prop. 12 in unique ways.

I believe that U.S. pork production has never been as environmentally friendly, safe, and humane as it is today. The number of hours spent developing the modern practices and building management systems we use today can't be overstated. I remember well the process of adapting our own operation to indoor production. We spent a great deal of both time and capital in our quest to ensure that we provide our pigs with the best environment that we possibly could. This involved new technologies such as computer thermostats and devices that measure both the volume and air movement patterns of airflow in a hog barn. I say this to emphasize the point that producers employ all available resources to ensure the maximum comfort of their pigs. Comfortable pigs are healthy pigs.

Advancement in technology is very apparent when one considers the growth of pork production in the United States. I was a member of the FFA in the early 1990s, and one of my projects was raising a group of pigs. At that time, efficient sows would produce 20 pigs per year, and efficient pigs would reach a market weight of 240 lbs between 6 and 7 months. Today, we have sows producing as many as 33 pigs per year, and efficient pigs can reach a market weight of 300 lbs in 5½ months. Incredible gains in efficiencies made possible in large part due to the environmental technologies developed and deployed in the buildings where these pigs are raised.

The most important thing I've learned from a lifetime of being around pigs is that it's critical for producers to have full control over the environment where they raise pigs. Every farm and building are different, and the owners and managers of those farms and buildings know best how to manage the unique, individual environments that they encounter to give their animals the best possible environment. I find the lack of this full control to be one of the bigger problems with Prop. 12. It is not possible for someone who lives thousands of miles away from a farm to know how best to manage the environment of each individual building on that farm.

Where I live in Northwest Iowa, our climate is notoriously extreme. It's not uncommon to have temperatures above 100° in the summer, and as low as 20° below zero in the winter. When dealing with this incredible amount of variance, we employ vast variety of management strategies, tailored to both extremes. Agriculture is an industry where there is no one-size-fits-all answer for our barns, where pigs will grow from 13 lbs to 300 lbs, all under the same roof. Managing a barn full of 13 lb pigs is much different than managing a barn full of market-ready, 300 lb pigs. When the rates at which barns may be stocked are determined arbitrarily, it not only produces economic harm to the producer, but can also be incredibly detrimental to the pigs themselves, for different reasons at various ages and stages of growth. The decision of how many pigs to put in a barn at any given time in a production cycle should be left to the owners and managers of these farms and facilities who are working with these animals daily.

Much of the regulation in Prop. 12 centers around the housing of breeding stock. Management and husbandry of swine breeding stock is an area rife with misconceptions and misinformation. In a sense, the intent behind giving sows more room to

move around is pure. The swine industry has for years spent both capital and human resources to identify the best way to house the breeding herd. These efforts have always revolved around three principles: (1) The comfort of the animal; (2) The productivity of the animal; and (3) The health and safety of the stockman. Over time, individual confinement of breeding females has been proven to be the best mix of those three principles. At the same time it has been recognized that some freedom of movement can aid the health and longevity of the female while making minimal sacrifices to her production.

One thing that must be understood in this conversation is that the group dynamic of any given female breeding herd. Pigs are very much a hierarchical species and always changing. A pen of females housed as a group will always establish a social hierarchy within that group. This will include a few females that are “in charge,” and a few at the bottom of the social ladder. Often, sows who find themselves on the lowest rungs of the hierarchy are pushed away from feed and water, and in many cases, targeted and physically harmed by others in the group. Production systems have been designed, and are constantly tweaked with this reality in mind.

In my own experience, that social hierarchy can mean the difference between a female that can produce 15 pigs in one litter *vs.* a female that only has five, or in many cases, will end up aborting her entire litter altogether. Beyond the well-being of the sows, the economic impact of the social interactions in female breeding swine is also incredibly significant. This is another reason why the decision on how to best house female pigs needs to be solely with the producer or manager of the herd.

Aside from the social dynamics, there are two other aspects that must be dealt with when making housing decisions. The first is the safety and survivability of piglets. Proper housing of an expectant female will significantly impact how many offspring she can have. The gestation phase of a sow is commonly reported as being “3 months, 3 weeks, 3 days”, or roughly 115 days total. Around that 115 day mark, the pregnancy becomes full term, and labor commences. It is common at this point for a sow to be moved into a farrowing stall for the labor and nursing of the new litter of pigs. Confinement of the sow at this point is critical to the survival of her piglets.

Practically, sows weigh 400 lbs. or more; conversely, their offspring commonly have a birth weight of about 3 lbs. Imagine standing next to something that is more than 100 times bigger than yourself. That can help provide a picture of what baby pigs see when they look up at their mother. When these piglets nurse, the mother lays on her side—so imagine again something that much larger crashing to its side directly next to you. Hopefully both are paying attention and able to move out of the way quickly enough to avoid being crushed. This is the life of a newborn pig. This is the reason that the pork industry utilizes farrowing stalls, which confine the mother while giving large, comfortable areas for the newborn baby pigs to lay down and rest, free from the fear of being crushed.

The nursing process is a fascinating one. Often, the sow kicks off the process by eating or drinking. After standing for a bit, she’ll start grunting, talking to her piglets, telling them that she is getting ready to feed them. The piglets hear and respond by gathering around her. She starts to lay down, and as she does, she selects which side she wants to lay on to expose her underline so her pigs can nurse. This is the most dangerous part of the process for piglets. Sometimes, piglets move with the sow and get safely into position to begin nursing.

Unfortunately, there are other, all too often times where piglets get caught and trapped under the sow as she lays down, resulting in injury, or frequently death. I have many times been present during this process, and have many times had to save a piglet from being crushed. Sometimes the mother sow will hear the piglet squeal and make necessary adjustments, but many times human intervention is the only way a pig can be saved from this situation.

The final aspect considered in the housing decision is the safety of the owner and/or manager of the herd. Sows are large, and can reach sizes of 400 lbs or more. The sheer size of sows pose a risk to the stockman when undertaking everyday herd management activities. Breeding females also become more aggressive during breeding and farrowing—the times when the most direct and hands on management practices are needed. The stockman must be able to safely stay in close proximity to the sows to ensure that they can receive the proper care and management that are required during these key times in the production cycle.

Regulations dictating how sows are housed and managed during the production cycle add significant safety risk to those who are actually providing care to the herd. These decisions must stay on the farm and with the people who assume the risks that come with hands on management.

The Supreme Court’s ruling on Proposition 12 has highlighted an area in Federal law that allows individual states to influence business practices across the entire

nation. This ruling makes it clear that Congress is uniquely positioned to address this issue and help maintain a consistent approach to interstate commerce.

Currently, there is a possibility that states could create a complicated landscape for interstate trade by passing laws that limit or restrict the sale of goods originating in other states. Such state-specific regulations could disrupt the longstanding balance that has facilitated commerce between states.

Delays in addressing this issue may make it more difficult to resolve conflicting state laws in the future. The longer these inconsistencies persist, the more challenging it may become for businesses to navigate various regulations and maintain efficient operations.

Small farms and family businesses may be particularly affected if state laws set standards that are hard for them to meet. This can lead to further consolidation, as smaller producers might struggle to keep up with larger operations that have more resources. Many times these smaller producers choose to stay in business by adopting their operation towards a niche market. Government involvement in setting standards can infringe on the opportunities that these niche markets offer to producers. When this happens the opportunity for profit from these adaptations disappears for the producers who are involved.

Prop 12 has had substantial economic impacts on the supply chain. Data is hard to come by, but so far the analysis points the same direction: it's bad for pig welfare, it's bad for pig farmers, it's bad for pork consumers. And this will have negative long-term consequences for the industry if we don't find a fix.

Despite being billed as animal welfare regulation, Prop 12 has been shown to have serious negative animal welfare outcomes for pigs. Research results presented by the Pipestone System at the 2024 Minnesota Pork Congress show that animal health outcomes in Prop 12 barns in their system are worse than traditional stall and pen barns according to several key metrics. In Prop 12-compliant barns, 10.2% of the herd gets treated for lameness in a 10 week period, *versus* only 3.5% of the herd in stall barns.¹ The percentage of animals culled for lameness in a Prop 12 barn was shown to be double (1.2% *vs.* 0.45%) that of stall barns, as well as the percentage of animals that died due to lameness (1.11% *vs.* 0.45%). Farmers are always going to do their best to care for their pigs, but the reality is, according to this research, Prop 12's requirements resulted in worse animal welfare outcomes for pigs in the Pipestone system.

Prop 12 has also resulted in negative economic outcomes for pig farmers. The same Pipestone research showed that, in part due to increased incidences of lameness, a 5,000 sow farm required 105 more anti-inflammatory injections and 160 more antibiotic injections per week compared to a stall barn. Additionally, sow death loss was nearly 2% higher in Prop 12 barns *versus* stall barns, due significantly to lameness. Setting aside the mental health impacts of these losses to pig farmers, these represent substantial economic losses that must be made up somehow. If these losses are made up with a premium to farmers, those premiums come from higher prices for consumers.

Finally, Prop 12 has been harmful to consumers in California. According to an early 2024 analysis authored by economists in the USDA's Office of the Chief Economist, prices for pork products in California covered by Prop 12 were 20% higher than they would have been from July 1, 2023, to February 4, 2024, due to Prop 12.² Pork loins specifically saw an incredible 41% increase in price in California due to Prop 12. This increase was far greater than the 7.7% long-run price increase that was predicted by California's official forecast conducted by researchers at UC-Davis.³ We'll see what the price increases end up being when the dust settles, but we know that immediately following implementation, this was harmful to California's consumers, most of whom did not know why their pork got more expensive and likely attributed the increases to economy-wide inflation.

When I traveled to California last year with Iowa Farm Bureau to learn about Prop 12, I was shocked to discover that there was no Prop 12 labeling on pork packaging whatsoever. Come to find out, there is no legal requirement to label the packaging, and voluntary labels weren't being used. If this was truly something that consumers wanted and valued, wouldn't the retailers capitalize on those consumer preferences to recoup some of the cost?

There are many different management systems that have been designed and implemented in the swine industry, including systems that have been developed specifically for markets with requirements like Prop. 12. It's important to provide freedom for both pork producers and consumers. Some consumers will demand products

¹ https://youtu.be/ISllygZTuZY?si=yDQ3h4G_12iSmLig&t=1223.

² https://s.giannini.ucop.edu/uploads/pub/2024/03/19/v27n3_2_e40mBEN.pdf.

³ https://s.giannini.ucop.edu/uploads/pub/2021/08/17/v24n6_2.pdf.

that need to be priced with a premium to compensate for less efficient production methods, where as other consumers will simply demand access to the most affordable source of protein they can purchase. There's ample opportunity for both the production and the consumption of pork produced in a variety of ways, but it's best that we simply allow such production and consumption methods to take shape as the market demands, as opposed to arbitrarily shaping them before the market gets a say.

We need Congress to pass a fix to the prop 12 issue, it is your job to help protect Iowa farmers from overreach by states who want to harm animal agriculture.

The CHAIRMAN. Mr. Schuiteman, thank you so much for your testimony.

Ms. Cook, please begin when you are ready.

STATEMENT OF HOLLY COOK, ECONOMIST, NATIONAL PORK PRODUCERS COUNCIL, WASHINGTON, D.C.

Ms. COOK. Good morning. Chairman Thompson, Ranking Member Craig, and Members of the Committee, thank you for the invitation to testify today. My name is Holly Cook, and I am an Economist with the National Pork Producers Council, which represents 42 affiliated state pork associations and fights for reasonable public policy while protecting the livelihood of America's pork producers.

I hold a master's degree in agricultural economics from Iowa State University, and while I am a current resident of Washington, D.C., I grew up on a farrow-to-finish hog farm in northeast Iowa, where my family continues actively farming today. I am here this morning to discuss the economic impacts of California's Proposition 12 and the implications that a conflicting state-by-state patchwork of regulations would have on the U.S. pork industry.

Pork producers have faced many challenges in recent years, including a period of severe financial losses that by some measures was the worst in our industry's history. From late 2022 to early 2024, record high production costs and lower hog prices resulted in an average loss of \$29 on each hog sold, equating to billions of dollars in lost equity across the industry.

While margins have improved in 2025 and many farms are continuing to recover financially, there is no shortage of risk facing U.S. pork producers and their ability to make decisions and remain viable for future generations. The issues created by Prop 12 only add to the uncertainty, and despite recommending Congress fix Prop 12, the Supreme Court's decision has opened the door for any state to put stipulations on the sale of pork outside its borders.

While California accounts for about 13 percent of domestic pork consumption, it is responsible for less than 0.1 percent of hog production, meaning it relies almost entirely on out-of-state farmers to supply compliant products. As expected, compliance with Prop 12 raises the cost of production at the farm level.

While becoming compliant looks different for each individual farm, every approach comes with costs. For farms with group pen gestation systems, converting barns to be compliant may mean a 30 percent to 40 percent decline in production, a result of having fewer sows combined with reduced efficiencies. Farms may also face higher average costs for utilities, veterinary care, labor, and feed, and they will have to spread their fixed costs out over fewer weaned pigs produced.

Producers now also face decisions when replacing old barns and constructing new facilities. Because new Prop 12-compliant barns cost more per sow than other housing styles, producers would need to receive a premium of \$5 to \$8 on every pig sold for 15 years just to break even and would need as much as \$20 per pig to make them no worse off than investing in other housing systems. These estimates come from a study by economists at Iowa State University and the University of Minnesota. The current environment not only threatens the certainty and sufficiency of premiums, but it also increases the risk of future investment decisions.

With higher costs at the farm level combined with segmentation costs throughout the supply chain, it is no surprise that Prop 12 has also resulted in significantly higher prices for California consumers. A study by economists at the University of California-Davis estimated that after a transition period, Prop 12's long-run outcome would be eight percent higher pork prices and a six percent decline in California's consumption of covered pork cuts, resulting in a \$320 million hit to consumers each year.

So far, Prop 12's impact has been even greater. A report by USDA economists showed that in the first 8 months of implementation, prices for covered products increased by 20 percent on average due to Prop 12, with pork loins seeing an even greater increase at 41 percent. It has been more than a year since that report was released, and updated scanner data shows that these trends continue to hold. Retail prices in California are still over 20 percent higher than before Prop 12 took effect, while the total sales volume is down by double digits. This means Californians are now spending more but consuming less pork.

While Californians are seeing the impacts today, one study found that if the entire industry were required to adopt a system like Prop 12, it would reduce total U.S. consumer welfare by \$41 billion over 15 years, disproportionately impacting price-sensitive, high-pork-consuming households. It is also critical to recognize that compliance is more feasible for larger farms that can more easily offset costs and secure the needed capital. Widespread adoption of Prop 12-like measures would almost certainly hasten the closing of doors for small- to medium-sized farms, or at the very least result in a greater percentage of U.S. sows being owned by fewer farms.

In closing, NPPC urges Congress to fix the challenges created by Prop 12 and deliver much-needed certainty to U.S. pork producers. Thank you for the opportunity to share my expertise, and I welcome your questions.

[The prepared statement of Ms. Cook follows:]

PREPARED STATEMENT OF HOLLY COOK, ECONOMIST, NATIONAL PORK PRODUCERS COUNCIL, WASHINGTON, D.C.

Chairman Thompson, Ranking Member Craig, and Members of the Committee, thank you for the invitation to testify. I appreciate the opportunity to provide perspectives on the current economic impacts of California's Proposition 12, as well as the potential impacts that additional state laws or a conflicting patchwork of regulations, would have on the U.S. pork industry.

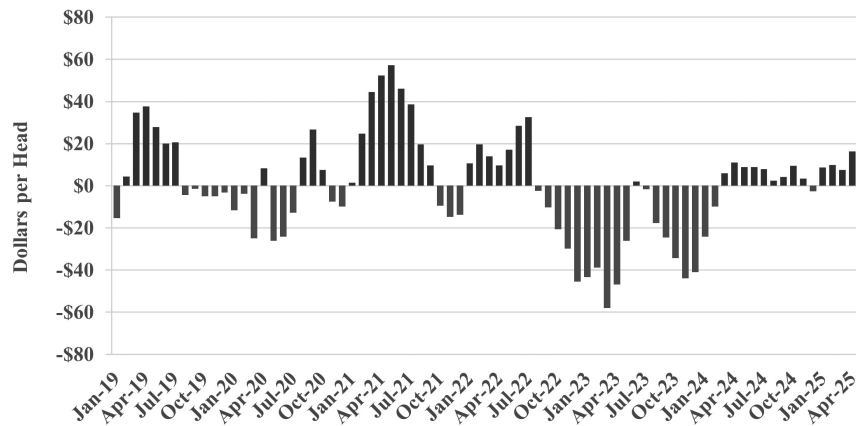
My name is Holly Cook, and I am an economist with the National Pork Producers Council (NPPC), an organization representing 42 affiliated state associations that fights for reasonable public policy while protecting the livelihood of America's pork producers. I hold a master's degree in Agricultural Economics from Iowa State University, and while I am a current resident of Washington, D.C., I grew up on a far-

row-to-finish hog farm in northeast Iowa, where my family continues actively farming today.

U.S. Pork Industry Overview

From late 2022 to early 2024, U.S. pork producers experienced severe financial losses resulting from record-high production costs and lower hog prices due to a pullback in domestic consumer demand. According to reports by Iowa State University Extension and Outreach, losses for farrow-to-finish hog producers averaged \$29 per head during this time, equating to billions of dollars in cumulative lost equity.¹ Beginning in April 2024, margins began to recover as lower feed costs and improved macroeconomic factors supported stronger demand for U.S. pork. As of June 2025, pork producers have seen nearly 15 months of positive profitability averaging nearly \$10 per head, and many farms across the country are continuing to recover from the recent financial downturn.

Figure 1: Estimated Monthly Returns, Farrow-to-Finish Producers (Jan. 2019–May 2025)



While moderate profits have returned to the pork industry, producers continue to face significant risks impacting their businesses. From the threat of a foreign animal disease, which would shutter the export markets that account for 25% of U.S. pork production, to domestic and international demand uncertainty, labor shortages, endemic disease pressure, market volatility, and policy uncertainty, there is no shortage of challenges facing U.S. pork producers.

Over time, cycles of loss and profitability as well as significant market and production risk factors have influenced the structure of the pork industry. According to the latest U.S. Census of Agriculture, there were about 60,000 U.S. farms with hogs in inventory at the end of 2022. This represents a decline of 5,600 farms from the last Ag Census in 2017, with 99% of the farms lost being those that had less than 5,000 head in inventory.² Importantly, the latest Ag Census does not account for farms lost during the recent period of financial losses. Furthermore, the pork industry continues to see a transition toward contract production, which provides producers an opportunity to remain engaged in hog farming without production or market price risk, though over time has resulted in a greater percentage of U.S. hogs owned by fewer farms. As of 2022, independent pork producers owned 35% of the U.S. hog inventory; 24% was owned and cared for directly by contractors or integrators, and 41% of the inventory was under the care of a contract grower but owned by a contractor.

Issues like California's Proposition 12, and the threat of a 50 state patchwork of conflicting animal housing regulations, have only added to the uncertainty and risk that U.S. producers must consider when making critical decisions about the future of their businesses.

¹ Iowa State University Extension and Outreach. (2025). *Estimated Livestock Returns—Swine*. Iowa State University.

² United States Department of Agriculture, National Agricultural Statistics Service. (2022). *Table 20-23. Hogs and Pigs Sales, Herd Size by Inventory and Sales, Inventory and Sales by Number Sold per Farm, Inventory by Type of Producer. 2022 Census of Agriculture*, Vol. 1, Chap. 1 U.S. National Level Data.

Background on California's Proposition 12

California's Proposition 12, formally known as the "Farm Animal Confinement Initiative," was approved by California voters in November 2018. The law establishes minimum space requirements for veal calves, egg-laying hens, and breeding pigs, and prohibits the sale of meat and eggs in California from animals not raised in compliance with those standards, regardless of where the animals are raised.

As it pertains to pork, Proposition 12 requires that any uncooked, whole pork cuts sold in California must come from sows housed in a minimum of 24 square feet of space and with the ability to turn around freely. At the time of passage, only a very small percentage of U.S. pork would have met the standards set by Proposition 12, and this product was presumably committed to other market channels that had demonstrated sufficient demand.

Proposition 12 further prohibits the use of gestation stalls for breeding sows, except during limited circumstances, such as the 5 day period prior to the expected date of giving birth and any day the sow is nursing piglets. There is a partial exception for animal husbandry purposes, but it is limited to no more than 6 hours in any 24 hour period and no more than 24 hours total in any 30 day period. Effectively, Proposition 12 requires the mixing of sows while they are at their most vulnerable time, which in many cases results in higher sow mortality, lower conception rates, and reduced productivity.

After a series of legal challenges brought by NPPC and the American Farm Bureau Federation (AFBF), Proposition 12 was upheld by the United States Supreme Court in the May 2023 *National Pork Producers Council vs. Ross* decision. While the court acknowledged the concerns brought by NPPC, it found that an act of Congress would be most appropriate for addressing the far-reaching challenges created by Proposition 12. Implementation of the law was set for July 1, 2023, but a June 2023 announcement modified implementation to allow for any non-compliant pork already in the supply chain prior to July 1, 2023, to be sold in California until December 31, 2023. Full enforcement efforts and third-party certification requirements began on January 1, 2024.

Importance of the California Market

In 2024, California's 39.4 million residents accounted for 12% of the U.S. population,³ though retail data, consumption indices, and population demographics suggest that Californians consume more pork per capita than the U.S. average, indicating that California accounts for approximately 13% of domestic pork consumption.

The impact of Proposition 12 is complicated by the fact that it applies only to certain pork products, specifically, uncooked cuts of pork. This includes popular items such as pork chops, ribs, loins, fresh hams, and uncooked bacon. It does not apply to ground pork, sausage, or processed or cooked products like canned hams, or combination products, like hot dogs or pizzas. While covered items are estimated to account for 53–56% of the carcass, the entire pig must be raised in a compliant manner to supply covered products.

Additionally, California's consumption equates to about 10% of the U.S. pork produced, but because the state's consumption of covered pork cuts is almost certainly not proportionate to the cuts derived from a single pig, this creates a situation where more than 10% of U.S. hogs must be Prop 12-compliant. For instance, if ribs are more popular than another cut, more pigs must be compliant to supply the products Californians wish to purchase. Estimates indicate that approximately 700,000 sows would be needed to meet historical demand levels in California, equating to about 12% of the current U.S. breeding herd of 6.0 million.⁴

While it is the largest single-state market for pork, California's in-state hog and pork production is nowhere near sufficient to meet the pork demands of its residents. In 2023, California had a December 1 inventory of 39,000 total hogs on farms, including 6,000 breeding animals, and the state accounted for less than 0.1% of hog production.⁵

Consequently, the standards imposed by Proposition 12 require out-of-state producers to make conversions to continue supplying their products to California. While

³U.S. Census Bureau. (2024). *State population totals and components of change: 2020–2024*. U.S. Department of Commerce.

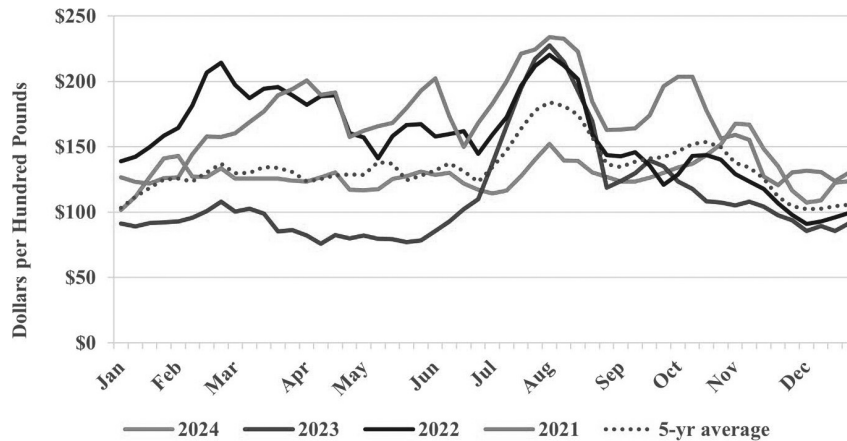
⁴Lee, H., Sexton, R. J., and Sumner, D.A. (2021). *Voter Approved Proposition to Raise California Pork Prices*. (ARE UPDATE 24(6): 5–8). University of California Giannini Foundation of Agricultural Economics.

⁵United States Department of Agriculture, National Agricultural Statistics Service. (2025). *Meat Animals Production, Disposition, and Income, 2024 Summary*. USA Economics, Statistics, and Market Information Systems.

this is, in theory, a choice to be made by producers and packers across the country, the size and relative importance of the California market means pressures associated with Proposition 12 have widespread impacts.

An example of how the actions of one state can impact the national pork market was demonstrated in the months following the partial implementation of Proposition 12. After the June 2023 announcement that non-compliant pork already in the supply chain could continue to be sold in California until the end of the year, buyers looked to stock up on non-compliant pork, which put upward pressure on prices for certain covered pork cuts. According to weekly reports by USDA's Agricultural Marketing Service under Livestock Mandatory Reporting, the USDA calculated primal value for pork bellies, which incorporates the price and volume of specific pork belly cuts with an adjustment for labor and packaging, increased nearly 200% from June to August 2023, reaching the highest level in 2 years. *Figure 2* shows how belly primal values in 2023 trailed 2021 levels by an average of 43% for the first half of the year before narrowing for the 8 weeks following July 1. Additionally, the fundamental situation in hog and pork markets was drastically different in 2021 than in 2023, further emphasizing the influence that Proposition 12 had in pushing 2023 belly values within 5% of 2021 levels for several weeks in July and August.

Figure 2: Weekly Negotiated Belly Primal Value⁶



Farm-Level Costs of Producing Proposition 12-Compliant Pork

Complying with Proposition 12 requires adjustments to be made by pork producers, pork packers, distributors, retailers, and others across the supply chain. At the farm level, the way in which a producer may modify their operation to become compliant depends heavily on the individual farm, the starting point of existing barns, and to a degree, geographic location and the prospect of premiums offered. While the exact approach will be unique for each operation, producers will consider three general options for undertaking Proposition 12 compliance:

1. The seemingly least expensive option would be to reduce the number of sows in an existing barn without adding additional space. For a farm that is already engaged in group housing, the capital investment to reduce sows and increase the square footage available to each sow could start at \$100–\$200 per sow. However, farms currently utilizing gestation stalls and wanting to retrofit for Proposition 12 compliance could incur costs exceeding \$1,000 per sow to remove stalls and install the necessary infrastructure. While this approach incurs the lowest up-front capital investment, a critical factor regardless of starting point is the lost throughput. Both would require a reduction in the number of sows, depending on the starting square footage, and would result in fewer weaned pigs produced. The restricted use of gestation stalls to provide individualized care during the sow's most vulnerable times has been reported to further impact productivity. The combination of fewer sows and lower farrowing rates could be expected to result in a 30–40% reduction in weaned pig production for a farm transitioning 18 to 24 square feet. On

⁶USDA Agricultural Marketing Service, LIVESTOCK, POULTRY, & GRAIN MARKET NEWS. (2021–2024). *National Weekly Pork FOB Plant-Negotiated Sales (LM_PK610)*.

in weaned pig production for a farm transitioning 18 to 24 square feet. On top of lost revenue, there are also higher variable costs related to heating the building, labor, veterinary care, and feed efficiencies, and higher fixed costs per pig produced due to what would become underutilized farrowing and finishing capacity. Despite these significant cost considerations, this approach may be the only option for a producer who is limited by local permitting or farm construction limitations.

2. To avoid lost throughput, producers could consider retrofitting existing barns to achieve compliance while adding space to maintain their sow herd. However, due to expected productivity impacts related to higher mortality and reduced efficiencies, producers would likely need to expand the sow herd in hopes of maintaining weaned pig production. Estimates of farrowing rate impacts vary by farm and may evolve over time, but using an assumed 5% more sows needed to produce the same number of pigs, this option would require the construction of 38% more space to maintain pig flows while also incurring higher variable and fixed costs per pig.
3. Last, some producers have and will continue to face decisions when replacing or updating old barns and constructing new facilities. While initial impact estimates assumed that all Proposition 12-compliant pork would be produced on farms with the lowest cost of conversion, it is true that some producers have chosen to build new Proposition 12-compliant barns. Due to the 24 foot space requirement, new Proposition 12-compliant barns are estimated to cost as much as 25% more than conventional group housing and 40% more than a barn utilizing gestation stalls for the same number of sows. Reports in 2023 estimated new Proposition 12-compliant housing covering the farrow-to-wean phase of production to cost up to \$4,000–4,500 per sow for larger units and potentially 10–15% more per sow for smaller farms, though the cost today could be considerably higher as construction costs continue to rise.^{7, 8}

For any farm to willingly accept higher costs and pursue an investment in Proposition 12-compliant facilities, producers should expect to receive a premium that not only offsets the added costs but makes them no worse off than before the investment. Premiums should also be sufficient to make a producer indifferent between alternative housing systems.

A study by economists at Iowa State University and the University of Minnesota analyzed the cost of constructing new facilities with increased square feet, similar to the requirements of Proposition 12, and used actual farm production data and industry reports to compare productivity and operating costs across styles of production.

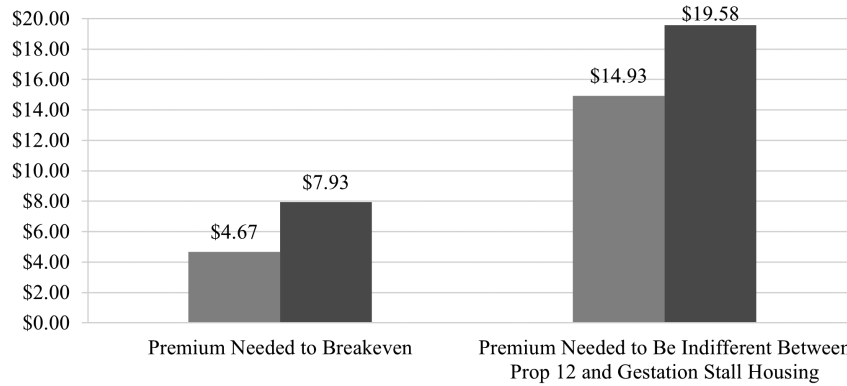
With significantly higher construction costs per sow and 15.5% higher operating expenses per weaned pig produced, the study found that to break even on investing in a 4,800 sow group housing unit with increased square feet per sow, producers would need to receive a premium of \$4.67 to \$7.93 per weaned pig, depending on the realized productivity impacts of increased square footage *versus* conventional group housing. To be indifferent between gestation stall housing and group housing with increased square footage, a producer would need to receive a premium of \$14.93 to \$19.58 on every weaned pig sold for 15 years.⁹

It is also important to recognize that this size of operation realizes scale efficiencies due to cost savings and management potential. The study notes that farms with cost advantages, *i.e.*, larger farms, will be better positioned to transition to Proposition 12-like housing systems and will require lower relative premiums to be indifferent between stalls, conventional group, and Proposition 12-like housing.

⁷ Schulz, L.L., Hadrich, J.C., (2023). *An Economic Assessment of New Swine Gestation Facility Investment*.

⁸ Goodwin, B.K. (2023). *California's Proposition 12 and the Impacts on the Pork Industry*.

⁹ Schulz, L.L., Hadrich, J.C., (2023). *An Economic Assessment of New Swine Gestation Facility Investment*.

Figure 4: 15 Year Premiums Needed for a New 4,800 Head Sow Operation

■ If Prop 12 operating expenses and productivity are equal to conventional group housing

■ If pigs weaned per sow per year declines by 12% compared with conventional group housing

At the time of the study, the size and availability of Proposition 12 premiums were largely unknown, and USDA reporting did not provide a disaggregated view of animal housing-related premiums in its Weekly Non-Carcass Merit Premium report. However, beginning in November 2023, USDA began reporting a separate category for “Animal Confinement Legislation” premiums, with values ranging from a low of \$2.38 to a high of \$14.13, with a simple average of \$4.94 per hundred pounds. Assuming an average carcass weight of 205 pounds, these initially reported premiums translate to a range of \$4.88 to \$28.97 per head, or an average of \$10.13 per head. The wide range of premium offerings could be an indication of the supply and demand situation for individual packers at the time, as well as the individual costs incurred by producers in supplying compliant hogs. Presently, premiums for Animal Confinement Legislation range from a low of \$4.10 to a high of \$13.14 per head with a simple average of \$8.71.

Importantly, the values estimated by Schulz and Hadrach (2023) hinge on the requirement that premiums be received for hogs marketed for the entire 15 year life of the investment. Not only does this exceed the standard length of marketing agreements between packers and producers, presenting significant risk to the returns on investment, but language contained in sample contracts within the USDA Swine Contract Library suggests that hog buyers retain the right to change contract terms if there are significant changes in definitions, industry practices, or standards established by specified states that would create a variance between what is required and what the producer is providing. In the current environment, there remains significant uncertainty around the future availability and sufficiency of these premiums if standards change or if other states adopt new requirements.

Consumer Price Impacts

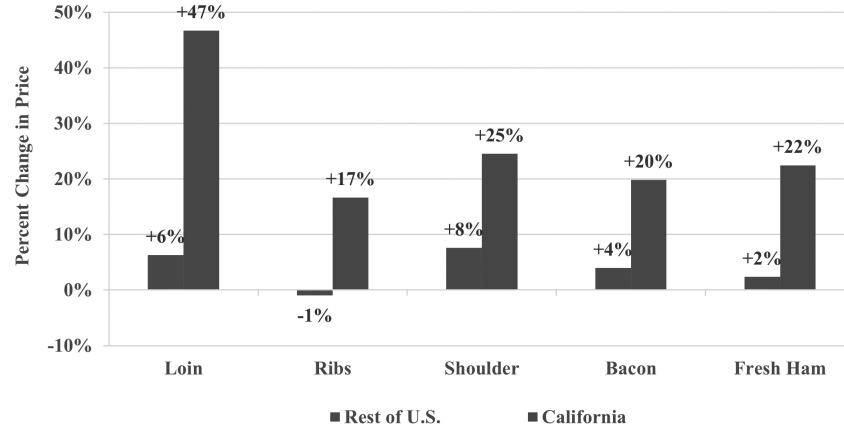
Due to the higher cost of production at the farm and processor level, as well as higher segmentation costs across the supply chain, it was expected that Proposition 12 would result in higher pork prices for California consumers. A study by economists at University of California Davis predicted a long-run outcome of 7.7% higher pork prices and a 6.3% decline in California’s consumption of uncooked pork cuts, resulting in a \$320 million hit to consumer welfare each year as Californians spend more but consume less pork.¹⁰

However, the magnitude of price increases in California so far has been much greater than the long-run expected outcome. A study released in 2024 by economists at USDA’s Office of the Chief Economist compared retail pork prices and volumes in California and the rest of the United States for a period preceding Proposition 12 (October 2019–June 2023) and for 8 months after its partial implementation date (July 2023–February 2024). After subtracting any price increases that were also observed in the rest of the United States, the study attributed the following prices in-

¹⁰Lee, H., Sexton, R. J., and Sumner, D.A. (2021). *Voter Approved Proposition to Raise California Pork Prices*. (ARE UPDATE 24(6): 5–8). University of California Giannini Foundation of Agricultural Economics.

creases in California to the impact of Proposition 12 (also depicted in *Figure 3* below): 41% increase in pork loin prices, 17% increase in pork rib prices, 17% increase in pork shoulder prices, 16% in bacon prices, and 20% increase in fresh ham prices.¹¹

Figure 3: Change in Average Sales Price of Covered Pork Products, Pre-Proposition 12 (October 2019 to June 2023) vs. Post-Proposition 12 (July 2023 to February 2024)¹²



Overall, the report suggests a 20% average increase in the sales prices for pork products covered by Proposition 12 and minimal impacts on products not covered by the law, such as sausage. Unsurprisingly, the retail data also revealed a decline in pork volume sales in California and a 2–3% decline in California’s share of national fresh pork sales.

Retail scanner data compiled by Circana confirms that these trends have held up over subsequent periods. From July 2024 to June 2025, the second year of Proposition 12’s partial implementation, prices for popular covered pork products in California were 24% higher on average, with a range of 12% to 33% higher across covered products, than they were in the year leading up to implementation (July 2022 to June 2023).¹³ This compares to an average 3.6% increase for the entire United States over the same period. California also continues to consume less pork, both in terms of overall volume and as a percentage of U.S. sales.

Imposing higher costs with no change or enhancement in consumer demand yields losses in consumer welfare. Proposition 12 has been called an “unfunded mandate,” meaning voters approved the measure, but consumers have not demonstrated a willingness to pay the premium required to consume the same volume of pork products.

Given the threat of additional states adopting similar measures, a study by Schulz and Tonsor (2024) examined various scenarios under which more states adopt Proposition 12-like regulations, requiring a greater percentage of the pork industry to adopt more costly production practices. While the magnitude of consumer losses will depend on farm adjustment costs and the percentage of the U.S. hog herd that must become compliant to maintain market access, a scenario where the entire U.S. herd must incur “intermediate” level adjustment costs results in a cumulative decline in U.S. consumer welfare of \$41 billion over 15 years.¹⁴ The study does not address instances where states adopt differing and conflicting regulations that would impose further costs not only on producers but across the pork supply chain.

¹¹ Hawkins, H., Arita, A., and Meyer, S. (2024). *Proposition 12 Pork Retail Price Impacts on California Consumers*. (ARE UPDATE 27(3): 5–8). University of California Giannini Foundation of Agricultural Economics.

¹² Hawkins, H., Arita, A., and Meyer, S. (2024). *Proposition 12 Pork Retail Price Impacts on California Consumers*. (ARE UPDATE 27(3): 5–8). University of California Giannini Foundation of Agricultural Economics.

¹³ Circana Omnimarket Point of Sale. (January 2022–June 2025). *Dollar Sales and Volume Data for Pork Loins, Ribs, Shoulders, and Bacon in California and U.S. Total MULO+*. All estimates and analysis based on Circana data are by author and not Circana.

¹⁴ Schulz, L.L. and Tonsor, G.T. (2024). *Evaluating the Economic Impacts of Proposition 12, Question 3, and Related Regulations on U.S. Consumers*.

While available data did not allow for an assessment of how households of varying income or pork consumption levels are impacted, the authors offer an expert opinion that lower-income, high pork-consuming households, which are more price sensitive and exposed to retail market changes, will bear a greater share of the consumer welfare losses.

Industry Consolidation Concerns

Compliance with Proposition 12 creates significant costs that are borne by California consumers and producers providing pork to the California market. As stated in Goodwin (2023), in the short run, there is likely to be bifurcation of the pork market whereby pork commands a premium in California. However, it is possible, particularly if other states adopt similar requirements, that high market segmentation costs may encourage widespread adoption of the standards in the long run, whether dictated by decisions at retail, distribution, processing, or at the pork packing level.¹⁵ This could impose costs on farms without the promise of sufficient premium and would hasten the exit of smaller, independent sow farm operations. An even more costly situation could arise if states adopt conflicting animal housing requirements, resulting in a 50 state patchwork that would impose even greater costs and inefficiencies on the pork supply chain.

For many reasons, Proposition 12 and the prospect of a 50 state patchwork of state regulations pose the greatest risks to small- and medium-sized hog farms across the country. As discussed previously, economies of scale allow a 5,000 head sow farm to make adjustments at a lower cost per pig than a 1,200 head sow farm. Large farms may also have greater options for diversification and enjoy more favorable terms of credit. Goodwin (2023) found that, based on USDA Economic Research Service (ERS) data, hog farms are typically more highly leveraged than other types of farms due to the substantial up-front capital investment that is required. Additionally, the return to equity on hog farms is usually progressively lower for smaller farms, suggesting small farms are likely to realize less favorable terms of credit and which may impact their ability to undertake significant capital investments. Lastly, surveys conducted and summarized in Goodwin (2023) revealed that segregation costs at the packing level likely also favor large hog producers. If processors choose to process compliant hogs on a certain day or time, large producers can deliver multiple loads at once, reducing costs for packers and impacting premiums paid.

Conclusion

Proposition 12 requires pork producers wishing to supply the California market to undertake significant investments and production changes that, absent a sufficient premium, leave them worse off financially. Packers, further processors, and other supply chain participants also face higher costs associated with segregation, tracing, and labeling compliant product. These costs are ultimately passed on to California consumers, who face fewer choices at the grocery store and significantly higher prices for covered products. Because Proposition 12 restricts consumer choice and imposes higher costs, it results in lower levels of pork consumption and ultimately reduced consumer welfare in California. Importantly, lower-income, higher pork-consuming population groups will be most sensitive to the impacts and will bear the brunt of welfare losses.

Problems do not stop there. The Supreme Court's decision opens the door for other states to adopt similar measures—or worse, for each state to adopt its own conditions for selling pork within its borders. Whether raising pigs in a way that complies with Proposition 12 or not, U.S. pork producers across the country continue to face significant uncertainty surrounding the prospect of changing regulations or a state-by-state patchwork, the future availability and sufficiency of premium offerings, and the risk that investments made today will require modifications to maintain market access before a return is ever realized. Ultimately, the ability of other states to adopt their own Proposition 12-like measures threatens consolidation across the U.S. pork industry, as the largest industry participants will be the best equipped to comply.

The National Pork Producers Council urges Congress to address the challenges created by Proposition 12 and to prevent a 50 state patchwork of conflicting sow housing regulations that would impose significant costs, inefficiencies, and welfare losses on U.S. producers and consumers.

The CHAIRMAN. Ms. Cook, thank you so much for your testimony. Mr. Cushman, please begin when you are ready.

¹⁵ Goodwin, B.K. (2023). *California's Proposition 12 and the Impacts on the Pork Industry*.

STATEMENT OF TRAVIS CUSHMAN, DEPUTY GENERAL COUNSEL, LITIGATION AND PUBLIC POLICY, AMERICAN FARM BUREAU FEDERATION, WASHINGTON, D.C.

Mr. CUSHMAN. Chairman Thompson, Ranking Member Craig, Members of the Committee, my name is Travis Cushman. I am the Deputy General Counsel for Litigation and Public Policy at the American Farm Bureau Federation. I am honored to provide this testimony today on behalf of Farm Bureau members across the nation.

Along with the National Pork Producers Council, I spent the better part of 4 years litigating Farm Bureau's challenge to California Proposition 12. Our legal challenge was based on a constitutional doctrine called the Dormant Commerce Clause. The doctrine states that because Congress has the exclusive power to regulate interstate commerce, states do not. In short, states are prohibited from substantially burdening interstate commerce through their own laws and regulations. For those looking for a deeper dive on the issue, I encourage you to read the Biden Administration's Supreme Court brief supporting our arguments.

Farm Bureau's efforts resulted in a Supreme Court decision that is so convoluted, so confusing, and so contradictory that no one can articulate the state of the Dormant Commerce Clause today or how courts should proceed with similar claims. As you know, you need five of the nine justices to agree with you to win a case. Six justices agreed with our legal theory, and five agreed that we had established enough facts to win on that claim. An easy win, right? Not quite.

Because of the way we count votes at the Supreme Court, our farmers lost. The resulting fractured 5–4 decision lacks a unifying rationale. The makeup of the four dissenting justices was also remarkable. This is the only case where Justice Jackson and Chief Justice Roberts have ever dissented together. In 2023, 25 percent of Chief Justice Roberts and half of Justice Kavanaugh's dissents were in our case.

I want to emphasize, six justices from across the ideological spectrum agreed that the Constitution protects against states balkanizing the country's markets, and five agreed that we had established such a claim. In the aftermath of the case, judges have disagreed on how to interpret the ruling, and legal scholars have called the result a paradox and a mess but a good deal more troubling than the ordinary mess.

And that is what leaves us in the legal quagmire we are here to address today. One thing is clear from the case. The United States Congress is the branch of government with responsibility now to address the problem of states imposing their production laws on other states.

Farmers today face a growing risk of being subject to overlapping or conflicting mandates from multiple states. While Prop 12 requires 24 square feet of space per sow, another state could shift the requirement after investments have been made to 25 square feet or 30 square feet, causing what Secretary Vilsack referred to in front of this Committee in February 2024 as "chaos in the marketplace," or as Secretary Rollins stated at a recent House appropriations hearing as "not sustainable." This forces farmers into the im-

possible position of retrofitting their barns, which they may not be able to afford to do, and go against their own animal husbandry experience and advice of their veterinarians.

Mr. Chairman and Members of the Committee, the American Farm Bureau Federation appreciates your leadership in addressing the turmoil created by Proposition 12 and the bipartisan farm bill that passed out of this Committee last Congress. When a single state can condition access to its market on compliance with production mandates that override the judgment of veterinarians, farmers, and experts nationwide, Congress must act.

This is not a theoretical concern. It is already harming farmers, confusing the courts, and threatening the viability of a national food system. The language that this Committee passed in the 2024 Farm Bill restores clarity, restores Congressional authority over interstate commerce, and protects both producers and consumers from a patchwork of conflicting mandates. The Farm Bureau looks forward to working with Congress to pass a farm bill soon that will address the interstate commerce issue.

Thank you for the opportunity to testify today. I look forward to answering your questions.

[The prepared statement of Mr. Cushman follows:]

PREPARED STATEMENT OF TRAVIS CUSHMAN, DEPUTY GENERAL COUNSEL, LITIGATION AND PUBLIC POLICY, AMERICAN FARM BUREAU FEDERATION, WASHINGTON, D.C.

Chairman Thompson, Ranking Member Craig, and Members of the Committee, my name is Travis Cushman. I am the Deputy General Counsel, Litigation and Public Policy at the American Farm Bureau Federation (AFBF), and I am honored to provide this testimony on behalf of Farm Bureau members across this country.

Along with the National Pork Producers Council, I spent the better part of 4 years examining the harmful effects of California Proposition 12. My legal efforts on the case helped elevate it to the Supreme Court. Our legal challenge was based on a Constitutional doctrine called the Dormant Commerce Clause. The doctrine states that, because Congress has the power to regulate interstate commerce, states do not. In short, states are prohibited from substantially burdening interstate commerce through their own laws and regulations.

Unfortunately, the high court's decision is so convoluted, so confusing, and so contradictory that no one can (honestly) articulate the state of the Dormant Commerce Clause or how courts should proceed with similar claims. As you know, you need five of the nine justices to agree with you to win a case. Six justices agreed with our legal theory. Five agreed that we had established enough facts to win on that legal theory. An easy win, right?

Not quite. In a fractured 5-4 decision, three justices found that the Constitution did not support our reading of the Dormant Commerce Clause, and two justices agreed with our reading but found we had not alleged sufficient facts. But one of the justices who disagreed with our theory of the Dormant Commerce Clause wrote separately to target the justices who found we had not alleged the correct factual predicate, arguing that we clearly had done so if such a legal theory was correct. And then four justices dissented, agreeing with our legal theory and factual pleadings.

The makeup of the four dissenting justices was also remarkable. In 2023, Chief Justice Roberts dissented in four cases and Justice Kavanaugh dissented in only two cases. A quarter of Chief Justice Roberts' and half of Justice Kavanaugh's dissents were in our case. In addition to Justice Alito, Justice Jackson also joined the dissent. This is the only case where Justice Jackson has ever been in the dissent with Chief Justice Roberts. Justice Jackson has been in the dissent with Justice Kavanaugh only one other time, and with Justice Alito only two other times.

And again I want to emphasize: six justices from across the ideological spectrum agreed that the Constitution recognizes the threat of states balkanizing the country's markets and protects those out-of-state interests, and five agreed that we had established such a claim. And that's what leaves us in the legal quagmire we are here to address today.

One thing is clear from the case: Congress is the branch with responsibility now to address the problem of states imposing their production laws on other states. The ball is in your court.

Below I discuss the history of the problem, the case law, and the proposed legislation.

Ballot Initiatives that Attack Animal Agriculture

California Proposition 12 (Prop 12) was a ballot initiative promoted by animal rights groups that passed in 2018. Voters were offered the following choice:

PROPOSITION 12

ESTABLISHES NEW STANDARDS FOR CONFINEMENT OF SPECIFIED FARM ANIMALS; BANS SALE OF NONCOMPLYING PRODUCTS.

INITIATIVE STATUTE. Establishes minimum requirements for confining certain farm animals.

Prohibits sales of meat and egg products from animals confined in noncomplying manner. Fiscal Impact: Potential decrease in state income tax revenues from farm businesses, likely not more than several million dollars annually. State costs up to \$10 million annually to enforce the measure.

YES

☐

NO

☐

(Highlights added). It is hard to blame an average voter for checking either “yes” or “no,” based on this information alone. Left unsaid was that the “minimum requirements” established were not created based on the generally-accepted views of experts in animal welfare and human safety or the experience of farmers. In fact, at the time, nearly no farms followed the standards set forth by Prop 12. Also unsaid was that nearly no pork comes from California, meaning that farms across the country would become subject to regulations and inspections based on California law despite that California had no domestic pork industry.

Relying on ballot initiatives in this way—instead of engaging in the legislative process, where factfinding and deliberative debate occurs—has become a common tactic of animal rights groups to enact laws that attack animal agriculture. For example:

- California Proposition 2 was passed in 2008¹ and set new standards for egg laying hens that resulted in smaller- and mid-sized farms closing and losing market share to larger, vertically integrated operations.
- Massachusetts Question 3 passed in 2016 as a ballot initiative that similarly set production standards for farms across the country for sows, veal calves, and egg-laying hens.
- Sonoma County Measure J was on the ballot in 2024 and sought to ban and phase out Concentrated Animal Feeding Operations (CAFOs). The measure failed.

¹ Proposition 2 applied to California farms. Two years later, the California legislature passed SB 1437, which exported Prop 2 to out-of-state farms.

- Denver Ordinance 309 was on the ballot in 2024 and sought to ban the city’s sole meat processing facility (Superior Farms) and future meat processing facilities. The measure failed.

This trend reflects a deliberate strategy by well-funded interest groups to bypass legislative deliberation and impose ideologically-driven mandates that disregard science, regional diversity, and the practical realities of food production.

Bans Raise Significant Animal Welfare, Human Health, and Farm Sustainability Concerns

Beyond the bypassing of the legislative process, allowing a single state to impose its production preferences on other states raises significant concerns for animal welfare, human health, and farm sustainability.

Animal Welfare

The American Association of Swine Veterinarians (AASV) filed an *amicus curiae* brief in *National Pork Producers Council (NPPC) v. Ross* that delves into the animal welfare concerns of laws like Prop 12.² AASV’s mission, amongst other things, is to “protect and promote the health and well-being of pigs” and to “advocate science-based approaches to veterinary, industry, and public health issues.”³ Accordingly, AASV has “a direct interest in the welfare of pigs and the safety of pork.”⁴

As AASV explained, “There is a strong scientific consensus that, in order to maximize animal welfare, the choice between individual stalls and group pens must be made on a case-by-case basis.”⁵ “By legally barring one option, Proposition 12 is likely to harm animal welfare rather than help it.”⁶ “The best solution for animal welfare is for each team of farmers and veterinarians to have flexibility to determine the housing arrangements that are best for their animals in their circumstances. Because Proposition 12 would take away that flexibility, it places at risk the well-being of many animals.”⁷ AASV notes that Proposition 12 would push sows into a housing system that is associated with over 15% of sows receiving serious wounds.⁸ These conclusions are consistent with farmers’ personal experiences across the United States.

Human Health

The AASV *amicus* easily discredits any contention that laws like Proposition 12 promote human health. To the contrary, this “contention is not supported by scientific evidence and is not plausible in light of the established practices of pig farms.”⁹ “[T]here is no evidence that the use of individual stalls for sows poses any risk to human health, and there are several objective reasons why it would be unlikely to do so.”¹⁰ Of course, the clear implication of this is also that Prop 12 provides no benefit to human health.

Indeed, “[T]here is a large-scale regime of regulations and inspections in place to deal with that very possibility.”¹¹ For example, the Federal Meat Inspection Act (FMIA) “establishes an elaborate system of inspecting live animals and carcasses in order to prevent the shipment of impure, unwholesome, and unfit meat and meat-food products.” *Nat’l Meat Ass’n v. Harris*, 565 U.S. 452, 455–456 (2012). “FMIA requires all slaughterhouses to comply with the standards for human handling and slaughter of animals set out in the Humane Methods of Slaughter Act of 1958.” *Id.* USDA’s Food Safety and Inspection Service (FSIS) administers “the FMIA to promote its dual goals of safe meat and humane slaughter.” *Id.*

²Brief of American Association of Swine Veterinarians as *Amicus Curiae* in Support of Petitioners [hereinafter *AASV Amicus Brief*], *NPPC v. Ross*, 598 U.S. 356 (2023), https://www.supremecourt.gov/DocketPDF/21/21-468/228285/20220617124311471_21-468%20Amicus%20BOM.pdf.

³American Association of Swine Veterinarians, “AASV Mission,” <https://www.aasv.org/>, last visited July 20, 2025.

⁴*AASV Amicus Brief*, *supra* note 2, at 1.

⁵*Id.* at 3; *see also id.* at 2 (“A well-established body of scientific literature assessing biological metrics of sow welfare individual stalls and group pens shows that both housing methods can be important tools in managing a healthy herd. Categorically banning one of them, as Proposition 12 does, will likely harm rather than improve animal well-being.”).

⁶*Id.* at 14.

⁷*Id.* at 22.

⁸*Id.* at 9–10.

⁹*Id.* at 2.

¹⁰*Id.* at 3; *see also id.* at 19 (“[T]here is no scientific evidence to support a claim that requiring group pens for pregnant sows would serve that goal, and there are multiple scientific reasons to doubt such a claim.”).

¹¹*Id.* at 22.

Farm Sustainability Concerns

Allowing one state to dictate livestock housing requirements to the rest of the country jeopardizes the sustainability of thousands of independent family farms. Pig farmers, particularly small- and mid-sized farmers, are already under tremendous pressure from inflation, input costs, and labor shortages. Laws like Proposition 12 only intensify these burdens by threatening further consolidation among pig farms, with only the largest farms able to compete.

Retrofitting a sow barn to comply with California’s specific mandates is very difficult (and ultimately may require building a new facility). Building a new barn compliant with Prop 12 can cost upwards of \$3,500 per sow.¹² That’s not just expensive—it’s prohibitive for many family farms. Meanwhile, the largest farms—especially those already vertically integrated—can adjust more easily, leading to increased concentration and reduced market access for regional or independent producers.

Currently, farmers are at risk of other states enacting conflicting regulations that affect their farms or ratcheting up the requirements after they’ve made expensive changes to animal housing to comply with Prop 12. And farmers are powerless if these requirements are at odds with the advice of their veterinarians or their own experience caring for their animals.

Legal Challenges to State Laws Exporting Production Standards to Other States

The Commerce Clause vests Congress with the power to “regulate Commerce . . . and among the several states.” U.S. Const. art. I, § 8, cl. 3. The dormant Commerce Clause is a legal doctrine inferred from the Congress Clause that prohibits states from enacting laws that discriminate against or unduly burden interstate commerce, even in the absence of Federal legislation.

The extent to which the dormant Commerce Clause restricts states from burdening interstate commerce is the subject of great debate, especially after *NPPC v. Ross*. Courts have disagreed on how to interpret the ruling¹³ and legal scholars have called the result a “paradox,”¹⁴ and “a mess, but it’s a good deal more troubling than the ordinary mess.”¹⁵ The one point of agreement is that there is no agreement on how courts should handle the issue of states exporting animal farming regulations into other states.¹⁶

Below is a summary of the dormant Commerce Clause challenges to California Prop 2/AB 1437, Prop 12, and Massachusetts Question 3.

- *Missouri v. Harris*, 847 F.3d 646 (9th Cir. 2017), *cert. denied*, 137 S. Ct. 2188
 - Six states challenged AB 1437. The Ninth Circuit found that the states lacked standing to bring the claim.
- *Missouri v. California*, No. 220148, 586 U.S. 1065 (2019) (motion for leave to file bill of complaint denied).

¹²Pam Lewison, *The impact of California’s Proposition 12 in increasing national production costs and food prices*, Washington Policy Center, at 6 (Nov. 2023), <https://www.washingtonpolicy.org/library/doclib/Lewison-Prop-12.pdf> (“Industry estimates for adding space or retrofitting existing penning throughout the United States suggests the adoption of Proposition 12 regulations will cost approximately \$3,500 per sow.”). See also Ben Nuelle, *Pork producers brace for California’s new sow housing rules*, AGRI-PULSE (Aug. 11, 2021), <https://www.agri-pulse.com/articles/16277-pork-producers-prepare-for-california-hog-housing-rule-implementation>; Barry K. Goodwin, *California’s Proposition 12 and its Impacts on the Pork Industry*, at 6–7 (May 13, 2021), <https://www.agri-pulse.com/ext/resources/pdfs/Goodwin-and-Prop-12-Final.pdf> (research report furnished to the National Pork Producers Council that provides a per sow estimate for compliance that costs “considerably more per animal” for smaller operations).

¹³See, e.g., *Iowa Pork Producers Ass’n v. Bonta*, No. 22–55336, 2024 WL 3158532 (9th Cir. June 25, 2024) (Ninth Circuit judges disagreeing about the impact and meaning of *NPPC v. Ross*).

¹⁴See Bradley Joondeph, *The ‘Horizontal Separation of Powers’ After National Pork Producers Council v. Ross*, 61 SAN DIEGO L. REV. 45, 73 (2024), available at <https://digital.sandiego.edu/sdlr/vol61/iss1/3/> (“[T]he Court’s judgment in *NPPC* regarding the producers’ undue-burden claim represents a bit of a paradox. And the oddity of this result indicates that this portion of this result indicates that this portion of the *NPPC*’s judgment may mean nothing going forward—other than that California is entitled to enforce Proposition 12.”).

¹⁵See David Post, *Another Voting Paradox Case (Pork Division)*, THE VOLOKH CONSPIRACY (May 16, 2023), <https://reason.com/volokh/2023/05/16/another-voting-paradox-case-pork-division/>.

¹⁶See Will Baude & Daniel Epps, *Break the Fourth Wall, DIVIDED ARGUMENT* (May 18, 2023) (noting that it is unclear how courts should interpret the case).

- Thirteen states filed an original jurisdiction claim to the Supreme Court challenging SB 1437. The Supreme Court denied the states leave to file a complaint.
- *North American Meat Institute v. Becerra*, 825 Fed. Appx. 518 (9th Cir. 2020), cert. denied 141 S. Ct. 2854 (2021)
 - The North American Meat Association (NAMI) challenged Prop 12. The Ninth Circuit held that Prop 12 does not violate the dormant Commerce Clause because it “does not impact an industry that is inherently national or requires a uniform system of regulation” and “precludes sales of meat products produced by a specified method, rather than imposing a burden on producers based on their geographical origin.” *Id.* at 520.
- *National Pork Producers Council v. Ross*, 598 U.S. 356 (2023)
 - AFBF and NPPC challenged Prop 12. In a fractured decision, the Supreme Court found that Prop 12 does not violate the dormant Commerce Clause.
 - The decision lacks a controlling rationale, leading to confusion by courts and scholars. See, e.g., *Iowa Pork Producers Ass’n v. Bonta*, No. 22–55336, 2024 WL 3158532, at *2–3 (9th Cir. June 25, 2024) (the majority “did not agree upon a ‘single rationale’ and there is no opinion in that case that ‘can be reasonably be described as a logical subset of the other.’” “Because the Court did not agree upon a single rationale for affirming, and neither of the two rationales is a ‘logical subset’ of the other, only the specific result in *NPPC* is binding on lower Federal courts.” (Citations omitted)).
 - *Justices Thomas, Gorsuch, and Barrett* would functionally limit the dormant Commerce Clause to prohibit states discriminating against commerce from other states and jettison the prohibition on states unduly burdening interstate commerce.
 - *Justices Sotomayor and Kagan* would keep the dormant Commerce Clause prohibition on unduly burdening interstate commerce, but held the petitioners failed to plead sufficient facts.
 - *Justice Barrett* wrote separately to rebut *Justices Sotomayor and Kagan*, holding that the petitioners easily pled a substantial burden on interstate commerce. However, she did not think the dormant Commerce Clause provided relief.
 - *Chief Justice Roberts and Justices Alito, Kavanaugh, and Jackson* dissented, holding that the dormant Commerce Clause does prohibit states unduly burdening interstate Commerce and that the petitioners easily pled facts establishing a claim.
 - The justices held that courts should “consider whether, by effectively requiring compliance by farmers who do not even wish to ship their product into California, Proposition 12 has a nationwide reach.” 598 U.S. at 400.
 - In addition, petitioners allege that Prop 12 will produce “worse health outcomes” and “spread pathogens and disease.” *Id.* at 400. “These consequential threats to animal welfare and industry practice are difficult to quantify and are not susceptible to categorization as mere costs of compliance.” *Id.* at 401.
 - “[P]etitioners here allege that Proposition 12 will force compliance on farmers who do not wish to sell into the California market, exacerbate health issues in the national pig population, and undercut established operational practices.” *Id.* at 401.
 - *Justice Kavanaugh* wrote a separate dissent, holding that “California’s novel and far-reaching regulation could provide a blueprint for other states. California’s law thus may foreshadow a new era where states shutter their markets to goods produced in a way that offends their moral or policy preferences—and in doing so, effectively force other states to regulate in accordance with those idiosyncratic state demands. That is not the Constitution the Framers adopted in Philadelphia in 1787.” *Id.* at 407.
- *Iowa Pork Producers Ass. v. Bonta*, No. 22–55336, 2024 WL 3158532 (9th Cir. June 25, 2024), cert. denied No. 24–728, 2025 WL 1787818 (U.S. June 30, 2025)
 - Iowa Pork Producers Association challenged Prop 12. The Ninth Circuit, interpreting *NPPC v. Ross*, held that, due to the fractured rationale, the Supreme Court decision only controls its specific result.

- However, the judges disagreed about the impact and meaning of *NPPC v. Ross*.
- *Massachusetts Restaurant Association v. Healey*, 4:22-cv-11245 (D. Mass)
 - Several trade associations challenged Massachusetts Question 3.
 - Under the regulations implementing Question 3, Massachusetts prohibited the transshipment of pork through the state into other states. This would have prevented the movement of pork into Maine or New Hampshire while also threatening to cut off supplies to restaurants and grocers in parts of Connecticut, New York, Rhode Island and Vermont who relied on distribution chains that ran through Massachusetts. Massachusetts entered into a consent agreement with the plaintiffs agreeing not to enforce the transshipment prohibition.
- *Indiana v. Massachusetts*, 586 U.S. 1065 (2019)
 - Thirteen states filed an original jurisdiction claim to the Supreme Court challenging Massachusetts Question 3. The Supreme Court denied the states leave to file a complaint.
- *Triumph Foods v. Campbell*, 1:23-cv-11671 (D. Mass)
 - Several farm groups challenged Massachusetts Question 3. The district court rejected the dormant commerce clause claim under *NPPC v. Ross*. 715 F.Supp.3d 143 (D. Mass. 2024). The court also rejected the Federal preemption claim. 742 F.Supp.3d 63 (D. Mass. 2024).
 - The case is currently on appeal to the First Circuit. Amongst other things, the petitioners argue that the district court failed to address several constitutional issues, including their claims under the Privileges and Immunities Clause, Full Faith and Credit Clause, Due Process Clause, and Import-Export Clause.
- *United States v. California*, No. 2:25-cv-6230 (C.D. Cal.)
 - The United States challenged California Prop 2 and Prop 12 as to their application to egg-laying hens. The United States claims that the Egg Products Inspection Act (EPIA) preempts Prop 2 and Prop 12's regulations on the quality and condition of eggs and the labeling of eggs. *See* 21 U.S.C. § 1052(b) ("For eggs which have moved or are moving in interstate or foreign commerce, . . . no state or local jurisdiction may require the use of standards of quality, condition, weight, quantity, or grade which are in addition to or different from the official Federal standards . . . Labeling, packaging, or ingredient requirements, in addition to or different than those made under [EPIA], the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any state or local jurisdiction.").

As the record of litigation makes clear, the judiciary has reached an impasse. It is now incumbent upon Congress to provide clarity.

Congress Should Fix the Problem and Has the Authority to Do So

Given the difficulty the courts have had resolving states imposing their preferred farming practices onto other states, Congress should address the problem. And Congress clearly has the authority to do so. Indeed, Justices Gorsuch, Thomas, and Barrett's chief concern in *NPPC v. Ross* was that the judiciary should not overstep and abrogate Congress's delegated authority. "Everyone agrees that Congress may seek to exercise this power to regulate the interstate trade of pork, much as it has done with various other products. Everyone agrees, too, that Congressional enactments may preempt conflicting state laws." *NPPC v. Ross*, 598 U.S. 356, 368 (2023). Congress "is better equipped than this Court to identify and assess all the pertinent economic and political interests at play across the country." *Id.* at 383.

Farmers today face a growing risk of being subject to overlapping or conflicting mandates from multiple states. While Prop 12 requires 24 square feet of space per sow another state could shift the requirement—after investments have been made—to 25 square feet. Or states may enact conflicting standards. This forces farmers into a Hobson's choice of retrofitting their barns (which they may not be able to afford) or going against their own animal husbandry experience and the advice of veterinarians. Only Congress can fix this problem.

Section 12007 Narrowly Fixes the Problem

Proposed Section 12007 narrowly fixes the problem of states imposing their preferred farming practices onto other states, such that no single state can dictate to

producers in other states how to raise their animals. Importantly, it does not prohibit states from continuing to regulate farms within their borders or prohibit farmers from adopting the standards set by Prop 2, Prop 12, or Question 3. It similarly does not upset existing Federal regulations of farms and food production across the country. *See, e.g.*, the Animal Health Protection Act, Swine Health Protection Act, Federal Meat Inspection Act, Clean Water Act, Clean Air Act, Humane Methods of Slaughter Act, and Occupational Safety & Health Act.

Proposed Section 12007 is significantly narrower in scope than previous legislation, such as the Ending Agricultural Trade Suppression (EATS) Act or the Protect Interstate Commerce Act (PICA). Those earlier bills would have preempted regulation of the production and manufacturing practices for all agricultural products outside of the regulating state.

In contrast, Section 12007 only preempts states regulating the production (raising) practices of livestock on out-of-state farms. This is much more specifically targeted to the issues currently facing small- and medium-sized family farms across the country.

To reiterate, the proposal does not make it illegal to farm in conformance with Proposition 12. It simply ensures that farmers in Pennsylvania, Minnesota, North Carolina, Illinois, or Iowa aren't forced to farm by the law of a state they do not live or vote in. That is the correct balance between state and Federal authority—and the only way to preserve a functioning interstate agricultural economy.

Conclusion

Mr. Chairman, Members of the Committee, the American Farm Bureau Federation appreciates your leadership in addressing the chaos created by Proposition 12. When a single state can condition access to its market on compliance with production mandates that override the judgments of veterinarians, farmers, and USDA experts nationwide, Congress must act.

This is not a theoretical concern—it is already harming farmers, confusing the courts, and threatening the viability of a national food system. This proposed legislation restores clarity, reasserts Congressional authority over interstate commerce, and protects both farmers and consumers from a patchwork of conflicting mandates.

Thank you for the opportunity to testify today. I look forward to answering your questions.

The CHAIRMAN. Mr. Cushman, thank you so much for your testimony.

Ms. Rocha, please begin when you are ready.

STATEMENT OF LILLY ROCHA, EXECUTIVE DIRECTOR, LATINO RESTAURANT ASSOCIATION, LOS ANGELES, CA

Ms. ROCHA. Good morning, Chairman Thompson, Ranking Member Craig, and all the Members of the Committee. Thank you for the invitation to testify before you today.

My name is Lilly Rocha. I am a lifelong Angeleno and the Executive Director of the Latino Restaurant Association based in Los Angeles. The LRA represents thousands of small, family-owned Latino restaurants who are the cornerstone of their communities, primarily in southern California, but also nationally. The LRA is a member of the Food Equity Alliance, a California coalition fighting for accessible and affordable food for all.

I am also the President of the Latino Food Industry Association, a national association that serves grocers, distributors, food service providers, vendors, and other important businesses in Latino markets across the industry. We also host the Latino Food Industry Trade Show, Trade Expo, the largest convention for our industry, set for October 13 and 14 in beautiful Long Beach, California. You are all invited, happy to host anyone who would like to come out.

I am here today to explain the harm Proposition 12 inflicts on minority-owned businesses and low-income families. Harm is what Prop 12 has caused, smashing like a wrecking ball the livelihoods of small restaurants and the communities we serve. By disrupting

supply chains and driving up the cost of culturally vital foods like pork, it has brought economic devastation to families already stretched thin. This law's requirements, costly segregation, and certification processes are a death sentence for small businesses operating on razor-thin margins.

The restaurants I represent serve working-class neighborhoods that can't absorb skyrocketing prices. In addition, Prop 12 is the most recent of many costly regulations that these small businesses, in particular restaurants, are being asked to absorb. Pork loins are up 41 percent, bacon 16 percent. A carnitas taco, once \$1.50, now costs \$5 to \$6, pricing out loyal customers who rely on these meals not just for sustenance but for cultural connection.

Our restaurants face a brutal choice. Raise prices and lose customers, shrink portions and sacrifice quality, or remove pork dishes entirely, erasing cultural traditions that define our identity. This is not a hypothetical. This is actually happening today.

For our Latino restaurants, carnitas are not just a meal. They are part of our heritage. Latino communities are top consumers of pork in this country. Over-regulation that takes food off the plate risks alienating communities and driving businesses toward closure. This isn't a menu change. It is a cultural loss.

Some claim the market has adjusted to Prop 12, but that is a fantasy spun by those blind to the struggles of small businesses and working-class families in California. National chains can leverage their resources and cost advantages to secure compliant pork. However, pork prices are still going up. My members, of which 65 percent own less than ten locations, are small family-run restaurants and grocers that don't have that luxury. They can't negotiate bulk contracts or spread costs across nationwide operations.

Worse, compliant pork is often impossible for them to source. The small independent distributors they rely on, unlike those serving big chains, can't secure steady supplies. Many small businesses are forced to buy pork at retail from the very chains they compete against, paying inflated prices and marking up prices just to survive. This vicious cycle erodes profits, threatens closures, and raises costs for struggling communities.

In my opinion, Prop 12 wasn't the will of all consumers. It was bankrolled by those with an agenda who leveraged the convoluted ballot measure process where California voters could not have known all of the impacts. Former USDA Secretary Tom Vilsack and current Secretary Brooke Rollins have warned of supply chain chaos, and they are right. Sales are down and prices are up.

Without intervention, this law will continue to dismantle the cultural and economic fabric of communities, leaving families without access to their heritage and businesses on the brink of collapse.

Thank you for your attention to this critical issue. I am very happy to answer any questions. Thank you.

[The prepared statement of Ms. Rocha follows:]

PREPARED STATEMENT OF LILLY ROCHA, EXECUTIVE DIRECTOR, LATINO RESTAURANT ASSOCIATION, LOS ANGELES, CA

The U.S. economy has long benefited from the sheer size and influence of the Latino consumer segment. With an estimated 65 million Latinos representing nearly 20% of the U.S. population, Latinos possess significant economic purchasing power. The Latino community includes entrepreneurial leaders, driving job creation and

fueling economic development in their communities and across the nation. Foremost among these contributions is the thriving Latino and Hispanic foods sector, which not only provides jobs and business opportunities but also serves as a source of cultural pride, nourishment, and community connection.

Mexican food, in particular, has surged in popularity; today, approximately one in every ten restaurants in America serves Mexican cuisine. While enjoyed nationwide, nearly $\frac{1}{4}$ of all Mexican restaurants are concentrated in California, with Los Angeles alone accounting for 30% of the state's total. Predominantly small, family-owned, and affordably priced, these restaurants are especially vital to the working-class neighborhoods in which they operate.

It's important to note that Latinos, particularly Mexican Americans, are not newcomers to the region. Many families have lived in California and the greater Southwest for generations, long before these areas became part of the United States. Their deep roots and cultural traditions are woven into the very fabric of the state, and their small businesses are more than just economic drivers, they are enduring expressions of heritage and resilience. Yet it is precisely these, and other small ethnic establishments, that have been disproportionately harmed by California's Proposition 12, bearing the heaviest costs of this misguided and destructive policy.

Witness Background

My name is Lilly Rocha and I am the Executive Director of the Latino Restaurant Association (LRA). Since our start the LRA has been a beacon for Latino culinary entrepreneurs. From the vibrant streets of Los Angeles to nationwide acclaim, we've grown together with the rise in popularity of Latino foods into a powerhouse business network fueled by passion, community, and a zest for flavor.

Headquartered in Los Angeles, the LRA represents the thousands of mostly small, family owned and operated Latino restaurants and related businesses across the country. We grew out of the vibrant community in Southern California, where the majority of our members continue to operate and serve their communities today. But as America's taste of Latino culture and flavors expands, we have seen our footprint grow as well. LRA now has a presence not just in Los Angeles, but throughout California and across the entire country with dedicated community hubs in Chicago, Houston and New York to serve Latino entrepreneurs and the growing sectors there. LRA promotes and supports restaurateurs, small businesses and our entire community to ensure the equitable economic growth of the sector.

LRA is a founding member of the Food Equity Alliance (FEA), a broad, California-based coalition of grocery stores, restaurants, retailers, business associations, food processors, and consumer advocates. FEA's membership reflects the full diversity of California's ethnic and minority communities, alongside restaurants, grocers, and other retailers. The Alliance was formed to advocate for the communities most burdened by the implementation of Proposition 12. As part of this coalition, we work closely with organizations to promote equitable food access. In the past, FEA has specifically highlighted how Proposition 12 disproportionately harms minority-owned businesses and low-income communities by creating supply chain disruptions and driving up the cost of culturally significant foods like pork. FEA continues to champion the interests of its constituents, particularly small Latino and Asian owned restaurants and grocery stores, and the neighborhoods they serve.

In addition to serving as the executive director of LRA, I have also recently been reelected President of the Latino Food Industry Association (LFIA), which advocates on behalf of all Latinos throughout the food industry, including grocers, distributors food service and both retail and street vendors. Among these efforts is assisting in the production of the Latino Food Industry Trade Expo, the largest business growth event for the Latino food service and retail industry.

I am here today on behalf of the thousands of small, family-owned, and predominantly minority-owned businesses across California, whether restaurants, grocers, distributors, or the customers they serve, who continue to face significant economic harm from Proposition 12. These businesses, many run by first and second generation immigrant families, play a vital role in preserving cultural heritage, providing affordable food for all, and creating economic opportunity for the 65% of Californians who are of Latino and Asian descent. I am here to testify about the devastating impact Proposition 12 has had on these businesses and their communities, and to urge Congress to address the law's unintended consequences: consequences that now threaten food equity, cultural identity, and the economic survival of countless American families.

Cultural Significance of Pork in Hispanic and Asian Communities

Pork is not just a protein, it is a culinary staple and cultural connector within Latino and Asian communities. The absence or unaffordability of pork severs impor-

tant cultural and familial ties. For many of the 65% of Californians of Latino or Asian descent, pork based dishes are not just food but a link to heritage, often prepared for family gatherings and celebrations. For Latinos that could be Carnitas, Pupusas de chicharrón, or Lechona. For Asian's it might be Korean Samgyeopsal, Filipino Lechon, or any multitude of Chinese dishes from dumplings and pork fried rice to Char Siu.

These dishes, passed down through generations, are vital for cultural continuity but also for helping to feed the over three million food-insecure households in California, including more than 1.25 million children living in poverty in the state.¹ Proposition 12's impact threatens to sever these traditions, forcing families to forgo culturally significant meals or turn to less nutritious alternatives, undermining both cultural identity and food security.

Background on California Proposition 12

California Proposition 12, fully implemented on January 1, 2024, after being upheld by the U.S. Supreme Court in May 2023, establishes stringent animal welfare standards for pork, eggs, and veal sold in the state. While Proposition 12 aims to improve animal welfare, it has sparked significant disruption to the communities I represent due to its economic and cultural implications, particularly for small, family owned businesses. Despite being the nation's largest agricultural state, California doesn't produce any pork. However, it consumes about 13% of the nation's pork. The law's requirements affect out of state pig farmers and have led to significant supply chain disruptions and price increases.

Overall, retail pork prices in California have risen by an average of 20% since July 2023, with specific cuts like pork loins increasing by 41%. These changes disproportionately burden minority communities, particularly Hispanic and Asian families, who make up roughly 65% of California's population and rely heavily on pork as a cultural and nutritional staple.

This is not a surprise. In 2021, as we were first learning about Proposition 12's impacts, the FEA commissioned the Hatamiya Group to undertake a study on the likely impact that Prop 12 would have on our communities. Mr. Hatamiya is a well respected economist in California, having served as both the Administrator of USDA's Agricultural Marketing Service and the Foreign Agricultural Service under President Bill Clinton. He was later appointed by California Gov. Gray Davis to serve as Secretary of the California Technology, Trade and Commerce Agency.

At the time he concluded that:

"Proposition 12 will result in greater consumer expenditures on pork and/or lower demand for the various pork products. Increased pork producers would have the combined negative impact of greater financial burden on California pork consumers and lower demand for pork products on pork producers. Moreover, more market access restrictions due to Prop 12 regulations would further limit available supply into California, thereby driving up pork prices for all consumers.

More specifically, the negative financial burden falls largely on the diverse ethnic consumers and communities that make up California, with pork being an important source of protein for African American, Asian American, and Hispanic households, businesses, and restaurants."²

Three years later, following the Supreme Court's 2023 decision upholding Proposition 12, Mr. Hatamiya revisited his study to better understand the direct impacts of Proposition 12. Relying on data from the United States Department of Agriculture, he found that Prop 12 had caused major disruption to the marketplace for pork in California, increasing prices significantly, on average nearly 20% with prices for loins increasing 41%. Worse, for our communities he noted that:

"43.8% of all California pork consumers are Millennials and Gen Z. Also, the vast majority of California pork consumers (63.5%) are Black/African American, Hispanic/Latino, Asian and other. Not only are California pork consumers younger and more ethnically diverse than all U.S. pork consumers, but there is also a larger percentage of low-income California pork consumers than the rest of the U.S. (25.5%). Therefore, the burden of higher retail pork prices in

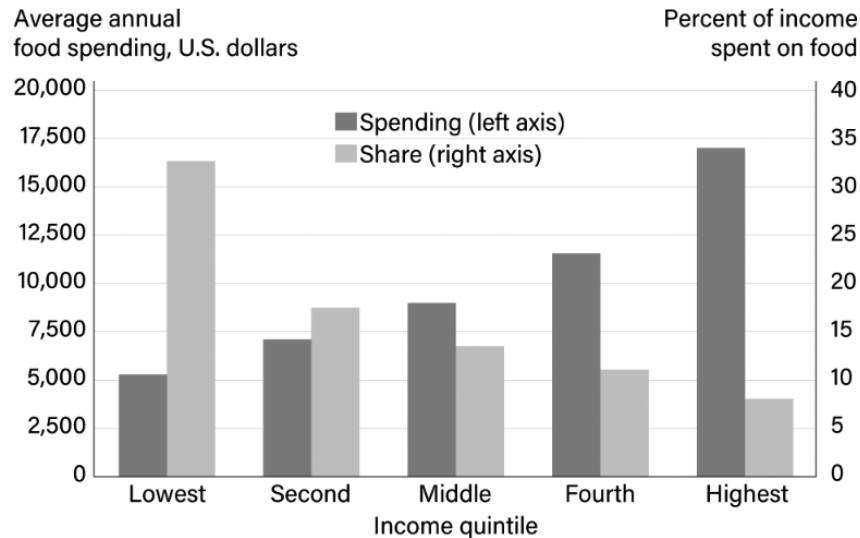
¹<https://www.ppic.org/publication/poverty-in-california/>.

²Hatamiya Group, *Analysis of Economic Impact of Proposition 12 on Pork Pricing and Consumption in California* (June 11, 2021).

California falls mainly upon the younger, diverse, and lower income consumers across the state.”³

Proposition 12 is not something that the people of California understood when it was passed. It was, and remains, a pet project of the very wealthy, financed by the Silicon Valley billionaires and Hollywood stars who can afford it but who will not be burdened by the consequences of the law. As others have noted in the past, the richest 20% spend approximately as much on food in a year as the poorest 20% earn.⁴

Food spending and share of after-tax income spent on food across U.S. households, 2023



Note: U.S. households were sorted from lowest to highest after-tax income, and then divided into five equal groups, or quintiles.

Source: USDA, Economic Research Service using data from the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Expenditure Survey, 2023.

Economic Devastation for Small Businesses

Proposition 12’s requirements have created “massive disruptions” in supply chains, particularly for small businesses unable to manage costly segregation and certification processes. The small, family-owned restaurants that I represent operate on razor-thin margins, serving working class communities that cannot absorb price increases. Proposition 12 has driven pork prices up significantly—pork loins by 41%, bacon by 16%—making it impossible for many restaurants to maintain affordable menus. A carnitas taco, once \$1.50, now costs \$3 to \$4, pricing out loyal customers.

Restaurants face an impossible choice. Do they raise prices, alienating their low income customer base? Do they reduce portion sizes, diminishing customer satisfaction? Do they remove pork dishes, eroding cultural authenticity and brand identity? For ethnic restaurants, removing these long established dishes is not just a menu change; it’s a cultural loss that risks alienating their community and driving them toward closure.

Despite recent claims by some that the market has adjusted to the demands of Prop 12, this is simply not true. National chains possess the purchasing power to demand access from their suppliers to Prop 12 compliant pork. In other cases, they have directly invested the many millions of dollars required for the construction of Prop 12 compliant farms. The small community based businesses I represent do not have that luxury. Neither are they able to negotiate bulk contracts or spread costs across their operations nationwide.

³Hatamiya Group, *Reanalysis of Economic Impact of Proposition 12 on Pork Pricing and Consumption in California After Implementation* (March 29, 2024).

⁴<https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=58372>.

Even if they could afford these price increases, access to Proposition 12-compliant pork remains another significant hurdle. Like their customers, large national distributors serving national chains can invest in compliant facilities or absorb losses to ensure supply. Small restaurants and local grocers, reliant on independent distributors, find compliant pork scarce or even impossible to obtain. Often they are forced to resort to buying pork at retail from the large national chains that have access to the scarce pork in the marketplace. These are the same large chains they are often competing directly against, paying inflated retail prices and then having to mark up pricing further to cover costs. This practice erodes profitability and forces restaurants to compete with the very chains that dominate the compliant pork market, creating a vicious cycle that threatens their survival and raises costs for consumers within their community.

Conclusion

California Proposition 12 has created a cascade of challenges for small, family owned Hispanic and Asian restaurants and grocery stores, threatening their economic viability and the cultural fabric of the communities they serve. The 20% rise in pork prices and supply shortages force restaurants to alter culturally significant menus and grocers to reduce offerings, alienating customers and eroding profits. These small businesses lack the resources to secure compliant pork or absorb its high costs, creating a two-tiered market that disadvantages minority-owned enterprises. For the 65% of Californians of Hispanic and Asian descent, the loss of affordable pork threatens cultural traditions and food security, as dishes like carnitas, char siu, and lechon become less accessible. The warnings of both former USDA Secretary Tom Vilsack and current USDA Secretary Brooke Rollins about supply chain disruptions underscore the broader implications: Proposition 12 risks dismantling the ability of small businesses to serve their communities, potentially reshaping California and the nation's food and business landscape to the detriment of its most diverse and vulnerable populations. Without intervention, it will continue to dismantle the cultural and economic fabric of California's communities, leaving families without access to their heritage and businesses on the brink of collapse.

Thank you for your attention to this critical issue. I am happy to answer any questions.

The CHAIRMAN. Ms. Rocha, thank you so much for your testimony.

Ms. Lashmet, please begin when you are ready.

STATEMENT OF TIFFANY DOWELL LASHMET, J.D., PROFESSOR AND EXTENSION SPECIALIST, AGRICULTURAL LAW, AGRI LIFE EXTENSION, DEPARTMENT OF AGRICULTURAL ECONOMICS, COLLEGE OF AGRICULTURE AND LIFE SCIENCES, TEXAS A&M UNIVERSITY, AMARILLO, TX

Ms. LASHMET. Chairman Thompson, Ranking Member Craig, and Members of the Committee, I am honored to testify before you today on this important issue. My name is Tiffany Dowell Lashmet. I am a Professor and Extension Specialist in agricultural law with Texas A&M AgriLife Extension. I focus my work on legal issues impacting rural landowners and agricultural producers.

As is true in my professional role, I am here today to offer an objective, unbiased view of the law as it surrounds this issue. I am not here to offer my opinion as to the wisdom of Proposition 12, the Supreme Court opinion in *National Pork Producers v. Ross*, or any proposed legislative enactments related to Proposition 12. I believe it is important to understand that there are, as is true with many issues, agricultural interests on all sides of the Proposition 12 debate.

Certainly, there are agricultural producers, groups, and businesses in favor of Congressional action to overturn Prop 12. Similarly, there are agricultural producers, groups, and businesses strongly against Congress taking such action, many of whom have

already gone to the expense to comply after Prop 12 was passed and upheld by the United States Supreme Court.

I have spent my career explaining complex and often contentious legal issues to farmers and ranchers in an unbiased, neutral manner, and I trust that that experience will aid me in doing the same here today.

The United States Constitution grants Congress the right to regulate commerce between the states. There is little doubt that, should Congress wish to do so, it could pass a nationwide law related to the sale of products under specific living conditions. The United States Supreme Court recently noted as much in its consideration of Proposition 12.

States have traditionally handled animal welfare issues, including the passage of laws related to production within their jurisdiction. California took these laws a step further by passing AB 1437 and Proposition 12, applying California confinement standards to in-state producers and containing a sales ban provision prohibiting products not complying with these standards from being sold in California, regardless of the state or country where animals were raised.

Opponents turned to the courts, filing lawsuits against this sales ban provision of Prop 12, relying principally on an alleged violation of the Dormant Commerce Clause. The Dormant Commerce Clause theory posits that the Commerce Clause not only vests Congress with the power to regulate trade and commerce between the states but also contains a negative command, prohibiting the enforcement of certain state laws, even when Congress has failed to legislate in an area.

In the challenge to Proposition 12 in *National Pork Producers' Council v. Ross*, the lower courts dismissed the Dormant Commerce Clause claim, and the United States Supreme Court affirmed that dismissal. Justice Gorsuch wrote the opinion for the court. While certain portions of the court's analysis were unanimous, others were fractured and complicated to parse. When struggling to explain this complex ruling to producers, I have frequently reminded myself not even all nine Supreme Court justices could get on the same page about how to properly legally analyze Proposition 12.

In summary, the court upheld Prop 12 against the Dormant Commerce Clause challenge. Given the nature of the opinion, however, the broader takeaway and likely application to future cases is far more difficult to analyze and predict.

There have been other relevant cases challenging Prop 12 and the similar Massachusetts law Question 3, both based on Dormant Commerce Clause and other legal grounds outlined in my written testimony that may offer additional guidance.

Finally, there have been a number of proposed bills here in Congress that would essentially invalidate laws like Proposition 12. These proposals vary greatly in scope, breadth, and potential implications.

There is no doubt that this issue is important to agricultural producers across the country. Livestock producers in particular find themselves on both sides of the debate. Congress has the authority pursuant to the Commerce Clause to act in this area. Whether to

do so or how to undertake such an effort is a matter of considerable complexity.

In the absence of Congressional action or unexpected movement in the Judiciary, state laws such as Prop 12 will likely continue to remain in effect, and other states will remain free to pass additional laws relating to products that are offered for sale in their state, no matter where they are produced.

I appreciate the opportunity to testify today, and I look forward to answering any questions you may have.

[The prepared statement of Ms. Lashmet follows:]

PREPARED STATEMENT OF TIFFANY DOWELL LASHMET, J.D., PROFESSOR AND EXTENSION SPECIALIST, AGRICULTURAL LAW, AGRILIFE EXTENSION, DEPARTMENT OF AGRICULTURAL ECONOMICS, COLLEGE OF AGRICULTURE AND LIFE SCIENCES, TEXAS A&M UNIVERSITY, AMARILLO, TX

I. Introduction

Chairman Thompson, Ranking Member Craig, and Committee, it is an honor to testify before you today on this important topic. I am Tiffany Dowell Lashmet, Professor and Extension Specialist in Agricultural Law with Texas A&M AgriLife Extension. I focus my work on legal issues impacting rural landowners and agricultural producers across the State of Texas and the country.

The testimony below summarizes the legal framework surrounding California's Proposition 12 ("Prop 12"). As is true in my role at Texas A&M AgriLife Extension, I am here to offer an objective, unbiased view of the law as it surrounds this issue. I am not here to offer my opinion as to the wisdom of Prop 12, the Supreme Court opinion in *National Pork Producers v. Ross*, or any proposed legislative enactments related to Prop 12. I believe it important to understand there are, as is true with many issues, agricultural interests on all sides of the Prop 12 debate. Certainly, there are agricultural producers, groups, and businesses in favor of Congressional action to overturn Prop 12. Similarly, there are agricultural producers, groups, and businesses strongly against Congress taking such action, many of whom already went to the expense to comply after Prop 12 was passed and upheld by the Court. I have spent my career explaining complex, and often contentious, legal issues to farmers and ranchers across Texas in an unbiased, neutral manner, and trust that experience will aid me in helping to do the same in this setting.

II. Background

The United States Constitution, Article I, Section 8 grants Congress the right to regulate commerce between states. There is little doubt that, should Congress want to do so, it could pass a nationwide law related to the sale of products raised under specific living conditions so long as the law fell within the broad parameters of the Commerce Clause. The United States Supreme Court repeatedly noted as much in its recent consideration of Prop 12.¹

States have traditionally handled animal welfare issues tracing back to the 1800s.² However, laws requiring specific amounts of living space were not seen until 2002 when Florida enacted a Constitutional Amendment prohibiting confining or tethering a pig so it could not turn around freely.³ Shortly thereafter, numerous other states passed similar legislation with rules related to sows and/or veal calves. The first such statute in California, Proposition 2 ("Prop 2"), was passed in 2008. It was the first in the nation to impose spacing requirements on laying hens and also included requirements for sows and veal calves.

In 2010, the California Legislature passed AB 1437 relating to laying hens. This law went a step further than Prop 2, requiring eggs sold in California to be raised in accordance with the Prop 2 animal housing requirements, regardless of the state in which the hens were housed.

Ten years later, California voters passed Prop 12, a ballot initiative taking this same approach with regard to veal calves and sows. Prop 12 included increased spacing requirements for in-state production of laying hens, sows, and veal calves, but also added a sales prohibition requiring whole pork and whole veal products

¹*National Pork Producers v. Ross*, 598 U.S. 356 (2023).

²Elizabeth R. Rumley & Rusty W. Rumley, *Enforcing Animal Welfare Statutes: In Many States, It's Still the Wild West*, 21 SAN JOAQUIN AGRIC. L. REV. 21 (2012).

³Fla. Const. art. 10, § 21.

sold within California to be traceable to animals raised in compliance with the Prop 12 standards, regardless of the state where the animals were raised.

Currently, a number of states have animal confinement statutes on the books that apply to animals produced within the state itself. Far fewer have a sales prohibition imposing the animal confinement rules on products raised in other states but sold in their jurisdiction. Only Massachusetts has a similar law related to eggs, pork, and veal. Several states, including Washington, Oregon, Nevada, Arizona, Colorado, and Michigan have similar laws or regulations applicable only to laying hens.⁴

III. Prop 12 Litigation

Not surprisingly, opponents turned to the courts, filing lawsuits against the sales provision of Prop 12, including *National Pork Producers Council v. Ross*. Plaintiffs, National Pork Producers Council and American Farm Bureau Federation, filed suit in the United States District Court for the Southern District of California claiming the sales ban provision of Prop 12 violated the dormant Commerce Clause.

The dormant Commerce Clause theory posits the Commerce Clause not only vests Congress with the power to regulate trade and commerce between states but also contains a negative command prohibiting the enforcement of certain state laws even when Congress has failed to legislate in an area. Specifically, the Supreme Court has held states may not pass discriminatory laws treating out-of-state businesses differently than in-state businesses and may not pass laws that are facially neutral if they impose a “substantial burden” on interstate commerce where the benefit of the law is outweighed by the burden on interstate commerce.

The Plaintiffs and other parties who object to Prop 12 argued the sales ban provision of the California law ran afoul of the dormant Commerce Clause.⁵ Specifically, they claimed Prop 12 had significant extraterritorial impacts and imposed a substantial burden on interstate commerce. In explaining the burden imposed on interstate commerce, Plaintiffs noted the effects of this law would be felt primarily outside of California given that California makes up less than 1% of pork production but consumes 13% of pork in the United States.⁶ They cited concern that Prop 12 could be the first step in a patchwork of different animal confinement laws. They pointed to the increased cost required for producers to change production practices in order to be Prop 12 compliant and the anticipated increase in pork prices to consumers as a result.

California and other proponents of Prop 12 argued that decisions related to health, safety, and welfare of animals and citizens should be left to the states. They pointed out Prop 12 does not expressly require any out-of-state producer to comply with Prop 12 standards; instead, out-of-state producers are free to choose to continue their current production practices and elect not to sell products in California. They also pointed to producers who have successfully converted their operations to be Prop 12 compliant as proof these adjustments can successfully be made.

The trial court dismissed the suit on California’s 12(b)(6) motion, and the United States Court of Appeals for the Ninth Circuit affirmed.⁷ The United States Supreme Court granted *certiorari*.

IV. The United States Supreme Court Opinion

The Court issued its Opinion in *National Pork Producers Council v. Ross* in May 2023.⁸ Justice Gorsuch wrote the opinion for the Court. While certain portions of the Court’s analysis were unanimous, others were fractured and complicated to parse. To the extent there is a good illustration of the complex nature of this issue, this Opinion serves as *Exhibit A*. When struggling to explain this complex ruling to producers, I have frequently reminded myself not even the nine Supreme Court Justices could all get on the same page about how to legally analyze Prop 12.

First, the Court unanimously agreed that the Plaintiffs did not claim Prop 12 was facially discriminatory. The Plaintiffs conceded that Prop 12 imposes the same burdens on in-state pork producers as it does out-of-state and even international producers, requiring all to comply with the same animal confinement requirements to sell covered products in California.

⁴Elizabeth Rumley, *States’ Farm Animal Confinement Statutes*, National Agricultural Law Center, <https://nationalaglawcenter.org/state-compilations/farm-animal-welfare/>.

⁵A similar lawsuit, *State of Missouri v. Harris*, No. 14–17111 (9th Cir. Nov. 11, 2016) challenged AB 1437’s sale ban provision for eggs on dormant commerce clause grounds but was dismissed on procedural grounds.

⁶*National Pork Producers v. Ross*, 598 U.S. 356 (2023) (Kavanaugh, J. concurring); California Pork Producers Association, *Commodity Fact Sheet: Pork* (2020), <https://cdn.agclassroom.org/ca/resources/fact/pork.pdf>.

⁷*National Pork Producers Council v. Ross*, 6 F.4th 1021 (9th Cir. 2021).

⁸598 U.S. 356 (2023).

Second, the Court unanimously rejected NPPC's argument that Prop 12 should be stricken because it has extraterritorial effects. The Court agreed it had never read the Commerce Clause so broadly and noted that in today's marketplace most state laws would have some sort of extraterritorial impact. This, the Court held, was not the proper inquiry under the dormant Commerce Clause jurisprudence.

Third, the Court turned to the *Pike* balancing test. This line of cases developed in situations where a law's practical effects may also show the presence of a discriminatory purpose, despite the law seeming facially non-discriminatory. When this occurs, the Court utilizes *Pike* balancing to weigh the impact on interstate commerce against the local interest in the law. This is where the unanimous view of the Court ceased, and a flow chart became necessary to determine which portions of the various Opinions with which each Justice agreed.

Three justices (Gorsuch, Thomas, Barrett) concluded, at least under the facts of this case, the *Pike* balancing test is one that no court is equipped to undertake. They described the interests being weighed and balanced as being "incommensurable." They likened the task of weighing and balancing the economic interests of the Plaintiffs with the moral and health interests of California to determining whether a particular line is longer or rock is heavier. Instead, they wrote, "in a functioning democracy, policy choices like these usually belong to the people and their elected representatives" who are better able to weigh political and economic costs and benefits.

Four justices (Gorsuch, Thomas, Sotomayor, Kagan) found the Plaintiffs failed to allege a "substantial burden" on interstate commerce. This is a key decision for these Justices, because in order to get to the balancing test, a Plaintiff must first allege a substantial burden on interstate commerce. These Justices believed the pleadings failed to allege sufficient facts to prove this substantial burden. Importantly, these justices noted "further experience may yield further facts" as Prop 12 went into effect, leaving it open to future challenge should further facts develop to show a substantial burden.

On the other hand, the remaining five justices (Roberts, Alito, Kavanaugh, Jackson, Barrett) believed the Plaintiffs did successfully allege a substantial burden. Four of these justices would have remanded the case to the trial court to conduct the *Pike* balancing test. Justice Barrett, however, did not agree with remanding the case because of her conclusion courts should not be conducting this type of balancing test at all.

It is hard to overstate the importance of Justice Barrett's concurring opinion and her position that the Court is not suited to apply a balancing test. Given that she agreed a substantial burden was satisfactorily alleged, had she believed conducting *Pike* balancing was within the province of the judiciary, the majority opinion well may have become the dissenting opinion, resulting in the case being remanded for the lower court to develop the record necessary to conduct the *Pike* balancing analysis.

One final interesting note is Justice Kavanaugh wrote a concurring opinion for the purpose of pointing out laws like Prop 12 "may raise questions not only under the Commerce Clause, but also under the Import-Export Clause, the Privileges and Immunities Clause, and the Full Faith and Credit Clause." Additionally, he noted that this issue may have implications far beyond the farm gate. "Notably, future state laws of this kind might not be confined to the pork industry . . . If upheld against all constitutional challenges, California's novel and far-reaching regulation could provide a blueprint for other states." He offered examples of hypothetical laws patterned after Prop 12 related to immigration, minimum wage, and even reproductive rights.

The bottom-line result of the various opinions and differences therein was the Court found in favor of California, and Prop 12 was allowed to stand. Because of the fractured nature of the Opinion, however, the broader takeaway and application to future cases is more difficult to analyze and predict.

V. Subsequent Litigation

There have been other lawsuits after the NPPC decision that are relevant to the legal landscape surrounding Prop 12.

A. *Iowa Pork Producers v. Bonta*

In June 2024, the United States Court of Appeals for the Ninth Circuit issued its opinion in *Iowa Pork Producers v. Bonta*,⁹ a challenge to Prop 12 on a number of legal grounds.

⁹*Iowa Pork Producers v. Bonta*, No. 22-55336 (9th Cir. June 25, 2024).

First, the case challenged Prop 12 on dormant Commerce Clause grounds. The court found Prop 12 was not discriminatory on its face and did not impose an excessive burden on interstate commerce, noting that increased costs of compliance, alone, do not establish a substantial burden on interstate commerce.

Second, the court rejected Plaintiff's claims that Prop 12 was unconstitutionally vague with regards to the language "engage in" and "knowingly" as these words are widely used and readily understood.

Third, the court rejected Plaintiff's claim under the Privileges and Immunities Clause as they did not allege treatment of nonresidents differently than California residents.

Fourth, the Plaintiffs claimed Prop 12 is impliedly preempted by the Packers and Stockyards Act. The court did not agree as Prop 12 requires all parties, regardless of location, to sell compliant products.

The plaintiffs filed a *Petition of Certiorari* before the United States Supreme Court, which was denied on June 30, 2025. It is interesting, in light of his Ross concurring opinion, to note that the Court's denial order stated that Justice Kavanaugh would have granted the petition.

B. Triumph Foods v. Campbell

In 2024, the United States District Court for the District of Massachusetts decided *Triumph Foods v. Campbell*, a challenge to Massachusetts' Prevention of Farm Animal Cruelty Act, more commonly known as Question 3 ("Q3"), a law quite similar (but not identical) to Prop 12.¹⁰ Massachusetts voters passed Q3 in 2016, prohibiting producers from confining breeding pigs, veal calves, and egg-laying hens in a manner that prevents them from lying down, standing up, fully extending their limbs, or turning around freely. Like Prop 12, the law applies to animals raised in Massachusetts and to any products sold in Massachusetts, regardless of their original location.

The Plaintiffs raised a host of claims including the dormant Commerce Clause, Privileges and Immunities Clause, the Full Faith and Credit Clause, the Due Process Clause, the Import-Export Clause, and preemption under the Federal Meat Inspection Act ("FMIA")¹¹ and the Packers and Stockyards Act. Many of the claims were dismissed, but the court did consider the dormant commerce clause and preemption claims.

First, the court considered but rejected the dormant Commerce Clause claim based on the statute as a whole, relying on the Supreme Court decision *National Pork Producers Council v. Ross*. The Court agreed it was not in a position to measure incommensurable competing goods and that such choice belongs to the Legislative Branch. Because of this, the court refused to apply the *Pike* balancing test and dismissed the claim.¹²

Next, the court considered one specific provision, the "slaughterhouse exception," which allowed non-compliant products to be sold at an establishment in Massachusetts inspected under the FMIA. Plaintiffs alleged that, as out of state processors, they could not take advantage of this exception despite being governed by the same FMIA inspection. Conversely, any in-state pork producer would be able to do so. The court agreed the slaughterhouse exception had a discriminatory effect as, in application, it treated in-state and out-of-state processors differently. Under the law, a discriminatory provision is almost *per se* invalid and can only survive if it advances a legitimate local purpose that cannot be served with reasonable, non-discriminatory alternatives. The court found that while taking no position on the legitimacy of the purpose of Q3 as a whole, the state did not prove a legitimate purpose for the slaughterhouse exemption specifically. Thus, it was deemed unconstitutional and severed from the language of the Act.¹³

In a separate Order, the Court considered the preemption argument under the FMIA. FMIA regulates meat products in interstate commerce requiring Federal inspection of pigs prior to entering and while in a slaughterhouse, and after slaughter. FMIA's regulations apply to slaughterhouses, not to pig farmers. FMIA contains an express preemption prohibiting state laws in addition to or different from FMIA related to the premises, facilities, and operations of a FMIA-inspected establishment.

The trial court found Q3 (once the slaughterhouse exemption was severed) was not expressly preempted by FMIA, holding Q3 has no provision requiring action by

¹⁰ *Triumph Foods v. Campbell*, 1:23-cv-11671 (D. Mass. July 22, 2024) (appeal pending before United States Court of Appeals for the First Circuit, No. 24-1759).

¹¹ 21 U.S.C. Section 601.

¹² *Triumph Foods v. Campbell*, 715 F.Supp.3d 143 (D. Mass. 2024).

¹³ *Id.*

a slaughterhouse. Q3 only bans the sale of non-compliant pork, doing nothing to regulate slaughterhouse operations.

Similarly, the court held the law did not fall under conflict preemption, which occurs when a state law stands as an obstacle to the accomplishment of the purpose and objective of Congress or it is impossible for a party to comply with both state and Federal requirements. Here, slaughterhouses could comply with both the Federal and Q3 requirements, and the two laws have different purposes, with Q3 preventing the sale of pork raised in certain conditions and FMIA seeking to protect the health of a consumer through meat inspection programs.

Thus, the court upheld Q3 without the slaughterhouse exemption language. Importantly, this case has been appealed to the United States Court of Appeals for the First Circuit, which has not yet issued an opinion. To the extent there are questions regarding preemption between any existing or proposed law and Prop 12, this case may be helpful to illustrate how courts would analyze that issue.

C. United States of America v. California

Earlier this month, the Department of Justice filed suit in the United States District Court for the Central District of California claiming the portions of Prop 12 and AB 1437 that apply to laying hens is preempted by the Federal Egg Products Inspection Act. The Egg Products Inspection Act includes a preemption provision preventing states from imposing additional or conflicting requirements related to the processing and labeling of eggs that are already covered by Federal standards. Specifically, the DOJ claimed Prop 12 and AB 1437 impose requirements related to “quality and condition” of eggs and labeling, which are preempted by the EPIA. No court decisions or supplementary filings have been made to date.

VI. Recently Proposed Congressional Action

In recent years, there have been several legislative proposals to address Prop 12 and other similar laws.

A. Ending Agricultural Trade Suppression Act (118th Congress, S. 2019, H.R. 4417) and the Food Security and Farm Protection Act (119th Congress, S. 1326)

While the Ending Agricultural Trade Suppression Act (“EATS Act”) and the Food Security and Farm Protection Act may have different names, their content is the same.¹⁴ Both are broad attempts to address laws like Prop 12 by prohibiting a state or local government from imposing a standard or condition of pre-harvest production on agricultural products sold in interstate commerce if production occurs in another state and the standard is in addition to Federal law or laws of the state in which production occurs.

Given the definition of certain terms and provisions in these proposed bills, they would have quite broad application. For example, these laws would apply to “agricultural products” which are defined as “agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured product thereof.”

B. Protecting Interstate Commerce for Livestock Producers Act (118th Congress, S.3382)

Senator Hawley introduced the Protecting Interstate Commerce for Livestock Producers Act which would expressly preempt states from enforcing livestock laws in conflict with livestock laws in other states such as Prop 12. Specifically, the law provided that no state or local government shall enforce any law “that regulates the raising, production, use, transportation, importation, sale, or distribution of any livestock goods deriving from livestock” if the livestock or goods are (1) used, sold, or transported in interstate commerce, (2) raised in another state, and (3) the law is in conflict with the laws of the state or origin. There were exceptions including laws related to animals suffering from recognized animal diseases.

C. Ensuring the Free Movement of Livestock-Derived Products in Interstate Commerce (Food, Farm and National Security Act of 2024, Section 12007)

In its Food, Farm, and National Security Act of 2024, the House of Representatives included Section 12007, “Ensuring the Free Movement of Livestock-Derived Products in Interstate Commerce” (“12007”). This bill would have prevented states

¹⁴Note these bills are very similar to the Protect Interstate Commerce Act of 2018, commonly known as the “King Amendment,” with a key difference being the King Amendment prohibited laws related to the production or manufacture of any agricultural product, while the EATS and FSFPA removed the “manufacture” language.

from enforcing conditions or standards on the production of covered livestock, except for those physically raised in such state. This language was significantly narrower than that proposed by prior bills in a couple of significant ways.

First, 12007 only applied to “covered livestock,” defined as any domestic animal raised for the purpose of slaughter for human consumption, or producing products manufactured for human consumption which are derived from the processing of milk, including fluid milk products. The proposed language expressly excluded animals raised for the primary purpose of egg production. This is narrower than both the EATS and Hawley bills.

Second, the bill only addressed laws imposing conditions or standards on the production of covered livestock physically raised in the jurisdiction. The “production” of livestock was limited to the raising, including breeding, of covered livestock and excluded the movement, harvesting, or further processing of covered livestock. Again, this is significantly narrower than the language of prior bills.

VII. Conclusion

There is no doubt this issue is important to agricultural producers across the country, and livestock producers find themselves on both sides of the debate. Congress has the authority pursuant to the Commerce Clause to act in this area. Whether to do so or how to undertake such an effort, is a matter of considerable complexity. In the absence of Congressional action, state laws such as Prop 12 and Q3 will continue to remain in effect given the lack of success challenging these laws in the judiciary. Additionally, states will remain free to pass similar, more restrictive, or more lax requirements as they wish. I appreciate the opportunity to testify and look forward to answering any questions you may have.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NATIONAL PORK PRODUCERS COUNCIL ET AL. *v.*
ROSS, SECRETARY OF THE CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 21–468. Argued October 11, 2022—Decided May 11, 2023

This case involves a challenge to a California law known as Proposition 12, which as relevant here forbids the in-state sale of whole pork meat that comes from breeding pigs (or their immediate offspring) that are “confined in a cruel manner.” Cal. Health & Safety Code Ann. §25990(b)(2). Confinement is “cruel” if it prevents a pig from “lying down, standing up, fully extending [its] limbs, or turning around freely.” §25991(e)(1). Prior to the vote on Proposition 12, proponents suggested the law would benefit animal welfare and consumer health, and opponents claimed that existing farming practices did better than Proposition 12 protecting animal welfare (for example, by preventing pig-on-pig aggression) and ensuring consumer health (by avoiding contamination). Shortly after Proposition 12’s adoption, two organizations—the National Pork Producers Council and the American Farm Bureau Federation (petitioners)—filed this lawsuit on behalf of their members who raise and process pigs alleging that Proposition 12 violates the U. S. Constitution by impermissibly burdening interstate commerce. Petitioners estimated that the cost of compliance with Proposition 12 will increase production costs and will fall on both California and out-of-state producers. But because California imports almost all the pork it consumes, most of Proposition 12’s compliance costs will be borne by out-of-state firms. The district court held that petitioners’ complaint failed to state a claim as a matter of law and dismissed the case. The Ninth Circuit affirmed.

Held: The judgment of the Ninth Circuit is affirmed.

6 4th 1021, affirmed.

Syllabus

JUSTICE GORSUCH delivered the opinion of the Court, except as to Parts IV–B, IV–C, and IV–D, rejecting petitioners’ theories that would place Proposition 12 in violation of the dormant Commerce Clause even though petitioners do not allege the law purposefully discriminates against out-of-state economic interests. Pp 5–17, 27–29.

(a) The Constitution vests Congress with the power to “regulate Commerce . . . among the several States.” Art. I, §8, cl. 3. Although Congress may seek to exercise this power to regulate the interstate trade of pork, and many pork producers have urged Congress to do so, Congress has yet to adopt any statute that might displace Proposition 12 or laws regulating pork production in other States. Petitioners’ litigation theory thus rests on the *dormant* Commerce Clause theory, pursuant to which the Commerce Clause not only vests Congress with the power to regulate interstate trade, but also “contain[s] a further, negative command,” one effectively forbidding the enforcement of “certain state [economic regulations] even when Congress has failed to legislate on the subject.” *Oklahoma Tax Comm’n v. Jefferson Lines, Inc.*, 514 U. S. 175, 179. This Court has held that state laws offend this dormant aspect of the Commerce Clause when they seek to “build up . . . domestic commerce” through “burdens upon the industry and business of other States.” *Guy v. Baltimore*, 100 U. S. 434, 443. At the same time, though, the Court has reiterated that, absent purposeful discrimination, “a State may exclude from its territory, or prohibit the sale therein of any articles which, in its judgment, fairly exercised, are prejudicial to” the interests of its citizens. *Ibid.*

The antidiscrimination principle lies at the “very core” of the Court’s dormant Commerce Clause jurisprudence. *Camps New-found/Owatonna, Inc. v. Town of Harrison*, 520 U. S. 564, 581. This Court has said that the Commerce Clause prohibits the enforcement of state laws “driven by . . . ‘economic protectionism—that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.’” *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 337–338 (quoting *New Energy Co. of Ind. v. Limbach*, 486 U. S. 269, 273–274). Petitioners here disavow any discrimination-based claim, conceding that Proposition 12 imposes the same burdens on in-state pork producers that it imposes on out-of-state pork producers. Pp 5–8.

(b) Given petitioners’ concession that Proposition 12 does not implicate the antidiscrimination principle, petitioners first invoke what they call the “extraterritoriality doctrine.” They contend that the Court’s dormant Commerce Clause cases suggest an additional and “almost *per se*” rule forbidding enforcement of state laws that have the “practical effect of controlling commerce outside the State,” even when those laws do not purposely discriminate against out-of-state interests.

Syllabus

Petitioners further insist that Proposition 12 offends this “almost *per se*” rule because the law will impose substantial new costs on out-of-state pork producers who wish to sell their products in California. Petitioners contend the rule they propose follows ineluctably from three cases: *Healy v. Beer Institute*, 491 U. S. 324; *Brown-Forman Distillers Corp. v. New York State Liquor Authority*, 476 U. S. 573; and *Baldwin v. G. A. F. Seelig, Inc.*, 294 U. S. 511. But a close look at those cases reveals that each typifies the familiar concern with preventing purposeful discrimination against out-of-state economic interests. In *Baldwin*, a New York law that barred out-of-state dairy farmers from selling their milk in the State for less than the minimum price New York law guaranteed in-state producers “plainly discriminate[d]” against out-of-staters by “erecting an economic barrier protecting a major local industry against competition from without the State.” *Dean Milk Co. v. Madison*, 340 U. S. 349, 354 (discussing *Baldwin*). In *Brown-Forman*, a New York law that required liquor distillers to affirm that their in-state prices were no higher than their out-of-state prices impermissibly sought to force out-of-state distillers to “surrender” whatever cost advantages they enjoyed against their in-state rivals, which amounted to economic protectionism. 476 U. S., at 580.

The Court reached a similar conclusion in *Healy*, which involved a Connecticut law that required out-of-state beer merchants to affirm that their in-state prices were no higher than those they charged in neighboring States. 491 U. S., at 328–330. As the Court later explained, “[t]he essential vice in laws” like Connecticut’s is that they “hoard” commerce “for the benefit of” in-state merchants and discourage consumers from crossing state lines to make their purchases from nearby out-of-state vendors. *C & A Carbone, Inc. v. Clarkstown*, 511 U. S. 383, 391–392.

Petitioners insist that *Baldwin*, *Brown-Forman*, and *Healy* taken together suggest an “almost *per se*” rule against state laws with “extraterritorial effects.” While petitioners point to language in these cases pertaining to the “practical effect” of the challenged laws on out-of-state commerce and prices, “the language of an opinion is not always to be parsed as though we were dealing with language of a statute.” *Reiter v. Sonotone Corp.*, 442 U. S. 330, 341. The language highlighted by petitioners in *Baldwin*, *Brown-Forman*, and *Healy* appeared in a particular context and did particular work. A close look at those cases reveals nothing like the “almost *per se*” rule against laws that have the “practical effect” of “controlling” extraterritorial commerce that petitioners posit, and indeed petitioners’ reading would cast a shadow over laws long understood to represent valid exercises of the States’ constitutionally reserved powers. *Baldwin*, *Brown-Forman*, and *Healy* did not mean to do so much. In rejecting petitioners’ “almost *per se*” theory

Syllabus

the Court does not mean to trivialize the role territory and sovereign boundaries play in the federal system; the Constitution takes great care to provide rules for fixing and changing state borders. Art. IV, §3, cl. 1. Courts must sometimes referee disputes about where one State's authority ends and another's begins—both inside and outside the commercial context. Indeed, the antidiscrimination principle found in the Court's dormant Commerce Clause cases may well represent one more effort to mediate competing claims of sovereign authority under our horizontal separation of powers. But none of this means, as petitioners suppose, that *any* question about the ability of a State to project its power extraterritorially must yield to an “almost *per se*” rule under the dormant Commerce Clause. This Court has never before claimed so much “ground for judicial supremacy under the banner of the dormant Commerce Clause.” *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U. S. 330, 346–347. Pp 8–14.

(c) Petitioners next point to *Pike v. Bruce Church, Inc.*, 397 U. S. 137, which they assert requires a court to at least assess “‘the burden imposed on interstate commerce’” by a state law and prevent its enforcement if the law’s burdens are “‘clearly excessive in relation to the putative local benefits.’” Brief for Petitioners 44. Petitioners provide a litany of reasons why they believe the benefits Proposition 12 secures for Californians do not outweigh the costs it imposes on out-of-state economic interests.

Petitioners overstate the extent to which *Pike* and its progeny depart from the antidiscrimination rule that lies at the core of the Court's dormant Commerce Clause jurisprudence. As this Court has previously explained, “no clear line” separates the *Pike* line of cases from core anti-discrimination precedents. *General Motors Corp. v. Tracy*, 519 U. S. 278, 298, n. 12. If some cases focus on whether a state law discriminates on its face, the *Pike* line serves as an important reminder that a law’s practical effects may also disclose the presence of a discriminatory purpose. *Pike* itself concerned an Arizona order requiring cantaloupes grown in state to be processed and packed in state. 397 U. S., at 138–140. The Court held that Arizona’s order violated the dormant Commerce Clause, stressing that even if that order could be fairly characterized as facially neutral, it “requir[ed] business operations to be performed in [state] that could more efficiently be performed elsewhere.” *Id.*, at 145. The “practical effect[s]” of the order in operation thus revealed a discriminatory purpose—an effort to insulate in-state processing and packaging businesses from out-of-state competition. *Id.*, at 140. While this Court has left the “courtroom door open” to challenges premised on “even nondiscriminatory burdens,” *Davis*, 553 U. S., at 353, and while “a small number of our cases have invalidated state laws . . . that appear to have been genuinely nondiscriminatory,”

Syllabus

Tracy, 519 U. S., at 298, n. 12, petitioners’ claim about Proposition 12 falls well outside *Pike*’s heartland. Pp 15–18.

(d) The Framers equipped Congress with considerable power to regulate interstate commerce and preempt contrary state laws. See U. S. Const., Art. I, §8, cl. 3; Art. IV, §2. While this Court has inferred an additional judicially enforceable rule against certain state laws adopted even against the backdrop of congressional silence, the Court’s cases also suggest extreme caution is warranted in its exercise. Disavowing reliance on this Court’s core dormant Commerce Clause teachings focused on discriminatory state legislation, petitioners invite the Court to endorse new theories of implied judicial power. They would have the Court recognize an “almost *per se*” rule against the enforcement of state laws that have “extraterritorial effects”—even though it has long recognized that virtually all state laws create ripple effects beyond their borders. Alternatively, they would have the Court prevent a State from regulating the sale of an ordinary consumer good within its own borders on nondiscriminatory terms—even though the *Pike* line of cases they invoke has never before yielded such a result. Like the courts that faced this case below, this Court declines both incautious invitations. Pp 27–29.

JUSTICE GORSUCH, joined by JUSTICE THOMAS and JUSTICE BARRETT, concluded in Part IV–B that, accepting petitioners’ allegations, the *Pike* balancing task that they propose in this case is one no court is equipped to undertake. Some out-of-state producers who choose to comply with Proposition 12 may incur new costs, while the law serves moral and health interests of some magnitude for in-state residents. In a functioning democracy, those sorts of policy choices—balancing competing, incommensurable goods—belong to the people and their elected representatives. Pp 18–21.

JUSTICE GORSUCH, joined by JUSTICE THOMAS, JUSTICE SOTOMAYOR, and JUSTICE KAGAN, concluded in Part IV–C that the allegations in the complaint were insufficient as a matter of law to demonstrate a substantial burden on interstate commerce, a showing *Pike* requires *before* a court may assess the law’s competing benefits or weigh the two sides against each other, and that the facts pleaded merely allege harm to some producers’ favored “methods of operation” which the Court found insufficient to state a claim in *Exxon Corp. v. Governor of Maryland*, 437 U. S. 117, 127. Pp 21–25.

JUSTICE GORSUCH, joined by JUSTICE THOMAS and JUSTICE BARRETT, concluded in Part IV–D that petitioners have not asked the Court to treat putative harms to out-of-state animal welfare or other noneconomic interests as freestanding harms cognizable under the dormant Commerce Clause, and in any event that the Court’s decisions authorizing claims alleging “burdens on commerce,” *Davis*, 553 U. S., at 353,

Syllabus

do not provide judges “a roving license” to reassess the wisdom of state legislation in light of any conceivable out-of-state interest, economic or otherwise. *United Haulers*, 550 U. S., at 343. Pp 25–27.

JUSTICE SOTOMAYOR, joined by JUSTICE KAGAN, concluded that the judgment should be affirmed, not because courts are incapable of balancing economic burdens against noneconomic benefits as *Pike* requires or because of any other fundamental reworking of that doctrine, but because petitioners fail to plausibly allege a substantial burden on interstate commerce as required by *Pike*. Pp 1–3.

JUSTICE BARRETT concluded that the judgment should be affirmed because *Pike* balancing requires both the benefits and burdens of a State law to be judicially cognizable and comparable, see *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 354–355, but the benefits and burdens of Proposition 12 are incommensurable; that said, the complaint plausibly alleges a substantial burden on interstate commerce because Proposition 12’s costs are pervasive, burdensome, and will be felt primarily (but not exclusively) outside California. Pp 1–2.

GORSUCH, J., announced the judgment of the Court, and delivered the opinion of the Court with respect to Parts I, II, III, IV–A, and V, in which THOMAS, SOTOMAYOR, KAGAN, and BARRETT, JJ., joined, an opinion with respect to Parts IV–B and IV–D, in which THOMAS and BARRETT, JJ., joined, and an opinion with respect to Part IV–C, in which THOMAS, SOTOMAYOR, and KAGAN, JJ., joined. SOTOMAYOR, J., filed an opinion concurring in part, in which KAGAN, J., joined. BARRETT, J., filed an opinion concurring in part. ROBERTS, C. J., filed an opinion concurring in part and dissenting in part, in which ALITO, KAVANAUGH, and JACKSON, JJ., joined. KAVANAUGH, J., filed an opinion concurring in part and dissenting in part.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

SUPREME COURT OF THE UNITED STATES

No. 21–468

NATIONAL PORK PRODUCERS COUNCIL, ET AL.,
PETITIONERS *v.* KAREN ROSS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE CALI-
FORNIA DEPARTMENT OF FOOD &
AGRICULTURE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 11, 2023]

JUSTICE GORSUCH announced the judgment of the Court and delivered the opinion of the Court, except as to Parts IV–B, IV–C, and IV–D.

What goods belong in our stores? Usually, consumer demand and local laws supply some of the answer. Recently, California adopted just such a law banning the in-state sale of certain pork products derived from breeding pigs confined in stalls so small they cannot lie down, stand up, or turn around. In response, two groups of out-of-state pork producers filed this lawsuit, arguing that the law unconstitutionally interferes with their preferred way of doing business in violation of this Court’s dormant Commerce Clause precedents. Both the district court and court of appeals dismissed the producers’ complaint for failing to state a claim.

We affirm. Companies that choose to sell products in various States must normally comply with the laws of those various States. Assuredly, under this Court’s dormant Commerce Clause decisions, no State may use its laws to

Opinion of the Court

discriminate purposefully against out-of-state economic interests. But the pork producers do not suggest that California’s law offends this principle. Instead, they invite us to fashion two new and more aggressive constitutional restrictions on the ability of States to regulate goods sold within their borders. We decline that invitation. While the Constitution addresses many weighty issues, the type of pork chops California merchants may sell is not on that list.

I

Modern American grocery stores offer a dizzying array of choice. Often, consumers may choose among eggs that are large, medium, or small; eggs that are white, brown, or some other color; eggs from cage-free chickens or ones raised consistent with organic farming standards. When it comes to meat and fish, the options are no less plentiful. Products may be marketed as free range, wild caught, or graded by quality (prime, choice, select, and beyond). The pork products at issue here, too, sometimes come with “antibiotic-free” and “crate-free” labels. USDA, Report to Congress: Livestock Mandatory Reporting 18 (2018), <https://www.ams.usda.gov/sites/default/files/media/LMR2018ReporttoCongress.pdf>. Much of this product differentiation reflects consumer demand, informed by individual taste, health, or moral considerations.

Informed by similar concerns, States (and their predecessors) have long enacted laws aimed at protecting animal welfare. As far back as 1641, the Massachusetts Bay Colony prohibited “Tirranny or Crueltie towards any brute Creature.” Body of Liberties §92, in *A Bibliographical Sketch of the Laws of the Massachusetts Colony* 52–53 (1890). Today, Massachusetts prohibits the sale of pork products from breeding pigs (or their offspring) if the breeding pig has been confined “in a manner that prevents [it] from lying down, standing up, fully extending [its] limbs or turning around freely.” Mass. Gen. Laws Ann., ch. 129,

Opinion of the Court

App. §§1–3, 1–5 (Cum. Supp. 2023). Nor is that State alone. Florida’s Constitution prohibits “any person [from] confin[ing] a pig during pregnancy . . . in such a way that she is prevented from turning around freely.” Art. X, §21(a). Arizona, Maine, Michigan, Oregon, and Rhode Island, too, have laws regulating animal confinement practices within their borders. See Ariz. Rev. Stat. Ann. §13–2910.07(A) (2018); Me. Rev. Stat. Ann., Tit. 7, §§4020(1)–(2) (2018); Mich. Comp. Laws §287.746(2) (West Cum. Supp. 2022); Ore. Rev. Stat. §§600.150(1)–(2) (2021); R. I. Gen. Laws §4–1.1–3 (Supp. 2022).

This case involves a challenge to a California law known as Proposition 12. In November 2018 and with the support of about 63% of participating voters, California adopted a ballot initiative that revised the State’s existing standards for the in-state sale of eggs and announced new standards for the in-state sale of pork and veal products. App. to Pet. for Cert. 37a–46a. As relevant here, Proposition 12 forbids the in-state sale of whole pork meat that comes from breeding pigs (or their immediate offspring) that are “confined in a cruel manner.” Cal. Health & Safety Code Ann. §25990(b)(2) (West Cum. Supp. 2023). Subject to certain exceptions, the law deems confinement “cruel” if it prevents a pig from “lying down, standing up, fully extending [its] limbs, or turning around freely.” §25991(e)(1). Since Proposition 12’s adoption, the State has begun developing “proposed regulations” that would permit compliance “certification[s]” to be issued “by non-governmental third parties, many used for myriad programs (*e.g.*, ‘organic’) already.” Brief for Intervenor Respondents 30, n. 8.

A spirited debate preceded the vote on Proposition 12. Proponents observed that, in some farming operations, pregnant pigs remain “[e]ncased” for 16 weeks in “fit-to-size” metal crates. M. Scully, *A Brief for the Pigs: The Case of National Pork Producers Council v. Ross*, National Review, July 11, 2022, <https://www.nationalreview.com/2022/>

Opinion of the Court

07/a-brief-for-the-pigs-the-case-of-national-pork-producers-council-v-ross/. These animals may receive their only opportunity for exercise when they are moved to a separate barn to give birth and later returned for another 16 weeks of pregnancy confinement—with the cycle repeating until the pigs are slaughtered. *Ibid.* Proponents hoped that Proposition 12 would go a long way toward eliminating pork sourced in this manner “from the California marketplace.” A. Padilla, Cal. Secretary of State, California General Election—Official Voter Information Guide 70 (Nov. 6, 2018) (Voter Guide), <https://vig.cdn.sos.ca.gov/2018/general/pdf/complete-vig.pdf>. Proponents also suggested that the law would have health benefits for consumers because “packing animals in tiny, filthy cages increases the risk of food poisoning.” *Ibid.*; see App. to Pet. for Cert. 201a–202a.

Opponents pressed their case in strong terms too. They argued that existing farming practices did a better job of protecting animal welfare (for example, by preventing pig-on-pig aggression) and ensuring consumer health (by avoiding contamination) than Proposition 12 would. *Id.*, at 185a–187a; see also Voter Guide 70–71. They also warned voters that Proposition 12 would require some farmers and processors to incur new costs. *Id.*, at 69. Ones that might be “passed through” to California consumers. *Ibid.*

Shortly after Proposition 12’s adoption, two organizations—the National Pork Producers Council and the American Farm Bureau Federation (collectively, petitioners)—filed this lawsuit on behalf of their members who raise and process pigs. App. to Pet. for Cert. 154a–155a. Petitioners alleged that Proposition 12 violates the U. S. Constitution by impermissibly burdening interstate commerce. *Id.*, at 230a–232a.

In support of that legal claim, petitioners pleaded a number of facts. They acknowledged that, in response to consumer demand and the laws of other States, 28% of their

Opinion of the Court

industry has already converted to some form of group housing for pregnant pigs. *Id.*, at 186a. But, petitioners cautioned, even some farmers who already raise group-housed pigs will have to modify their practices if they wish to comply with Proposition 12. *Id.*, at 208a–209a. Much of pork production today is vertically integrated, too, with farmers selling pigs to large processing firms that turn them into different “cuts of meat” and distribute the “different parts . . . all over to completely different end users.” *Id.*, at 334a–335a. Revising this system to segregate and trace Proposition 12-compliant pork, petitioners alleged, will require certain processing firms to make substantial new capital investments. *Id.*, at 205a–206a. Ultimately, petitioners estimated that “compliance with Proposition 12 will increase production costs” by “9.2% . . . at the farm level.” *Id.*, at 214a. These compliance costs will fall on California and out-of-state producers alike. *Ibid.* But because California imports almost all the pork it consumes, petitioners emphasized, “the majority” of Proposition 12’s compliance costs will be initially borne by out-of-state firms. *Ibid.*

After considerable motions practice, the district court held that petitioners’ complaint failed to state a claim as a matter of law and dismissed the case. 456 F. Supp. 3d 1201 (SD Cal. 2020). With Judge Ikuta writing for a unanimous panel, the Ninth Circuit affirmed. 6 F.4th 1021 (2021). Following that ruling, petitioners sought certiorari and we agreed to consider the complaint’s legal sufficiency for ourselves. 596 U. S. ____ (2022).

II

The Constitution vests Congress with the power to “regulate Commerce . . . among the several States.” Art. I, §8, cl. 3. Everyone agrees that Congress may seek to exercise this power to regulate the interstate trade of pork, much as it has done with various other products. Everyone agrees, too, that congressional enactments may preempt conflicting

Opinion of the Court

state laws. See Art. VI, cl. 2. But everyone also agrees that we have nothing like that here. Despite the persistent efforts of certain pork producers, Congress has yet to adopt any statute that might displace Proposition 12 or laws regulating pork production in other States. See, *e.g.*, H. R. 272, 116th Cong., 1st Sess., §2 (2019); H. R. 4879, 115th Cong., 2d Sess., §2(a) (2018); H. R. 3599, 115th Cong., 1st Sess., §2(a) (2017); H. R. 687, 114th Cong., 1st Sess., §2(a) (2015).

That has led petitioners to resort to litigation, pinning their hopes on what has come to be called the *dormant* Commerce Clause. Reading between the Constitution’s lines, petitioners observe, this Court has held that the Commerce Clause not only vests Congress with the power to regulate interstate trade; the Clause also “contain[s] a further, negative command,” one effectively forbidding the enforcement of “certain state [economic regulations] even when Congress has failed to legislate on the subject.” *Oklahoma Tax Comm’n v. Jefferson Lines, Inc.*, 514 U. S. 175, 179 (1995).

This view of the Commerce Clause developed gradually. In *Gibbons v. Ogden*, Chief Justice Marshall recognized that the States’ constitutionally reserved powers enable them to regulate commerce in their own jurisdictions in ways sure to have “a remote and considerable influence on commerce” in other States. 9 Wheat. 1, 203 (1824). By way of example, he cited “[i]nspection laws, quarantine laws, [and] health laws of every description.” *Ibid.* At the same time, however, Chief Justice Marshall saw “great force in th[e] argument” that the Commerce Clause might impliedly bar certain types of state economic regulation. *Id.*, at 209. Decades later, in *Cooley v. Board of Wardens of Port of Philadelphia ex rel. Soc. for Relief of Distressed Pilots*, this Court again recognized that the power vested in Congress to regulate interstate commerce leaves the States substantial leeway to adopt their own commercial codes. 12 How. 299, 317–321 (1852). But once more, the Court hinted that the Constitution may come with some restrictions on what

Opinion of the Court

“may be regulated by the States” even “in the absence of all congressional legislation.” *Id.*, at 320.

Eventually, the Court cashed out these warnings, holding that state laws offend the Commerce Clause when they seek to “build up . . . domestic commerce” through “burdens upon the industry and business of other States,” regardless of whether Congress has spoken. *Guy v. Baltimore*, 100 U. S. 434, 443 (1880). At the same time, though, the Court reiterated that, absent discrimination, “a State may exclude from its territory, or prohibit the sale therein of any articles which, in its judgment, fairly exercised, are prejudicial to” the interests of its citizens. *Ibid.*

Today, this antidiscrimination principle lies at the “very core” of our dormant Commerce Clause jurisprudence. *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U. S. 564, 581 (1997). In its “modern” cases, this Court has said that the Commerce Clause prohibits the enforcement of state laws “driven by . . . ‘economic protectionism—that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.’” *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 337–338 (2008) (quoting *New Energy Co. of Ind. v. Limbach*, 486 U. S. 269, 273–274 (1988)); see also *Tennessee Wine and Spirits Retailers Assn. v. Thomas*, 588 U. S. ___, ___ (2019) (slip op., at 9) (observing that this Court’s cases operate principally to “safeguard against state protectionism”); *Northwest Airlines, Inc. v. County of Kent*, 510 U. S. 355, 373, n. 18 (1994) (describing “a violation of the dormant Commerce Clause” as “discrimination against interstate commerce”).

Admittedly, some “Members of the Court have authored vigorous and thoughtful critiques of this interpretation” of the Commerce Clause. *Tennessee Wine*, 588 U. S., at ___ (slip op., at 7) (citing cases). They have not necessarily quarreled with the antidiscrimination principle. But they have suggested that it may be more appropriately housed

Opinion of the Court

elsewhere in the Constitution. Perhaps in the Import–Export Clause, which prohibits States from “lay[ing] any Imposts or Duties on Imports or Exports” without permission from Congress. Art. I, §10, cl. 2; see *Camps New-found/Owatonna*, 520 U. S., at 621–637 (THOMAS, J., dissenting). Perhaps in the Privileges and Immunities Clause, which entitles “[t]he Citizens of each State” to “all Privileges and Immunities of Citizens in the several States.” Art. IV, §2; see *Tyler Pipe Industries, Inc. v. Washington State Dept. of Revenue*, 483 U. S. 232, 265 (1987) (Scalia, J., concurring in part and dissenting in part). Or perhaps the principle inheres in the very structure of the Constitution, which “was framed upon the theory that the peoples of the several [S]tates must sink or swim together.” *American Trucking Assns., Inc. v. Michigan Pub. Serv. Comm’n*, 545 U. S. 429, 433 (2005) (internal quotation marks omitted).

Whatever one thinks about these critiques, we have no need to engage with any of them to resolve this case. Even under our received dormant Commerce Clause case law, petitioners begin in a tough spot. They do not allege that California’s law seeks to advantage in-state firms or disadvantage out-of-state rivals. In fact, petitioners *disavow* any discrimination-based claim, conceding that Proposition 12 imposes the same burdens on in-state pork producers that it imposes on out-of-state ones. As petitioners put it, “the dormant Commerce Clause . . . bar on protectionist state statutes that discriminate against interstate commerce . . . is not in issue here.” Brief for Petitioners 2, n. 2.

III

Having conceded that California’s law does not implicate the antidiscrimination principle at the core of this Court’s dormant Commerce Clause cases, petitioners are left to pursue two more ambitious theories. In the first, petitioners invoke what they call “extraterritoriality doctrine.” *Id.*, at 19. They contend that our dormant Commerce Clause

Opinion of the Court

cases suggest an additional and “almost *per se*” rule forbidding enforcement of state laws that have the “practical effect of controlling commerce outside the State,” even when those laws do not purposely discriminate against out-of-state economic interests. *Ibid.* Petitioners further insist that Proposition 12 offends this “almost *per se*” rule because the law will impose substantial new costs on out-of-state pork producers who wish to sell their products in California.

A

This argument falters out of the gate. Put aside what problems may attend the minor (factual) premise of this argument. Focus just on the major (legal) premise. Petitioners say the “almost *per se*” rule they propose follows ineluctably from three cases—*Healy v. Beer Institute*, 491 U. S. 324 (1989); *Brown-Forman Distillers Corp. v. New York State Liquor Authority*, 476 U. S. 573 (1986); and *Baldwin v. G. A. F. Seelig, Inc.*, 294 U. S. 511 (1935). A close look at those cases, however, reveals nothing like the rule petitioners posit. Instead, each typifies the familiar concern with preventing purposeful discrimination against out-of-state economic interests.

Start with *Baldwin*. There, this Court refused to enforce New York laws that barred out-of-state dairy farmers from selling their milk in the State “unless the price paid to” them matched the minimum price New York law guaranteed in-state producers. *Id.*, at 519. In that way, the challenged laws deliberately robbed out-of-state dairy farmers of the opportunity to charge lower prices in New York thanks to whatever “natural competitive advantage” they might have enjoyed over in-state dairy farmers—for example, lower cost structures, more productive farming practices, or “lusher pasturage.” D. Regan, *The Supreme Court and State Protectionism: Making Sense of the Dormant Commerce Clause*, 84 Mich. L. Rev. 1091, 1248 (1986). The problem with New York’s laws was thus a simple one:

Opinion of the Court

They “plainly discriminate[d]” against out-of-staters by “erecting an economic barrier protecting a major local industry against competition from without the State.” *Dean Milk Co. v. Madison*, 340 U. S. 349, 354 (1951) (discussing *Baldwin*). Really, the laws operated like “a tariff or customs duty.” *West Lynn Creamery, Inc. v. Healy*, 512 U. S. 186, 194 (1994); see *Baldwin*, 294 U. S., at 523 (condemning the challenged laws for seeking to “protec[t]” New York dairy farmers “against competition from without”).

Brown-Forman and *Healy* differed from *Baldwin* only in that they involved price-affirmation, rather than price-fixing, statutes. In *Brown-Forman*, New York required liquor distillers to affirm (on a monthly basis) that their in-state prices were no higher than their out-of-state prices. 476 U. S., at 576. Once more, the goal was plain: New York sought to force out-of-state distillers to “surrender” whatever cost advantages they enjoyed against their in-state rivals. *Id.*, at 580. Once more, the law amounted to “simple economic protectionism.” *Ibid.* (internal quotation marks omitted).

In *Healy*, a Connecticut law required out-of-state beer merchants to affirm that their in-state prices were no higher than those they charged in neighboring States. 491 U. S., at 328–330. Here, too, protectionism took center stage. As the Court later noted, “[t]he essential vice in laws” like Connecticut’s is that they “hoard” commerce “for the benefit of” in-state merchants and discourage consumers from crossing state lines to make their purchases from nearby out-of-state vendors. *C & A Carbone, Inc. v. Clarkstown*, 511 U. S. 383, 391–392 (1994). Nor did the law in *Healy* even try to cloak its discriminatory purpose: “By its plain terms, the Connecticut affirmation statute applie[d] solely to interstate” firms, and in that way “clearly discriminate[d] against interstate commerce.” 491 U. S., at 340–341. The Court also worried that, if the Connecticut law

Opinion of the Court

stood, “each of the border States” could “enac[t] statutes essentially identical to Connecticut’s” in retaliation—a result often associated with avowedly protectionist economic policies. *Id.*, at 339–340.

B

Petitioners insist that our reading of these cases misses the forest for the trees. On their account, *Baldwin*, *Brown-Forman*, and *Healy* didn’t just find an impermissible discriminatory purpose in the challenged laws; they also suggested an “almost *per se*” rule against state laws with “extraterritorial effects.” Brief for Petitioners 19, 23. In *Healy*, petitioners stress, the Court included language criticizing New York’s laws for having the “‘practical effect’” of “control[ling] commerce ‘occurring wholly outside the boundaries of [the] State.’” Brief for Petitioners 21, 25 (quoting 491 U. S., at 336). In *Brown-Forman*, petitioners observe, the Court suggested that whether a state law “‘is addressed only to [in-state] sales is irrelevant if the ‘practical effect’ of the law is to control’” out-of-state prices. Brief for Petitioners 21 (quoting 476 U. S., at 583). Petitioners point to similar language in *Baldwin* as well. Brief for Petitioners 37 (quoting 294 U. S., at 523–524).

In our view, however, petitioners read too much into too little. “[T]he language of an opinion is not always to be parsed as though we were dealing with language of a statute.” *Reiter v. Sonotone Corp.*, 442 U. S. 330, 341 (1979). Instead, we emphasize, our opinions dispose of discrete cases and controversies and they must be read with a careful eye to context. See *Cohens v. Virginia*, 6 Wheat. 264, 399–400 (1821) (Marshall, C. J.). And when it comes to *Baldwin*, *Brown-Forman*, and *Healy*, the language petitioners highlight appeared in a particular context and did particular work. Throughout, the Court explained that the challenged statutes had a *specific* impermissible “extraterritorial effect”—they deliberately “prevent[ed] out-of-state

Opinion of the Court

firms] from undertaking competitive pricing” or “deprive[d] businesses and consumers in other States of ‘whatever competitive advantages they may possess.’” *Healy*, 491 U. S., at 338–339 (quoting *Brown-Forman*, 476 U. S., at 580).

In recognizing this much, we say nothing new. This Court has already described “[t]he rule that was applied in *Baldwin* and *Healy*” as addressing “price control or price affirmation statutes” that tied “the price of . . . in-state products to out-of-state prices.” *Pharmaceutical Research and Mfrs. of America v. Walsh*, 538 U. S. 644, 669 (2003) (internal quotation marks omitted). Many lower courts have read these decisions in exactly the same way. See, e.g., 6 F. 4th, at 1028–1029; *Association for Accessible Medicines v. Frosh*, 887 F. 3d 664, 669 (CA4 2018); *Energy and Environment Legal Inst. v. Epel*, 793 F. 3d 1169, 1174 (CA10 2015); *American Beverage Assn. v. Snyder*, 735 F. 3d 362, 373 (CA6 2013).

Consider, too, the strange places petitioners’ alternative interpretation could lead. In our interconnected national marketplace, many (maybe most) state laws have the “practical effect of controlling” extraterritorial behavior. State income tax laws lead some individuals and companies to relocate to other jurisdictions. See, e.g., *Banner v. United States*, 428 F. 3d 303, 310 (CA10 2005) (*per curiam*). Environmental laws often prove decisive when businesses choose where to manufacture their goods. See *American Beverage Assn.*, 735 F. 3d, at 379 (Sutton, J., concurring). Add to the extraterritorial-effects list all manner of “libel laws, securities requirements, charitable registration requirements, franchise laws, tort laws,” and plenty else besides. J. Goldsmith & A. Sykes, *The Internet and the Dormant Commerce Clause*, 110 Yale L. J. 785, 804 (2001). Nor, as we have seen, is this a recent development. Since the founding, States have enacted an “immense mass” of “[i]nspection laws, quarantine laws, [and] health laws of every description” that have a “considerable” influence on

Opinion of the Court

commerce outside their borders. *Gibbons*, 9 Wheat., at 203; see also *Cooley*, 12 How., at 317–321. Petitioners’ “almost *per se*” rule against laws that have the “practical effect” of “controlling” extraterritorial commerce would cast a shadow over laws long understood to represent valid exercises of the States’ constitutionally reserved powers. It would provide neither courts nor litigants with meaningful guidance in how to resolve disputes over them. Instead, it would invite endless litigation and inconsistent results. Can anyone really suppose *Baldwin*, *Brown-Forman*, and *Healy* meant to do so much?

In rejecting petitioners’ “almost *per se*” theory we do not mean to trivialize the role territory and sovereign boundaries play in our federal system. Certainly, the Constitution takes great care to provide rules for fixing and changing state borders. Art. IV, §3, cl. 1. Doubtless, too, courts must sometimes referee disputes about where one State’s authority ends and another’s begins—both inside and outside the commercial context. In carrying out that task, this Court has recognized the usual “legislative power of a State to act upon persons and property within the limits of its own territory,” *Hoyt v. Sprague*, 103 U. S. 613, 630 (1881), a feature of our constitutional order that allows “different communities” to live “with different local standards,” *Sable Communications of Cal., Inc. v. FCC*, 492 U. S. 115, 126 (1989). But, by way of example, no one should think that one State may adopt a law exempting securities held by the residents of a second State from taxation in that second State. *Bona-parte v. Tax Court*, 104 U. S. 592, 592–594 (1882). Nor, we have held, should anyone think one State may prosecute the citizen of another State for acts committed “outside [the first State’s] jurisdiction” that are not “intended to produce [or that do not] produc[e] detrimental effects within it.” *Strassheim v. Daily*, 221 U. S. 280, 285 (1911).

To resolve disputes about the reach of one State’s power,

Opinion of the Court

this Court has long consulted original and historical understandings of the Constitution’s structure and the principles of “sovereignty and comity” it embraces. *BMW of North America, Inc. v. Gore*, 517 U. S. 559, 572 (1996). This Court has invoked as well a number of the Constitution’s express provisions—including “the Due Process Clause and the Full Faith and Credit Clause.” *Phillips Petroleum Co. v. Shutts*, 472 U. S. 797, 818 (1985). The antidiscrimination principle found in our dormant Commerce Clause cases may well represent one more effort to mediate competing claims of sovereign authority under our horizontal separation of powers. But none of this means, as petitioners suppose, that *any* question about the ability of a State to project its power extraterritorially must yield to an “almost *per se*” rule under the dormant Commerce Clause. This Court has never before claimed so much “ground for judicial supremacy under the banner of the dormant Commerce Clause.” *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U. S. 330, 347 (2007). We see no reason to change course now.¹

¹Beyond *Baldwin*, *Brown-Forman*, and *Healy*, petitioners point to *Edgar v. MITE Corp.*, 457 U. S. 624 (1982), as authority for the “almost *per se*” rule they propose. Invoking the dormant Commerce Clause, a plurality in that case declined to enforce an Illinois securities law that “*directly* regulate[d] transactions which [took] place . . . wholly outside the State” and involved individuals “having no connection with Illinois.” *Id.*, at 641–643 (emphasis added). Some have questioned whether the state law at issue in *Edgar* posed a dormant Commerce Clause question as much as one testing the territorial limits of state authority under the Constitution’s horizontal separation of powers. See, e.g., D. Regan, Siamese Essays: (I) *CTS Corp. v. Dynamics Corp. of America* and Dormant Commerce Clause Doctrine; (II) Extraterritorial State Legislation, 85 Mich. L. Rev. 1865, 1875–1880, 1897–1902 (1987); cf. *Shelby County v. Holder*, 570 U. S. 529, 535 (2013) (“[A]ll States enjoy equal sovereignty”). But either way, the *Edgar* plurality opinion does not support the rule petitioners propose. That decision spoke to a law that *directly* regulated out-

Opinion of the Court

IV

Failing in their first theory, petitioners retreat to a second they associate with *Pike v. Bruce Church, Inc.*, 397 U. S. 137 (1970). Under *Pike*, they say, a court must at least assess “the burden imposed on interstate commerce” by a state law and prevent its enforcement if the law’s burdens are “clearly excessive in relation to the putative local benefits.” Brief for Petitioners 44. Petitioners then rattle off a litany of reasons why they believe the benefits Proposition 12 secures for Californians do not outweigh the costs it imposes on out-of-state economic interests. We see problems with this theory too.

A

In the first place, petitioners overstate the extent to which *Pike* and its progeny depart from the antidiscrimination rule that lies at the core of our dormant Commerce Clause jurisprudence. As this Court has previously explained, “no clear line” separates the *Pike* line of cases from our core antidiscrimination precedents. *General Motors Corp. v. Tracy*, 519 U. S. 278, 298, n. 12 (1997). While many of our dormant Commerce Clause cases have asked whether a law exhibits “facial discrimination,” “several cases that have purported to apply [*Pike*,] including *Pike* itself,” have “turned in whole or in part on the discriminatory character of the challenged state regulations.” *Ibid.* In other words, if some of our cases focus on whether a state law discriminates on its face, the *Pike* line serves as an important reminder that a law’s practical effects may also disclose the presence of a discriminatory purpose.

Pike itself illustrates the point. That case concerned an

of-state transactions by those with *no* connection to the State. Petitioners do not allege those conditions exist here. To the contrary, they acknowledge that Proposition 12 regulates only products that companies choose to sell “within” California. Cal. Health & Safety Code Ann. §25990(b).

Opinion of the Court

Arizona order requiring cantaloupes grown in state to be processed and packed in state. 397 U. S., at 138–140. The Court held that Arizona’s order violated the dormant Commerce Clause. *Id.*, at 146. Even if that order could be fairly characterized as facially neutral, the Court stressed that it “requir[ed] business operations to be performed in [state] that could more efficiently be performed elsewhere.” *Id.*, at 145. The “practical effect[s]” of the order in operation thus revealed a discriminatory purpose—an effort to insulate in-state processing and packaging businesses from out-of-state competition. *Id.*, at 140, 145.

Other cases in the *Pike* line underscore the same message. In *Minnesota v. Clover Leaf Creamery Co.*, the Court found no impermissible burden on interstate commerce because, looking to the law’s effects, “there [was] no reason to suspect that the gainers” would be in-state firms or that “the losers [would be] out-of-state firms.” 449 U. S. 456, 473 (1981); see also *id.*, at 474–477, and n. 2 (Powell, J., concurring in part and dissenting in part) (asking whether the “actual purpose,” if not the “avowed purpose,” of the law was discrimination). Similarly, in *Exxon Corp. v. Governor of Maryland*, the Court keyed to the fact that the effect of the challenged law was only to shift business from one set of out-of-state suppliers to another. 437 U. S. 117, 127 (1978). And in *United Haulers*, a plurality upheld the challenged law because it could not “detect” any discrimination in favor of in-state businesses or against out-of-state competitors. 550 U. S., at 346. In each of these cases and many more, the presence or absence of discrimination in practice proved decisive.

Once again, we say nothing new here. Some time ago, *Tracy* identified the congruity between our core dormant Commerce Clause precedents and the *Pike* line. 519 U. S., at 298, n. 12. Many lower courts have done the same. See, e.g., *Rosenblatt v. Santa Monica*, 940 F. 3d 439, 452 (CA9 2019); *Park Pet Shop, Inc. v. Chicago*, 872 F. 3d 495, 501

Opinion of the Court

(CA7 2017); *Amanda Acquisition Corp. v. Universal Foods Corp.*, 877 F. 2d 496, 505 (CA7 1989). So have many scholars. See, e.g., R. Fallon, *The Dynamic Constitution* 311 (2d ed. 2013) (observing that *Pike* serves to “‘smoke out’ a hidden” protectionism); B. Friedman & D. Deacon, *A Course Unbroken: The Constitutional Legitimacy of the Dormant Commerce Clause*, 97 Va. L. Rev. 1877, 1927 (2011); Regan, 84 Mich. L. Rev., at 1286.

Nor does any of this help petitioners in this case. They not only disavow any claim that Proposition 12 discriminates on its face. They nowhere suggest that an examination of Proposition 12’s practical effects in operation would disclose purposeful discrimination against out-of-state businesses. While this Court has left the “courtroom door open” to challenges premised on “even nondiscriminatory burdens,” *Davis*, 553 U. S., at 353, and while “a small number of our cases have invalidated state laws . . . that appear to have been genuinely nondiscriminatory,” *Tracy*, 519 U. S., at 298, n. 12,² petitioners’ claim falls well outside

²Most notably, *Tracy* referred to, and petitioners briefly allude to, a line of cases that originated before *Pike* in which this Court refused to enforce certain state regulations on instrumentalities of interstate transportation—trucks, trains, and the like. See, e.g., *Bibb v. Navajo Freight Lines, Inc.*, 359 U. S. 520, 523–530 (1959) (concerning a state law specifying certain mud flaps for trucks and trailers); *Southern Pacific Co. v. Arizona ex rel. Sullivan*, 325 U. S. 761, 763–782 (1945) (addressing a state law regarding the length of trains). Petitioners claim these cases support something like the extraterritoriality or balancing rules they propose. But at least some decisions in this line might be viewed as condemning state laws that “although neutral on their face . . . were enacted at the instance of, and primarily benefit,” in-state interests. *Raymond Motor Transp., Inc. v. Rice*, 434 U. S. 429, 447 (1978); see also B. Friedman & D. Deacon, *A Course Unbroken: The Constitutional Legitimacy of the Dormant Commerce Clause*, 97 Va. L. Rev. 1877, 1927 (2011). In any event, this Court “has only rarely held that the Commerce Clause itself pre-empts an entire field from state regulation, and then only when a lack of national uniformity would impede *the flow* of interstate goods.”

Opinion of GORSUCH, J.

Pike’s heartland. That is not an auspicious start.

B

Matters do not improve from there. While *Pike* has traditionally served as another way to test for purposeful discrimination against out-of-state economic interests, and while some of our cases associated with that line have expressed special concern with certain state regulation of the instrumentalities of interstate transportation, see n. 2, *supra*, petitioners would have us retool *Pike* for a much more ambitious project. They urge us to read *Pike* as authorizing judges to strike down duly enacted state laws regulating the in-state sale of ordinary consumer goods (like pork) based on nothing more than their own assessment of the relevant law’s “costs” and “benefits.”

That we can hardly do. Whatever other judicial authorities the Commerce Clause may imply, that kind of free-wheeling power is not among them. Petitioners point to nothing in the Constitution’s text or history that supports such a project. And our cases have expressly cautioned against judges using the dormant Commerce Clause as “a roving license for federal courts to decide what activities are appropriate for state and local government to undertake.” *United Haulers*, 550 U. S., at 343. While “[t]here was a time when this Court presumed to make such binding judgments for society, under the guise of interpreting the Due Process Clause,” we have long refused pleas like petitioners’ “to reclaim that ground” in the name of the dormant Commerce Clause. *Id.*, at 347.

Not only is the task petitioners propose one the Commerce Clause does not authorize judges to undertake. This Court has also recognized that judges often are “not institutionally suited to draw reliable conclusions of the kind

Exxon Corp. v. Governor of Maryland, 437 U. S. 117, 128 (1978) (emphasis added). Nothing like that exists here. We do not face a law that impedes the flow of commerce. Pigs are not trucks or trains.

Opinion of GORSUCH, J.

that would be necessary . . . to satisfy [the] *Pike* test as petitioners conceive it. *Davis*, 553 U. S., at 353.

Our case illustrates the problem. On the “cost” side of the ledger, petitioners allege they will face increased production expenses because of Proposition 12. On the “benefits” side, petitioners acknowledge that Californians voted for Proposition 12 to vindicate a variety of interests, many noneconomic. See App. to Pet. for Cert. 192a (alleging in their complaint that “Proposition 12’s requirements were driven by [a] conception of what qualifies as ‘cruel’ animal housing” and by the State’s concern for the “health and safety of California consumers”). How is a court supposed to compare or weigh economic costs (to some) against noneconomic benefits (to others)? No neutral legal rule guides the way. The competing goods before us are insusceptible to resolution by reference to any juridical principle. Really, the task is like being asked to decide “whether a particular line is longer than a particular rock is heavy.” *Bendix Autolite Corp. v. Midwesco Enterprises, Inc.*, 486 U. S. 888, 897 (1988) (Scalia, J., concurring in judgment).

Faced with this problem, petitioners reply that we should heavily discount the benefits of Proposition 12. They say that California has little interest in protecting the welfare of animals raised elsewhere and the law’s health benefits are overblown. But along the way, petitioners offer notable concessions too. They acknowledge that States may sometimes ban the in-state sale of products they deem unethical or immoral without regard to where those products are made (for example, goods manufactured with child labor). See Tr. of Oral Arg. 51 (“[A] state is perfectly entitled to enforce its morals in state”); see also *Western Union Telegraph Co. v. James*, 162 U. S. 650, 653 (1896) (holding that States may enact laws to “promote . . . public morals”). And, at least arguably, Proposition 12 works in just this way—banning from the State all whole pork products derived from practices its voters consider “cruel.” Petitioners

Opinion of GORSUCH, J.

also concede that States may often adopt laws addressing even “imperfectly understood” health risks associated with goods sold within their borders. Reply Brief 13. And, again, no one disputes that some who voted for Proposition 12 may have done so with just that sort of goal in mind. See, *e.g.*, USDA Proposed Rule To Amend Organic Livestock and Poultry Production Requirements, 87 Fed. Reg. 48565 (2022) (affording animals more space “may result in healthier livestock products for human consumption”).

So even accepting everything petitioners say, we remain left with a task no court is equipped to undertake. On the one hand, some out-of-state producers who choose to comply with Proposition 12 may incur new costs. On the other hand, the law serves moral and health interests of some (disputable) magnitude for in-state residents. Some might reasonably find one set of concerns more compelling. Others might fairly disagree. How should we settle that dispute? The competing goods are incommensurable. Your guess is as good as ours.

More accurately, your guess is *better* than ours. In a functioning democracy, policy choices like these usually belong to the people and their elected representatives. They are entitled to weigh the relevant “political and economic” costs and benefits for themselves, *Moorman Mfg. Co. v. Bair*, 437 U. S. 267, 279 (1978), and “try novel social and economic experiments” if they wish, *New State Ice Co. v. Liebmann*, 285 U. S. 262, 311 (1932) (Brandeis, J., dissenting). Judges cannot displace the cost-benefit analyses embodied in democratically adopted legislation guided by nothing more than their own faith in “Mr. Herbert Spencer’s Social Statics,” *Lochner v. New York*, 198 U. S. 45, 75 (1905) (Holmes, J., dissenting)—or, for that matter, Mr. Wilson Pond’s Pork Production Systems, see W. Pond, J. Maner, & D. Harris, *Pork Production Systems: Efficient Use of Swine and Feed Resources* (1991).

If, as petitioners insist, California’s law really does

Opinion of GORSUCH, J.

threaten a “massive” disruption of the pork industry, see Brief for Petitioners 2, 4, 19—if pig husbandry really does “‘imperatively demand’” a single uniform nationwide rule, *id.*, at 27—they are free to petition Congress to intervene. Under the (wakeful) Commerce Clause, that body enjoys the power to adopt federal legislation that may preempt conflicting state laws. That body is better equipped than this Court to identify and assess all the pertinent economic and political interests at play across the country. And that body is certainly better positioned to claim democratic support for any policy choice it may make. But so far, Congress has declined the producers’ sustained entreaties for new legislation. See Part I, *supra* (citing failed efforts). And with that history in mind, it is hard not to wonder whether petitioners have ventured here only because winning a majority of a handful of judges may seem easier than marshaling a majority of elected representatives across the street.

C

Even as petitioners conceive *Pike*, they face a problem. As they read it, *Pike* requires a plaintiff to plead facts plausibly showing that a challenged law imposes “substantial burdens” on interstate commerce *before* a court may assess the law’s competing benefits or weigh the two sides against each other. Brief for Petitioners 44. And, tellingly, the complaint before us fails to clear even that bar.

To appreciate petitioners’ problem, compare our case to *Exxon*. That case involved a Maryland law prohibiting petroleum producers from operating retail gas stations in the State. 437 U. S., at 119–121, and n. 1. Because Maryland had no in-state petroleum producers, Exxon argued, the law’s “divestiture requirements” fell “solely on interstate companies” and threatened to force some to “withdraw entirely from the Maryland market” or incur new costs to serve that market. *Id.*, at 125–127. All this, the company said, amounted to a violation of the dormant Commerce

Opinion of GORSUCH, J.

Clause.

This Court found the allegations in Exxon’s complaint insufficient as a matter of law to demonstrate a substantial burden on interstate commerce. Without question, Maryland’s law favored one business structure (independent gas station retailers) over another (vertically integrated production and retail firms). *Ibid.* The law also promised to increase retail gas prices for Maryland consumers, allowing some to question its “wisdom.” *Id.*, at 124, 128. But, the Court found, Exxon failed to plead facts leading, “either logically or as a practical matter, to [the] conclusion that the State [was] discriminating against interstate commerce.” *Id.*, at 125. The company failed to do so because, on its face, Maryland’s law welcomed competition from interstate retail gas station chains that did not produce petroleum. *Id.*, at 125–126. And as far as anyone could tell, the law’s “practical effect” wasn’t to protect in-state producers; it was to shift market share from one set of out-of-state firms (vertically integrated businesses) to another (retail gas station firms). *Id.*, at 125, 127. This Court squarely rejected the view that this predicted “‘change [in] the market structure’” would “impermissibly burde[n] interstate commerce.” *Id.*, at 127. If the dormant Commerce Clause protects the “interstate market . . . from prohibitive or burdensome regulations,” the Court held, it does not protect “particular . . . firms” or “particular structure[s] or methods of operation.” *Id.*, at 127–128.

If Maryland’s law did not impose a sufficient burden on interstate commerce to warrant further scrutiny, the same must be said for Proposition 12. In *Exxon*, vertically integrated businesses faced a choice: They could divest their production capacities or withdraw from the local retail market. Here, farmers and vertically integrated processors have at least as much choice: They may provide all their pigs the space the law requires; they may segregate their operations to ensure pork products entering California

Opinion of GORSUCH, J.

meet its standards; or they may withdraw from that State’s market. In *Exxon*, the law posed a choice *only* for out-of-state firms. Here, the law presents a choice primarily—but not exclusively—for out-of-state businesses; California does have some pork producers affected by Proposition 12. See App. to Pet. for Cert. 205a. In *Exxon*, as far as anyone could tell, the law threatened only to shift market share from one set of out-of-state firms to another. Here, the pleadings allow for the same possibility—that California market share previously enjoyed by one group of profit-seeking, out-of-state businesses (farmers who stringently confine pigs and processors who decline to segregate their products) will be replaced by another (those who raise and trace Proposition 12-compliant pork). In both cases, some may question the “wisdom” of a law that threatens to disrupt the existing practices of some industry participants and may lead to higher consumer prices. 437 U. S., at 128. But the dormant Commerce Clause does not protect a “particular structure or metho[d] of operation.” *Id.*, at 127. That goes for pigs no less than gas stations.

Think of it another way. Petitioners must plead facts “plausibly” suggesting a substantial harm to interstate commerce; facts that render that outcome a “speculative” possibility are not enough. *Bell Atlantic Corp. v. Twombly*, 550 U. S. 544, 555, 557 (2007). In an effort to meet this standard, petitioners allege facts suggesting that certain out-of-state farmers and processing firms will find it difficult to comply with Proposition 12 and may choose not to do so. See App. to Pet. for Cert. 198a, 208a, 313a. But the complaint also acknowledges that many producers have already converted to some form of group housing, even if they have not all yet met Proposition 12’s standards. *Id.*, at 186a. From these facts, the complaint plausibly alleges that *some* out-of-state firms may face difficulty complying (or may choose not to comply) with Proposition 12. But from all anyone can tell, *other* out-of-state competitors seeking to

Opinion of GORSUCH, J.

enhance their own profits may choose to modify their existing operations or create new ones to fill the void.³

Of course, as the complaint alleges, a shift from one set of production methods to another promises some costs. *Id.*, at 214a. But the complaint concedes that complying producers will be able to “pas[s] along” at least “some” of their increased costs to consumers. *Id.*, at 178a. And no one thinks that costs ultimately borne by in-state consumers thanks to a law they adopted counts as a cognizable harm under our dormant Commerce Clause precedents. See *United Haulers*, 550 U. S., at 345 (holding that the dormant Commerce Clause is not offended by higher prices “likely to fall upon the very people who voted for the [challenged] la[w]”). Nor does the complaint allege facts plausibly suggesting that out-of-state consumers indifferent to pork production methods will have to pick up the tab (let alone explain how petitioners might sue to vindicate their interests). Instead, at least one declaration incorporated by reference into the complaint avers that some out-of-state consumers will “not value these changes and will not pay an increased price.”

³Though it is unnecessary to adorn the point, we note that a number of smaller out-of-state pork producers have filed an *amicus* brief in this Court hailing the “opportunities” Proposition 12 affords them to compete with vertically integrated firms with “‘concentrated market power’” that are wedded to their existing processing practices. Brief for Small and Independent Farming Businesses et al. as *Amici Curiae* 1, 12, 19–20. Other *amici* have noted that even some large vertically integrated processing firms have already begun to modify (or else have indicated their intention to modify) their operations to comply with Proposition 12. See Brief for Perdue Premium Meat Co., Inc., as *Amicus Curiae* 3–7; see also Brief for Economic Research Organizations as *Amici Curiae* 16–17 (re-citing public statements from Hormel, Smithfield, and Tyson). Another large processing firm, Cargill, has boasted that, “[b]efore we sold our pork business in 2015, we led the industry in removing gestation stalls to house pregnant sows.” *Id.*, at 16. Petitioner National Pork Producers Council lists Cargill as an “allied industry compan[y].” National Pork Producers Council, Pork Alliance Program, <https://nppc.org/get-involved/join-the-pork-alliance/>.

Opinion of GORSUCH, J.

App. to Pet. for Cert. 335a; see also Brief for Agricultural and Resource Economics Professors as *Amici Curiae* 15, 23 (suggesting negligible effect on out-of-state prices for consumers not interested in Proposition 12-compliant pork). Further experience may yield further facts. But the facts pleaded in this complaint merely allege harm to some producers’ favored “methods of operation.” *Exxon*, 437 U. S., at 127. A substantial harm to interstate commerce remains nothing more than a speculative possibility. *Ibid.*

D

THE CHIEF JUSTICE’s concurrence in part and dissent in part (call it “the lead dissent”) offers a contrasting view. Correctly, it begins by rejecting petitioners’ “almost *per se*” rule against laws with extraterritorial effects. *Post*, at 1. And correctly, it disapproves reading *Pike* to endorse a “freewheeling judicial weighing of benefits and burdens.” *Post*, at 2. But for all it gets right, in other respects it goes astray. In places, the lead dissent seems to advance a reading of *Pike* that would permit judges to enjoin the enforcement of any state law restricting the sale of an ordinary consumer good if the law threatens an “‘excessive” “har[m] to the interstate market” for that good. *Post*, at 4–9. It is an approach that would go much further than our precedents permit. So much further, in fact, that it isn’t clear what separates the lead dissent’s approach from others it purports to reject.

Consider an example. Today, many States prohibit the sale of horsemeat for human consumption. See *Cavel Int’l, Inc. v. Madigan*, 500 F. 3d 551, 552–555 (CA7 2007). But these prohibitions “har[m] the interstate market” for horsemeat by denying outlets for its sale. Not only that, they distort the market for animal products more generally by pressuring horsemeat manufacturers to transition to different products, ones they can lawfully sell nationwide. Under the lead dissent’s test, all it would take is one complaint

Opinion of GORSUCH, J.

from an unhappy out-of-state producer and—presto—the Constitution would protect the sale of horsemeat. Just find a judge anywhere in the country who considers the burden to producers “excessive.” *Post*, at 9. The same would go for all manner of consumer products currently banned by some States but not by others—goods ranging from fireworks, see, *e.g.*, Mass. Gen. Laws Ann., ch. 148, §39 (2020), to single-use plastic grocery bags, see, *e.g.*, Me. Rev. Stat. Ann., Tit. 38, §§1611(2)(A), (4) (2022). Rather than respecting federalism, a rule like that would require any consumer good available for sale in one State to be made available in every State. In the process, it would essentially replicate under *Pike*’s banner petitioners’ “almost *per se*” rule against state laws with extraterritorial effects.

Seeking a way around that problem, the lead dissent stumbles into another. It suggests that the burdens of Proposition 12 are particularly “substantial” because California’s law “carr[ies] implications for producers as far flung as Indiana and North Carolina.” *Post*, at 7–10. Why is that so? JUSTICE KAVANAUGH’s solo concurrence in part and dissent in part says the quiet part aloud: California’s market is so lucrative that almost any in-state measure will influence how out-of-state profit-maximizing firms choose to operate. *Post*, at 4–5. But if that makes all the difference, it means voters in States with smaller markets are constitutionally entitled to greater authority to regulate in-state sales than voters in States with larger markets. So much for the Constitution’s “fundamental principle of *equal* sovereignty among the States.” *Shelby County v. Holder*, 570 U. S. 529, 544 (2013) (internal quotation marks omitted).

The most striking feature of both dissents, however, may be another one. They suggest that, in assessing a state law’s burdens under *Pike*, courts should take into account not just economic harms but also all manner of “derivative harms” to out-of-state interests. *Post*, at 5–6 (opinion of

Opinion of the Court

ROBERTS, C. J.). These include social costs that are “difficult to quantify” such as (in this case) costs to the “national pig population,” “animal husbandry” traditions, and (again) “industry practice.” *Post*, at 6–9; see also *post*, at 3–5 (opinion of KAVANAUGH, J.). But not even petitioners read *Pike* so boldly. While petitioners argue that Proposition 12 does not benefit pigs (as California has asserted), they have not asked this Court (or any court) to treat putative harms to out-of-state animal welfare or other noneconomic interests as freestanding harms cognizable under the dormant Commerce Clause. Nor could they have proceeded otherwise. Our decisions have authorized claims alleging “burdens on commerce.” *Davis*, 553 U. S., at 353. They do not provide judges “a roving license” to reassess the wisdom of state legislation in light of any conceivable out-of-state interest, economic or otherwise. *United Haulers*, 550 U. S., at 343.⁴

V

Before the Constitution’s passage, Rhode Island imposed special taxes on imported “*New-England Rum*”; Connecticut levied duties on goods “brought into th[e] State, by Land

⁴Both dissents seek to characterize today’s decision as “fractured” in an effort to advance their own overbroad readings of *Pike* and layer their own gloss on opinions they do not join. *Post*, at 1, 8 (opinion of KAVANAUGH, J.); see also *post* at 2–4, 8–10 (opinion of ROBERTS, C. J.). But the dissents are just that—dissents. Their glosses do not speak for the Court. Today, the Court unanimously disavows petitioners’ “almost *per se*” rule against laws with extraterritorial effects. See Parts II and III, *supra*. When it comes to *Pike*, a majority agrees that heartland *Pike* cases seek to smoke out purposeful discrimination in state laws (as illuminated by those laws’ practical effects) or seek to protect the instrumentalities of interstate transportation. See Part IV–A, *supra*. A majority also rejects any effort to expand *Pike*’s domain to cover cases like this one, some of us for reasons found in Part IV–B, others of us for reasons discussed in Part IV–C. Today’s decision depends equally on the analysis found in both of these sections; without either, there is no explaining the Court’s judgment affirming the decision below. A majority also subscribes to what follows in Part V.

Opinion of the Court

or Water, from any of the United States of *America*"; and Virginia taxed "vessels coming within th[e S]tate from any of the United States." An Act Laying Certain Duties of Excise Upon Certain Articles, Feb. 24, 1783 R. I. Acts and Resolves 45; An Act for Levying and Collecting a Duty on Certain Articles of Goods, Wares and Merchandize Imported into this State, by Land or Water, 1784 Conn. Acts and Laws 271; An Act to Amend the Act for Ascertaining Certain Taxes and Duties, and for Establishing a Permanent Revenue (May 6, 1782), in 11 Statutes at Large, Laws of Virginia 70 (W. Hening ed. 1823).

Whether moved by this experience or merely worried that more States might join the bandwagon, the Framers equipped Congress with considerable power to regulate interstate commerce and preempt contrary state laws. See U. S. Const., Art. I, §8, cl. 3; Art. IV, §2; see also Regan, 84 Mich. L. Rev., at 1114, n. 55; A. Abel, *The Commerce Clause in the Constitutional Convention and in Contemporary Comment*, 25 Minn. L. Rev. 432, 448–449 (1941). In the years since, this Court has inferred an additional judicially enforceable rule against certain, especially discriminatory, state laws adopted even against the backdrop of congressional silence. But "extreme caution" is warranted before a court deploys this implied authority. *Tracy*, 519 U. S., at 310 (quoting *Northwest Airlines, Inc. v. Minnesota*, 322 U. S. 292, 302 (1944) (Black, J., concurring)). Preventing state officials from enforcing a democratically adopted state law in the name of the dormant Commerce Clause is a matter of "extreme delicacy," something courts should do only "where the infraction is clear." *Conway v. Taylor's Executor*, 1 Black 603, 634 (1862).

Petitioners would have us cast aside caution for boldness. They have failed—repeatedly—to persuade Congress to use its express Commerce Clause authority to adopt a uniform rule for pork production. And they disavow any reliance on

Opinion of the Court

this Court’s core dormant Commerce Clause teachings focused on discriminatory state legislation. Instead, petitioners invite us to endorse two new theories of implied judicial power. They would have us recognize an “almost *per se*” rule against the enforcement of state laws that have “extra-territorial effects”—even though this Court has recognized since *Gibbons* that virtually all state laws create ripple effects beyond their borders. Alternatively, they would have us prevent a State from regulating the sale of an ordinary consumer good within its own borders on nondiscriminatory terms—even though the *Pike* line of cases they invoke has never before yielded such a result. Like the courts that faced this case before us, we decline both of petitioners’ incautious invitations.

The judgment of the Ninth Circuit is

Affirmed.

SOTOMAYOR, J., concurring in part

SUPREME COURT OF THE UNITED STATES

No. 21–468

NATIONAL PORK PRODUCERS COUNCIL, ET AL.,
PETITIONERS *v.* KAREN ROSS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE CALI-
FORNIA DEPARTMENT OF FOOD &
AGRICULTURE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 11, 2023]

JUSTICE SOTOMAYOR, with whom JUSTICE KAGAN joins,
concurring in part.

I join all but Parts IV–B and IV–D of JUSTICE GORSUCH’s opinion. Given the fractured nature of Part IV, I write separately to clarify my understanding of why petitioners’ *Pike* claim fails. In short, I vote to affirm the judgment because petitioners fail to allege a substantial burden on interstate commerce as required by *Pike*, not because of any fundamental reworking of that doctrine.

* * *

In *Pike v. Bruce Church, Inc.*, 397 U. S. 137 (1970), the Court distilled a general principle from its prior cases. “Where [a] statute regulates even-handedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.” *Id.*, at 142. Further, “the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.” *Ibid.*

SOTOMAYOR, J., concurring in part

As the Court’s opinion here explains, *Pike*’s balancing and tailoring principles are most frequently deployed to detect the presence or absence of latent economic protectionism. See *ante*, at 15–18. That is no surprise. Warding off state discrimination against interstate commerce is at the heart of our dormant Commerce Clause jurisprudence. See *ante*, at 7, 9–11, 15–16.

As the Court’s opinion also acknowledges, however, the Court has “generally le[ft] the courtroom door open” to claims premised on “even nondiscriminatory burdens.” *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 353 (2008); see *ante*, at 17. Indeed, “a small number” of this Court’s cases in the *Pike* line “have invalidated state laws . . . that appear to have been genuinely nondiscriminatory” in nature. *General Motors Corp. v. Tracy*, 519 U. S. 278, 298, n. 12 (1997); see *ante*, at 17. Often, such cases have addressed state laws that impose burdens on the arteries of commerce, on “trucks, trains, and the like.” *Ibid.*, n. 2. Yet, there is at least one exception to that tradition. See *Edgar v. MITE Corp.*, 457 U. S. 624, 643–646 (1982) (invalidating a nondiscriminatory state law that regulated tender offers to shareholders).

Pike claims that do not allege discrimination or a burden on an artery of commerce are further from *Pike*’s core. As THE CHIEF JUSTICE recognizes, however, the Court today does not shut the door on all such *Pike* claims. See *ante*, at 17–18, and n. 2; *post*, at 2–3. Thus, petitioners’ failure to allege discrimination or an impact on the instrumentalities of commerce does not doom their *Pike* claim.

Nor does a majority of the Court endorse the view that judges are not up to the task that *Pike* prescribes. JUSTICE GORSUCH, for a plurality, concludes that petitioners’ *Pike* claim fails because courts are incapable of balancing economic burdens against noneconomic benefits. See *ante*, at 18–21. I do not join that portion of JUSTICE GORSUCH’S

SOTOMAYOR, J., concurring in part

opinion. I acknowledge that the inquiry is difficult and delicate, and federal courts are well advised to approach the matter with caution. See *ante*, at 28. Yet, I agree with THE CHIEF JUSTICE that courts generally are able to weigh disparate burdens and benefits against each other, and that they are called on to do so in other areas of the law with some frequency. See *post*, at 3–4. The means-ends tailoring analysis that *Pike* incorporates is likewise familiar to courts and does not raise the asserted incommensurability problems that trouble JUSTICE GORSUCH.

In my view, and as JUSTICE GORSUCH concludes for a separate plurality of the Court, petitioners’ *Pike* claim fails for a much narrower reason. Reading petitioners’ allegations in light of the Court’s decision in *Exxon Corp. v. Governor of Maryland*, 437 U. S. 117 (1978), the complaint fails to allege a substantial burden on interstate commerce. See *ante*, at 21–25. Alleging a substantial burden on interstate commerce is a threshold requirement that plaintiffs must satisfy before courts need even engage in *Pike*’s balancing and tailoring analyses. Because petitioners have not done so, they fail to state a *Pike* claim.

BARRETT, J., concurring in part

SUPREME COURT OF THE UNITED STATES

No. 21–468

NATIONAL PORK PRODUCERS COUNCIL, ET AL.,
PETITIONERS *v.* KAREN ROSS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE CALI-
FORNIA DEPARTMENT OF FOOD &
AGRICULTURE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 11, 2023]

JUSTICE BARRETT, concurring in part.

A state law that burdens interstate commerce in clear excess of its putative local benefits flunks *Pike* balancing. *Pike v. Bruce Church, Inc.*, 397 U. S. 137, 142 (1970). In most cases, *Pike*’s “general rule” reflects a commonsense principle: Where there’s smoke, there’s fire. *Ibid.* Under our dormant Commerce Clause jurisprudence, one State may not discriminate against another’s producers or consumers. A law whose burdens fall incommensurately and inexplicably on out-of-state interests may be doing just that.

But to weigh benefits and burdens, it is axiomatic that both must be judicially cognizable and comparable. See *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 354–355 (2008). I agree with JUSTICE GORSUCH that the benefits and burdens of Proposition 12 are incommensurable. California’s interest in eliminating allegedly inhumane products from its markets cannot be weighed on a scale opposite dollars and cents—at least not without second-guessing the moral judgments of California voters or making the kind of policy decisions reserved for politicians. *Ante*, at 18–21; *Davis*, 553 U. S., at 360 (Scalia, J., concurring in part). None

BARRETT, J., concurring in part

of our *Pike* precedents requires us to attempt such a feat.

That said, I disagree with my colleagues who would hold that petitioners have failed to allege a substantial burden on interstate commerce. *Ante*, at 21–25; *ante*, at 3 (SOTOMAYOR, J., concurring in part). The complaint plausibly alleges that Proposition 12’s costs are pervasive, burdensome, and will be felt primarily (but not exclusively) outside California. See *post*, at 6–7 (ROBERTS, C. J., concurring in part and dissenting in part). For this reason, I do not join Part IV–C of JUSTICE GORSUCH’s opinion. If the burdens and benefits were capable of judicial balancing, I would permit petitioners to proceed with their *Pike* claim.

Opinion of ROBERTS, C. J.

SUPREME COURT OF THE UNITED STATES

No. 21–468

NATIONAL PORK PRODUCERS COUNCIL, ET AL.,
PETITIONERS *v.* KAREN ROSS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE CALI-
FORNIA DEPARTMENT OF FOOD &
AGRICULTURE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 11, 2023]

CHIEF JUSTICE ROBERTS, with whom JUSTICE ALITO, JUSTICE KAVANAUGH, and JUSTICE JACKSON join, concurring in part and dissenting in part.

I agree with the Court’s view in its thoughtful opinion that many of the leading cases invoking the dormant Commerce Clause are properly read as invalidating statutes that promoted economic protectionism. See *ante*, at 8–11. I also agree with the Court’s conclusion that our precedent does not support a *per se* rule against state laws with “extraterritorial” effects. See *ante*, at 11–14. But I cannot agree with the approach adopted by some of my colleagues to analyzing petitioners’ claim based on *Pike v. Bruce Church, Inc.*, 397 U. S. 137, 142 (1970). See *ante*, at 15–27 (opinion of GORSUCH, J.); *ante*, at 3 (SOTOMAYOR, J. concurring in part); *ante*, at 1–2 (BARRETT, J., concurring in part).

Pike provides that nondiscriminatory state regulations are valid under the Commerce Clause “unless the burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits.” 397 U. S., at 142. A majority of the Court thinks that petitioners’ complaint does not make for “an auspicious start” on that claim. *Ante*, at 18. In my view, that is through no fault of their own.

Opinion of ROBERTS, C. J.

The Ninth Circuit misapplied our existing *Pike* jurisprudence in evaluating petitioners’ allegations. I would find that petitioners’ have plausibly alleged a substantial burden against interstate commerce, and would therefore vacate the judgment and remand the case for the court below to decide whether petitioners have stated a claim under *Pike*.

I

The Ninth Circuit stated that “[w]hile the dormant Commerce Clause is not yet a dead letter, it is moving in that direction.” 6 F. 4th 1021, 1033 (2021). Today’s majority does not pull the plug. For good reason: Although *Pike* is susceptible to misapplication as a freewheeling judicial weighing of benefits and burdens, it also reflects the basic concern of our Commerce Clause jurisprudence that there be “free private trade in the national marketplace.” *General Motors Corp. v. Tracy*, 519 U. S. 278, 287 (1997) (quoting *Reeves, Inc. v. Stake*, 447 U. S. 429, 437 (1980)); see also *Hunt v. Washington State Apple Advertising Comm’n*, 432 U. S. 333, 350 (1977) (*Pike* protects “a national ‘common market’”). “Our system, fostered by the Commerce Clause, is that every farmer and every craftsman shall be encouraged to produce by the certainty that he will have free access to every market in the Nation, that no home embargoes will withhold his exports, and no foreign state will by customs duties or regulations exclude them.” *H. P. Hood & Sons, Inc. v. Du Mond*, 336 U. S. 525, 539 (1949).

The majority’s discussion of our *Pike* jurisprudence highlights two types of cases: those involving discriminatory state laws and those implicating the “instrumentalities of interstate transportation.” *Ante*, at 17, n. 2. But *Pike* has not been so narrowly typecast. As a majority of the Court acknowledges, “we generally leave the courtroom door open to plaintiffs invoking the rule in *Pike*, that even nondiscriminatory burdens on commerce may be struck down on a

Opinion of ROBERTS, C. J.

showing that those burdens clearly outweigh the benefits of a state or local practice.” *Department of Revenue of Ky. v. Davis*, 553 U. S. 328, 353 (2008); see also *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U. S. 330, 346 (2007) (plurality opinion) (*Pike* applies to “a nondiscriminatory statute like this one”). Nor have our cases applied *Pike* only where a State regulates the instrumentalities of transportation. *Pike* itself addressed an Arizona law regulating cantaloupe packaging. See 397 U. S., at 138. And we have since applied *Pike* to invalidate nondiscriminatory state laws that do not concern transportation. *Edgar v. MITE Corp.*, 457 U. S. 624, 643–646 (1982). As a majority of the Court agrees, *Pike* extends beyond laws either concerning discrimination or governing interstate transportation. See *ante*, at 2 (opinion of SOTOMAYOR, J.); *post*, at 1–2 (KAVANAUGH, J., concurring in part and dissenting in part).

Speaking for three Members of the Court, JUSTICE GORSUCH objects that balancing competing interests under *Pike* is simply an impossible judicial task. See *ante*, at 18–21. I certainly appreciate the concern, see *United Haulers*, 550 U. S., at 343, 347, but sometimes there is no avoiding the need to weigh seemingly incommensurable values. See, e.g., *Schneider v. State (Town of Irvington)*, 308 U. S. 147, 162 (1939) (weighing “the purpose to keep the streets clean and of good appearance” against the “the constitutional protection of the freedom of speech and press”); *Winston v. Lee*, 470 U. S. 753, 760 (1985) (“The reasonableness” under the Fourth Amendment “of surgical intrusions beneath the skin depends on a case-by-case approach, in which the individual’s interests in privacy and security are weighed against society’s interests in conducting the procedure.”); *Addington v. Texas*, 441 U. S. 418, 425 (1979) (“In considering what standard should govern in a civil commitment proceeding, we must assess both the extent of the individual’s interest in not being involuntarily confined indefinitely and the

Opinion of ROBERTS, C. J.

state’s interest in committing the emotionally disturbed under a particular standard of proof.”). Here too, a majority of the Court agrees that it is possible to balance benefits and burdens under the approach set forth in *Pike*. See *ante*, at 2–3 (opinion of SOTOMAYOR, J.); *post*, at 1–2 (opinion of KAVANAUGH, J.).

II

This case comes before us on a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss, and in my view the court below erred in how it analyzed petitioners’ allegations under *Pike*. The Ninth Circuit reasoned that “[f]or dormant Commerce Clause purposes, laws that increase compliance costs, without more, do not constitute a significant burden on interstate commerce.” 6 F. 4th, at 1032. The panel then dismissed petitioners’ claim under *Pike* by concluding that the complaint alleged only an increase in compliance costs due to Proposition 12. 6 F. 4th, at 1033. But, as I read it, the complaint alleges more than simply an increase in “compliance costs,” unless such costs are defined to include all the fallout from a challenged regulatory regime. Petitioners identify broader, market-wide *consequences* of compliance—economic harms that our precedents have recognized can amount to a burden on interstate commerce. I would therefore find that petitioners have stated a substantial burden against interstate commerce, vacate the judgment below, and remand this case for the Ninth Circuit to consider whether petitioners have plausibly claimed that the burden alleged outweighs any “putative local interests” under *Pike*. 397 U. S., at 142.

A

Our precedents have long distinguished the costs of complying with a given state regulation from other economic harms to the interstate market. *Bibb v. Navajo Freight Lines, Inc.*, 359 U. S. 520 (1959), illustrates the point. In

Opinion of ROBERTS, C. J.

that case, we considered an Illinois law requiring that trucks and trailers use a particular kind of mudguard. The “cost of installing” the mudguards was “\$30 or more per vehicle,” amounting to “\$4,500 to \$45,840” for the trucking companies at issue. *Id.*, at 525. But beyond documenting those direct costs of complying with the Illinois law, we also noted other derivative harms flowing from the regulation. The mudguard rule threatened “significant delay in an operation where prompt movement may be of the essence.” *Id.*, at 527. Also, changing mudguard types when crossing into Illinois from a State with a different standard would require “two to four hours of labor” and could prove “exceedingly dangerous.” *Ibid.* We concluded that “[c]ost taken into consideration” together with those “*other* factors” could constitute a burden on interstate commerce. *Id.*, at 526 (emphasis added). Subsequent cases followed *Bibb*’s logic by analyzing economic impact to the interstate market separately from immediate costs of compliance. See *Kassel v. Consolidated Freightways Corp. of Del.*, 450 U. S. 662, 674 (1981) (plurality opinion) (separating “increas[ed] . . . costs” from the fact that the challenged “law may aggravate . . . the problem of highway accidents” in describing the burden on interstate commerce); *Raymond Motor Transp., Inc. v. Rice*, 434 U. S. 429, 445, and n. 21 (1978) (analyzing an increase in “cost” independently of other consequential effects, such as “slow[ing] the movement of goods”).

Pike itself did not conflate harms to the interstate market with compliance costs. In *Pike*, we analyzed an Arizona law requiring that cantaloupes grown in the State be packed prior to shipment across state lines. 397 U. S., at 138. We noted repeatedly that the regulation would require the appellee to construct an unneeded packing facility in Arizona at a cost of \$200,000. *Id.*, at 140, 144, 145. But we considered that cost together with the “nature” of a regulation “requiring business operations to be performed in the home

Opinion of ROBERTS, C. J.

State.” *Id.*, at 145. The Court in *Pike* found both compliance costs and consequential market harms cognizable in determining whether the law at issue impermissibly burdened interstate commerce.

The derivative harms we have long considered in this context are in no sense “noneconomic.” *Ante*, at 27 (opinion of GORSUCH, J.). Regulations that “aggravate . . . the problem of highway accidents,” *Kassel*, 450 U. S., at 674, or “slow the movement of goods,” *Rice*, 434 U. S., at 445, impose economic burdens, even if those burdens may be difficult to quantify and may not arise immediately. Our cases provide no license to chalk up *every* economic harm—no matter how derivative—to a mere cost of compliance.

Nor can the foregoing cases be dismissed because they either involved the instrumentalities of transportation or a state law born of discriminatory purpose. As discussed above, we have applied *Pike* to state laws that neither concerned transportation nor discriminated against commerce. See *Edgar*, 457 U. S., at 643–646. The *Pike* balance may well come out differently when it comes to interstate transportation, an area presenting a strong interest in “national uniformity.” *Tracy*, 519 U. S., at 298, n. 12. But the error below does not concern a particular balancing of interests under *Pike*; it concerns how to analyze the burden on interstate commerce in the first place.

B

As in our prior cases, petitioners here allege both compliance costs and consequential harms to the interstate market. With respect to compliance costs, petitioners allege that Proposition 12 demands significant capital expenditures for farmers who wish to sell into California. “Producers . . . will need to spend” between \$290 and \$348 million “of additional capital in order to reconstruct their sow housing and overcome the productivity loss that Proposition 12 imposes.” App. to Pet. for Cert. 214a. All told, compliance

Opinion of ROBERTS, C. J.

will “increase production costs per pig by over \$13 dollars per head, a 9.2% cost increase at the farm level.” *Ibid.*

Separate and apart from those costs, petitioners assert harms to the interstate market itself. The complaint alleges that the interstate pork market is so interconnected that producers will be “forced to comply” with Proposition 12, “even though some or even most of the cuts from a hog are sold in other States.” *Id.*, at 213a; *id.*, at 239a. Proposition 12 may not expressly regulate farmers operating out of State. But due to the nature of the national pork market, California has enacted rules that carry implications for producers as far flung as Indiana and North Carolina, whether or not they sell in California. The panel below acknowledged petitioners’ allegation that, “[a]s a practical matter, given the interconnected nature of the nationwide pork industry, all or most hog farmers will be forced to comply with California requirements.” 6 F. 4th, at 1028.

We have found such sweeping extraterritorial effects, even if not considered as a *per se* invalidation, to be pertinent in applying *Pike*. In *Edgar*, we assessed the constitutionality of an Illinois corporate takeover statute that authorized the secretary of state to scrutinize tender offers, even for transactions occurring wholly beyond the State’s borders. As the majority explains, only a plurality of the Court in *Edgar* concluded that the Illinois statute constituted a *per se* violation of the dormant Commerce Clause. See *ante*, at 14, n. 1. But a majority in *Edgar* analyzed those same extraterritorial effects under our approach in *Pike*, concluding that the “nationwide reach” of Illinois’s law constituted an “obvious burden . . . on interstate commerce.” 457 U. S., at 643. The Ninth Circuit did not consider whether, by effectively requiring compliance by farmers who do not even wish to ship their product into California, Proposition 12 has a “nationwide reach” similar to the regulation at issue in *Edgar*.

The complaint further alleges other harms that cannot

Opinion of ROBERTS, C. J.

fairly be characterized as mere costs of compliance but that the panel below seems to have treated as such. Because of Proposition 12’s square footage requirements, farms will be compelled to adopt group housing, which is likely to produce “worse health outcome[s]” and “sprea[d] pathogens and disease.” App. to Pet. for Cert. 229a. Such housing changes will also “upen[d] generations of animal husbandry, training, and knowledge.” *Id.*, at 211a. And “[b]y preventing the use of breeding stalls during the 30 to 40 day period between weaning and confirmation of pregnancy, Proposition 12 puts sows at greater risk of injury and stress during the vulnerable stages of breeding and gestation.” *Id.*, at 223a. These consequential threats to animal welfare and industry practice are difficult to quantify and are not susceptible to categorization as mere costs of compliance.

Writing for a plurality of the Court, JUSTICE GORSUCH relies on this Court’s decision in *Exxon Corp. v. Governor of Maryland*, 437 U. S. 117 (1978), to conclude that petitioners’ complaint does not plead a substantial burden against interstate commerce. See *ante*, at 21–25; see also *ante*, at 3 (opinion of SOTOMAYOR, J.) (also relying on *Exxon*). In *Exxon*, petroleum producers sued after Maryland prohibited their sale of retail gas within the State. 437 U. S., at 119. The Court concluded that “interstate commerce is not subjected to an impermissible burden simply because an otherwise valid regulation causes some business[es] to shift from one interstate supplier to another.” *Id.*, at 127. Fair enough. But the complaint before us pleads facts going far beyond the allegations in *Exxon*. The producers in *Exxon* operated within Maryland and wished to continue doing so. By contrast, petitioners here allege that Proposition 12 will force compliance on farmers who do not wish to sell into the California market, exacerbate health issues in the national pig population, and undercut established operational practices. In my view, these allegations amount to economic harms against “the interstate market”—not just “particular

Opinion of ROBERTS, C. J.

interstate firms,” *ibid.*—such that they constitute a substantial burden under *Pike*. At the very least, the harms alleged by petitioners are categorically different from the cost of installing \$30 mudguards, *Bibb*, 359 U. S., at 525, or of constructing a \$200,000 cantaloupe packing facility, *Pike*, 397 U. S., at 140.

JUSTICE GORSUCH asks what separates my approach from the *per se* extraterritoriality rule I reject. *Ante*, at 25. It is the difference between mere cross-border effects and broad impact requiring, in this case, compliance even by producers who do not wish to sell in the regulated market. And even then, we only invalidate a regulation if that burden proves “clearly excessive in relation to the putative local benefits.” *Pike*, 397 U. S., at 142. Adhering to that established approach in this case would not convert the inquiry into a *per se* rule against extraterritorial regulation.

Rather than analyze petitioners’ alleged harms to the interstate market on their own terms, the Ninth Circuit reasoned that the “crux” of the complaint is “the cost of compliance with Proposition 12.” 6 F. 4th, at 1033. Such “cost increases,” the panel below concluded, “do not qualify as a substantial burden to interstate commerce.” *Ibid.* Those statements ignore the industry-wide harms discussed above.

The panel below itself recognized that petitioners “plausibly alleged that Proposition 12 will have dramatic upstream effects and require pervasive changes to the pork production industry nationwide.” *Ibid.* Yet it nevertheless reduced the myriad harms detailed by petitioners in their complaint to so-called “compliance costs” and wrote them off as independently insufficient to state a claim under *Pike*. Our precedents do not support such an approach. A majority of the Court agrees that—were it possible to balance benefits and burdens in this context—petitioners have plausibly stated a substantial burden against interstate

Opinion of ROBERTS, C. J.

commerce. See *ante*, at 2 (opinion of BARRETT, J.) (“The complaint plausibly alleges that Proposition 12’s costs are pervasive, burdensome, and will be felt primarily (but not exclusively) outside California.”).

* * *

In my view, petitioners plausibly allege a substantial burden against interstate commerce. I would therefore remand the case for the Ninth Circuit to decide whether it is plausible that the “burden . . . is clearly excessive in relation to the putative local benefits.” *Pike*, 397 U. S., at 142.

Opinion of KAVANAUGH, J.

SUPREME COURT OF THE UNITED STATES

No. 21–468

NATIONAL PORK PRODUCERS COUNCIL, ET AL.,
PETITIONERS *v.* KAREN ROSS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE CALI-
FORNIA DEPARTMENT OF FOOD &
AGRICULTURE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 11, 2023]

JUSTICE KAVANAUGH, concurring in part and dissenting
in part.

In today’s fractured decision, six Justices of this Court affirmatively retain the longstanding *Pike* balancing test for analyzing dormant Commerce Clause challenges to state economic regulations. *Ante*, at 1 (SOTOMAYOR, J., joined by KAGAN, J., concurring in part); *ante*, at 2–3 (ROBERTS, C. J., joined by ALITO, KAVANAUGH, and JACKSON, JJ., concurring in part and dissenting in part); see *Pike v. Bruce Church, Inc.*, 397 U. S. 137 (1970). Although Parts IV–B and IV–D of JUSTICE GORSUCH’s opinion would essentially overrule the *Pike* balancing test, those subsections are not controlling precedent, as I understand it.

But Part IV–C of JUSTICE GORSUCH’s opinion is controlling precedent for purposes of the Court’s judgment as to the plaintiffs’ *Pike* claim. There, a four-Justice plurality of the Court applies *Pike* and rejects the plaintiffs’ dormant Commerce Clause challenge under *Pike*. The plurality reasons that the plaintiffs’ complaint did not sufficiently allege that the California law at issue here imposed a substantial burden on interstate commerce

Opinion of KAVANAUGH, J.

under *Pike*. I respectfully disagree with that conclusion for the reasons well stated in THE CHIEF JUSTICE’s separate opinion.¹

I add this opinion to point out that state economic regulations like California’s Proposition 12 may raise questions not only under the Commerce Clause, but also under the Import-Export Clause, the Privileges and Immunities Clause, and the Full Faith and Credit Clause.

I

In the 1780s, the Framers in Philadelphia and the people of the United States discarded the Articles of Confederation and adopted a new Constitution. They did so in order to, among other things, create a national economic market and overcome state restrictions on free trade—and thereby promote the general welfare. By the summer of 1787, when the delegates met in Philadelphia, state interference with interstate commerce was cutting off the lifeblood of the Nation. See *Tennessee Wine and Spirits Retailers Assn. v. Thomas*, 588 U. S. ___, ___ (2019) (slip op., at 7). For the delegates, therefore, “removing state trade barriers was a principal reason for the adoption of the Constitution.” *Ibid.* In the state ratifying conventions, moreover, “fostering free trade among the States was prominently cited as a reason for ratification.” *Id.*, at ___ (slip op., at 8).

The Constitution crafted by the Framers contains several provisions protecting free trade among the States. The Constitution’s protection of free trade among the States has resulted in an extraordinary 234-year record of progress: It has facilitated robust economic activity within the United States and has helped generate remarkable (albeit at times uneven) economic prosperity and growth in America relative to the other nations of the world.

This case involves the American pork industry, which

¹The Court also unanimously rejects plaintiffs’ separate claim under *Healy v. Beer Institute*, 491 U. S. 324 (1989).

Opinion of KAVANAUGH, J.

today is a \$20 billion-plus industry that generates hundreds of thousands of American jobs and serves millions of American consumers. Importantly for this case, the vast majority of pig farms are located in States other than California—such as Iowa, Minnesota, Illinois, Indiana, and North Carolina. And the vast majority of pork is likewise produced in States other than California.

In 2018, California voters nonetheless passed a ballot initiative, Proposition 12, that not only regulates pig farming and pork production in California, but also in effect regulates pig farming and pork production *throughout the United States*. Under Proposition 12, all pork sold to consumers in California must be derived from pigs raised in compliance with California’s strict standards for pig farming, including California’s minimum square footage of space required for housing individual pigs. By its terms, Proposition 12 applies to pigs raised and pork produced *outside California*.

California’s requirements for pig farms and pork production depart significantly from common agricultural practices that are lawful in major pig-farming and pork-producing States such as Iowa, Minnesota, Illinois, Indiana, and North Carolina. See Brief for Indiana et al. as *Amici Curiae* 24–32. Moreover, according to various *amici*, some of the scientific literature suggests that California’s requirements could worsen animal health and welfare. See, e.g., Brief for American Association of Swine Veterinarians as *Amicus Curiae* 4–19; Brief for State Pork Producers Association of Iowa et al. as *Amici Curiae* 25–34. Regardless of whether the *amici* are correct on that point, it is evident that absent California’s Proposition 12, relatively few pig farmers and pork producers in the United States would follow the practices that California now demands. Yet American pig farmers and pork producers have little choice but to comply with California’s regulatory dictates. It would be prohibitively expensive and

Opinion of KAVANAUGH, J.

practically all but impossible for pig farmers and pork producers to segregate individual pigs based on their ultimate marketplace destination in California or elsewhere. And California’s 13-percent share of the consumer pork market makes it economically infeasible for many pig farmers and pork producers to exit the California market.

California’s required changes to pig-farming and pork-production practices throughout the United States will cost American farmers and pork producers hundreds of millions (if not billions) of dollars. And those costs for pig farmers and pork producers will be passed on, in many cases, to American consumers of pork via higher pork prices nationwide. The increased costs may also result in lower wages and reduced benefits (or layoffs) for the American workers who work on pig farms and in meatpacking plants. See generally Brief for Indiana et al. as *Amici Curiae* 29–32; Brief for North Carolina Chamber Legal Institute et al. as *Amici Curiae* 9–13.²

In short, through Proposition 12, California is forcing massive changes to pig-farming and pork-production practices throughout the United States. Proposition 12 therefore substantially burdens the interstate pork market. See *ante*, at 6–10 (opinion of ROBERTS, C. J.).

Under the Constitution, Congress could enact a national law imposing minimum space requirements or other regulations on pig farms involved in the interstate pork market. In the absence of action by Congress, each State may of course adopt health and safety regulations for products sold *in that State*. And each State may regulate

²The majority opinion dismisses this case as not presenting a “weighty” issue. *Ante*, at 2. That phrasing is misplaced. This case presents a weighty constitutional question, as the Framers surely would have recognized. And it is important for the American workers, farmers, and consumers who will be significantly affected by the outcome of today’s decision.

Opinion of KAVANAUGH, J.

as it sees fit with respect to farming, manufacturing, and production practices *in that State*. Through Proposition 12, however, California has tried something quite different and unusual. It has attempted, in essence, to unilaterally impose its moral and policy preferences for pig farming and pork production on the rest of the Nation. It has sought to deny market access to out-of-state pork producers unless their farming and production practices in those other States comply with California’s dictates. The State has aggressively propounded a “California knows best” economic philosophy—where California in effect seeks to regulate pig farming and pork production in *all* of the United States. California’s approach undermines federalism and the authority of individual States by forcing individuals and businesses in one State to conduct their farming, manufacturing, and production practices in a manner required by the laws of a *different* State.

Notably, future state laws of this kind might not be confined to the pork industry. As the *amici* brief of 26 States points out, what if a state law prohibits the sale of fruit picked by noncitizens who are unlawfully in the country? Brief for Indiana et al. as *Amici Curiae* 33. What if a state law prohibits the sale of goods produced by workers paid less than \$20 per hour? Or as those States suggest, what if a state law prohibits “the retail sale of goods from producers that do not pay for employees’ birth control or abortions” (or alternatively, that do pay for employees’ birth control or abortions)? *Ibid.*

If upheld against all constitutional challenges, California’s novel and far-reaching regulation could provide a blueprint for other States. California’s law thus may foreshadow a new era where States shutter their markets to goods produced in a way that offends their moral or policy preferences—and in doing so, effectively force other States to regulate in accordance with those idiosyncratic state demands. That is not the Constitution the Framers

Opinion of KAVANAUGH, J.

adopted in Philadelphia in 1787.³

II

Thus far, legal challenges to California’s Proposition 12 have focused on the Commerce Clause and this Court’s dormant Commerce Clause precedents.

Although the Court today rejects the plaintiffs’ dormant Commerce Clause challenge as insufficiently pled, state laws like Proposition 12 implicate not only the Commerce Clause, but also potentially several other constitutional provisions, including the Import-Export Clause, the Privileges and Immunities Clause, and the Full Faith and Credit Clause.

First, the Import-Export Clause prohibits any State, absent “the Consent of the Congress,” from imposing “any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing” its “inspection Laws.” Art. I, §10, cl. 2. This Court has limited that Clause to imports from *foreign countries*. See *Woodruff v. Parham*, 8 Wall. 123, 133–136 (1869). As Justice Scalia and JUSTICE THOMAS have explained, that limitation may be mistaken as a matter of constitutional text and history: Properly interpreted, the Import-Export Clause may also prevent States “from imposing certain especially burdensome” taxes and duties on imports from other States—not just on imports from foreign countries. *Comptroller of Treasury of Md. v. Wynne*, 575 U. S. 542, 573 (2015) (Scalia, J., dissenting); see also *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U. S. 564, 621–637 (1997) (THOMAS,

³The portions of JUSTICE GORSUCH’s opinion that speak for only three Justices (Parts IV–B and IV–D) refer to THE CHIEF JUSTICE’s opinion as a “dissent.” *Ante*, at 18–21, 25–27. But on the question of whether to retain the *Pike* balancing test in cases like this one, THE CHIEF JUSTICE’s opinion reflects the majority view because six Justices agree to retain the *Pike* balancing test: THE CHIEF JUSTICE and JUSTICES ALITO, SOTOMAYOR, KAGAN, KAVANAUGH, and JACKSON. On that legal issue, JUSTICE GORSUCH’s opinion advances a minority view.

Opinion of KAVANAUGH, J.

J., dissenting); *Brown v. Maryland*, 12 Wheat. 419, 438–439, 449 (1827).

In other words, if one State conditions sale of a good on the use of preferred farming, manufacturing, or production practices in another State where the good was grown or made, serious questions may arise under the Import-Export Clause. I do not take a position here on whether such an argument ultimately would prevail. I note only that the question warrants additional consideration in a future case.

Second, the Privileges and Immunities Clause provides that the “Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” Art. IV, §2, cl. 1; see *South Dakota v. Wayfair, Inc.*, 585 U. S. ___, ___–___ (2018) (GORSUCH, J., concurring) (slip op., at 1–2); see also *Tyler Pipe Industries, Inc. v. Washington State Dept. of Revenue*, 483 U. S. 232, 265 (1987) (Scalia, J., concurring in part and dissenting in part); J. Eule, *Laying the Dormant Commerce Clause To Rest*, 91 Yale L. J. 425, 446–448 (1982). Under this Court’s precedents, one State’s efforts to effectively regulate farming, manufacturing, or production in other States could raise significant questions under that Clause. Again, I express no view on whether such an argument ultimately would prevail. But the issue warrants further analysis in a future case.

Third, the Full Faith and Credit Clause requires each State to afford “Full Faith and Credit” to the “public Acts” of “every other State.” Art. IV, §1. That Clause prevents States from “adopting any policy of hostility to the public Acts” of another State. *Carroll v. Lanza*, 349 U. S. 408, 413 (1955). A State’s effort to regulate farming, manufacturing, and production practices in another State (in a manner different from how that other State’s laws regulate those practices) could in some circumstances raise questions under that Clause. See, e.g., M. Rosen, *State Extraterritorial Powers Reconsidered*, 85 Notre Dame

Opinion of KAVANAUGH, J.

L. Rev. 1133, 1153 (2010) (“[T]he Full Faith and Credit Clause is the more natural source for limitations on state extraterritorial powers because that clause at its core is concerned with extraterritoriality”); see also D. Laycock, *Equal Citizens of Equal and Territorial States: The Constitutional Foundations of Choice of Law*, 92 Colum. L. Rev. 249, 290, 296–301 (1992).

For example, the plaintiffs in this case say that Ohio law expressly authorizes pig farmers in Ohio to do precisely what California’s Proposition 12 forbids. Brief for Petitioners 30–31; see Ohio Admin. Code §§901:12–8–02(G)(4), (5) (2011). If so, the Full Faith and Credit Clause might preclude California from enacting conflicting regulations on Ohio pig farmers.

Once again, I express no view on whether such an argument ultimately would succeed. But the question deserves further examination in a future case.

* * *

As I understand it, the controlling plurality of the Court (reflected in Part IV–C of JUSTICE GORSUCH’s opinion) today rejects the plaintiffs’ dormant Commerce Clause challenge on the ground that the plaintiffs’ complaint does not sufficiently allege that the California law at issue here imposes a substantial burden on interstate commerce under *Pike*. See *ante*, at 21–25 (plurality opinion); *ante*, at 1–3 (opinion of SOTOMAYOR, J.). It appears, therefore, that properly pled dormant Commerce Clause challenges under *Pike* to laws like California’s Proposition 12 (or even to Proposition 12 itself) could succeed in the future—or at least survive past the motion-to-dismiss stage. Regardless, it will be important in future cases to consider that state laws like Proposition 12 also may raise substantial constitutional questions under the Import-Export Clause, the Privileges and Immunities Clause, and the Full Faith and Credit Clause.

The CHAIRMAN. Ms. Lashmet, thank you so much for your testimony.

At this time, Members will be recognized for questions in order of seniority, alternating between Majority and Minority Members, and in order of arrival for those who joined us after the hearing convened. You will be recognized for 5 minutes each in order to allow us to get to as many questions as possible. And I recognize myself for 5 minutes.

Ms. Cook, your testimony briefly mentions the potential consequences of a patchwork of conflicting production standards across the country. Can you tell us as an economist what you would expect to happen to pork producers and the pork industry as a whole if numerous states began developing different production standards?

Ms. COOK. Thank you for the question. Pork producers today are already subject to a significant amount of risk when it comes to the production and marketing of their animals. In a situation like you described, we would likely be seeing a much greater percentage of producers required to undertake costly investments and changes, and so that can have an impact at the farm level, but as far as our industry, it could impact our structure as well and may be a factor in fewer farms being able to own sows.

The CHAIRMAN. Thank you so much. Mr. Cushman, some people in this town have decided to run with a narrative that the Supreme Court has already ruled on this case, and therefore, there is nothing left that needs to be done. Can you walk us through what the Supreme Court ruling actually said, and especially Justice Gorsuch's commentary on the role Congress can play here?

Mr. CUSHMAN. Thank you so much, Chairman Thompson. Yes, the narrative that the Supreme Court has already ruled and the issue is settled is not entirely true. Essentially, what Justice Gorsuch said is the Judiciary is punting the issue to Congress, which he felt was the most appropriate branch of government to handle the issue.

Justice Gorsuch believed, along with Justice Thomas and Justice Barrett, that the Judiciary was not the appropriate branch to handle these kinds of claims. They felt that the Dormant Commerce Clause did not go as far as we believed it did in substantially burdening interstate commerce.

As you know, you need five justices to win a case. We had four justices that fully agreed with us on the law and the facts. Two justices in the majority, Justices Kagan and Sotomayor, believed that we had not proved the factual predicate to establish this claim. They agreed with us on the law, but not on the facts. Justice Barrett wrote separately to say that she did not agree with us on the law, but targeting Justices Sotomayor and Kagan said that we clearly did establish the factual predicate to establish that kind of a claim if they believed such a claim did exist.

But in short, Justice Gorsuch, writing for the majority of the fractured opinion, did say that the Dormant Commerce Clause, as we saw it, did not provide us relief, that if we did view this as a concern, Congress would be the appropriate body to handle this issue.

The CHAIRMAN. Thank you so much.

Mr. Hord, your testimony notes that you have been a full-time pork producer since 1987 so you know the uncertainties farmers face with volatile markets, weather conditions, and regulatory burdens. Given the Supreme Court ruling, do you worry that similar state mandates will keep popping up across the country? Even though you have complied partially with Prop 12, will you be able to survive if the goalposts keep moving?

Mr. HORD. Thank you, Chairman Thompson. Yes, this isn't a concern for our farm. In Ohio, we have already experienced the goalposts being moved. In 2010, our producers in Ohio agreed to a group housing plan for the sows under the Ohio Care Standards Board. In 2024, we made the decision to modify a barn that was previously converted to the Ohio standard. The potential of a patchwork of another 49 states and causing me to make additional changes is a major concern for our family's operation.

The CHAIRMAN. Thank you, Mr. Hord.

I yield back the balance of my time, and I recognize the Ranking Member from Minnesota for 5 minutes.

Ms. CRAIG. Thank you so much.

Ms. Lashmet, I saw the letter this morning from USDA to my colleagues on Prop 12 raising prices in California for pork. Talk to me a little bit about beyond consumer prices.² I know there are a number of other issues that this body must consider. Various legislative proposals would preempt Prop 12. How could those different proposals impact other state laws? I am just trying to get a sense of if we preempt Prop 12, what happens in other states to their laws?

Ms. LASHMET. Sure. In typical lawyer fashion, I think I am going to tell you that it depends specifically on the language of the proposal that Congress passed and the specific state laws at issue. So if we look particularly at the language that was included in the farm bill, that language was much narrower than the language that was proposed in the EATS Act,³ for example, and so I think it really depends on the specific language of the Congressional action, the breadth of the definitions included in those actions. And once we figure out that language, you can see the number of state laws that could potentially be impacted.

I have seen a study from Harvard looking specifically at the EATS Act, and the estimates there were that it could preempt a number of existing state laws.

Ms. CRAIG. I know in my own State of Minnesota, I think it was somewhere around 40 state laws that could be impacted the language in the EATS Act.

Ms. Lashmet, there are producers obviously on both sides of this issue. In your estimation, how many producers have converted their operations to become compliant? And if Congress were to preempt Prop 12, what would happen to the producers who have already invested to become Prop 12 compliant?

² **Editor's note:** the letter referred to (submitted by Mr. Thompson) is located on p. 157.

³ **Editor's note:** 115th Congress: H.R. 4879/H.R. 3599, Protect Interstate Commerce Act of 2018; 116th Congress: H.R. 272, Protect Interstate Commerce Act of 2019; 117th Congress: H.R. 4999/S. 2619, Exposing Agricultural Trade Suppression Act; 118th Congress: H.R. 4417/S. 2019, Ending Agricultural Trade Suppression Act; 119th Congress: S. 1326, Food Security and Farm Protection Act.

Ms. LASHMET. Admittedly, I don't have individual knowledge of the number of producers that have complied with Prop 12. I did see the letter from USDA this morning, and that indicated that USDA believes it is about 27 percent of producers have made those changes.

The impact on them if Proposition 12 were to be preempted by Federal law is that they have the sunk cost of having already invested in making those expensive and complicated changes to their operations, and if the law changes at that point, they likely would feel that they had done that with no need, an unnecessary investment in those changes.

Ms. CRAIG. Thank you. I wonder if I could hear from the rest of the panel on that question. What happens to producers that have already invested to become Prop 12 compliant if we preempt it? Ms. Rocha? Is there any concern with that?

Ms. ROCHA. From a consumer perspective, our concern would be in the pricing, of course, so that would be something that we are looking at, increasing prices for not just the consumer but also for restaurant owners who actually purchase the product.

Ms. CRAIG. Mr. Cushman?

Mr. CUSHMAN. Thank you for the question. This kind of a law would not require those farmers that have changed operations to change back. They are not making it illegal for them to continue farming that way and serving whatever markets do want to purchase those products. It would merely provide farmers a choice on how they would proceed going forward, and importantly, it would protect those farmers that have made the change from any future changes that another state might have by enacting another law that is contradictory to Prop 12 or moving goalposts further than what Prop 12 did. And finally, it would protect current farmers that are not compliant with Prop 12 to be able to serve markets across the country.

Ms. CRAIG. Ms. Cook?

Ms. COOK. Thank you. I would begin by saying producers who are currently compliant will be the best positioned to continue serving markets where there is a demonstrated demand for those products. But additionally, producers compliant and not compliant have a shared concern about patchwork and the future risk to investments in the pork industry.

Ms. CRAIG. Mr. Schuiteman?

Mr. SCHUITEMAN. Thanks for the question. I would agree with what Holly said in terms of the market demand, and I would defer over to Patrick with his experience in the conversion of their operation.

Ms. CRAIG. Mr. Hord?

Mr. HORD. Yes, thank you, Congresswoman. As I thought about it, I hope you can appreciate the challenge I am in because I have made some conversions, but the fact of the matter is me sitting here saying the patchwork is a big concern for me personally as well as our industry of the continued potential of 49 additional states making mandates, and it has become, as my experience—and I mentioned in my answer earlier, it is a challenge for us, so that is why we are looking at the opportunity to discontinue the patchwork is a big challenge for us.

Ms. CRAIG. Thank you, Mr. Hord. Thank you to the panel.

And with that, Mr. Chairman, I will yield back.

Mr. AUSTIN SCOTT of Georgia [presiding.] Thank you, Ranking Member Craig, and I now recognize myself for 5 minutes.

Mr. Hord, the people who support Proposition 12 have started the narrative that any fix to this mess that has been created by it would help China somehow. Your testimony touches on this. Do you believe that a fix to Proposition 12 would help China, or do you believe that it will help American farmers, ranchers, and consumers?

Mr. HORD. Yes, thank you for the question. I think this is a U.S. pork industry concern from the smallest producer to the larger ones, and so, no, I do not think this in any ways helps any foreign—and, in fact, our foreign trading partners are concerned about this, and I think at times could be looked at as an advantage for other countries. But yes, that is kind of how—as National Pork Producers Council, what we think about that.

Mr. AUSTIN SCOTT of Georgia. Thank you, Mr. Hord.

Mr. Cushman, I am going to come to you, but I want to read this section of section 12007 of the farm bill. “In general, producers of covered livestock have a Federal right to raise and market their covered livestock in interstate commerce, and therefore, no state or subdivision thereof may enact or enforce directly or indirectly a condition or standard on the production of covered livestock other than for covered livestock physically raised in such state or subdivision.” And we concede that they have the right to put those stipulations on producers in their state.

But from the legal side of things, do you have any concern that that section of the Farm, Food, and National Security Act of 2024 will somehow give China unfettered access to our agricultural markets?

Mr. CUSHMAN. [Off microphone.]

Mr. AUSTIN SCOTT of Georgia. Ms. Cook, can you explain generally how much production costs increase when a producer converts their operation to comply with Proposition 12? Are these costs passed along to the rest of the supply chain to processors and retailers, for example? And if so what are they?

Ms. COOK. Thank you for the question. As with anything, the exact cost number will vary depending on the individual farm and their situation, but looking at the cost of constructing compliant facilities, that can increase fixed costs anywhere from 20 to 40 percent per pig, but we are also seeing higher operating costs, things like labor, feed, veterinary care, utilities. Those can increase 15 percent when converting to Proposition 12. And then we also may have to spread those out over fewer pigs due to the productivity impacts of Prop 12, so that is on the farm level side. And there are certainly costs across the supply chain, packing, processing, distribution, and retail, all of the segregation and tracing and things like that. I don’t have specific data on that topic, but those are certainly significant and should be considered as well.

Mr. AUSTIN SCOTT of Georgia. Ultimately, any business has to have more dollars in than they have going out, and when the government passes rules and regulations that increase the cost of operations, whether it be in the construction of facilities, as it is here

for swine, I mean, if the farmer can't get their money back somehow, then the farmer goes broke. I mean, I think that is the problem when you have people who either don't understand business or don't support agriculture or America's ability to feed itself continue to imply these additional burdens on the producers. Ultimately, the consumer has to pay or the producer goes out of business.

I think, Ms. Rocha, this was effectively your comments, correct? I mean, if you increase the price of pork to the restaurant chain, if the consumer can't afford to pay for the product, then the product is no longer available. Your restaurant goes out of business. Is that correct?

Ms. ROCHA. Yes, that is my point exactly, and we are seeing that already just based on other regulations, so this would be yet another regulation on top of those that would affect the restaurants.

Mr. AUSTIN SCOTT of Georgia. And you somewhat alluded to this. Are you a resident of California?

Ms. ROCHA. Yes, yes, yes. I am a resident of California, yes.

Mr. AUSTIN SCOTT of Georgia. And so California has public initiative. A lot of things go on the ballot, but do you think that the general public who voted on this understood what the end result was of this ballot measure when they voted to put it in place?

Ms. ROCHA. I believe that the law, as well-intentioned as it was, I feel that the voters could not have known the impacts, and we see that a lot with our similar regulations. So like I said, I don't think that the voters could have known the impacts of Prop 12.

Mr. AUSTIN SCOTT of Georgia. My time has expired. Thank you all for your testimony and answering the questions.

I now recognize Chairman David Scott from the great State of Georgia.

Mr. DAVID SCOTT of Georgia. Thank you, Mr. Chairman.

We have before us one of the most challenging issues that this Committee is faced with. We have to guarantee that the livestock is raised safely and humanely on one hand, and at the same time ensure that farmers and ranchers can be successful in operating their businesses.

But there is something a little deeper here. We have a substantial burden on our interstate commerce and the implications that this may have on the producers. So Ms. Lashmet, your testimony was very effective because you placed a great deal of emphasis on expanding what some of our justices did not believe Proposition 12 placed a substantial burden. I want you to get into this a little bit because we have to be clear. Going into this, we have the producers on one hand, we have our farmers and ranchers on the other hand. We have to come together. We have to solve this problem. But in the middle of it is the Supreme Court. Help us find a way out of this challenge.

Ms. LASHMET. So I do think it is interesting that there was such a fractured opinion that came from the Supreme Court, and they struggled with the exact question that you are asking here. And if you look at the opinion, one of the big issues is whether or not there was a substantial burden on interstate commerce due to the language of Proposition 12 being enacted in California.

I think one important note—it is kind of technical, but I do think it matters—is that the Supreme Court was reviewing a decision on

a motion to dismiss, which is a 12(b)(6) motion. What that means is there was no discovery conducted in the case, and so they were really relying completely on just the pleadings in the case for the facts. And so I do think it is questionable if there was an additional factual record that had been developed through discovery if that could have added more to the analysis of the substantial burden.

With what the court had, what they decided was—five justices actually did say that there was a substantial burden adequately alleged. Four justices said that there were not. And then as Mr. Cushman explained, given that Justice Barrett did not believe in weighing the outcome of the case was different than that five to four ruling on substantial burden.

Mr. DAVID SCOTT of Georgia. Now, specifically, to what extent do increased producers' costs constitute a substantial burden, as the court mentioned?

Ms. LASHMET. The court did look at the increased cost on producers and the increased cost on consumers when they were weighing the potential substantial burden analysis in the case, so I think the court would say that it does have a factor in that analysis.

Mr. DAVID SCOTT of Georgia. Now, are there other considerations similarly weighed when arriving at this decision?

Ms. LASHMET. So when the court looks at substantial burden, it looks at a wide variety of considerations, and those do include the increased cost on the producer, the increased cost on the consumer, the cost that may be spread out amongst the industry as a whole, right? It is not just the producer and the consumer that face the cost. All along the supply chain, there are increased difficulties and increased costs when you add additional regulations like Prop 12. The court took all of that into consideration.

Mr. DAVID SCOTT of Georgia. Now, finally, how do courts compare the local interest in a law and the impact on interstate commerce? Is there a subjective nature to this decision, which can lead to varying views between different courts?

Ms. LASHMET. Absolutely. There is absolutely a subjective nature. It is called the *Pike* balancing test is where the court weighs those two interests. It is a subjective test. And here, that is the point that three of the justices made was that the court really is not well able to conduct that type of subjective analysis where they are having to weigh California's interest in food safety and animal welfare against economic interests that were raised by the plaintiffs in the case.

Mr. DAVID SCOTT of Georgia. Well, thank you for your excellent analysis of the courts. Thank you.

Ms. LASHMET. Thank you.

Mr. AUSTIN SCOTT of Georgia. Thank you, Chairman Scott.

The chair now recognizes Mr. Bacon for 5 minutes.

Mr. BACON. Thank you very much. I appreciate you all being here today.

I tend to agree with the Supreme Court decision. It is not their role to regulate interstate commerce, but it is our role. And it seems to me that we can't have 50 state standards when it comes to pork or anything else like this. It is not fair to the producers. It is not fair to the processors and the consumers.

My first question is to Mr. Hord and Ms. Cook. I appreciate all the cost analysis that you have been given, but if we can put it down to the most basic level, if you go to the supermarket, how much more percentage-wise will a consumer pay because of this rule? What will be the increase to the cost of pork?

Ms. COOK. On average, across covered products, it is 20 percent.

Mr. BACON. A 20 percent increase for consumers, and I think we come from all different parts of the country, but for a low-income earner, a 20 percent increase in pork is terrible. And that is what we are doing here. And it doesn't just stop with California. Other states could be doing similar things. We have heard of others. So I think it is our role here to get our arms around this and set one standard for the country.

Mr. Schuiteman, how hard is it to comply as a farm? You raise hogs. What would you have to do to comply with this on your farm?

Mr. SCHUITEMAN. I think that is going to vary based on the facility. We have several different spaces and types of facilities, and the costs have been quoted \$3,500 to \$4,500 per sow. I think that could be on the low end, depending on the type of facility you have, if you have to move concrete, if it is simply just replacing inside infrastructure. So it is going to vary, but it is going to be a cost, and the question on our side is will we recoup the cost? And with the uncertainty of the potential patchwork, without that solid—if every state is going to rule, we just don't know where to go with it.

Mr. BACON. Would it cost you more than \$50,000 to modify your operation to comply?

Mr. SCHUITEMAN. Pretty easily more, yes.

Mr. BACON. So maybe \$100,000? That is an incredible cost to each individual farmer. I know it varies based on the size, but I just think we have to realize this is what we are asking individual farmers to do to comply with us.

Mr. Cushman, are we at risk of having 50 state standards that people have to comply with?

Mr. CUSHMAN. Yes, we are, and that was one of the biggest concerns American Farm Bureau had about this law, and one of the reasons we decided to sue California on it. Currently, we run the risk of states constantly moving the goalposts on what farmers need to do, so after they make those investments, they have it changed again. The risk of states enacting a patchwork of legislation like that and kind of mucking up the system, that is that threat of creating those kind of COVID-like disruptions we saw to the food supply system, and we are very, very concerned about that.

Mr. BACON. And the courts, if I understand it, the Supreme Court said it is not its role to force a standard. It is our role. Is that right?

Mr. CUSHMAN. It was a very difficult decision to understand and read. That is in essence what the court said was that three justices believed that it was not the Judiciary's role to weigh in. Two justices did not think we had established that burden to do so. So the way the makeup worked, we had six that would have taken the case, five that agreed with our factual predicate, but the ruling we have left over is essentially yes, that it is now the ball is in Congress' court to fix the problem.

Mr. BACON. As a lawyer, that is our constitutional role is to regulate interstate commerce.

Mr. CUSHMAN. That is correct.

Mr. BACON. Mr. Hord, I wanted to clarify something that you brought up. You said that this rule, this California proposition, in reality really helps the big farmer, but the small farmers hurt the most. Do I get that right?

Mr. HORD. No, I didn't say that. I just said that a lot of times larger farmers have the opportunity to have the capital and the ability to take the risk on a percentage of their production where a smaller producer may not have that same access to capital and the ability to take the risk that comes because of the uncertainty of what we are discussing here today.

Mr. BACON. Thank you for your clarification. I will just close and just repeat the beginning question. A 20 percent increase in pork, that is a tremendous cost on the consumer at all levels of income. So thank you.

With that, I yield.

Mr. AUSTIN SCOTT of Georgia. Thank you, Mr. Bacon.

The chair now recognizes Mr. McGovern for 5 minutes.

Mr. MCGOVERN. Well, thank you, Mr. Chairman. And I am going to begin as I began yesterday with my questioning and say that this Committee should be holding hearings on the impacts that the big ugly bill (Pub. L. 119-21), which is now law, are going to have on nutrition programs. I mean, we should be having before us right now experts, heads of food pantries and food banks. We ought to have people with lived experience who rely on these nutrition programs about what will happen when the big ugly bill forces millions of people off of SNAP. We have 42 million people that are going to see their benefits cut. We are told that five million people, older adults, veterans, families with teenagers, former foster youth are at serious risk of losing their benefits outright. What Republicans did in this Committee on reconciliation, I believe, is unconscionable, all to fund and offset the cost of tax cuts for multi-millionaires and billionaires.

And it should be the focus of this Committee to end hunger in this country and not make it worse. And by the way, ending hunger is good for the American farmers too. They produce the food that is purchased with SNAP, and that is where our focus should be.

Now, bringing me to today's hearing. I am astounded that we are taking what little time we have before the August recess to once again have Republicans use Prop 12 as a punching bag to distract from corporate consolidation in the meat sector. Now, we have gone around in circles over Prop 12 and other states' anti-animal cruelty laws for years. And the largest pork producers are not happy. Sixty-six percent of all Americans oppose confinement crates. That is from a Harris poll by the way. They went all the way to the Supreme Court a few years ago with an unconstitutional argument that undermined the most basic concepts of Federalism. They lost, and now instead of moving on, as so many family farmers have done by the way, they have come to Republicans for a legislative bailout.

But this hearing will not get them closer to overturning Proposition 12, and that is because this hearing is an intentional misrepresentation of reality. The reality is that Prop 12 took effect at the beginning of last year, and the fear-mongering has fallen flat. Farmers in Iowa have not been forced to go crate-free if they don't want to. Grocery shelves are not empty. The egg industry actively supports Prop 12's cage-free requirements. Major retailers and restaurants support Prop 12. And many pig farmers, especially the 82 percent of pig farmers who have fewer than 500 pigs, are now benefiting from the new market opportunities for humanely raised meat.

Now, a lot of good has come from these state laws, and Republicans still want everyone to believe that state laws to make sure pigs have enough room to turn around, as most Americans want, are some sort of Marxist plot against the heartland.

And this leads me to the greatest misrepresentation of all today. There are thousands of farmers who vocally support Prop 12, but Republicans have not given them an opportunity to speak today. With all due respect to this panel, and I appreciate Ms. Lashmet's neutrality, this is not a balanced panel. One would think there is not another side to this argument. But some of these farmers who support Proposition 12 are here. I have met them. They are in the audience, and they deserve a voice in this conversation because their livelihoods are at stake.

And I ask unanimous consent to insert over 150 letters, Mr. Chairman, that I received from many of these farmers who support Proposition 12. I ask unanimous consent to put them in the record.⁴

These farmers have been shut out of this process, and let the record reflect that. Republicans love to talk about regulatory certainty, which I figured out is euphemism for taking away anything they don't like. What about the certainty for these farmers who have made investments to go crate-free, who have followed the rules, and now you want to pull the rug from under them?

Let me make this as clear as possible. If you kill Prop 12, you are putting independent family farms at risk. They will not be able to shoulder the cost of going backwards the way the factory farms can. It will be "get big or get out" all over again. And it will be crystal clear who cheered on the corporate operators while they ate up the last of the family farms in America.

And one final thing. When Republicans were fighting with each other over the big ugly bill, one of the most contentious issues was a provision to block states from having their own regulations on AI. It almost tanked the bill. Folks do not like it when people in Washington try to override local decisions. And the divides among Republicans on Proposition 12 are not going to go away.

I have news for my Republican friends. Washington does not always know what is best. I respect what our states are doing.

And with that, I yield back my time.

Mr. AUSTIN SCOTT of Georgia. Mr. McGovern, you made a motion to submit something for the record? All right. We are going to accept that without objection.

⁴ **Editor's note:** the letters referred to are located on p. 174.

I also have a letter from the American Farm Bureau that I would like to submit for the record. National Pork Producers Council included this, and over 900 additional Federal, state, and local farm organizations who write in strong support of section 12007 of the Farm, Food, and National Security Act of 2024.

[The letter referred to is located on p. 162.]

Mr. AUSTIN SCOTT of Georgia. And I am submitting for the record a letter from the American Veterinary Association who writes in strong support of section 12007 of the Farm, Food, and National Security Act of 2024, submitting that for the record, where they oppose Proposition 12 for animal welfare.

[The letter referred to is located on p. 161.]

Mr. MCGOVERN. And Mr. Chairman, I just want to make sure all 150 of my letters are going to be in the record, right?

Mr. AUSTIN SCOTT of Georgia. Yes, sir.

Mr. MCGOVERN. All right. Thank you.

Mr. AUSTIN SCOTT of Georgia. With that, Mr. Johnson.

Mr. JOHNSON. Ms. Cook, we have talked a fair amount today about how Proposition 12 has been a major driver of increased costs. I think 20 or 22 percent has been quoted today in California. I think you talked a little bit about how it can be \$3,000 an animal to make these physical changes to the operations. Is that about right?

Ms. COOK. It can vary. It can be up to \$4,500 or more for new construction.

Mr. JOHNSON. And so California could change the rules again in a couple of years, right?

Ms. COOK. Yes.

Mr. JOHNSON. Imposing a new round of capital investments for producers.

Ms. COOK. We face that risk today in this environment, yes.

Mr. JOHNSON. And then you would have what in economic terms I believe is just called a *stranded cost*. You get these pancaking requirements of physical improvements with really no mechanism to recover those costs in the marketplace. Is my understanding of that right?

Ms. COOK. In theory, a producer would not undertake these investments willingly without a guarantee of a return, but in our current environment, there is no certainty.

Mr. JOHNSON. That uncertainty has a chilling effect on investment and new market entrance. My understanding of that is right?

Ms. COOK. Yes.

Mr. JOHNSON. Which, over time, is going to further inflate food prices for Americans that frankly deserve to have affordable protein. Is that right?

Ms. COOK. If the impacts have the effect of contraction and that pressure on the industry, then certainly it could increase pork prices.

Mr. JOHNSON. So I want to shift a little bit to animal welfare, either Mr. Hord or Mr. Schuiteman. There have been some studies quoted today—Mr. Schuiteman, maybe I would start with you—that there has not been an increase in animal welfare post-Proposition 12. Is my understanding of that right?

Mr. SCHUITEMAN. That is correct.

Mr. JOHNSON. And in fact, sow mortality went up. The need for additional antibiotics went up. Is that right?

Mr. SCHUITEMAN. That is correct.

Mr. JOHNSON. So what are the proponents of Prop 12 missing? What do they not understand about sow behavior? What do they not understand about animal husbandry that causes them to misfire so dramatically on their views of what these animals really need to be safe and sound?

Mr. SCHUITEMAN. Thank you for the question, Congressman. I think within that lies the point that in terms of welfare, we are where we are today in our production systems because we are trying to find the best welfare for the sow. And sometimes that leads us to more confinement, but truly, as we have studied things over the years, it is the best outcome for the sow, for her offspring, all the way down the line. It is a constant moving target, but that is how we got to where we are today was because of animal welfare.

Mr. JOHNSON. So every producer I have ever met cares about animal welfare. They understand that that is a living creature worthy of decent treatment. But let's assume that wasn't the case. Let's assume that it was just about dollars and cents. Do animals under duress thrive? Do animals under duress put on weight?

Mr. SCHUITEMAN. I think that is a great question, and I think the interesting thing about a female sow herd is that if there is poor welfare, your pocketbook will suffer because poor welfare will lead to decreased production every time. And it is almost an instant feedback when you are managing a breeding herd poorly to what you are going to get out at the end, so I think that is a great question. Thank you.

Mr. JOHNSON. So again, tier one, decent humans care about animal welfare; but tier two, successful businessmen and successful businesswomen care about animal welfare because an animal that is comfortable will produce better economic results. Am I right?

Mr. SCHUITEMAN. Absolutely.

Mr. JOHNSON. But what else can you tell us about that? Give us a sense of how dramatically true that is in the marketplace.

Mr. SCHUITEMAN. I think one thing we discussed here recently was just how, again, in the production systems that we developed, whether it be the breeding herd or whether it be the production herd, our goal is to give every pig the same opportunity to thrive. And really, if we are doing that, then our bottom line is in great shape too. And so the big piece of that is the welfare, the environment, the day-to-day management.

And like I said in my testimony, if we are going to have to try to meet an arbitrary target set by people who are away from the farm, and some of that control is taken away from us, invariably our ability to do the best for that animal at any one given time could suffer.

Mr. JOHNSON. Proposition 12 has, according to the studies we have discussed today, increased cost to consumers, it has reduced the viability of small family operations, and it has injured animal welfare. Proposition 12 is a fantastic failure, and it is time for Congress to fix that mistake.

With that, Mr. Chairman, I would yield back.

Mr. AUSTIN SCOTT of Georgia. The chair now recognizes Ms. Adams of North Carolina for 5 minutes.

Ms. ADAMS. Thank you, Mr. Chairman.

I would like, first of all, to ask for unanimous consent to submit into the record written testimony from ASPCA opposing overturning Proposition 12 and other state laws.

[The statement referred to is located on p. 248.]

Ms. ADAMS. Mr. Hord, I have a question, a few yes or no's for you. Are you aware that there are pork producers who are benefiting from the market created by Proposition 12?

Ms. LASHMET. Was that question to me? Sorry.

Ms. ADAMS. Yes. Mr. Hord? Yes or no, sir?

Mr. HORD. Was that question to me?

Ms. ADAMS. Are you aware that there are pork producers who are benefiting from the market created by Proposition 12?

Mr. HORD. There are. There are definitely producers that are raising Prop 12-compliant pork, yes.

Ms. ADAMS. Okay. And so Congressman McGovern is introducing letters from hundreds of these farmers that it would be helpful if you get to know them because they may be your members. I think he has already spoken to that. So why is NPPC working against these farmers?

Mr. HORD. Thank you. Is this a question for me, too, as well?

Ms. ADAMS. Yes.

Mr. HORD. Yes, thank you. Well, the challenge is we have a state that raises 0.1 percent of the pork in the U.S., and so when they make a mandate, it essentially mandates to the rest of the country that there has to be conversions to this mandate. And so I think NPPC's position is the concern that it is forcing other states to be able to meet the demand of one state, that of another state, and I think that is the crux of the concern here, ma'am. Thank you.

Ms. ADAMS. So let me ask you, does NPPC receive any government pork commodity check-off funds to your knowledge?

Mr. HORD. Yes, yes. NPPC is a voluntary check-off organization.

Ms. ADAMS. Okay. What percentage of your funds consists of commodity pork check-off funds? Do you know what the percentage is?

Mr. HORD. I am sorry, can you repeat the question?

Ms. ADAMS. What percentage of your budget consists of commodity pork check-off funds?

Mr. HORD. Well, I could not answer what the exact percentage is being used. Everything for us—NPPC is a public policy—

Ms. ADAMS. Okay. Well, you don't have a percentage that you know of. Okay. Well, let me move on.

I have heard from producers and companies both large and small that have invested in Proposition 12-compliant systems, not because they agree with or support Proposition 12, but because the law was passed in 2018, and they had a business decision to make. They decided to invest in a compliance system to supply a large market, and some of those producers have invested tens of millions of dollars. They have faced nearly 5 years of uncertainty from the initial January 2022 implementation date. And when the Supreme Court ruled in 2023, they hoped that this was finally a settled mat-

ter. Now Congress is introducing even more uncertainty. Those producers who invested are the ones who will be hurt.

Ms. Lashmet, have you seen any data that assesses the cost that these producers will incur to revert back to the traditional system?

Ms. LASHMET. No, ma'am, I have not seen specific data on that. I certainly have heard producers discuss that that is a concern for them, but I don't have specific numbers on that.

Ms. ADAMS. Okay. In your opinion, will the EATS Act as written or any preemption of Proposition 12 be subject to additional legal challenge and additional years of uncertainty for these producers who are simply trying to follow the law to have access to a market?

Ms. LASHMET. I think it is safe to say if Congress acts in this space, it is very likely that it will be challenged in the courts.

Ms. ADAMS. Okay. Well, thank you very much, and thank you all for your testimony.

Mr. Chairman, I yield back.

Mr. AUSTIN SCOTT of Georgia. Yes, ma'am. Thank you.

And I am submitting for the record a letter from the Livestock Marketing Association where they offer support for section 12007. Without objection.

[The letter referred to is located on p. 168.]

Mr. AUSTIN SCOTT of Georgia. Mr. Mann, you are now recognized for 5 minutes.

Mr. MANN. Thank you, Mr. Chairman. Thank you all for being here today. I appreciate the Chairman for having this hearing.

I represent the Big First District of Kansas, 60 primarily rural counties in western and central Kansas. The Big First is one of the top swine-producing districts in the country, much smaller than Iowa and other states, but we generate more than \$640 million in sales, ranked fourth nationally. We have over 1,000 farms raising hogs and pigs each year.

Kansas farmers, ranchers, and ag producers have been burdened with additional costs to conform with not Kansas law or even Federal law where they have a seat at the table, but from a state that is 718 miles from my district's border with a fraction of their production compared to what we produce in Kansas. Fellow Kansan President Dwight Eisenhower once said that farming looks mighty easy when your plow is a pencil and you are 1,000 miles from a cornfield, and that is exactly what has happened in California with Proposition 12. I look forward to hearing from you all on your perspectives on the issue and how it is affecting our ag producers.

Just a few questions, maybe first for you, Mr. Hord. How does Prop 12 affect U.S. pork producers' ability to access export markets, particularly given that most foreign buyers expect a uniform national standard?

Mr. HORD. Thank you for that question. To my knowledge—and I am obviously a pork farmer, but to my knowledge, I don't know that the export out of the U.S. Typically, we are trying to meet that California standard. The concern is for other foreign trading partners. They are concerned about the fact that they would have to comply to be able to sell pork or bring pork in to California, which does give some concerns with the USMCA, as well as the WTO concerns, so that is a concern of NPPC.

Mr. MANN. In your mind, do inconsistent state requirements like Prop 12 make it harder for us to compete globally?

Mr. HORD. It does make it a challenge. The fact of the matter is, though, that mostly Prop 12 is being supplied from the U.S. market, and so I don't immediately think it is a global trade issue, although NPPC supports global trade and is advocating on that on behalf of pork producers.

Mr. MANN. Thank you. Ms. Cook, do you find that there is any evidence of significant premiums at the store for Prop 12-compliant pork products such that they would outweigh the increase in production costs that you have seen for producing those? What is the market saying as far as the demand for products that are Prop 12-compliant in California or otherwise?

Ms. COOK. Well, in California, it is the only option for covered products, so they are paying a lot more than they were before Prop 12, and they are also paying more than other U.S. consumers in other states for the same product. We have seen that in the data.

I think you asked about the cost and the producers. There is more than just even the farm level cost that goes into what the consumer has to pay. There are costs incurred at every level of the supply chain, and so what we are seeing is much higher prices, and with that, consumers are able to consume less pork.

Mr. MANN. Are you seeing other states provide a premium or market pork that is Prop 12-compliant, or what are other states doing outside of California?

Ms. COOK. Well, I think it is important to recognize that there is a difference between demand from consumers for certain products that is communicated through market signals and a willingness to pay, and then a voter-approved measure that requires that pork be sold, so we are seeing that in California. There are other markets for certain products that are occurring based on consumer demand, but not in the same restrictive and requirement way that we see with Proposition 12.

Mr. MANN. Thank you, Mr. Chairman. Thank you all for being here. With that, I yield back.

Mr. AUSTIN SCOTT of Georgia. The chair now recognizes Mr. Costa because Ms. Brown is allowing it.

Mr. COSTA. Thank you, Mr. Chairman and Ms. Brown.

Mr. AUSTIN SCOTT of Georgia. Thank Ms. Brown.

Mr. COSTA. That is what I was going to do.

Mr. AUSTIN SCOTT of Georgia. Got you.

Mr. COSTA. Thank you, Mr. Chairman, and I thank Ms. Brown for the courtesy of allowing me to go before her.

Obviously, this is a hearing that impacts California, and I would hope to believe, as a third-generation farmer from California, that this isn't a morning to simply beat up on California. And I, with all due respect, am not feeling that the panel that we have here, as good as it is, is balanced in terms of the different points of view that clearly are involved with a lot of other elements of agriculture and farmers that have adjusted and are taking advantage of the opportunities that Proposition 12 provides.

The hearing today is obviously focused on the grievances on Prop 12. And let me be clear, I did not endorse Prop 12. It was a measure approved by the people of the State of California in 2018. It

has created a niche marketplace for producers, but we also need to know that it wasn't fully implemented until July 1, 2023, because of the litigation that took place.

And in terms of the impacts on the market, while some studies have been cited, I don't think anyone cited the Oklahoma State University professor of economics, who indicated from an economic analysis I reviewed there is no indication that Prop 12 has contributed to elevated pork prices at the national level. I want to insert that for the record.

[The analysis referred to is located on p. 172.]

Mr. COSTA. I think there are a lot of other elements that impact market prices, and let's start with tariffs. Mexico is the top valuation destination for U.S. pork last year, \$2.5 billion. China is the U.S.'s largest market for pork variety meat by a value of \$1.1 billion. Canada is the top market for U.S. processed pork and the fourth largest market for U.S. pork markets at \$852 million. So what are we doing with Canada and Mexico? We are in a trade war. We are in a trade war.

In fact, in 2020, President Trump, after the conclusion of the U.S.-Mexico trade agreement, I think I remember him saying, the best and most beautiful, greatest trade agreement ever known to mankind, now we are in a trade war with our two biggest trading partners, Mexico and Canada, which accounts for about 40 percent of our trade, a lot of agricultural trade back and forth. It makes no sense to me.

And by the way, that provision of USMCA had a good provision in it. It asked every 5 years for a review period. Guess what? We are in that 5 year period for the review period. Why not take advantage of that best, greatest trade agreement ever known to mankind that was signed by President Trump in 2020? This is a lot about political rhetoric. And I think this trade war goes to the heart of impacting American farmers.

I am a third-generation farmer. And I can tell you, in California, we are most fearful about the impacts of our markets that we have established. Forty-four percent of our agriculture in California is exported. It is exported. And when we went through this scenario and Trump won, we lost market share that we still have not gained back.

So the reality is we are facing losing markets largely due to uncertainty and inconsistency of this Administration's inability to negotiate trade deals, 90 days, 90 countries, maybe here, maybe there. I don't know. But certainly the uncertainty and the confusion in the marketplace continues to lead to the questionability of the United States as a trading partner, and that impacts American farmers. It impacts California farmers. That is a fact.

So it is a simple economic lesson. Less food being produced, less food being exported, more tariffs equals higher food costs. That is the bottom line. And tariffs are a tax on American consumers, American producers, American agricultural producers, and that relates to higher food costs.

So I would be remiss if I did not indicate that when we talk about Prop 12, when we talk about the other initiative, high-path avian flu was largely responsible for the increase in the costs of egg production, and that gets overlooked. I mean, the impact of high-

path avian flu, we have depopulated 170 million layers, 30 million this year, and in California, 17 million.

So I yield back the balance by time, but I think that we are missing the point here.

The CHAIRMAN [presiding.] The gentleman yields back, and I now recognize the Chairman emeritus of the House Agriculture Committee, Mr. Lucas from Oklahoma.

Mr. LUCAS. That is more polite than saying fossil, Mr. Chairman. I appreciate that.

Mr. Schuiteman, your testimony touches on how Prop 12 could lead to the consolidation of family farms and small businesses. In your opinion, what will it mean for consumers across the U.S. if we begin to lose small- and medium-sized producers?

Mr. SCHUITEMAN. Congressman, thank you for the question. And as we have studied the market worldwide, we have seen, for example, Europe has put in restrictions similar to what we see in California, and we have seen their production decline to the point where they have lost export markets. And so it seems to me to be a fairly certain statement to say that our production will decline as we lose small- and medium-sized farmers, making the product less available.

We have talked at length here about the increase in the cost of the product at the store. I feel like with the uncertainty that we are looking at, we are kind of at a little bit of a tipping point. Are we going to continue to have quality, affordable protein, or are we going to go the other way?

Mr. LUCAS. Ms. Rocha, what will it mean for your member companies if we see a reduction in small- and mid-sized producers? Because you are next in the chain as we go towards the consumer.

Ms. ROCHA. Yes, thank you so much. Again, I believe we will see a decrease in choice. Ultimately for us, it is about prices, and so that is where we keep looking at prices. So yet another regulation put upon restaurants is also something that obviously concerns us.

Mr. LUCAS. Mr. Hord, I want to talk a little bit about administrative burden. In my home district in Guymon, Oklahoma, we have a Seaboard plant, and they process around 22,000 pigs a day. Under Prop 12, what additional steps will the plant have to take to ensure certain pigs are processed and products are labeled Prop 12-compliant? This is where the road meets the rubber.

Mr. HORD. Yes, thank you for the question, Congressman. Being a producer, I know intimately what happens at the producer side. I can speculate a little bit on what happens in the processing side.

Mr. LUCAS. Please.

Mr. HORD. We have to segregate the product, or the pigs have to be segregated, and then we have to schedule the loads accordingly, and then they usually sequence those.

From my knowledge, they come into the plant, are segregated at the plant before they go to the harvest, and then as they go through that process, then they are segregated all the way into the freezer and then have to be segregated as those different products are shipped to California. So, yes, there is an immense amount of coordination and cost as you track all those things through. Does that answer your question?

Mr. LUCAS. Absolutely it does, and also from the perspective, livestock is different than many other industries in that you have a live animal, and from birth to processing, there are timelines and feed programs and processing. You can't start and stop the factory, you can't start and stop the chain flow, correct, from the farm to the——

Mr. HORD. That is correct.

Mr. LUCAS. Absolutely. Ms. Cook, and I know Austin Scott touched on this, your testimony highlights this, but can you briefly detail the variable cost over time that contribute to higher overall cost? And do we have an estimate of how much this is costing consumers now?

Ms. COOK. Thank you for the question. When it comes to variable costs, there are a few things to consider. One, if you have fewer pigs in a barn, you are probably paying more to heat that barn, so utilities, also the skilled management and labor that is required to work under a Prop 12 system, and other things like feed efficiencies and veterinary care are also really important costs that could increase under Prop 12. So studies show that could increase that total cost category up to 15 percent, and that is certainly reflected in the cost producers need to make that work and then pass on to the consumer as well.

Mr. LUCAS. So potentially cause chaos in the supply chain.

Ms. COOK. Yes.

Mr. LUCAS. Exactly.

Mr. Chairman, I can't think of an issue more important than to consumers all over the country, and maybe the world for that matter, than this issue, and I yield back.

The CHAIRMAN. The gentleman yields back.

I now recognize the gentlelady from the Buckeye State, Congresswoman Brown, for 5 minutes.

Ms. BROWN. Thank you, Mr. Chairman and Ranking Member Craig.

I want to start by putting today's hearing in context. The Supreme Court has ruled on this issue. This is settled law. The Court was clear. States have rights to establish standards for goods sold within their borders. Proposition 12 wasn't a Federal mandate. It was a ballot initiative passed democratically and overwhelmingly by California voters.

And other states are followers too. States across the country have either already passed or have introduced popular and often bipartisan measures that reflect local consumer values on animal welfare, food safety, and consumer transparency.

This Committee often hears concerns, particularly from my friends on the other side of the aisle, about Federal overreach and one-size-fits-all policies that don't work for farmers and businesses on the ground. Yet here we are doing the opposite, discussing ways to override democratically enacted regulations at the Federal level.

The reality is that major food and agricultural companies across the country have already moved to comply with Prop 12. They have made investments, integrated new standards into their supply chain, and adapted to a changing market. That tells us that these benchmarks are both possible and marketable. What farmers need

right now is certainty, not uncertainty from Members of Congress reopening what has already been decided.

Mr. Cushman, American Farm Bureau represents millions of farms of all shapes and sizes across the country. In your testimony, you mentioned several concerns about farmers transitioning to comply with Prop 12 standards. However, I am wondering if you can also speak to some of the challenges farmers who have already transitioned to Prop 12-compliant infrastructure may face if Congress were to overturn the law. What kind of economic impact would those farmers have?

Mr. CUSHMAN. Thank you so much for the thoughtful question. If Prop 12 was overturned, it would not impact those farmers' ability to continue their operations in the way that they see fit. They could continue serving the markets that have a demand or a request for Prop 12-compliant meat.

What it would do is prohibit states from continuing to enact these kinds of patchwork of ratcheting up their requirements, so it would, in that way, protect those farmers that have made those investments from other states, changing and having a 25 square foot per sow rule or a 30 square foot per sow rule.

Ms. BROWN. Thank you. And Ms. Lashmet, your testimony also mentions the investment that many farmers have made to be in early compliance with Prop 12. Do you have anything to add about what that impact may be on those farmers?

Ms. LASHMET. Yes, I would agree with Mr. Cushman that none of the bills we have seen require those farmers to convert back to the systems that they were under pre-Prop 12. That may overlook the costs that they have already spent in making those changes in the first place, right? So they have already made those changes, they have those sunk costs, and I think that that is a point that they frequently raise, both in lawsuits and otherwise when they are looking at those costs, that they have already spent them. So even if there is no requirement that they go back in the law, they will have to analyze whether that is something that they want to do and more costs they would want to incur.

Ms. BROWN. Thank you. And your testimony also notes that the Supreme Court upheld the California law in a complex but ultimately affirming decision. In your view as a legal scholar, what are the implications of Congress intervening to undo a law that has been both democratically enacted by voters and upheld by the highest court in the land? Is there any sort of precedent in recent history for this type of Congressional action?

Ms. LASHMET. That is something I might have to get back with you with some supplemental testimony for the record.

Ms. BROWN. Okay. Thank you. To all of our witnesses, I appreciate you being here today and sharing what you are hearing from producers and stakeholders on the ground when it comes to Proposition 12. Your insights are valuable to this Committee.

And with that said, I want to be clear. Proposition 12 has been settled by the voters of California and by the U.S. Supreme Court. Meanwhile, this Committee has pressing unresolved issues before us. That includes the current Administration's action to freeze Congressionally appropriated funds, USDA abruptly terminating grant programs, and dismissing career public servants without cause. I

look forward to addressing those pressing issues in this Committee as well.

And with that, Mr. Chairman, I yield back.

The CHAIRMAN. The gentlelady yields back.

I am now pleased to recognize the gentleman from Iowa, Mr. Feenstra, for 5 minutes.

Mr. FEENSTRA. Thank you, Chairman Thompson and Ranking Member Craig, for holding this critical hearing. This is a very, very important hearing.

So I represent the largest hog-producing district in the nation. I represent the largest hog-producing state in the nation. And I also represent the largest county in the nation that produces hogs, and that is over one million hogs that we have in my individual county.

And I am so proud to have Matt Schuiteman here from our county that knows. We live it. We breathe it. We see it every day. We understand Prop 12, all right?

And I want to dig into this a little bit so everybody can just sort of understand what is happening here. All right? First of all, I have a bunch of letters here from farms I have visited in my district firsthand to talk about this egregious mandate, and I want to bring these stories to light. So Chairman, if I may ask for unanimous consent for these farmers' concerns to be submitted to the record.

The CHAIRMAN. Without objection.

[The documents referred to are located on p. 170.]

Mr. FEENSTRA. Thank you. Mr. Schuiteman, let's talk about what Prop 12 is all about. It is really about the health of the animal. All right? That is how it all started. All right? It is very simple. All right? That we want to protect the animal health.

So when I visited family farms in my district, they noted that the system has caused increased stress, injury for the animal, mortality, while limiting individualized animal care. Right? And yet Prop 12 is supposed to make sure that doesn't happen. Can you explain what is happening? Why do they have stress and injuries from Prop 12?

Mr. SCHUITEMAN. I think part of the root of the problem is just simply the fact that you have an initiative that was crafted by people who have not lived the industry, who have not been around the animals. And, those of us who have been around it for generations can tell you, well, this animal is going to do this, and if you give this animal this space, she is going to do this. And that institutional knowledge, what Prop 12 does, is it takes away our ability to act on what we know for the best interest of the animal.

And maybe it has been settled in other places, but that has not been settled in Iowa. And we would prefer to have the freedom to manage our animals the best way we can see fit for the best possible outcome.

Mr. FEENSTRA. That is right. Thanks for your expertise on this. You live it and breathe it every single day.

And think about this. So I just talked about Iowa being the largest state in the nation for producing hogs. California, on the other hand, makes up less than $\frac{1}{10}$ of 1 percent of pork production, $\frac{1}{10}$ of 1 percent, and yet they are creating the law. And we make 40 percent. Forty percent of the hogs come out of Iowa, and yet we are bound by a state that is $\frac{1}{10}$ of 1 percent of the hogs. How egregious

is that? How clueless is that when they don't have an idea of what these animals are going through. And when you create larger pens, they destroy each other. That is what hogs do. This is just stupid.

So let me go on a little further. So when we have to do Prop 12, all right, what are the ramifications? Does it cost you more money? If you have to go down to Prop 12, all right, we sort of went through this already, but it is going to cost you how much more per animal? Do you know?

Mr. SCHUITEMAN. We have talked about the \$3,500 to \$4,500 range per sow or more.

Mr. FEENSTRA. Yep, \$3,500 to \$4,500, right? So think about that. All right. So now it is going to cost the producer that much more. And then it is noted here that in California the prices have increased 20 to 40 percent on average. All right? So prices have increased, the cost for the farmer has increased, and the animal is far worse off by Prop 12. What are we doing? What are we doing? This all happens because California has a liberal progressive agenda that has no idea what farming is all about.

Let's be clear. Prop 12 is a direct threat to our viability of family farms, the health and welfare of animals, and the affordability of pork production in America. I stand with my Iowa hog farmers, and I urge this Committee to act. Food security is national security, and Prop 12 is putting both at risk.

And I yield back.

The CHAIRMAN. The gentleman yields back.

I am now pleased to recognize the gentleman from Illinois, Mr. Sorensen, for 5 minutes.

Mr. SORENSEN. Thank you, Mr. Chairman, and thank you to our Ranking Member, Ms. Craig.

Across Illinois, county fair season is in full swing, igniting a proud tradition. Shout out to Stephenson County Fair and McLean County Fair going on right now.

But this isn't just 1 week out of the year. It is not just funnel cakes, corndogs, and tilt-a-whirls. Farm kids from all over my district, from Freeport and Kewanee, Monmouth, and Canton, have been getting up for weeks and months and years before dawn, raising, prepping their animals in order to show off their skills. It is a great tradition where we can bring families from our big cities to our fairgrounds to understand and appreciate the grit, the pride, the importance of agriculture and animal husbandry.

In our part of the world, FFA and 4-H organizations, parents and grandparents have passed down essential values of animal stewardship to young farmers, rooting them in responsibility and compassion and in hard work. Their experience reflects a broader truth. Animal stewardship is not a partisan issue. It is a core tradition of American agriculture, and it is something that we are all so proud of.

From small family farms to large commercial operations, producers understand that the health and the welfare of their animals are directly tied to the longevity of their business and the confidence of the consumer. The hands-on experience gained in daily care, nutrition, health management reflects the very values that underline innovative agricultural standards.

I live just 2 miles from the bridge that goes from Illinois into Mr. Feenstra's State of Iowa. No offense to anyone else, Illinois and Iowa, we produce the best pork in the world, sorry. But when I am at Fareway or Jewel or Hy-Vee, no shopper I talk to balks at the idea of making sure that we have minimum space and welfare requirements for livestock that becomes the protein on their dinner tables. Why? Because they already assume it is the case.

On the farm and in this Committee, we have many different perspectives on what is best. But what is clear is that many of the practices that Prop 12 promotes, like quality care and daily health checks and ethical housing, have already been implemented by a significant number of producers. And I would challenge people to rectify with that fact that it is exactly what we teach our kids early on, on the farm.

Though Prop 12 is a voluntary approach, the measure reflects the enduring values of stewardship that the FFA and that 4-H have upheld for generations. And I challenge my colleagues on this Committee. It shouldn't be different from one political party to the other. Shouldn't policy mirror what is working in practice, not just in theory?

Ms. Lashmet, thank you for explaining in your testimony the different sides of the issue. Are you familiar with any existing or proposed state laws or ballot initiatives that mirror Prop 12 standards or that would implement a standard that is vastly different than Prop 12?

Ms. LASHMET. Yes, sir. Thank you for your question. So certainly there is a very similar law to Proposition 12 in Massachusetts, which is Question 3. It applies to all three of the same species as Prop 12. There are also a number of states, six of them, in fact, have similar laws like Prop 12 for egg production that impose the requirements not only on the producers in the state, but also on eggs that are going to be sold within the state. So those are the similar laws.

I am not familiar with states that have enacted standards that are vastly different than Proposition 12 at this point.

Mr. SORENSEN. The 10th Amendment to the Constitution doesn't specifically say that the Federal Government can do anything it wants but that states and the people come first. In your opinion, do you believe preempting Prop 12 could violate the 10th Amendment?

Ms. LASHMET. I think that there is always a really delicate balance whenever Congress acts under the Commerce Clause and it affects states, and so I think that Congress will have to be careful to find a balance between the 10th Amendment and the Commerce Clause.

Mr. SORENSEN. Thank you. As we continue to debate the merits, the consequences of Prop 12, it is critical that our discussions be grounded in facts and not politics. I wasn't elected to Congress because I was a slick talker. I earned the trust of the people by collecting data, by deciphering science, and explaining the results. So parsing out all of the noise, we can see that this law was written as a return to the longstanding practices that define *true animal husbandry*.

But intentions aren't all we have here. The issue is the broader regional implications for producers, supply chains, consumer prices, interstate commerce, and that is what is still an issue for me. And this isn't checkers, it is playing chess. We must make sure that what we do in this Committee strengthens the farmer and strengthens producers. Unwanted consolidation that benefits China or Brazil does a disservice to our farmers and the neighbors and small hometowns that I am fighting to protect back home.

Mr. Chairman, I yield back.

The CHAIRMAN. The gentleman yields back.

Now, keeping with that Illinois theme, I recognize the gentlelady from Illinois, Congresswoman Miller, for 5 minutes.

Mrs. MILLER. Thank you, Mr. Chairman, and thank you to our panel for being here today to examine the very far-reaching implications of Proposition 12.

Illinois is one of the top pork-producing states in the country, and I have heard directly from our producers and organizations like the Illinois Pork Producers Association and the Illinois Farm Bureau about how Proposition 12 places a strain on family farms.

The reality is simple. Proposition 12 imposes costly mandates on farmers in states like mine who have no say in California's policy-making. Producers in Illinois are telling me this will force many farmers out of the market altogether, driving further consolidation and vertical integration in an already concentrated industry.

And I think it is interesting that my friend from across the aisle acted like he understands animal husbandry, which I guarantee you he does not, but he did acknowledge that producers want their animals to be healthy and live long because it affects their profits. So let them make the best choices for their production instead of having politicians that have no clue about agriculture or animal husbandry promoting these ridiculous policies.

Smaller operations simply cannot absorb the financial burden of facility overhauls or navigate a patchwork of inconsistent state laws. That is what we are going to end up with. This is just the beginning. This not only threatens the viability of independent family farms but increases the cost for consumers. Ultimately, that is what will happen.

And I suppose the plan is once we run American medium and small producers out of business, we will import more pork from other countries that we have no idea how they are actually raising their animals.

So Mr. Schuiteman, can you please speak to how Proposition 12 will accelerate consolidation in the pork industry and what it means for independent family farms?

Mr. SCHUITEMAN. Well, I think partly to answer that, I refer back to Ms. Rocha, her testimony. Two quotes that I wrote down is that, "Proposition 12 is a death sentence to small business"; and "Over-regulation takes food off the plate." Clearly, if we are going to lose our small- and medium-sized producers, we are going to lose product to the market.

How it is going to support consolidation, one way would be through the cost of construction. Mr. Hord referred to larger operations being able to segment maybe a portion of their production for a Prop 12-type market and do something else with the other

ones while smaller producers, as he said, don't have that opportunity.

And so it is a similar process to what we went through on our farm. I noted in my testimony that we farrowed until 2018. One of the factors at that time was with the passing of Prop 12, what does the future look like, and what are we going to have to spend on our facilities to be able to meet that future? And because of the uncertainty, we chose to back away a little bit, at least from that segment of our operation.

Mrs. MILLER. Well, I am sorry to hear that.

Mr. Cushman, now that Prop 12 has been upheld and without a fix from Congress, do you see this setting a precedent for other states to pass similar extraterritorial regulations?

Mr. CUSHMAN. Yes. Thank you so much for the question, and that is a large concern of ours. The 2022 Ag Census showed that we had lost 150,000 farms over 5 years. That is 77 farms a day. Laws like Prop 12 make it very difficult for small- and medium-sized farmers to exist, and without a fix from Congress, there will be nothing for farmers to do from another state, and that ratchets up their requirements to make it 25 square feet or 30 square feet.

Mrs. MILLER. Also, Mr. Cushman, your testimony today has shown us exactly why Congress needs to provide a fix for Proposition 12. What risk does this pose for national agriculture markets and interstate commerce?

Mr. CUSHMAN. I think this would help ensure interstate commerce continues to be viable throughout the country. The Supreme Court decision from Gorsuch was clear that Congress is the appropriate body right now to act on this. In order to ensure those interstate markets continue to flourish and not be balkanized by state intervention into production laws of other states, it would be necessary for Congress to act.

Mrs. MILLER. I am just curious. When we import pork, are we imposing the same kind of standards on them?

Mr. CUSHMAN. Yes. So these standards for Prop 12 will apply to Canadian and Mexican pork. The Canadian Government has expressed concern with this. In fact, they have raised concerns that with the USMCA, it frustrates Federal trade policy. The USMCA adopts part of the WTO requirements, and under that, Canada has suggested that this restricts trade more than necessary and lacks scientific support, as required by the USMCA.

Mrs. MILLER. Thank you, and I yield back.

The CHAIRMAN. The gentlelady yields back.

I am now pleased to recognize the gentleman from Alabama, Mr. Figures, for 5 minutes.

Mr. FIGURES. Thank you, Chairman Thompson and Ranking Member Craig, and thank you to all of you guys being here and bearing through, sitting through a Congressional hearing, which I know is not at the top of your wish list in your career, but it is a worthy issue.

For this to have started in California, I have heard a lot about it in Alabama. I am from the southern part of the state, Mobile, up to Montgomery and such. Alabama has a lot of pork producers, and they too are concerned about the implications of Prop 12 and their ability to be able to participate in the industry.

But I have also heard on the other side of this, and this is truly one of those issues that I came to Congress, I don't come from an ag-exclusive background. My father owned a small cattle ranch for a little while when I was a child, but this is one where we had to dig in and learn about and are still digging in and learning about, and so I appreciate having this hearing to inform Members of Congress.

I will also note that our colleagues on the other side have left, but you would have seen this gentleman over my right shoulder jump across the dais if he had heard them say that they have the best pork in America, my colleague, Mr. Davis, from North Carolina.

And actually, let me back up. Before I go any further, I have an intern that is in her last week with us, Jaleia Latson, who is here with us, who has helped us not only prepare for this, but has been a great attribute to our office throughout her tenure with us, so thank you, Jaleia, and we wish you the best in your return to Spelman College.

But getting back to task here, this is a tough issue. This is one where the Supreme Court has spoken in favor of one of the core principles that my colleagues on the other side of the aisle stand for and a flagship case of states' rights. But, this is where one state's rights run up against the rights of companies that reside and operate in other states, runs up against their ability to make a living.

And, in Alabama, like many other districts, in my district, pork production plays a vital role in the economy, so we understand that. And the State of Alabama, they joined part of the legal efforts and arguments before the Supreme Court. But it is an industry. It generates over \$150 million in the State of Alabama and many jobs.

And I recognize that consumers have a right, in any state, to want higher standards for how their food is produced. Food quality does matter, animal welfare matters, and there is value in continuing to improve standards for both. But this presents the tough question of is this the right way to do it? Is it informed? Does it make sense?

We know agriculture is not a one-size-fits-all. What is feasible in one part of the country may not be workable in another part of the country, different landscapes, climates, production systems, economies. That is why we have to be extremely cautious about imposing blanket standards or standards that have the effect of being a blanket standard, even when passed in one specific state. Some decisions should be left to the states who know their own agricultural realities best. But on the flip side of that coin is some decisions in one state are having drastic impacts on others.

But as we continue these discussions, we have to prioritize the producers who are caught in the middle of what is essentially a political game. And it is a game that is impacting real lives, real businesses, real people every single day. And these are complex issues, and they deserve thoughtful discussion, not just in courtrooms. We know what the Supreme Court has said. But the Supreme Court has a way of sort of winking its eye when it says, "Hey, we know

what we said, but we know what needs to be done or what can be done to provide the relief that is sought."

And so with that, look, I will ask a couple of questions here, but we will probably follow up with some more off-the-record stuff. We can go down the line, but I know some producers are now actively considering not selling into California. Is that a viable strategy at all in you guys' understanding of the industry?

Mr. HORD. So let me repeat the question. So what you are saying is: is it viable that some producers don't sell into California?

Mr. FIGURES. Correct.

Mr. HORD. Yes. Okay.

Mr. FIGURES. Could pork producers legitimately make a living X-ing out California?

Mr. HORD. Yes. So each one of us as individual pork producers have the opportunity to make an individual decision whether we would supply Prop 12-compliant pork. The challenge is with California only producing 0.1 percent of the nation's pork and having 13 percent of the pork consumed in the U.S., it would be really detrimental to us as pork producers and the rest of the pork chain to not supply that. And so in reality, it is forcing the rest of the states to comply in order to raise that product for California.

Mr. FIGURES. I will take that as a no, it is not a viable, wise, or sustainable decision for pork producers to make that decision.

My time has expired. I yield back. Thank you.

The CHAIRMAN. The gentleman yields back.

I now recognize the gentleman from Minnesota, Mr. Finstad, for 5 minutes.

Mr. FINSTAD. Thank you, Chairman Thompson. Thank you for holding this hearing today. And Mr. Chairman, I really just want to thank you for your steadfast leadership on this issue. You have been a true champion, and I really appreciate working with you on this.

I represent a very strong powerhouse ag district in southern Minnesota. Most of my counties have more pigs than people. And the great hog farmers of southern Minnesota are the salt of the Earth, folks that have given so much to our communities, to our schools, to our towns, you name it. They are just a critical part of what makes southern Minnesota so great, and so it is an honor to represent all of them. And I have had a lot of conversations with them over the last few years, and they have been very crystal clear, loud and clear, that Congress must fix the Prop 12 piece.

And so with that message I have heard loud and clear from them, they have also been telling me that they are very frustrated with the lies and the myths that are around this whole Prop 12 piece. So on the record, let's just go through some questions here, but I will just say this, that Prop 12 mandate, it is based on political science. And it has been pointed out many times, Prop 12 was dreamt up by a bunch of folks that have never stepped foot in a hog barn. They don't understand what a gestation pen looks like. They don't understand the life of a hog farmer in this country, but yet they have dictated the terms on which we all live our life and how we lose money in this proposition.

And so, I know the swine industry, you just stumble upon the way we take care of our hogs. This has been years and millions of

dollars of investments, blood, sweat, and tears to your farms, multigenerational farms that you have learned through your grandparents and through your parents, and you are teaching your kids and your grandkids on how to always evolve and take better care of those animals.

And so we are going to do yes or no questions if that is okay. Mr. Hord and Mr. Schuiteman, do you care about the health and well-being of your pigs?

Mr. HORD. Yes.

Mr. SCHUITEMAN. Yes.

Mr. FINSTAD. All right. Do you consult with veterinarians to ensure that your pigs are well cared for?

Mr. HORD. Yes.

Mr. SCHUITEMAN. Yes.

Mr. FINSTAD. Do you ensure daily that your pigs receive adequate nutrition and medications when in time for need?

Mr. HORD. Absolutely.

Mr. SCHUITEMAN. Yes.

Mr. FINSTAD. Is your success as a farmer directly tied to the health and well-being of your pigs?

Mr. HORD. Yes.

Mr. SCHUITEMAN. Yes.

Mr. FINSTAD. All right. So thank you. Again, I knew how you would answer it. I trust you. I trust my neighbors in southern Minnesota. And the production decisions that are being made have been years in the making. You all are more efficient now than you have ever been. You are more health conscious of your pigs than you have ever been. You didn't stumble upon these practices.

So we have heard today Prop 12 and similar politically motivated mandates pose serious threats to consolidation within the pork industry. This is what I have heard loud and clear from my farmers in southern Minnesota. As was referenced a little bit earlier, I think the number was \$3,400 a pig.

How many pigs right now does a farmer have to raise to even break even with that proposition? I mean, there is an amount that would be not cost-wise to even go down this route. And if you are faced with that decision, consolidation will be the logical conclusion. So I guess it is not even a question. I mean, that is a statement of fact. I have heard it over and over again from my farmers that there is a price point that just pretty much ends that multigenerational farm opportunity.

So Ms. Cook, if we don't stop this patchwork, do you believe the pork industry will consolidate further?

Ms. COOK. Yes.

Mr. FINSTAD. Yes. All right. So I have read a few press reports about this hearing. I was disappointed because some of my colleagues on the other side of the aisle said that, well, we are in listen-only mode. Goodness gracious. We better be in action mode. We better be in action mode. And I am very proud of my colleagues on this side of the aisle and the action that we have taken over the last few years to move Prop 12 into the bipartisan farm bill that we got through the Committee last Congress. I am looking forward, with the Chairman's leadership, to doing it again.

My farmer friends would say listen-only mode on this issue is pretty much telling you that you are all hat and no cattle. And I think we have a few folks on this Committee and in Congress right now that are all hat and no cattle. And it is time for us to move on this, to create some certainty for the industry to allow you all to do what you have done best, allow you to pass that farm on to the next generation.

So Mr. Chairman, with that, I yield back.

The CHAIRMAN. I thank the gentleman.

Before I introduce our next Member to speak, I ask unanimous consent to enter into the record—speaking of how states feel about this, submitting for the record letters from Governors from across the country, led by Iowa Governor Kim Reynolds, where they express opposition to Prop 12 and ask Congress to act, as well as submitting for the record a letter from 16 state attorneys general, led by Iowa Attorney General Brenna Bird, where they express opposition to Prop 12 and ask Congress to act.

Without objection, those will be entered into the record.

[The letters referred to are located on p. 153 and p. 154.]

The CHAIRMAN. I am now pleased to introduce the gentleman from North Carolina, Mr. Don Davis, for 5 minutes.

Mr. DAVIS of North Carolina. Thank you so much, Mr. Chairman, and to the Ranking Member.

Mr. Chairman, I need to start with a point of order today. If I am not mistaken, I heard earlier that Illinois somewhere claimed to be the best pork of the world. That is impossible. Mr. Figures knows that is correct, and he knew I was coming. And Mr. Chairman, we need to strike that from the record because we know that North Carolina has the best barbecue, the best pork of all.

The CHAIRMAN. Well, if the gentleman will yield, I am not quite sure about striking from the record, but I am more than happy to host a bacon-off, and myself and the Ranking Member will be the judges, and you two bring it on. Bring the bacon.

Mr. DAVIS of North Carolina. Well, thank you so much, Mr. Chairman and Madam Ranking Member. I do want, for the record, to enter into the record that Kinston, North Carolina, located in eastern North Carolina, is the *Guinness Book of World Records* holder for selling the most pulled-pork barbecue sandwiches in an 8 hour window, and we broke the record after 5 hours.

The CHAIRMAN. Without objection.

[The article referred to is located on p. 250.]

Mr. DAVIS of North Carolina. I am very concerned when I think about why in the world are we here on this topic today. I am very concerned when one state would take an action that would disrupt commerce in another state. California's law requires significant investment for pork producers across the country, whether they sell into the market or not. Many of you may not know, but North Carolina has longstanding regulations limiting the expansion of sow barns and the building of new barns. Prop 12 and measures like it uniquely burden producers in eastern North Carolina.

Let's be clear. North Carolina's First Congressional District, and to be on the record, I have more than 1.3 million hogs and pigs in my district, way more than people, and we need a fix. A fix. That is the bottom line. People back home are trying to figure out what

in the world? What do we come up here and do? They need a fix. We need a long-term solution that does not disadvantage the eastern North Carolina producers or others and potentially put some out of business. I will work with anyone, to be clear, anyone on this Committee to come up with that fix and a workable solution. But for us to not address this, I believe, would be a fatal mistake, a fatal mistake for our pork producers and my constituents.

I have a question, Ms. Cook. Given the regulations on building and expanding sow barns in North Carolina, what unique challenges does that present to producers in eastern North Carolina? Will North Carolina producers be disadvantaged in complying with Prop 12 or a further patchwork compared to other states?

Ms. COOK. Thank you for the question. In the event that we see more states adopt these measures or we are facing a patchwork and North Carolina producers need to incur those costs to comply, due to the restrictions that you described, they may have fewer options than other producers in other states. The only option available to them may be to reduce their sow herd, which would reduce their production and their revenues, and that may not be workable for those operations.

Mr. DAVIS of North Carolina. When I speak to producers back home, they have a fear of the future of their farms. I mean, there is so much going on right now in the agriculture community. A whole lot is going on. And I think about costs, disasters we are experiencing in North Carolina, concerns I still hear with tariffs, so much that is out there, and all people want to do is go to work, make an honest day's living. And many of the people back home say to me, "I just want to turn it over to the kid for a future generation." That is it. That is it.

Ms. Lashmet and Mr. Hord, I am going to go ahead and put you in, can you share briefly your thoughts? What do you see in terms of in the next few years for producers if absolutely nothing happens?

Ms. LASHMET. If nothing happens and Congress doesn't act, I think the concern for producers is that there could be additional state laws that are passed. And I think it is one thing if there are state laws that mirror the California law. I think it could be another thing if we end up with a patchwork of laws where, as we have discussed, it makes it difficult for producers to be able to comply with multiple versions of this.

Mr. DAVIS of North Carolina. I am going to give Mr. Hord my last 10 seconds.

Mr. HORD. Yes. I agree. The patchwork of states would be devastating to our pork industry.

And I would also like the record to show that I would like to be part of the pork tasting. So thank you.

Mr. DAVIS of North Carolina. Mr. Chairman, I claim the record and I yield back my time.

The CHAIRMAN. The gentleman yields back, and Mr. Hord's interest is so noted.

I am now pleased to recognize the gentleman from Iowa, Mr. Nunn, for 5 minutes.

Mr. NUNN. Well, thank you, Mr. Chairman.

And thank you, Mr. Don Davis, my fellow veteran here, and not only a veteran in the military, but a veteran pork-producing state as well. And while I agree with you, Illinois and North Carolina produce some of the finest pork in the world, no one produces more pork than Iowa. So we will have you out to the Iowa State Fair, flip some pork chops, and Chairman, Ranking Member, we will have you both as judges in the case. I think Mr. Hord's going to join us in on that. The great Iowa State Fair starts in 2 weeks, folks. The countdown has begun.

With this, I also want to say thank you very much to Mr. Schuiteman and Ms. Cook. Ms. Cook is actually from the great State of Iowa. In fact, she has helped raise some of that great pork that has come up, and her incredible family, her mom and dad, are here with her today too. So we are glad to have an Iowa gal here who not only is an accomplished economist, but she has actually seen firsthand how this operates.

And that is one of the reasons we are all here today, right? Forty-nine states all want to be able to deliver their products, but for one state, which is telling all the rest of the Union they can't do it. We know this to be true, and this is bad policy out of California. It is not just bad policy, it is an insult to every hardworking farmer in this country who has been doing it right for generations.

I know this much to be true. In Iowa, we raise 25 million hogs per year. I know in California, they consume 13 percent of all pork in this country. So this is not a war against the people of California, this is a clarification of a bad policy that has been taken by a few politicians in Sacramento.

Not only is Iowa the top state producing pork, but right now, our hardworking farmers are facing the toughest economy in decades, and the last thing they need is more red tape, not from Washington, D.C., but from the left coast 2,000 miles away. These regulations aren't just affecting Iowa farmers either. Proposition 12 has had a tangible impact on consumers across the country, and I will go back to California on this one. They have seen a price increase of more than 20 percent on most pork products, with loins costing 41 percent more than ever before, which means they have to come to the Iowa State Fair as well to be able to get bacon and pork chops actually at a livable price.

The Supreme Court was very clear here. It is up to Congress to help define this space. We all agree, interstate commerce is clear. No one state should hold the other 49 hostage. Which is exactly why I teamed up with my very good friend, Ashley Hinson, a great Representative from Iowa, on Save Our Bacon Act (H.R. 4673). This is an effort to put the nonsense and Federal Government back into the driver's seat on interstate commerce and take away the nonsense that has been created by the few. Our bill makes it clear. If you don't grow it, you don't get to regulate it.

So Mr. Schuiteman, I would like to talk with you a little bit here, particularly on the area of workforce safety. What is the most dangerous aspect of Proposition 12 for the producers or workers inside barns every day as a result of this nefarious proposition?

Mr. SCHUITEMAN. I think if we lose the ability to confine our females at key times, that creates danger for the stockman potentially. As I have talked about a few different times already today,

we have developed our housing systems with a three-pronged approach in mind, and safety of the stockman being one of those prongs, and welfare of the animal, production of the animal. So truly, one of the dangerous things inside the barn, especially with the breeding herd, is if we don't have control over when and where we can confine our animals a little bit for our safety, for their safety, that adds risk.

Mr. NUNN. We just had Secretary Brooke Rollins come out to Iowa, and she saw one of our hog farms here, and we had five veterinarians on-hand who were there providing great care for the livestock. Nobody takes better livestock care than a farmer, particularly one who it is part of their breed and their herd. When you look at this, is there a biosecurity concern that comes up from states arbitrarily throwing mandates like this down?

Mr. SCHUITMAN. Yes, the concern comes from the inspectors that are potentially brought in. It takes roughly 3 days for pig disease to be free from the human body if you have interacted with it. It is not that it affects the human body, but the human body carries it. And so if the inspection process doesn't honor that 3 day separation, the potential for disease spread is very real.

Mr. NUNN. Ms. Cook, in the time that we have left, not only are you an accomplished economist, as we highlighted here, what does Proposition 12 do to a family farm like yours?

Ms. COOK. I think when we talk about the uncertainty that the potential of more measures or a conflicting patchwork creates, it really jeopardizes not just future investment decisions, but the ability to pass those farms on for generations.

Mr. NUNN. I would absolutely agree. Let's not only save our bacon, let's save our family farms. And Mr. Chairman, we look forward to seeing you at the state fair for that pork competition. I yield my time.

The CHAIRMAN. The gentleman yields back.

Before I introduce our next Member, I want to ask unanimous consent to enter into the record comments that Canada provided to the World Trade Organization Technical Barriers to Trade Committee that outlines their concerns with Proposition 12. Also submitting a letter from Canadian, United States, and Mexican Government officials where they outlined their concerns with Proposition 12 and Question 3.

Without objection, those will be entered into the record.

[The comments and letter referred to are located on p. 150, and p. 151.]

The CHAIRMAN. And now I am pleased to recognize Mr. Messmer from Indiana for 5 minutes.

Mr. MESSMER. Thank you, Mr. Chairman, and thank you to the witnesses for being here today.

It seems like some of my Democratic colleagues have picked this issue to finally care about states' rights. Mr. Cushman, does section 12007 restrict any state from implementing their own standards of production, or does it simply clarify that states can only implement production standards for livestock producers in their own states?

Mr. CUSHMAN. Thank you for the question. You are correct. It only limits states to regulate products within their own states, pro-

duction within their own states. It does clarify, though, that states are not permitted to regulate production outside of their own state.

Mr. MESSMER. Okay. Thank you. I want to call attention to a discrepancy I have seen in the Committee room today. For the past couple months, myself and other Republicans on the Committee have wrongfully been accused of limiting food access for Americans in need, but some of those Members who most adamantly support those false claims now support a regulation that has single-handedly increased pork prices in California by at least 20 percent and is likely to increase prices nationally if left unchecked.

Ms. Cook, your written testimony identifies the consumer prices that California residents have experienced as a result of Prop 12. In the absence of a fix, how will Prop 12 impact consumer prices? And can we expect it will threaten access to affordable, protein-dense pork products nationwide?

Ms. COOK. Thank you for the question. A big reason why those prices are higher is because it is much more expensive to get that pork to consumers and to produce it. So in a situation where more states adopt these measures or a patchwork of regulations, more producers are required to undertake more costly production practices, that could then result in those much higher prices for not just California but any impacted market.

Mr. MESSMER. Thank you. Former Ag Secretary Vilsack said during a visit to the Hill last Congress, "Without Congressional action on Prop 12, there will be chaos in the meat marketplace." Mr. Hord, in your written testimony, it identifies a threat of a patchwork of state regulations to the American marketplace. If any state can restrict the sale of products to wage ideological warfare, do you agree that this creates an environment of instability?

Mr. HORD. Thank you for the question, Congressman. Definitely one of my personal biggest concerns of this is that the opportunity for other states to pass non-scientific laws that would impact or force me to continue to have to make changes to our facilities in order to produce pork.

Mr. MESSMER. Thank you. If there was any evidence to the necessity of Prop 12, the marketplace nightmare would at least be for a worthy cause. But, Mr. Hord, you state that Prop 12 advances no public interest, not in animal safety, not human health, and certainly not on-farm innovation. Mr. Hord, would you agree that Prop 12 is just another attack against production agriculture by interest groups that lack an understanding of the industry?

Mr. HORD. Yes, it definitely was drafted from a perspective that didn't have input from swine producers or from veterinarians, and so therefore, definitely was an unscientific mandate from another state.

Mr. MESSMER. Thank you, Mr. Hord. I would like to thank all the witnesses who have reiterated the necessity of a Congressional fix to Prop 12. I stand prepared to move forward with a solution that keeps our food affordable and your farmers profitable.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentleman yields back.

It is with a deep apology I recognize the gentleman from California that I should have recognized last time, Mr. Carbajal, for 5 minutes.

Mr. CARBAJAL. Thank you, Mr. Chairman, and thank you to all the witnesses that are here today.

Look, a lot has been said about California pork, but we all know it is the best in the whole country, all right? I know some of my colleagues feel otherwise, but we still make some pretty good pork, not as much, but we still do.

Professor Lashmet, in your testimony, you noted that during the Supreme Court hearing on Prop 12, the State of California highlighted that some farmers had transitioned their operations to be Prop 12-compliant as proof that these adjustments can successfully be made. Given the court's decision to uphold Prop 12, what can Congress learn from those producers about how we can encourage stronger protection for animals while also making sure farmers and ranchers have the support they need to succeed?

Ms. LASHMET. I think this is a great example of there being two voices, right, and folks on both sides of this issue, and I think that it would be useful for Congress to speak to producers who have made those compliance decisions to get their input on whether they were useful for the farm, whether they did help to increase what they believe is animal husbandry standards on the farm or not. I think talking to those producers would be very useful.

Mr. CARBAJAL. Thank you. Professor Lashmet, as noted earlier, the Supreme Court upheld California's Prop 12 authority to establish animal welfare standards for products sold in California, affirming states' rights. From your professional perspective, how critical is it for states to maintain authority to enact such states' rights protections?

Ms. LASHMET. I think certainly under the 10th Amendment any right not reserved to Congress is reserved to the states, and so animal welfare standards are certainly an example of a type of law that has historically been reserved to the states, and they have made those types of laws. Now, certainly, we have the balance there between the 10th Amendment and the Commerce Clause, the power that Congress has, and I think that is where it is going to be a complex decision for you all to find a balance between your wanting to act in interstate commerce and still preserving those states' rights under the 10th Amendment.

Mr. CARBAJAL. Thank you. And finally, Professor Lashmet, how can states continue to serve as leaders in addressing complex issues like animal welfare while respecting interstate commerce?

Ms. LASHMET. Again, I think that is the balance between that 10th Amendment and the Commerce Clause rights, and I think California enacted this law that imposes their standards within their own state, and certainly, there have been a number of other states, I think 11, that have laws on the books, at least related to egg production, that do impose standards on producers within their own states. The distinction here is California's law also imposes those standards on any product sold within the state, which is broader—whether or not appropriate, I will leave that to you all—but certainly broader than actions other states have taken.

Mr. CARBAJAL. Great. Thank you so much.

Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman. He yields back.

Before I introduce our next Member, I would just ask unanimous consent to enter into the record a letter from the American Association of Swine Veterinarians where they oppose Proposition 12 due to animal welfare concerns.

Without objection, that will be entered into the record.

[The letter referred to is located on p. 159.]

The CHAIRMAN. I am now pleased to introduce the gentleman from North Carolina, Mr. Harris, for 5 minutes.

Mr. HARRIS. Thank you, Mr. Chairman.

And while I appreciate my colleague from California talking about the best pork coming from there, I do come from the 8th District of North Carolina, and we all know North Carolina has the best pork.

Thank you all on the panel for sharing today your information and your expertise. Let me ask, Ms. Cook, just one quick question. Looking through an economic lens, do you think that large producers or small producers are more likely to be able to convert to Prop 12 compliance?

Ms. COOK. Thank you for the question. We have talked a lot about the costs associated with complying with Prop 12 and measures like it, and for many reasons, larger producers are going to be the best positioned to undertake those costs. They can spread costs out over more units of production. They also have just certain efficiencies that come along with size.

Mr. HARRIS. Great. Thank you.

Mr. Cushman, as we all know, the work of farmers and ranchers is long and grueling, and they are constantly subjected to changing regulations, changing market prices, and weather events. Most producers have long enjoyed the freedom to raise their animals in whatever way is suitable for their individual farming needs. With Prop 12, as we have discussed today, that freedom has been taken away, and similar state mandates seem to threaten it further. Mr. Cushman, how do you expect producers to navigate the patchwork of state laws that will ensue if a fix for Prop 12 is not provided? And will legal advice be yet another thing that producers consider before making production decisions?

Mr. CUSHMAN. Thank you for the excellent question. And to piggyback a little bit off of Ms. Cook's response, the largest players, the ones most able to handle these kinds of requirements, getting legal advice is something that a much larger farm will be able to handle than a smaller-, medium-sized farm. With more of these regulations coming out, more conflicting potential regulations, that makes it much, much harder for a smaller-, medium-sized farm to survive, and to become compliant with one of these laws would require significant resources to do so.

Mr. HARRIS. Okay. There is a legislative solution to the problem that we have been discussing today. In fact, I heard it mentioned by my colleague, Mr. Nunn, a few moments ago. And I also am a proud cosponsor of Representative Hinson's Save Our Bacon Act, which says that a state can't impose a standard on the production of livestock outside their own borders. Mr. Cushman, again, can you just state clearly for the record, does the Save the Bacon Act trample on states' rights, as some have claimed?

Mr. CUSHMAN. It does not trample on states' rights. They still maintain the right to regulate production within their state. That is something that states have traditionally done. All this does is prevent states from regulating outside of their own borders and by putting inspectors onto Iowa farms or North Carolina farms.

Mr. HARRIS. Well, I agree with you that the language here really does strike the right balance of giving states free rein to act within their own borders but ensuring that they don't set mandates for the other 49. As a conservative, I am typically partial to states' rights arguments, but the Constitution is clear that there are several instances where the Federal Government must act. And in this situation, as we continue to hear just the damage and the dangers that come with Prop 12, this may very well be that time.

So thank you again, panel, all, for being here to share. And, Mr. Chairman, with that, I yield back.

The CHAIRMAN. The gentleman yields back.

Before I introduce our next Member for his 5 minute questioning, I do seek unanimous consent to enter into the record a letter from the Food Equity Alliance, where they oppose Proposition 12 due to consumer affordability issues. I will just read the first sentence of that. "We, the Food Equity Alliance of California, feel a responsibility to reinforce to you that Proposition 12 is exacerbating food insecurity in California."

So without objection, the letter will be entered into the record.

[The letter referred to is located on p. 156.]

The CHAIRMAN. I now I recognize the gentleman from Ohio, Mr. Taylor, for 5 minutes.

Mr. TAYLOR. Thank you, Chairman, and thank you, Ranking Member Craig, for holding this hearing today, and thank you to all the witnesses for being here and for the sacrifices you made to spend some time with us today.

One of the main reasons I ran for Congress is to bring economic activity to Appalachia. Small towns are what make up southern Ohio, and these towns largely rely on our family farms. That is why Prop 12 is so devastating. It pushes small family farms out of business. The bigger operations can afford to comply with the ridiculous regulations, while smaller farms are forced out of the market, and 96 percent of the farms in my district are family farms. I am afraid that Prop 12 will only cause more consolidation in the industry. That means fewer of the next generation coming back to the farm.

Mr. Schuiteman, can you talk more about how California's Prop 12 and other similar state regulations will cause further consolidation in the ag industry and what that would mean for rural areas like mine that are already seeing continued loss of population?

Mr. SCHUITEMAN. Yes, we have touched on this before, but just to say again, the cost of retrofitting facilities, we have talked about how these are generational family farms, and so the facilities they have, just like the knowledge has been built up over generations, and so the cost of taking one facility and turning it into something not really totally different, but still different, is significant.

And I have seen myself, and I have seen other friends of mine who have just made a decision, you know what, with the uncertainty, we could build something that is going to end up being

wrong if something else gets passed, and so we are just going to sit out for a while and see what happens.

Mr. TAYLOR. And that can lead to them getting out of the farm business completely, right?

Mr. SCHUITEMAN. Completely, yes.

Mr. TAYLOR. Okay. Thank you.

The 10th Amendment preserves states' rights to adopt their own ill-advised policies of many kinds, and California has certainly taken full advantage of that. But too often, as with Prop 12, California's bad policies seep out into other states to the detriment of the entire nation. When the Supreme Court issued its flawed decision in the Prop 12 case a few years ago, I think it was a clear sign that it will be up to Congress to resolve this issue.

Mr. Cushman, do you see a case similar to this coming to the Supreme Court in the future, or do you think it is solely on Congress to act?

Mr. CUSHMAN. Thank you for the question. The Supreme Court decision was very, very difficult to understand and parse through. I mentioned earlier that legal scholars have called it a paradox, and they have called it a mess to try to understand. Judges have disagreed on what it means. To reiterate, you need at least five justices to win a case of the nine. Six agreed with our legal theory, five agreed we had established a legal theory but didn't line up quite right.

As to this issue on Prop 12, I do not see this proceeding in the courts anymore. There is a challenge to Massachusetts Question 3, which is in the First Circuit appellate court right now. On this issue, it seems fairly clear that it is up to Congress to act. Justice Gorsuch's opinion made it very clear that Congress does have this authority to preempt state laws that it finds are unwise under the Commerce Clause, and so this would be up to Congress to fix right now.

Mr. TAYLOR. Okay. Thank you.

Turning to my fellow Buckeye where we just kind of know we make the best pork, we don't have to talk about it all the time. In your testimony, you dove into the animal welfare side of Prop 12 discussion, and I am sure one of the common responses we will hear from certain groups will be how important Prop 12 is because of the issue of animal welfare. Mr. Hord, can you just dispel some of the myths surrounding the animal welfare piece specifically? Can you talk about how Prop 12 is actually worse for animal welfare in many cases?

Mr. HORD. Yes, thank you, Congressman. We as farmers certainly are concerned about animal welfare, and it is the priority. If we do not take good care of our animals, then that is a detriment to us and our livelihood. So housing a lot of times is not a determining factor of animal welfare. There is nutrition, there is animal husbandry, there are different other systems that happen. I can't definitively say that animal welfare, the impact of it is any different on our farm because we care for our animals diligently.

Mr. TAYLOR. Okay. Thanks again to all of you for being here. And Chairman, I yield back.

The CHAIRMAN. The gentleman yields back.

I now recognize the gentleman from Alabama, Mr. Moore, for 5 minutes.

Mr. MOORE. Thank you, Mr. Chairman. I appreciate the witnesses being here today. Ms. Rocha? Is that how you say your name, Ms. Rocha? Rocha? Okay. That was Alabama version of Rocha.

Question. You know that since Prop 12 was fully implemented on January 1st of 2024, that retail pork prices in California have risen by an average of 20 percent with specific cuts, pork loins at 41 percent. How have these prices impacted the small family-owned and operated Latino businesses that you represent?

Ms. ROCHA. Thank you, Mr. Moore. Well, 20 percent is a very high number, and we have already experienced many other challenges of regulation, so this is yet another regulation on top of those that affects us. So, as you can imagine, small businesses such as minority-owned restaurants, we represent about 1,400 members, it absolutely affects us negatively by increasing prices and having to make difficult choices of either not offering pork because of the prices. What I am looking at, what I am representing is the consumer side of it with regard to the pricing.

Mr. MOORE. Yes, I mean, with inflation, you just add another 20 percent in addition to that, and that is not very beneficial. I quoted Ronald Reagan in here yesterday. He said, "The government's idea on the economy is when it is moving, you tax it. If it keeps moving, you regulate it. When it fails, you subsidize it." Very often, I think our regulations are causing some serious problems, certainly for consumers, and now for producers nationally.

So Ms. Cook, since you are the economic expert on the panel, how many Californians—I will go back to you, too, Ms. Rocha, on this. Is it Rocha, did we say?

Ms. ROCHA. Oh, Rocha.

Mr. MOORE. Sorry, I have to get that right.

Ms. ROCHA. It is okay.

Mr. MOORE. So how many Californians do the two of you think would purchase or continue to purchase the Prop 12-raised price pork given the chances if they could purchase the less affordable option that was not Prop 12? What do you think, Ms. Cook? Any idea? Do we have any research or any thoughts on that?

Ms. COOK. I think what the data is showing us, that with these much higher prices, Californians as a whole, what the data is showing is they are willing and able to purchase less pork. So with that choice restricted from them, we are seeing them consume less but still paying and spending more.

Mr. MOORE. I mean, yes, the families are still struggling, right, so if they have an option, if they can buy something that is 20 percent cheaper or 41 percent cheaper in the case of special cuts, I can imagine why they wouldn't buy the less expensive. What about it, Ms. Rocha? What do you think?

Ms. ROCHA. Yes, I know that our consumers are diverse, and we appreciate having the choice. So I think that the majority of our restaurant owners would appreciate having the availability to purchase pork at a reasonable and affordable price so that they can make money in their businesses. But I think, overall, I do believe

that we would appreciate having the choice of purchasing whatever type of pork we would like to.

Mr. MOORE. I mean, I agree. In a restaurant business, labor costs and food costs are two of your highest costs, and so if you can help trim that, it helps the business survive the long haul, so to speak.

Anyway, thank you. Mr. Chairman, I am going to yield a full minute and 45 seconds back.

The CHAIRMAN. I thank the gentleman for yielding back.

I am now pleased to recognize the gentleman from California, Mr. LaMalfa, for 5 minutes.

Mr. LAMALFA. Well, thank you, Mr. Chairman, appreciate it. I guess I am the only California Republican on this dais here today, so we do have a different perspective of me living that firsthand as a citizen, as well as an ag producer there and my just inherent desire that why would we foist California's problems on the rest of the country? Why would we foist L.A. and San Francisco thinking on the other 49 states other than those that have already jumped in?

So I look at who is driving it, and these are the same foes as a long time. There is the American Humane Society, which are good folks at the national level and the American level. Then you have the Humane Society of the United States, which has carefully crafted that name to differentiate themselves from the American Humane Society, and certainly their mission is crafted completely different than it is about taking care of animals individually. They raise hundreds of millions of dollars, and they spend about one percent on the actual humane treatment of animals, unlike the syrupy ads you would see on TV.

They are very well-heeled, and they do battle in California, I will have to say, pretty effectively because one issue I sided with them on was cutting the fins off sharks and just leaving the rest of the shark, which doesn't seem very sportsmanlike to me. If you are going to take game, then you should use all the game and use it respectfully. But then, one thing after another, it has been on using hounds for hunting bear and bobcat, which is actually something helpful for hunters to differentiate with which one they should be looking at and which one they should leave.

But then we get down to this issue. The Humane Society of the United States is well-known to be against the use of livestock for people's nutrition. So death by a thousand cuts, I should say, one bit at a time, they are trying to take that away. They are trying to take away hunting rights. They don't want people hunting game on any lands. And so this is what you are up against. So this is a death by a thousand cuts by one bit at a time.

We had Proposition 2, 10 years before Proposition 12, which worked to try and make larger areas for animals. There is an argument for it, right? And the voters passed it. That was 2008, as I recall here. And that was in order to have larger cages for hens, as well as more space for veal and others. Well, 2 years later, they worked to amend that interpretation that other states would now have to do also the same under Prop 2 with their hens, increasing their cage size, which we ran into that my first term in this Com-

mittee here. So California was dictating how that would be done. So that is Prop 2 back in 2008.

Someone was asking earlier, will they keep doing this? Yes, California can keep doing it anytime they want because you saw 10 years later Prop 12 was passed, and it is not too tough for well-heeled organizations to put these things on the ballot and then convince voters via well-heeled ads running often on TV—I remember the Prop 12 ads are very dramatic. They had pictures of animal abuse going on, which we all are against, and what they were depicting would actually be prosecuted without any of these laws. There was one particular graphic scene where somebody—I think it was on a dairy—was picking up a cow with a forklift, an injured or very ill cow, and so that was shown as abusive, and this was the picture they were painting of what livestock raising is like in California.

And so the threat is constantly going to be there from organizations like this being able to place for \$3 million and a lot of sympathy these issues on the ballot and get them passed in the Bay Area and L.A. and some of those coastal areas like that.

If I showed you the map of how these votes went, especially Prop 12, which took it to an extreme, all the internal counties in California, all the ones that have any kind of significance of agriculture voted against Prop 12. It is the coastal areas and the elite areas of California that are voting this stuff in.

So I guess in my remaining time I would throw out there, this does drive costs. We heard a bunch of drama earlier about people getting kicked off the program or people are going to go—there will be much hunger, people go hungry when really what the focus was on illegal immigrants receiving benefits and people that should be at work receiving endless benefits as well.

So I guess throwing it back to the panel, if you want to comment further later with other questioners, you just see this as affecting the cost of food for everybody, for people using SNAP, for all consumers, and anybody who wants to dwell on that in further conversations since I burned my 5 minutes, we know what the fact is. It is going to make it harder on everybody to afford food across the country, those on SNAP especially that we hear so much concern about on the other side that we are supposedly kicking off on this thing. So California can keep passing this stuff. We need to resist it and not foist our bad ideas on the rest of the country.

So I will yield back, Mr. Chairman.

The CHAIRMAN. The gentleman yields back.

Before I introduce Mr. Baird, I will take the opportunity to seek unanimous consent. There has been some misleading information that Pennsylvania, which is a growing, hog-producing state, that there is complete opposition in Pennsylvania, the Commonwealth of Pennsylvania, my home state, to basically finding a path forward to overcome Proposition 12.

So seeking unanimous consent to submit for the record an op-ed by the Pennsylvania Farm Bureau President, Chris Hoffman, where he offers support for section 12009 of the Farm, Food, and National Security Act of 2024.

Without objection, this letter will be entered into the record.

[The article referred to is located on p. 149.]

The CHAIRMAN. And now I am pleased to introduce the gentleman from Indiana, Mr. Baird, for 5 minutes.

Mr. BAIRD. Thank you, Mr. Chairman, and I thank the witnesses for being here. I just can't resist—and I hope you will indulge me, Mr. Chairman. I just can't resist some of the things I have done in my past, but not all things. Anyway, I have a Ph.D. in monogastric nutrition, and everyone in this room is a monogastric, whether you know it or not, but mono—single—gastric stomach. And so I am going to stand up for the pigs in this situation because we needed to recognize how capable they are of adapting to various kinds of environments and production systems.

And when I was at Purdue working on a master's degree, we compared gestation systems, and one of those was a pasture system, the next was a monoslope group housing where you had a slatted floor up front. We used to call them the Cargill unit. And then we had a tethered unit as well where you tied them up with a neck.

And the thing I want to point out here is that we found over time in that research project—and I found out on the farm when I was growing up—you end up culling those animals that aren't well suited to that environment or that building. And a producer actually knows which is best and which produces the most and most efficient. Absolutely, they know exactly how that works. And so what we found, too, as a sideline, I did some of the earliest work in this country—Europe had done it for a long time—in artificial insemination in pigs, and that was part of that project.

But back to what I wanted to mention, we found in that research that through natural culling you actually ended up with a suite of animals or a group of animals that was well suited to that environment. Some of them never really adapted to the tethering situation, for example, but there were others that when they went to the farrowing house and came back, they knew where their stall was in that facility and would go back. They tended to be the more timid kinds of individuals who were out in the pasture, they could interact with other individuals, and in the group housing you had that same kind of concern. So I just couldn't resist sharing that.

And the other thing I would share in terms of pigs, the reason that they look for water and look for them, they end up being in mud holes, so to speak, but they do not have sweat glands. So the only means they have to cool themselves is evaporative cooling, and that takes water. And if you really knew pigs, they would prefer to have a nice just a comfortable shower than they would to lay in the mud hole, but that is what it is.

And so you have to give these animals credit, and I don't think a lot of people recognize how important it is to have the animals perform well and the efficiency that it takes to be profitable in that situation.

So I have probably said enough, Mr. Chairman, but I could share other stories with you, but I can tell you want me to go on.

Anyway, I want to ask this question from everyone because the National Pork Producers were concerned about Prop 12, and we have been concerned about Prop 12 for a long time. But Prop 12 doesn't inherently improve animal welfare. In fact, the American Veterinary Medical Association, the largest association rep-

resenting veterinarians, supports the Chairman's fix. They do not support Prop 12 because it fails to follow the science, and it limits the flexibility of farmers and vets in order to best serve their animals.

So I would like to ask our producers first, what is your experience with Prop 12 style of housing for sows? Is the injury incidence higher in those situations, and isn't that bad for animals? So I will start with our two producers.

Mr. Hord?

Mr. HORD. Thank you, Congressman. Our experience is that animal welfare is a complex issue of multiple things. As you, being a Ph.D.—that is impressive—nutritionist, and you understand there is nutrition, there is animal husbandry, and our experience is that the biggest impact is how we care for them and how we take care of them is the leading indicator of animal welfare. Thank you.

Mr. BAIRD. And you certainly have to recognize that a producer, how are you going to make any money if you don't take care of the animals?

Mr. HORD. Right.

Mr. BAIRD. And so that is a very important aspect of animal husbandry so good answer.

Mr. HORD. Yep, for sure.

Mr. BAIRD. Yes, sir.

Mr. SCHUITEMAN. Thank you, Mr. Baird, for the question and for your research. I don't have a lot to add to what Mr. Hord said or to your experiences, but just the ability to care for your animals, and a big piece of husbandry is understanding the animal and knowing how the animal acts and knowing what that animal is going to do, and so I don't have much to add, but I thank you for your experience.

Mr. BAIRD. Anyone else care to comment?

So anyway, I guess I would just say, Mr. Chairman, that—I guess I have already gone over my time, haven't I? Anyway, thank you for being here and sharing your expertise with us and for this Committee. It helps us make better decisions. Thank you. I yield back.

The CHAIRMAN. Well, Mr. Baird, thank you for sharing your experience and your knowledge, much appreciated, my friend.

Before we adjourn, I need to extend my apologies. The Ranking Member wanted to extend her apologies. She was pulled away. She was hoping that it would time up better, but she certainly sends her appreciation to all of our witnesses who went through the time, the cost to travel here and to share your perspectives.

And let me add my closing as well. Let's be clear about Prop 12. Prop 12 has hurt small- and medium-sized producers. Prop 12 has hurt consumers with increased costs, impacting food affordability. That is something we talk a lot about in a bipartisan way in this Committee. Prop 12 has the potential, as we have heard, to actually result in harm for the sows through the compliance that is required.

Prop 12 ignores agriculture science. And quite frankly, American agriculture can be defined as *science, technology, and innovation*. As we have heard today, Prop 12 has hurt our small family-owned restaurants and folks in that supply chain for our restaurants. It

is an industry that survives on only, I would say, a range of three to ten percent profit, closer to three percent most days. And so any mandate of adding costs will hurt those family-owned businesses and jobs and food accessibility for folks that are looking to those restaurants for their nutrition.

So the question I have, some have claimed that Prop 12 is a mandate. But what is a mandate? A hundred percent? I would say that is probably a mandate. Ninety percent? That is pretty good. That would be a mandate. Eighty percent? Mandate. Let's go down. I think 51 percent would be a mandate, maybe 50 percent. Now let's be generous. Say 40 percent is a mandate. And although the Prop 12 initiative passed in 2018, it was far from a mandate for the record. Only 20 percent of Californians voted in that election.

And of those 20 percent, only 13 percent that voted in California approved this ill-thought provision, 13 percent of Californians. That is not a mandate. And I think that is why we have seen all the signals, not just from Justice Gorsuch because I read it from at least two other justices in the Supreme Court who said this is a responsibility Congress has to fix.

This Committee will consider a measured correction that preserves states' rights to control their internal agriculture practices, will protect interstate commerce, and preserves states' animal health regulations and laws.

And so a huge thank you to our witnesses for coming here and sharing your perspective and your expertise. I thought this was an outstanding hearing.

A thank you to our staff for all of your work to make this a successful hearing, and to the Members who, quite frankly, are under a lot of pressure today with a lot of things that are going on and the time constraints that we are under that came out and asked questions today.

So under the Rules of the Committee, the record of today's hearing will remain open for 10 calendar days to receive additional material and supplementary written responses from the witnesses to any question posed by a Member.

This hearing of the Committee on Agriculture is adjourned.

[Whereupon, at 12:56 p.m., the Committee was adjourned.]

[Material submitted for inclusion in the record follows:]

SUBMITTED ARTICLE BY HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS
FROM PENNSYLVANIA

Pennsylvania Farm Bureau

[<https://pfb.com/congress-must-act-on-state-agricultural-production-standards-to-protect-producers-and-consumers/>]

Congress Must Act on State Agricultural Production Standards to Protect Producers and Consumers

[May 24, 2024]



By Chris Hoffman, President, Pennsylvania Farm Bureau

As farmers, we recognize that Americans are increasingly interested in where their food comes from and how it is produced. This is especially true with how animals are raised for food production, which has led some states to impose emotionally satisfying yet counterproductive animal welfare standards for products sold within their borders—regardless of where those products originate.

Make no mistake, farmers are committed to the proper care of the animals they have been entrusted with. They are our livelihood and a large part of the legacy we hope to pass along to future generations. Yet rather than protecting animal health, the aforementioned state standards now threaten to create a patchwork of ill-conceived laws and regulations that not only fail to protect animals but also increase consumer costs. This unscientific law weakens food security, which is linked to national security, and threatens the livelihoods of small family farms that are the backbone of Pennsylvania agriculture. To prevent these negative outcomes, Congress must act—and the new Federal farm bill offers an opportunity for such action.

The 2018 adoption of California's Proposition 12 (Prop 12), a ballot initiative prohibiting the sale of eggs, veal meat and pork products from animals unless they meet the state's confinement standards, is the most recent state action illustrating the need for a Federal solution to this issue. California consumes about 15% of the nation's pork, while producing less than a tenth of a percent of it, meaning they must rely on out-of-state production to meet their demand. That means pork producers outside the state must follow California standards if they wish to do business there, regardless of their own state's laws and regulations.

Due to the implications of California's law on interstate commerce, the American Farm Bureau Federation (AFBF) and the National Pork Producers Council (NPPC) filed a legal challenge which was rejected in May 2023 by the U. S. Supreme Court,

thus returning the issue to Congress. If the House and Senate fail to act to remedy this situation, one state will be allowed to dictate business practices for the entire nation. This increases the risk of one—or several states—tangling up America's entire system of interstate commerce by passing unscientific laws limiting or prohibiting the sale of any type of goods from other states.

We believe that Congress must act quickly to ensure that states cannot set the rules for interstate commerce. Fortunately, Rep. Glenn “GT” Thompson, in his capacity as Chairman of the U.S. House Agriculture Committee, has proposed a common-sense solution to address state actions like California's Proposition 12. Chairman Thompson's proposal clarifies that states and local governments cannot impose standards of production, as a condition for sale or consumption, on livestock produced outside of their borders. This protects a producer's right to participate in a national market without having to adhere to a patchwork of costly compliance requirements. It also protects the rights of states and local governments to impose production standards as they see fit, but *only* for livestock raised within their own borders.

Renovations to become compliant with things like Prop 12 are financially burdensome for producers of all sizes—especially for many small family farms—that are already struggling to remain in operation and would likely not be able to stay in business under a Prop 12-like regime. The ultimate result will be even more consolidation in agriculture among a few large entities, which will inevitably translate to increased prices at the grocery store and fewer families who can afford high-quality protein—especially those who are already struggling with high grocery prices caused by inflation and have no interest in paying a “premium” for pork raised under a Prop 12-like system.

Worst of all, the promised improvements to animal health and welfare under Prop 12-like standards simply do not materialize, in large part because those standards were created by people with little to no knowledge or understanding of the realities of veterinary science and animal husbandry. In the case of the pork industry, sow mortality rates have *increased* nationwide since the implementation of Prop 12—an outcome that the Golden State's Department of Food and Agriculture (CDFA) admitted would occur *before* Prop 12 was implemented.

The continued presence of Prop 12 (and other state laws like it) sets a harmful precedent for animal agriculture and opens the ability for states to create a similar patchwork of mandated growing practices for beef, poultry, sheep, and/or dairy. Congress must do its duty to protect farmers and consumers from unscientific state mandates that threaten animal health, economic viability, and interstate commerce. Chairman Thompson has crafted a workable solution in the upcoming farm bill that can win bipartisan agreement—and which deserves our support.

SUBMITTED COMMENT BY HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS
FROM PENNSYLVANIA *

[<https://eping.wto.org/en/TradeConcerns/Details?imsId=832&domainId=TBT>]

United States—State-Level Measures Prescribing Space Requirements for Farm Animals (ID 832)

June 2024 TBT Committee meeting

Canada

The representative of Canada provided the following statement. California's Farm Animal Confinement measure was initially notified to the WTO TBT committee on 7 June 2021, followed by several addenda and a notification of the final measure on 12 September 2022. Massachusetts' Prevent Cruelty to Farm Animals measure was notified as a proposed measure on 29 June 2021 and we understand it is currently in effect. Canada would like to thank California, Massachusetts and the U.S. Federal Government for their bilateral engagements on California's Proposition 12 and Massachusetts' Question 3. Unfortunately, our core concerns remain unaddressed. Canada is a strong proponent of animal welfare, as evidenced by our comprehensive Codes of Practice for the care and handling of farm animals. We also support the right of governments to develop requirements for food production within their own jurisdictions. Nevertheless, Canada is concerned about the emerging patchwork of subnational regulations across the U.S., which mandate prescriptive

* **Editor's note:** Mr. Thompson's staff submitted only the comment submitted by Canada. The hyperlink accesses the full Comment (ID 832) which includes New Zealand's comment as well as the United States' response.

agricultural production practices for food to be sold within a state, including imported products. California and Massachusetts' measures prohibit the sale of specified food products, such as types and cuts of meat, where animals were not housed in the exact manner prescribed in their respective regulations.

Overall, Canada has five main concerns. 1. These measures are not based on evidence or international standards and do not consider the entire welfare needs of animals. 2. These measures are not outcome-based and do not provide an opportunity for the recognition of equivalence. 3. A patchwork of diverging subnational regulations, mandating highly-prescriptive production practices, has the potential to severely restrict trade in agriculture and agri-food products in the U.S. 4. These measures set a concerning precedent: they signal the ability of each state to restrict the sale of any product that is not produced in an exact manner, irrespective of evidence, outcomes or international standards. If this continues to be replicated in other states or other regulatory areas, participating in the U.S. market will become unmanageable. 5. Less trade-restrictive alternatives do not seem to be taken into consideration. To reiterate, Canada strongly supports the proper care and handling of farm animals in agriculture production. However, Canada feels that these measures do not achieve that objective and establish a concerning precedent of a patchwork of subnational regulations that restrict trade. We urge the U.S. to consider mechanisms to address the growing patchwork of regulations and ensure trade is not unduly restricted.

SUBMITTED LETTERS BY HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS
FROM PENNSYLVANIA

LETTER 1

Chairman Glenn Thompson
1301 Longworth House Office Building
Washington D.C. 20515
USA

Chairwoman Debbie Stabenow
328A Russell Senate Office Building
Washington D.C. 20515
USA

Chairman Jason Smith
1139 Longworth House Office Building
Washington D.C. 20515
USA

Chairman Ron Wyden
219 Dirksen Senate Office Building
Washington D.C. 20515
USA

Ranking Member David Scott
1010 Longworth House Office Building
Washington D.C. 20515
USA

Ranking Member John Boozman
328A Russell Senate Office Building
Washington D.C. 20515
USA

Ranking Member Richard Neal
1129 Longworth House Office Building
Washington D.C. 20515
USA

Ranking Member Mike Crapo
219 Dirksen Senate Office Building
Washington D.C. 20515
USA

Dear Chairs and Ranking Members:

Canadian provinces, United States (U.S.) and Mexican states are writing to express our concerns with California's Proposition 12 and Massachusetts' Question 3. These regulations are extremely concerning due to restrictions they place on out-of-state producers to comply with arbitrary space requirements and the use of breeding stalls for certain animals. North American producers are already committed to high standards of animal welfare and care. Our commitment to science and rules-based trade ensures a predictable and consistent regulatory environment, which is why the absence of scientific justification for these regulations is concerning.

Differing regulations between U.S. states as well as stringent requirements for producers can result in a significant financial burden for producers who are already facing increased costs for feed, labour, and transportation. While some pork producers may have resources to adapt to Proposition 12 requirements, the regulations could push small- and medium-sized producers out of the market. Pork producers may choose not to convert to Proposition 12 requirements due to expensive infrastructure conversion costs and costs related to certification, audits, segregation for packers, and new registration systems throughout the value chain. Alternatively, producers may reduce herd size to accommodate space requirements, leading to lower meat supply in North America. Additional costs will ultimately be passed onto

consumers, many who already struggle with inflationary pressures and food insecurity.

Diverging and arbitrary regulations create uncertainty and set a dangerous precedent that may encourage other countries and states to develop their own trade-disruptive measures. The U.S., Canada, and Mexico are all significant pork producers, and our livestock production systems are highly integrated. Our three countries represent 14 per cent of total global pork production but are responsible for 41 per cent of global pork exports. In 2022, North American trade in pork and pork products exceeded US\$5.5 billion. As deeply connected trading partners, we must avoid barriers to trade that undermine the benefits of the U.S.-Mexico-Canada Agreement. It is imperative that we uphold our collective efforts towards regulatory compatibility and work together to ensure consumers have access to affordable food and livestock production can remain profitable.

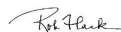
We strongly believe in the rights of sub-national governments to regulate in pursuit of legitimate objectives. However, measures that go beyond in-state rights and impose production practices onto out-of-state and out-of-country producers are problematic and negatively impact stability for the sector. We must ensure that current and future state measures do not disrupt our industries, trade, and supply chain continuity. U.S. legislators should consider all legislative options to address this patchwork of state-level regulations. Provinces and states will continue to collaborate with Federal, state, and industry partners to look for solutions to eliminate disruptions to the pork sector resulting from these regulations.

The next Tri-National Agricultural Accord is being held in Washington, DC, from October 21 to 23, 2024, and participating states and provinces would be interested to meet with you to discuss this important matter at that time. We encourage you to contact Keith Johnson, Trade Policy Analyst, Manitoba Agriculture at [Redacted] with any questions or comments.

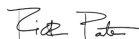
Sincerely,



Minister Ron Kostyshyn
Province of Manitoba



Minister Rob Flack
Province of Ontario



Commissioner Rick Pate
State of Alabama



Director Don Lamb
State of Indiana



Director Chris Chinn
State of Missouri



Director Brian Baldridge
State of Ohio



Minister RJ Sigurdson
Province of Alberta



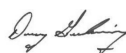
Minister David Marit
Province of Saskatchewan



Commissioner Tyler Harper
State of Georgia



Secretary Mike Beam
State of Kansas




Commissioner Doug Goehring
State of North Dakota



Secretary Blayne Arthur
State of Oklahoma



Commissioner Craig Buttars
State of Utah



Secretary Jaime Montes Salas
State of Sinaloa



Commissioner Kent Leonhardt
State of West Virginia

LETTER 2

June 13, 2023

Hon. KEVIN MCCARTHY,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.,
Hon. HAKEEM JEFFRIES,
Minority Leader,
U.S. House of Representatives,
Washington, D.C.,

Hon. CHUCK SCHUMER,
Majority Leader,
U.S. Senate,
Washington, D.C.;
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Speaker McCarthy, Leader Schumer, Leader Jeffries, and Leader McConnell:

We are the Governors of 11 states. Collectively, our states represent over 54 percent of the country's pork production and 47 percent of its cattle production. We write to express our disappointment in the decision by the U.S. Supreme Court in *National Pork Producers Council v. Ross*, No. 21–468, 2023 WL 3356528 (U.S. May 11, 2023) (“NPPC”). The NPPC opinion upheld California's Proposition 12, rejecting the challengers' argument that California's law impermissibly burdens interstate commerce in violation of the U.S. Constitution.

Food security is national security. The United States has one of the safest and most sustainable domestic food industries in the world. Our livestock producers efficiently and humanely produce the massive amounts of animal protein necessary to affordably feed our country's population. Their resource stewardship is the result of decades of applying and refining science-based, tried-and-true production techniques.

Despite California's reliance on its fellow states for food, Proposition 12 threatens to disrupt the very system Californians depend on for their pork supply. Its strict, activist-drafted requirements for pig farming sharply depart from the practices which are lawful in our states. As Justice Kavanaugh observed, scientific literature suggests that California's requirements could actually *worsen* animal health and welfare. *See NPPC*, at *23 (Kavanaugh, J., concurring in part and dissenting in part). And due to California's market share, 13 percent of the pork market, it would be prohibitively expensive for producers to segregate their pork from sales to California as a market destination from those products destined elsewhere. Instead, to comply with California's onerous and unscientific requirements, pork producers will have to bear costs in the hundreds of millions (if not billions) of dollars. These costs inevitably pass through the system onto consumers, producers, and workers.

America's pork production system is inherently interstate in its scope and integration. A single state, or handful of states, should not have the power to radically disrupt that system. Given the profound consequences of California's experiment—and cognizant that it should be the rare case where Congress exercises its Commerce Clause power to preempt state law—this is a situation where Federal legislation is appropriate and necessary.

We support the right of individuals to choose how and what animal products they consume, and of each state to lawfully regulate livestock production within their respective borders. But the policy and moral preferences of voters in one state should not—and cannot—dictate how farmers raise their crops and livestock across the country. It is imperative that Congress act. Please join us in supporting the reintroduction of the Exposing Agricultural Trade Suppression Act (S. 2619) that had been introduced during the 117th Congress by Sen. Chuck Grassley (R-IA), Sen. Joni

Ernst (R-IA), Sen. Roger Marshall (R-KS), Sen. John Cornyn (R-TX), and Sen. Cindy Hyde-Smith (R-MS).

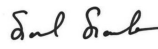
Sincerely,



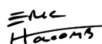
Governor Kim Reynolds
State of Iowa



Governor Jim Pillen
State of Nebraska



Governor Sarah Sanders
State of Arkansas



Governor Eric Holcomb
State of Indiana



Governor Tate Reeves
State of Mississippi



Governor Mike Parson
State of Missouri



Governor Greg Gianforte
State of Montana



Governor Joe Lombardo
State of Nevada



Governor Kevin Stitt
State of Oklahoma



Governor Greg Abbott
State of Texas



Governor Glenn Youngkin
Commonwealth of Virginia

LETTER 3

August 9, 2023

Hon. KEVIN MCCARTHY,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.,
Hon. HAKEEM JEFFRIES,
Minority Leader,
U.S. House of Representatives,
Washington, D.C.,

Hon. CHUCK SCHUMER,
Majority Leader,
U.S. Senate,
Washington, D.C.;
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate,
Washington, D.C.

Re: Support for Federal Legislation to Fix Proposition 12 after *National Pork Producers Council v. Ross*

Dear Speaker McCarthy, Leader Schumer, Leader Jeffries, and Leader McConnell,

We are Attorneys General representing sixteen states writing in support of the Ending Agricultural Trade Suppression (“EATS”) Act. Our states are disappointed by the United States Supreme Court’s decision in *National Pork Producers Council v. Ross*, No. 21–468 (U.S. May 11, 2023). That opinion upheld California’s Proposition 12, rejecting the challengers’ arguments that Prop 12 upsets the balance of power between the states in violation of the Constitution. Eleven Governors recently sent a letter calling for action. We too think Congress should exercise its power and fix this problem. The EATS Act prevents states like California from regulating farmers and ranchers nationwide, by preserving the right of states and local government to regulate agriculture within their jurisdictions.

Twenty states signed a Supreme Court brief explaining why allowing activists in California to dictate to farmers and ranchers how to raise hogs will cause problems. But this does not stop at hogs. California can throw its weight around to regulate farmers and ranchers around the country—and how they raise their crops and livestock. California’s radical climate change agenda does not account for farmers’ basic needs.

Solving the problems Prop 12 creates requires understanding what went so wrong. California's unscientific approach to raising pork follows from the fact that Californians barely raise any pork themselves. A state can always try to lead by example—passing laws to regulate agricultural production within its borders. But that is not what California did. Instead, Californians voted to impose their radical agenda on out-of-state farmers and ranchers—and in doing so raise food costs for Americans across the country. Their approach is an attack on states' authority. As a result, many small- and medium-sized pork producers may go out of business. All in support of California's out-of-touch activist agenda.

American farmers and ranchers raise massive amounts of animal protein as affordably and humanely as possible. American farmers' techniques have developed over generations to constitute global best practices. No other country produces pork as delicious and high-quality as ours. California's radical and unscientific standards show the world that they do not get what it takes to raise hogs.

California's radical-drafted requirements for farmers are hog wild. Justice Kavanaugh recognized that California's requirements might even worsen animal health and welfare. And because California buys about 13 percent of the nation's pork, it is prohibitively expensive for farmers to separate out California-approved pork from the rest. California's burdensome regulations will put small, medium, and possibly even large pork producers out of business. And American consumers won't be able to afford bacon for breakfast.

America's pork production is nationwide and relies on coordination across the country. One state, or even a few states, should not upend that system. And California is learning the wrong lesson—that it can dictate, and that the nation must follow. Given the direct impact California's Prop 12 has on interstate commerce, Congress should pass the EATS Act.

As Attorneys General, we have expertise in defending our states' laws. The EATS Act gives states the tools they need to protect farmers and ranchers. By explicitly authorizing courts to issue a preliminary injunction while a case is pending, the EATS Act ensures that food markets will not be disrupted while a court figures out whether a state's new regulation is lawful.

Our states support letting individuals buy the animal products they want and to allow states to lawfully regulate livestock production within their own borders. But when a state decides to regulate outside its borders, and to try to impose its agenda on other states, that goes too far. Regulations like California's Prop 12 will disrupt farmers' ability to feed the nation. At a minimum, Prop 12 will force high food prices on the American people. Congress should make clear that a state can regulate how livestock is produced within its borders but not in other states.

Please join us in supporting the Ending Agricultural Trade Suppression Act cosponsored in the Senate (S. 2019) by Senators Chuck Grassley (R-IA), Joni Ernst (R-IA), Roger Marshall (R-KS), Ted Budd (R-NC), John Cornyn (R-TX), Tom Cotton (R-AR), Kevin Cramer (R-ND), Deb Fischer (R-NE), Bill Hagerty (R-TN), Pete Ricketts (R-NE), Eric Schmitt (R-MO), and Thomas Tillis (R-NC); and cosponsored in the House (H.R. 4417) by Representatives Ashley Hinson (R-IA-02), Mariannette Miller-Meeke (R-IA-01), Zachary Nunn (R-IA-03), Randy Feenstra (R-IA-04), and 24 other Members of the house.

Sincerely,



BRENNA BIRD
Attorney General of Iowa



TIM GRIFFIN
Attorney General of Arkansas



RAÚL R. LABRADOR
Attorney General of Idaho



DANIEL CAMERON
Attorney General of Kentucky



LYNN FITCH
Attorney General of Mississippi



THEODORE E. ROKITA
Attorney General of Indiana



ANDREW T. BAILEY
Attorney General of Missouri



AUSTIN KNUDSEN
Attorney General of Montana



ANGELA COLMENERO
Provisional Attorney General of Texas



JOHN FORMELLA
Attorney General of New Hampshire



SEAN D. REYES
Attorney General of Utah



GENTNER DRUMMOND
Attorney General of Oklahoma



JASON S. MIYARES
Attorney General of Virginia



ALAN WILSON
Attorney General of South Carolina



PATRICK MORRISSEY
Attorney General of West Virginia



MARTY JACKLEY
Attorney General of South Dakota

LETTER 4

May 14, 2024

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.;

Hon. DAVID SCOTT,
Ranking Minority Member,
House Committee on Agriculture,
Washington, D.C.;

Hon. DEBBIE STABENOW,
Chairwoman,
Senate Committee on Agriculture, Nutrition, and Forestry,
Washington, D.C.;

Hon. JOHN BOOZMAN,
Ranking Minority Member,
Senate Committee on Agriculture, Nutrition, and Forestry,
Washington, D.C.

To: The Honorable Representative Thompson; Representative Scott; Senator Stabenow; Senator Boozman

We, the *Food Equity Alliance*¹ of California, feel a responsibility to reinforce to you that Proposition 12 is exacerbating food insecurity in California. Proposition 12 disproportionately impacts our most vulnerable Californians, grocery markets, and restaurants at a time when they are already struggling to make ends meet. It is creating chaos and confusion throughout our food supply chain and producers, processors, grocers, restaurants, and families need help.

In February, Secretary of Agriculture Tom Vilsack's testimony before the Senate Agriculture, Nutrition, and Forestry Committee emphasized Proposition 12's impacts on pork producers and processors, and its disruption to our markets. While we are pleased to see thoughtful consideration of Prop 12, there was little to no discussion of the impact of Prop 12's impact on food-insecure households.

Our nation is facing a crisis of food insecurity, which means limited, uncertain, or inconsistent access to the food necessary for a healthy life. As of October 2023,² over three million households in California were considered food-insecure, including over one million households with children. Food insecurity can lead to hunger, poor physical and mental health, or poor academic performance. Even worse, it puts families in the impossible position of choosing whether to pay their rent or purchase necessary food and medicine.

Pork prices have become prohibitively expensive for households and businesses that rely on affordable protein. A *new study*³ has overwhelmingly confirmed the surge in prices and impact on struggling Californians. Retail pork prices in California have increased on average by 20% since July 1, 2023 compared to the rest of the United States. As a result, California's share of the national retail sales market for pork has declined, falling from 10% to less than 8% as of January 31, 2024, hurting producers and consumers alike.

Proposition 12 disproportionately impacts minority families and businesses, particularly the Asian and Latino communities who rely on pork as their primary protein staple. Culturally, both Latino and Asian populations eat more pork compared to the average American who consumes higher quantities of beef. This is particularly concerning since more than one in three Latinx adults across California live in food-insecure households.

We kindly request that Congress keep in mind Proposition 12's startling impact on American families and businesses as they pursue relevant legislation. We fear that without Congressional action, these same food affordability issues are coming for the rest of the country.

Sincerely,

The Food Equity Alliance

California Asian Pacific Chamber of Commerce
California Grocers Association
California Hispanic Chambers of Commerce
California Pork Producers Association
California Restaurant Association
California Retailers Association
Golden Gate Restaurant Association
Latin Business Association
Latino Restaurant Association
National Asian American Coalition

CC:

House Committee on Agriculture Members

Senate Committee on Agriculture, Nutrition & Forestry Members

LETTER 5

July 21, 2025

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.

Dear Chairman Thompson,

Thank you for your July 18, 2025, letter regarding the United States Department of Agriculture's (USDA, "the Department") research on the economic impacts of

¹<https://foodequityalliance.org/>.

²<https://www.cafoodbanks.org/hunger-data-reports/>.

³https://s.giannini.ucop.edu/uploads/pub/2024/03/19/v27n3_2_e40mBEN.pdf.

California's Proposition 12 ("Prop 12") on both California pork consumers and pork producers across the United States. I appreciate your attention to this issue and your commitment to understanding the policy's far-reaching implications and its impact on the resiliency of our food system.

In response to your request, I have directed USDA's Economic Research Service (ERS) and Office of the Chief Economist (OCE) to update their previous research on the economic landscape surrounding Prop 12 since its implementation on January 1, 2024.

In the interim, below is a summary of findings, to date.

Impact on U.S. Pork Producers

Prop 12 requires all pork sold in California—regardless of where it is produced in the United States—to come from breeding pigs housed in systems that provide a minimum of 24 square feet per sow and allow the animals to turn around freely. This requirement comes amid the fact that over 95 percent of the pork consumed in California is shipped to the State. Not surprisingly, this requirement has contributed to cost increases within the domestic supply chain.

- According to ERS estimates (April 2025), approximately **27 percent of U.S. pork producers** have made or are making investments to comply with Prop 12 housing requirements.
- The average capital cost of retrofitting or rebuilding facilities to meet Prop 12 standards is estimated at **\$3,500 to \$4,500 per sow**, depending on region, existing infrastructure, and scale of operation.
- Compliance costs disproportionately affect **small- and mid-sized producers**, who face tighter margins and less access to capital. As of the first quarter of 2025, **12 percent of small pork operations** (defined as <500 sows) have exited the market or shifted production away from breeding, citing regulatory uncertainty and high transition costs.

Effect on California Pork Consumers

California represents approximately **13 percent of total U.S. pork consumption**. Since the enactment of Prop 12:

- Per ERS Retail Meat Price Data (June 2025), retail pork prices in California have increased by **18.7 percent year-over-year**, compared to a **6.3 percent increase nationwide** over the same period.
- The average price of pork loin in California increased from **\$4.12 per pound in December 2023 to \$4.89 per pound in June 2025**, with more significant increases observed in some cuts, such as bacon.
- A recent USDA consumer affordability study (May 2025) found that **low-income households in California reduced pork purchases by 22 percent**, indicating price increases are affecting food access and affordability for economically vulnerable populations.

Interstate Commerce and Market Fragmentation

Prop 12 has led to partial segmentation in the national pork market:

- Packers and processors now routinely **segregate compliant and non-compliant pork** through dedicated supply chains. According to industry data, about **35 percent of federally inspected slaughterhouses** have systems in place to handle Prop 12-compliant product.
- ERS modeling suggests that such segmentation may increase transaction and distribution costs by **\$0.07 to \$0.11 per pound** on compliant pork, compounding inflationary pressure.

The Department continues to assess long-term implications for interstate trade, including potential precedent for similar state-level laws in other agricultural sectors. Additionally, USDA will continue to monitor Prop 12's economic effects and will prepare a report with more recent data. Meanwhile, I will ensure the Department provides transparent, data-driven insights to inform policymakers and protect the integrity of the U.S. agricultural system.

As I stated when I visited your Committee earlier this year, I am committed to working with Congress to find a fix for Prop 12, and the economic issues it has created. One state should not have the authority to dictate terms to another state, especially when producers know best how to care for their animals. It is critical Congress and USDA work together to safeguard producers and consumers to ensure Prop 12 and similar laws at the whims of a small minority in one state do not create economic hardship.

Thank you again for your leadership and partnership on this important issue. Please do not hesitate to request further briefings or data requests by having a member of your staff contact the USDA Office of Congressional Relations at (202) 720-7095.

Sincerely,



BROOKE L. ROLLINS,
Secretary,
U.S. Department of Agriculture.

LETTER 6

July 21, 2025

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.;

Hon. ANGIE CRAIG,
Ranking Minority Member,
House Committee on Agriculture,
Washington, D.C.

Dear Chairman Thompson and Ranking Member Craig:

The American Association of Swine Veterinarians (AASV) is a professional association of veterinarians specializing in swine health, welfare, and production. Over 1,300 AASV members represent all facets of the veterinary profession including practice, research, allied industry, public health, government, academia, and education. It is the mission of the AASV to increase the knowledge of swine veterinarians, protect and promote the health and well-being of pigs, advocate science-based approaches to veterinary, industry, and public health issues, and promote the development and availability of resources that enhance the effectiveness of professional activities.

The AASV supports efforts that recognize the responsibility of veterinarians to work with farmers to ensure swine are raised in a manner that promotes animal health, animal well-being, and human safety. Because no single husbandry style is applicable in all situations, on-farm animal management decisions should be based on the best available scientific evidence and professional judgement. The veterinarians and farmers who work with these animals daily are best informed to make those decisions. Regulatory requirements placing arbitrary limits on the veterinarian's ability to work with our clients to promote the best on-farm husbandry practices may not be in the best interest of the animals under our care.

It is the position of the AASV that, given the variability inherent in different housing systems, we support the use of sow housing configurations that provide every animal with access to appropriate food and water; protect sows and piglets from detrimental effects associated with environmental extremes, particularly temperature extremes; reduce exposure to hazards that result in disease, pain or injury to sows or piglets; allow sows and piglets to express appropriate behaviors and minimize expression of inappropriate behaviors within the constraints of the housing type; minimize aggression and competition between sows; promote good air quality and allow proper sanitation; facilitate evaluation and care of individual animals while protecting worker safety; and provide alternative housing for sows based on evaluation of each sow's individual needs.

There are advantages and disadvantages to any sow housing that should be considered by weighing scientific evidence and veterinary professional judgement. The veterinarian's role is to teach and promote appropriate stockmanship, which is as important as housing type in meeting the needs of the animals. Methods of selection (genotypic and phenotypic) should be considered for identifying animals that can thrive in various housing environments. Furthermore, we support research that investigates the impact of housing on sow welfare.

California's Proposition 12 prohibits the sale of products based on arbitrary animal housing requirements on a host of animals—including swine. The ballot initiative does not objectively improve animal welfare. In fact, in some cases, it may compromise animal welfare.

A well-established body of scientific literature assessing biological metrics of sow welfare in individual stalls and group pens shows that both housing methods can be important tools in managing a healthy herd. Categorically banning one of them, as Proposition 12 does, will likely harm rather than improve animal well-being. There is a strong scientific consensus that, in order to maximize animal welfare, the choice between individual stalls and group pens must be made on a case-by-case

basis, depending on the circumstances faced by each individual herd and farm. When this choice is made according to sound husbandry and veterinary principles, animal-welfare outcomes are similar between group housing and individual stalls.

The scientific evidence thus indicates that both individual stalls and group pens are valuable management options for sow housing. Which of them is best to use, in what proportions, and at what times in a sow's reproductive cycle, are questions that depend on the individual circumstances of a farm and its herd. Maximizing animal health and welfare therefore requires housing arrangements for sows in farm herds to be determined on a case-by-case basis, by farmers and veterinarians considering all the circumstances of each individual herd and farm.

Without a solution, veterinarians will be restricted in their options to maximize animal welfare based on a herd's specific needs.

There is no one-size-fits-all housing type that is best for all sows in all situations. For all sow housing systems, careful husbandry, facility maintenance, and farm-worker training are important to maximizing sow well-being. The best solution for animal welfare is for each team of farmers and veterinarians to have flexibility to determine the housing arrangements that are best for their animals in their circumstances. Because Proposition 12 would take away that flexibility, it places at risk the well-being of many animals. Moreover, the Supreme Court's decision in *National Pork Producers v. Ross* opened the door for additional unscientific state regulations across agriculture and veterinary practice.

The Supreme Court's opinion clearly stated only Congress can intervene. It is critical Congress assert its constitutional authority to protect the freedom of veterinarians to maximize animal health and welfare.

Sincerely,



HARRY SNELSON, D.V.M.,
Executive director,
American Association of Swine Veterinarians.

LETTER 7

July 23, 2025

Hon. GLENN THOMPSON,
Chairman,
U.S. House of Representatives,
Washington, D.C.,

Hon. AUSTIN SCOTT,
Vice Chair,
U.S. House of Representatives,
Washington, D.C.,

Hon. ANGIE CRAIG,
Ranking Minority Member,
U.S. House of Representatives,
Washington, D.C.;

Hon. SHONTEL BROWN,
Vice Ranking Minority Member,
U.S. House of Representatives,
Washington, D.C.;

Dear Chairman Thompson, Ranking Member Craig, Vice Chair Scott, and Vice Ranking Member Brown:

We write to express our support for legislation to address California's Proposition 12, clarifying that one state cannot regulate livestock production beyond its own borders. Livestock producers in our states should not have to comply with regulations determined by another state's electorate.

For decades, our livestock producers have implemented science-based practices and adopted production technologies that have allowed our nation's food supply to be one of the safest and most sustainable in the world. The United States is producing high-quality protein as affordably and humanely as possible. However, through Proposition 12, California has set arbitrary requirements for how producers should operate their farming businesses. Out of touch and removed from the realities of agriculture, California activists now claim to know what's best for the producers who have raised livestock from generation to generation.

Livestock production in the United States is inherently interstate in its design. In the pork industry, nearly 100 percent of the nation's sow population is raised outside of California. Although California does not raise hogs, the state does account for 15 percent of the national pork market. Despite California's lack of hog herd, interstate commerce allows its consumers to purchase pork products, meeting the state's market demand for this protein. By imposing unnecessary and unscientific regulations, Proposition 12 increases the price for consumers in California and for producers in pork-supplying states.

We support the right of individuals to choose which animal products they purchase and consume. If consumers in the marketplace create a demand for products to be raised in a certain way, producers may be incentivized to change their practices to meet this new demand. We also support the right of each state to lawfully regulate livestock production within their own borders. But when one state decides to regulate another, Federal legislation is appropriate and necessary. We ask that Congress make clear that each state may regulate livestock production within its own borders, but not the production of livestock in other states.

Sincerely,



Governor Kim Reynolds
State of Iowa



Governor Jim Pillen
State of Nebraska



Governor Kevin Stitt
State of Oklahoma



Governor Tate Reeves
State of Mississippi



Governor Mike Kehoe
State of Missouri



Governor Glenn Youngkin
Commonwealth of Virginia



Governor Mike Braun
State of Indiana



Governor Joe Lombardo
State of Nevada

SUBMITTED LETTERS BY HON. AUSTIN SCOTT, A REPRESENTATIVE IN CONGRESS FROM
GEORGIA

LETTER 1

May 20, 2024

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.;

Hon. DAVID SCOTT,
Ranking Minority Member,
House Committee on Agriculture,
Washington, D.C.

Dear Chairman Thompson and Ranking Member Scott:

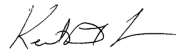
The American Veterinary Medical Association (AVMA) is the nation's leading representative of the veterinary profession, speaking for more than 105,000 member veterinarians who care passionately about protecting animal health, animal welfare, and human health. Informed by its members' unique scientific training and knowledge, the AVMA offers strong support for Section 12007 of the Farm, Food, and National Security Act of 2024, which protects veterinarians' freedom and flexibility to provide the best care for farm animals.

Proposition 12 (Prop 12) prohibits sales in California of animal products, regardless of whether they are produced in-state or out-of-state, that do not comply with certain livestock housing requirements set by California voters in a 2018 ballot initiative. Because no one husbandry style is appropriate for all circumstances, regulations aimed at improving animal welfare should be based upon scientific evidence and the professional judgement of veterinarians. The arbitrary housing requirements in Prop 12 do not objectively improve animal welfare and may unintentionally cause harm.

In addition, allowing one state to dictate animal raising requirements to other states in order to sell their products in its state not only interferes with interstate commerce, but carves a path for future governance of all states by individual states whose laws they may not agree with. This kind of legislation will create a patchwork of regulations which are often not scientifically based, could impact biosecurity, and would be cost prohibitive and cumbersome for veterinarians and their producer clients to navigate.

The AVMA advocates for policies that advance the practice of veterinary medicine, animal welfare, and animal and public health. Without a solution to Prop 12, veterinarians will be restricted in their options to maximize animal welfare based on a herd's specific needs. Through Section 12007, we urge Congress to address the challenges posed by Prop 12 in the next farm bill reauthorization.

Sincerely,



KENT D. MCCLURE, D.V.M., J.D.,
Associate Executive Vice President & Chief Advocacy Officer,
American Veterinary Medical Association.

LETTER 2

May 21, 2024

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.;

Hon. DAVID SCOTT,
Ranking Minority Member,
House Committee on Agriculture,
Washington, D.C.

Dear Chairman Thompson and Ranking Member Scott:

The undersigned organizations representing the country's farmers, ranchers, and partners write in strong support of Section 12007 of the Farm, Food, and National Security Act of 2024, which provides much needed certainty in farm country. California's Proposition 12—and the implications of the Supreme Court's decision in *National Pork Producers Council v. Ross*—are causing turmoil in agricultural markets and having significant detrimental impacts on our members' farms and ranches, especially small- and medium-sized farms, as explained below. We strongly urge Congress to include this critical provision in any farm bill reauthorization to prevent an unworkable patchwork of 50 conflicting state laws throughout the country that snarl interstate commerce.

Proposition 12, a 2018 California ballot measure, prohibits the sale of pork, veal, and eggs produced from animals not housed according to the state's arbitrary requirements. In May 2023, the U.S. Supreme Court ruled that only Congress has the authority to step in and protect American agriculture from regulatory chaos posed by laws such as Proposition 12.¹

In his recent testimony before the House Agriculture Committee, Secretary of Agriculture Tom Vilsack said, "if we don't take this issue [Proposition 12] seriously, we're going to have chaos in the marketplace."² Further reiterating to the Senate Agriculture Committee, Vilsack said, "if it [Congress] doesn't figure this out, there is going to be chaos." He emphasized that "farmers do not need the chaos, they need clarity and certainty."³ Our organizations could not agree more.

Without immediate Congressional action, agriculture is at risk of arbitrary and conflicting state laws across all 50 states, on any myriad of issues. This will most severely harm small- and medium-sized farms by imposing massive compliance costs and forcing significant consolidation throughout agriculture.

According to studies conducted by economists at North Carolina State University and Iowa State University, constructing new, Proposition 12-compliant barns can cost 40% more than traditional barns and 25% more than conventional group housing, not including the estimated 15% higher operating costs caused by reduced productivity. These studies also indicate that compliance with Proposition 12 may be more financially attainable for large, cost-advantaged farms who benefit from higher profit margins, more favorable lending terms, and economies of scale. With states free to impose their own requirements on out-of-state producers, high compliance costs and the risk of ever-changing regulations will force many small farms to decide between exiting the business or entering into a production contract, resulting in fewer, larger farms owning a greater portion of sows in the U.S.

Proposition 12 also poses a significant threat to our relationships with long standing trading partners who have negotiated trade agreements with the United States. Compliance with Proposition 12 threatens partners with loss of market access to the most populous state in the union. Similarly, it undermines the ability of the United

¹ https://www.supremecourt.gov/opinions/22pdf/21-468_5if6.pdf.

² <https://www.reuters.com/markets/commodities/us-agriculture-secretary-sees-chaos-meat-market-without-congressional-action-2024-02-14/>.

³ <https://www.c-span.org/video/?c5107918/user-clip-02-28-24-boozman-vilsack-prop-12>.

States to negotiate trade agreements across the globe, as countries could impose similar non-science based regional restrictions on U.S. exports. Our organizations are also concerned Proposition 12 puts the United States at risk of retaliatory action on American agricultural products. This is not a hypothetical theory. The U.S. Government has already notified the WTO Committee on Technical Barriers to Trade about the violation that Proposition 12 creates—to which Canada has already raised concerns.^{4, 5}

Some mistakenly believe producers have a choice and can choose not to sell into the California market. However, when one state accounts for almost 15% of the national market, this is a clear misunderstanding of market segmentation and how agricultural markets operate. As Secretary Vilsack explained before the Senate Agriculture Committee: “there is not a choice between doing business with California and not in California. You’re essentially going to be driven by that requirement.”⁶

Section 12007 protects our nation’s robust food supply chains and the freedom of farmers across the country to raise food in the best way possible. This approach also continues allowing states to act independently, imposing laws that impact commerce within their borders and regulating practices occurring there. California, and other states, could continue to regulate pork production within their borders while protecting the rights of other states to make their own determinations.

As the Supreme Court’s decision and Secretary Vilsack made clear: only Congress has the authority to prevent “chaos” in the marketplace and provide farmers the certainty they need. If Congress fails to act, the chaos from a segmented market will drive consolidation and force American family farmers out of business, as the rest of agriculture remains exposed. We ask Congress to address Proposition 12 in the upcoming farm bill and urge you to ensure any farm bill reauthorization provides certainty to producers and protects their investments from a 50 state compliance patchwork.

Sincerely,

National Organizations

Agricultural and Food Transporters Conference of American Trucking Associations	National Lamb Feeders Association
American Farm Bureau Federation	National Milk Producers Federation
American Sheep Industry Association	National Pork Producers Council
Beef Alliance	National Sorghum Producers
Livestock Marketing Association	National Turkey Federation
National Cattlemen’s Beef Association	Rural & Agricultural Council of America
National Corn Growers Association	U.S. Cattleman’s Association

State Organizations

<i>Alabama</i>	<i>Nebraska (cont.)</i>
Alabama Cattlemen’s Association	Garfield County Farm Bureau (NE)
Alabama Dairy Producers	Greeley County Farm Bureau (NE)
Alabama Dept. of Agriculture & Industries	Hall County Farm Bureau (NE)
Alabama Farmers Federation	Hamilton County Farm Bureau (NE)
Alabama Pork Producers	Holt County Farm Bureau (NE)
Alabama Poultry Producers	Howard County Farm Bureau (NE)
Autauga County Farmers Federation (AL)	Jefferson County Farm Bureau (NE)
Baldwin County Farmers Federation (AL)	Johnson County Farm Bureau (NE)
Barbour County Farmers Federation (AL)	Kearney/Franklin County Farm Bureau (NE)
Bibb County Farmers Federation (AL)	Keith County Farm Bureau (NE)
Blount County Farmers Federation (AL)	Lancaster County Farm Bureau (NE)
Bullock County Farmers Federation (AL)	Logan County Farm Bureau (NE)
Butler County Farmers Federation (AL)	Loup County Farm Bureau (NE)
Calhoun County Farmers Federation (AL)	Madison County Farm Bureau (NE)
Chambers County Farmers Federation (AL)	Merrick County Farm Bureau (NE)
Cherokee County Farmers Federation (AL)	Morrill County Farm Bureau (NE)
Chilton County Farmers Federation (AL)	Nance County Farm Bureau (NE)
Choctaw County Farmers Federation (AL)	Nuckolls County Farm Bureau (NE)
Clarke County Farmers Federation (AL)	Otoe County Farm Bureau (NE)
Clay County Farmers Federation (AL)	Pawnee County Farm Bureau (NE)
Cleburne County Farmers Federation (AL)	Pierce County Farm Bureau (NE)
Coffee County Farmers Federation (AL)	Polk County Farm Bureau (NE)
Colbert County Farmers Federation (AL)	Richardson County Farm Bureau (NE)
Conecuh County Farmers Federation (AL)	Rock County Farm Bureau (NE)
Cossa County Farmers Federation (AL)	Saline County Farm Bureau (NE)
Covington County Farmers Federation (AL)	Saunders County Farm Bureau (NE)
Crenshaw County Farmers Federation (AL)	Scottsbluff County Farm Bureau (NE)
Cullman County Farmers Federation (AL)	Seward County Farm Bureau (NE)
Dale County Farmers Federation (AL)	Sherman/Valley County Farm Bureau (NE)
Dallas County Farmers Federation (AL)	Stanton County Farm Bureau (NE)
Dekalb County Farmers Federation (AL)	Thayer County Farm Bureau (NE)
Elmore County Farmers Federation (AL)	Thurston County Farm Bureau (NE)
Escambia County Farmers Federation (AL)	Washington County Farm Bureau (NE)
Etowah County Farmers Federation (AL)	Wayne County Farm Bureau (NE)
Fayette County Farmers Federation (AL)	Wheeler County Farm Bureau (NE)
Franklin County Farmers Federation (AL)	York County Farm Bureau (NE)
Geneva County Farmers Federation (AL)	<i>Nevada</i>
Greene County Farmers Federation (AL)	Nevada Cattlemen’s Association
Hale County Farmers Federation (AL)	Nevada Farm Bureau Federation
Henry County Farmers Federation (AL)	<i>New Hampshire</i>
Houston County Farmers Federation (AL)	New Hampshire Farm Bureau Federation
Jackson County Farmers Federation (AL)	Grafton County Farm Bureau (NH)
Jefferson County Farmers Federation (AL)	<i>New Jersey</i>

⁴[directdoc.aspx\(wto.org\)](https://directdoc.aspx(wto.org)).

⁵<https://www.canada.ca/en/agriculture-agri-food/news/2024/01/minister-macaulay-concludes-productive-visit-to-washington-dc.html>.

⁶<https://www.c-span.org/video/?c5107918/user-clip-02-28-24-boozman-vilsack-prop-12>.

Lamar County Farmers Federation (AL)
 Lauderdale County Farmers Federation (AL)
 Lawrence County Farmers Federation (AL)
 Lee County Farmers Federation (AL)
 Limestone County Farmers Federation (AL)
 Lowndes County Farmers Federation (AL)
 Macon County Farmers Federation (AL)
 Madison County Farmers Federation (AL)
 Marengo County Farmers Federation (AL)
 Marion County Farmers Federation (AL)
 Marshall County Farmers Federation (AL)
 Mobile County Farmers Federation (AL)
 Monroe County Farmers Federation (AL)
 Montgomery County Farmers Federation (AL)
 Morgan County Farmers Federation (AL)
 Perry County Farmers Federation (AL)
 Pickens County Farmers Federation (AL)
 Pike County Farmers Federation (AL)
 Randolph County Farmers Federation (AL)
 Russell County Farmers Federation (AL)
 Shelby County Farm Bureau (AL)
 Shelby County Farmers Federation (AL)
 St. Clair County Farmers Federation (AL)
 Sumter County Farmers Federation (AL)
 Talladega County Farmers Federation (AL)
 Tallapoosa County Farmers Federation (AL)
 Tuscaloosa County Farmers Federation (AL)
 Walker County Farmers Federation (AL)
 Washington County Farmers Federation (AL)
 Wilcox County Farmers Federation (AL)
 Winston County Farmers Federation (AL)

Arizona

Arizona Cattle Feeders Association
 Arizona Farm Bureau Federation
 Arizona Pork Council
 Apache County Farm Bureau (AZ)
 Coconino County Farm Bureau (AZ)
 Graham County Farm Bureau (AZ)
 Greenlee County Farm Bureau (AZ)
 Maricopa County Farm Bureau (AZ)
 Navajo County Farm Bureau (AZ)
 Yuma County Farm Bureau (AZ)

Arkansas

Arkansas Farm Bureau
 Arkansas Farm Bureau Poultry Committee
 Arkansas Pork Producers Association
 Benton County, Farm Bureau (AR)
 Boone County Farm Bureau (AR)
 Carroll County Farm Bureau (AR)
 Franklin County Farm Bureau (AR)
 Madison County Farm Bureau (AR)
 Sebastian Farm Bureau (AR)
 Washington County Farm Bureau (AR)

California

California Wool Growers Association
 California Pork Producers Association

Colorado

Colorado Cattlemen's Association
 Colorado Farm Bureau
 Colorado Livestock Association
 Colorado Pork Producers Council
 Colorado Wool Growers Association
 Otero County Farm Bureau (CO)

Connecticut

Connecticut Farm Bureau Association

Delaware

Delaware Farm Bureau
 Delaware Pork Producers Association
 Sussex County Farm Bureau (DE)
 Kent County Farm Bureau (DE)
 New Castle County Farm Bureau (DE)

Florida

Farm Credit of Northwest Florida
 Florida Association of Livestock Markets
 Florida Cattlemen's Association
 Florida Farm Bureau Federation
 The Meat Sheep Alliance of Florida
 Bay County Farm Bureau (FL)
 Bradford County Farm Bureau (FL)
 Clay County Farm Bureau (FL)
 Columbia County Farm Bureau (FL)
 Escambia County Farm Bureau (FL)
 Hamilton County Farm Bureau (FL)
 Levy County Farm Bureau (FL)
 Sumter County Farm Bureau (FL)
 Washington County Farm Bureau (FL)

Georgia

Georgia Department of Agriculture
 Georgia Farm Bureau
 Georgia Livestock Markets Association
 Atkinson County Farm Bureau (GA)
 Barrow County Farm Bureau (GA)
 Bartow County Farm Bureau (GA)
 Ben Hill County Farm Bureau (GA)
 Berrien County Farm Bureau (GA)
 Bibb County Farm Bureau (GA)
 Bulloch County Farm Bureau (GA)
 Butts County Farm Bureau (GA)
 Camden County Farm Bureau (GA)
 Carroll County Farm Bureau (GA)
 Catoosa County Farm Bureau (GA)
 Chattooga County Farm Bureau (GA)
 Cherokee County Farm Bureau (GA)
 Clarke County Farm Bureau (GA)
 Cobb County Farm Bureau (GA)
 Coffee County Farm Bureau (GA)
 Columbia County Farm Bureau (GA)
 Cook County Farm Bureau (GA)
 Crawford County Farm Bureau (GA)

New Jersey Farm Bureau Federation

New Mexico

New Mexico Farm & Livestock Bureau
 Chaves County Farm and Livestock Bureau (NM)
 Dona Ana County Farm and Livestock Bureau (NM)
 Grant County Farm and Livestock Bureau (NM)
 Roosevelt County Farm & Livestock Bureau (NM)
 Santa Fe County Farm & Livestock Bureau (NM)
 Taos County Farm & Livestock Bureau (NM)
 Torrance County Farm & Livestock Bureau (NM)
 Union County Farm and Livestock Bureau (NM)

New York

New York Beef Producers' Association
 New York Farm Bureau Federation
 New York Pork Producers Co-op
 Allegany County Farm Bureau (NY)
 Cattaraugus County Farm Bureau (NY)
 Cayuga County Farm Bureau (NY)
 Chemung County Farm Bureau (NY)
 Ontario County Farm Bureau (NY)
 Schuyler Farm Bureau (NY)
 Seneca County Farm Bureau (NY)
 Steuben County Farm Bureau (NY)
 Yates County Farm Bureau (NY)

North Carolina

North Carolina Cattlemen's Association
 North Carolina Department of Agriculture & Consumer Services
 North Carolina Farm Bureau Federation
 North Carolina Livestock Auction Markets Association
 North Carolina Pork Council

North Dakota

North Dakota Farm Bureau Federation
 North Dakota Lamb and Wool Producers Association
 North Dakota Pork Council
 North Dakota Stockmen's Association

Ohio

Ohio AgriBusiness Association
 Ohio Cattlemen's Association
 Ohio Dairy Producers Association
 Ohio Farm Bureau Federation
 Ohio Pork Council
 Ohio Sheep Improvement Association
 AgCredit, ACA (OH)
 Ashland County Farm Bureau (OH)
 Ashtabula County Farm Bureau (OH)
 Brown County Farm Bureau (OH)
 Butler County Farm Bureau (OH)
 Carroll County Farm Bureau (OH)
 Champaign County Farm Bureau (OH)
 Clark County Farm Bureau (OH)
 Clermont County Farm Bureau (OH)
 Clinton County Farm Bureau (OH)
 Columbiana County (OH)
 Cuyahoga County Farm Bureau (OH)
 Defiance County Farm Bureau (OH)
 Delaware County Farm Bureau (OH)
 Fayette County Farm Bureau (OH)
 Franklin County Farm Bureau (OH)
 Fulton County Farm Bureau (OH)
 Geauga County Farm Bureau (OH)
 Greene County Farm Bureau (OH)
 Hamilton County Farm Bureau (OH)
 Harrison County Farm Bureau (OH)
 Henry County Farm Bureau (OH)
 Jefferson County Farm Bureau (OH)
 Lake County Farm Bureau (OH)
 Logan County Farm Bureau (OH)
 Madison County Farm Bureau (OH)
 Mahoning County Farm Bureau (OH)
 Medina County Farm Bureau (OH)
 Mercer County Farm Bureau (OH)
 Miami County Farm Bureau (OH)
 Montgomery County Farm Bureau (OH)
 Paulding County Farm Bureau (OH)
 Portage County Farm Bureau (OH)
 Preble County Farm Bureau (OH)
 Putnam County Farm Bureau (OH)
 Shelby County Farm Bureau (OH)
 Stark County Farm Bureau (OH)
 Trumbull County Farm Bureau (OH)
 Tuscarawas County Farm Bureau (OH)
 Van Wert County Farm Bureau (OH)
 Warren County Farm Bureau (OH)
 Wayne County Farm Bureau (OH)
 Williams County Farm Bureau (OH)

Oklahoma

Oklahoma Farm Bureau Federation
 Oklahoma Pork Council
 Caddo County Farm Bureau Federation (OK)
 Canadian County Farm Bureau (OK)
 McClain County Farm Bureau (OK)
 Okfuskee County Farm Bureau (OK)
 Oklahoma County Farm Bureau (OK)
 Okmulgee County Farm Bureau (OK)
 Ottawa County Farm Bureau Federation (OK)
 Payne County Farm Bureau (OK)
 Pottawatomie County Farm Bureau (OK)
 Pushmataha County Farm Bureau (OK)
 Roger Mills County Farm Bureau Federation (OK)
 Rogers County Farm Bureau (OK)
 Seminole County Farm Bureau (OK)
 Texas County Farm Bureau (OK)
 Tulsa County Farm Bureau (OK)
 Washington County Farm Bureau (OK)
 Woodward County Farm Bureau (OK)

Oregon

Oregon Cattlemen's Association
 Oregon Farm Bureau Federation
 Oregon Pork Producers Association

Deatur County Farm Bureau (GA)		Clatsop Farm Bureau (OR)	
Dooly County Farm Bureau (GA)		Coos-Curry County Farm Bureau (OR)	
Dougherty County Farm Bureau (GA)		Crook-Wheeler County Farm Bureau (OR)	
Douglas County Farm Bureau (GA)		Deschutes County Farm Bureau (OR)	
Echols County Farm Bureau (GA)		Harney County Farm Bureau (OR)	
Elbert County Farm Bureau (GA)		Hood River County Farm Bureau Federation (OR)	
Emanuel County Farm Bureau (GA)		Jackson County Farm Bureau (OR)	
Evans County Farm Bureau (GA)		Klamath Lake County Farm Bureau (OR)	
Floyd County Farm Bureau (GA)		Linn County Farm Bureau (OR)	
Forsyth County Farm Bureau (GA)		Umatilla/Morrow County Farm Bureau (OR)	
Gilmer County Farm Bureau (GA)		Wasco County Farm Bureau (OR)	
Glascock County Farm Bureau (GA)		Yamhill County Farm Bureau (OR)	
Gordon County Farm Bureau (GA)			<i>Pennsylvania</i>
Gwinnett County Farm Bureau (GA)		Pennsylvania Farm Bureau Federation	
Habersham County Farm Bureau (GA)		Pennsylvania Livestock Auction Association	
Hall County Farm Bureau (GA)		Adams County Farm Bureau (PA)	
Hancock County Farm Bureau (GA)		Armstrong County Farm Bureau (PA)	
Harris County Farm Bureau (GA)		Beaver/Lawrence County Farm Bureau (PA)	
Hart County Farm Bureau (GA)		Bedford County Farm Bureau (PA)	
Henry County Farm Bureau (GA)		Berks County Farm Bureau (PA)	
Irwin County Farm Bureau (GA)		Blair County Farm Bureau (PA)	
Jasper County Farm Bureau (GA)		Bradford Sullivan County Farm Bureau (PA)	
Jeff Davis County Farm Bureau (GA)		Butler County Farm Bureau (PA)	
Jefferson County Farm Bureau (GA)		Cambridge County Farm Bureau (PA)	
Jenkins County Farm Bureau (GA)		Centre County Farm Bureau (PA)	
Lanier County Farm Bureau (GA)		Clarion Venango Forest County Farm Bureau (PA)	
Lincoln County Farm Bureau (GA)		Clearfield County Farm Bureau (PA)	
Long County Farm Bureau (GA)		Clinton County Farm Bureau (PA)	
Lowndes County Farm Bureau (GA)		Columbia County Farm Bureau (PA)	
Lumpkin County Farm Bureau (GA)		Crawford County Farm Bureau (PA)	
Macon County Farm Bureau (GA)		Cumberland County Farm Bureau (PA)	
Madison County Farm Bureau (GA)		Dauphin County Farm Bureau (PA)	
McDuffie County Farm Bureau (GA)		Elk County Farm Bureau (PA)	
Moriwether County Farm Bureau (GA)		Erie County Farm Bureau Federation (PA)	
Morgan County Farm Bureau (GA)		Fayette County Farm Bureau (PA)	
Murray County Farm Bureau (GA)		Franklin County Farm Bureau (PA)	
Newton County Farm Bureau (GA)		Fulton County Farm Bureau (PA)	
North Fulton County Farm Bureau (GA)		Greene County Farm Bureau (PA)	
Oconee County Farm Bureau (GA)		Huntingdon County Farm Bureau (PA)	
Oglethorpe County Farm Bureau (GA)		Indiana County Farm Bureau (PA)	
Peach County Farm Bureau (GA)		Juniata County Farm Bureau (PA)	
Pickens County Farm Bureau (GA)		Lancaster County Farm Bureau (PA)	
Pierce County Farm Bureau (GA)		Lehigh County Farm Bureau (PA)	
Polk County Farm Bureau (GA)		Luzerne County Farm Bureau (PA)	
Putnam County Farm Bureau (GA)		Lycoming County Farm Bureau (PA)	
Rabun County Farm Bureau (GA)		Mckean/Potter/Cameron County Farm Bureau (PA)	
Screven County Farm Bureau (GA)		Mercer County Farm Bureau (PA)	
South Fulton County Farm Bureau (GA)		Mifflin County Farm Bureau (PA)	
Spalding County Farm Bureau (GA)		Montour County Farm Bureau (PA)	
Thomas County Farm Bureau (GA)		Northampton/Monroe County Farm Bureau (PA)	
Tombs County Farm Bureau (GA)		Northumberland County Farm Bureau (PA)	
Union County Farm Bureau (GA)		Schuykill/Carbon County Farm Bureau (PA)	
Walker County Farm Bureau (GA)		Snyder County Farm Bureau (PA)	
Walton county Farm Bureau (GA)		Somerset County Farm Bureau (PA)	
Warren County Farm Bureau (GA)		Susquehanna County Farm Bureau (PA)	
Wayne County Farm Bureau (GA)		Tioga/Potter County Farm Bureau (PA)	
Wilkes County Farm Bureau (GA)		Union County Farm Bureau (PA)	
	<i>Hawaii</i>	Warren County Farm Bureau (PA)	
Hawaii Sheep and Goat Association		Washington County Farm Bureau (PA)	
Hawaii Pork Industry Association		Wayne/Pike County Farm Bureau (PA)	
	<i>Idaho</i>	Westmoreland County Farm Bureau (PA)	
Idaho Farm Bureau Federation		Wyoming Lackawanna County Farm Bureau (PA)	
Idaho Wool Growers Association		York County Farm Bureau (PA)	
Bear Lake County Farm Bureau (ID)			<i>South Carolina</i>
Benewah County Farm Bureau (ID)		South Carolina Farm Bureau	
Bingham County Farm Bureau (ID)		South Carolina Livestock Auction Markets Association	
Bonner County Farm Bureau (ID)			<i>South Dakota</i>
Caribou County Farm Bureau Federation (ID)		South Dakota Cattlemen's Association	
Clearwater/Lewis County Farm Bureau (ID)		South Dakota Farm Bureau Federation	
Custer County Farm Bureau (ID)		South Dakota Pork Producers Council	
Elmore County Farm Bureau (ID)		South Dakota Sheep Growers	
Franklin County Farm Bureau (ID)			<i>Tennessee</i>
Fremont County Farm Bureau (ID)		Tennessee Cattlemen's Association	
Gem County Farm Bureau (ID)		Tennessee Farm Bureau Federation	
Idaho County Farm Bureau (ID)		Tennessee Pork Producers Association	
Jefferson County Farm Bureau (ID)		Tennessee Sheep Producers Association	
Jerome County Farm Bureau (ID)		Knox County Farm Bureau (TN)	
Lemhi County Farm Bureau (ID)			<i>Texas</i>
Madison County Farm Bureau (ID)		Texas Cattle Feeders Association	
Minidoka County Farm Bureau (ID)		Texas Farm Bureau Federation	
Nez Perce County Farm Bureau (ID)		Texas Pork Producers Association	
Oneida County Farm Bureau (ID)		Texas Sheep & Goat Raisers' Association	
Payette County Farm Bureau (ID)		Anderson County Farm Bureau (TX)	
Power County Farm Bureau (ID)		Angelina County Farm Bureau (TX)	
Teton County Farm Bureau (ID)		Archer County Farm Bureau (TX)	
Valley/Adams Farm Bureau (ID)		Atascosa County Farm Bureau (TX)	
	<i>Illinois</i>	Austin County Farm Bureau (TX)	
Illinois Beef Association		Bailey County Farm Bureau (TX)	
Illinois Corn Growers Association		Bandera County Farm Bureau (TX)	
Illinois Farm Bureau Federation		Baylor County Farm Bureau (TX)	
Illinois Pork Producers Association		Bexar County Farm Bureau (TX)	
Illinois Soybean Growers		Bowie County Farm Bureau (TX)	
Farm Credit Illinois		Brazoria-Galveston County Farm Bureau (TX)	
Calhoun County Farm Bureau (IL)		Brown County Farm Bureau (TX)	
Carroll County Farm Bureau (IL)		Callahan Shackelford County Farm Bureau (TX)	
Cass-Morgan Farm Bureau (IL)		Cameron County Farm Bureau (TX)	
Champaign County Farm Bureau (IL)		Cherokee County Farm Bureau (TX)	
Christian County Farm Bureau (IL)		Childress County Farm Bureau (TX)	
Coles County Farm Bureau Federation (IL)		Clay County Farm Bureau (TX)	
Cook County Farm Bureau (IL)		Cochran County Farm Bureau (TX)	
Crawford County Farm Bureau (IL)		Coke-Sterling County Farm Bureau (TX)	
DeKalb County Farm Bureau (IL)		Coleman County Farm Bureau (TX)	
DeWitt County Farm Bureau (IL)		Collin County Farm Bureau (TX)	
Douglas County Farm Bureau (IL)		Comanche County Farm Bureau (TX)	
DaPage County Farm Bureau (IL)		Cooke County Farm Bureau (TX)	
Edwards County Farm Bureau (IL)		Coryell County Farm Bureau (TX)	
Effingham County Farm Bureau (IL)		Crosby County Farm Bureau (TX)	
Franklin County Farm Bureau (IL)		Dawson County Farm Bureau (TX)	
Gallatin County Farm Bureau (IL)		Deaf Smith/Oldham Farm Bureau (TX)	

Hamilton County Farm Bureau (IL)	Denton County Farm Bureau (TX)
Hancock County Farm Bureau (IL)	El Paso County Farm Bureau (TX)
Henry County Farm Bureau (IL)	Erath County Farm Bureau (TX)
Jackson County Farm Bureau (IL)	Falls County Farm Bureau (TX)
Jefferson County Farm Bureau (IL)	Fayette County Farm Bureau (TX)
Johnson County Farm Bureau (IL)	Fisher County Farm Bureau (TX)
Kane County Farm Bureau (IL)	Foard County Farm Bureau (TX)
Kankakee County Farm Bureau (IL)	Fort Bend County Farm Bureau (TX)
Knox County Farm Bureau (IL)	Frio County Farm Bureau (TX)
Lake County Farm Bureau (IL)	Gaines County Farm Bureau (TX)
LaSalle County Farm Bureau (IL)	Gray/Robert's Farm Bureau (TX)
Lee County Farm Bureau (IL)	Grayson County Farm Bureau (TX)
Macon County Farm Bureau (IL)	Guadalupe County Farm Bureau (TX)
Macoupin County Farm Bureau (IL)	Hale County Farm Bureau (TX)
Madison County Farm Bureau (IL)	Hamilton County Farm Bureau (TX)
Marshall-Putnam Farm Bureau (IL)	Hansford County Farm Bureau (TX)
Mason County Farm Bureau (IL)	Hardin County Farm Bureau (TX)
Massac County Farm Bureau (IL)	Harris County Farm Bureau (TX)
McDonough County Farm Bureau (IL)	Hemphill County Farm Bureau (TX)
McLean County Farm Bureau (IL)	Henderson County Farm Bureau (TX)
Menard County Farm Bureau Federation (IL)	Hill County Farm Bureau (TX)
Mercer County Farm Bureau Federation (IL)	Hockley County Farm Bureau (TX)
Montriac County Farm Bureau (IL)	Hopkins Rains County Farm Bureau (TX)
Ogle County Farm Bureau (IL)	Howard County Farm Bureau (TX)
Peoria County Farm Bureau (IL)	Hunt County Farm Bureau (TX)
Perry County Farm Bureau Federation (IL)	Jack County Farm Bureau (TX)
Piatt County Farm Bureau (IL)	Jackson County Farm Bureau (TX)
Pike-Scott Farm Bureau (IL)	Jasper County Farm Bureau (TX)
Pulaski-Alexander Farm Bureau (IL)	Jim Wells County Farm Bureau (TX)
Richland County Farm Bureau (IL)	Johnson County Farm Bureau (TX)
Rock Island County Farm Bureau (IL)	Karnes County Farm Bureau (TX)
Saline County Farm Bureau (IL)	Kaufman County Farm Bureau (TX)
Sangamon County Farm Bureau (IL)	Kerr County Farm Bureau (TX)
Schuyler County Farm Bureau (IL)	Kimble County Farm Bureau (TX)
St. Clair County Farm Bureau (IL)	Kinney-Val Verde County Farm Bureau (TX)
Stark County Farm Bureau (IL)	Lamb County Farm Bureau (TX)
Stephenson County Farm Bureau (IL)	Lampasas County Farm Bureau (TX)
Tazewell County Farm Bureau (IL)	LaSalle County Farm Bureau (TX)
Union County Farm Bureau (IL)	Leon County Farm Bureau (TX)
Vermilion County Farm Bureau (IL)	Liberty County Farm Bureau (TX)
Wabash County Farm Bureau (IL)	Limestone County Farm Bureau (TX)
Warren-Henderson County Farm Bureau (IL)	Lipscomb County Farm Bureau (TX)
Washington County Farm Bureau (IL)	Live Oak County Farm Bureau (TX)
White County Farm Bureau Federation (IL)	Lubbock County Farm Bureau (TX)
Will County Farm Bureau (IL)	Lynn/Garza County Farm Bureau (TX)
Williamson County Farm Bureau (IL)	Martin County Farm Bureau (TX)
Winnebago-Boone Farm Bureau (IL)	Mason County Farm Bureau (TX)
Woodford County Farm Bureau (IL)	Matagorda County Farm Bureau (TX)
	Maverick County Farm Bureau (TX)
<i>Indiana</i>	McCulloch County Farm Bureau (TX)
Agri-Business Council	McLennan County Farm Bureau (TX)
Indiana Beef Cattle Association	Medina County Farm Bureau (TX)
Indiana Corn Growers Association	Midland County Farm Bureau (TX)
Indiana Dairy Producers	Mills County Farm Bureau (TX)
Indiana Farm Bureau, Inc.	Mitchell County Farm Bureau (TX)
Indiana Pork Producers Association	Montague County Farm Bureau (TX)
Indiana Sheep Association	Montgomery County Farm Bureau (TX)
Indiana Soybean Alliance	Nacogdoches County Farm Bureau (TX)
Fayette County Farm Bureau (IN)	Navarro County Farm Bureau (TX)
Franklin County Farm Bureau (IN)	Nueces County Farm Bureau (TX)
Grant County Farm Bureau (IN)	Palo Pinto County Farm Bureau (TX)
Howard County Farm Bureau (IN)	Parker County Farm Bureau (TX)
Jefferson County Farm Bureau (IN)	Parmer County Farm Bureau (TX)
Johnson County Farm Bureau (IN)	Pecos Reeves County Farm Bureau (TX)
Kosciusko County Farm Bureau (IN)	Polk County Farm Bureau (TX)
Perry County Farm Bureau (IN)	Refugio County Farm Bureau (TX)
Warren County Farm Bureau (IN)	Robertson County Farm Bureau (TX)
Warrick County Farm Bureau (IN)	Rockwall County Farm Bureau (TX)
	Rusk County Farm Bureau (TX)
<i>Iowa</i>	San Jacinto County Farm Bureau (TX)
Iowa Secretary of Agriculture	Wilbarger County Farm Bureau (TX)
Iowa Cattlemen's Association	San Patricio County Farm Bureau (TX)
Iowa Corn Growers Association	Scurry-Stonewall-Kent County Farm Bureau (TX)
Iowa Farm Bureau Federation	Shelby County Farm Bureau (TX)
Iowa Pork Producers Association	Starr County Farm Bureau (TX)
	Stephen's County Farm Bureau (TX)
<i>Kansas</i>	Terry County Farm Bureau (TX)
Kansas Farm Bureau Federation	Titus County Farm Bureau (TX)
Kansas Livestock Association	Tom Green County Farm Bureau (TX)
Kansas Pork Association	Travis County Farm Bureau (TX)
	Van Zandt County Farm Bureau (TX)
<i>Kentucky</i>	Victoria County Farm Bureau (TX)
Kentucky Cattlemen's Association	Walker County Farm Bureau (TX)
Kentucky Farm Bureau Federation	Waller County Farm Bureau (TX)
Kentucky Pork Producers Association	Washington County Farm Bureau (TX)
Kentucky Poultry Federation	Webb County Farm Bureau (TX)
Kentucky Sheep and Wool Producers Association, Inc.	Wheeler County Farm Bureau (TX)
Kentucky Soybean Association	Wichita County Farm Bureau (TX)
	Willacy county Farm Bureau (TX)
<i>Louisiana</i>	Wise County Farm Bureau (TX)
Louisiana Department of Agriculture and Forestry	Young County Farm Bureau (TX)
Louisiana Farm Bureau Federation	Zavala County Farm Bureau (TX)
Calcasieu Parish Farm Bureau (LA)	
Cameron Parish Farm Bureau (LA)	
East St. James Farm Bureau (LA)	
St. Helena Parish Farm Bureau (LA)	
Vermilion Parish Farm Bureau Federation (LA)	
<i>Maryland</i>	<i>Utah</i>
Maryland Farm Bureau Federation	Utah Farm Bureau Federation
Maryland Pork Producers Association	Beaver County Farm Bureau (UT)
Maryland Sheep Breeders Association	Utah Pork Producers Association
Anne Arundel County Farm Bureau (MD)	Cache County Farm Bureau (UT)
Baltimore County Farm Bureau (MD)	Davis County Farm Bureau (UT)
Carmel County Farm Bureau (MD)	Duchesne Farm Bureau (UT)
Cecil County Farm Bureau (MD)	Emery County Farm Bureau (UT)
Harford County Farm Bureau (MD)	Iron County Farm Bureau (UT)
Howard County Farm Bureau (MD)	Morgan County Farm Bureau (UT)
	North Box Elder County Tremonton (UT)
<i>Michigan</i>	Piute County Farm Bureau (UT)
Michigan Cattlemen's Association	Salt Lake County Farm Bureau (UT)
Michigan Corn Growers Association	Sanpete County Farm Bureau (UT)
Michigan Farm Bureau Federation	South Box County Farm Bureau (UT)
Michigan Pork Producers Association	Summit County Farm Bureau (UT)
Michigan Soybean Association	Tooele County Farm Bureau (UT)
Allegan County Farm Bureau (MI)	

Bay County Farm Bureau (MI)	Uintah County Farm Bureau (UT)
Berrien County Farm Bureau (MI)	Weber County Farm Bureau (UT)
Calhoun County Farm Bureau (MI)	<i>Virginia</i>
Cass County Farm Bureau (MI)	Virginia Farm Bureau
Cheboygan County Farm Bureau (MI)	Virginia Livestock Markets Association
Clinton County Farm Bureau (MI)	Virginia Pork Council
Genesee County Farm Bureau (MI)	Albemarle County Farm Bureau (VA)
Gratiot County Farm Bureau (MI)	Amherst County Farm Bureau (VA)
GreenStone Farm Credit Services (MI)	Appomattox County Farm Bureau (VA)
Hiawathaland Farm Bureau (MI)	Augusta County Farm Bureau (VA)
Hilledale County Farm Bureau (MI)	Bedford County Farm Bureau (VA)
Ingham County Farm Bureau (MI)	Bland County Farm Bureau (VA)
Ionia County Farm Bureau (MI)	Bolstourt County Farm Bureau (VA)
Iron County Farm Bureau (MI)	Brunswick County Farm Bureau (VA)
Jackson County Farm Bureau (MI)	Buckingham County Farm Bureau (VA)
Kalamazoo County Farm Bureau (MI)	Campbell County Farm Bureau (VA)
Kent County Farm Bureau (MI)	Caroline County Farm Bureau (VA)
Lenawee County Farm Bureau (MI)	Carroll County Farm Bureau (VA)
Livingston County Farm Bureau (MI)	Charles City-James City-New Kent-York County Farm Bureau (VA)
Mecosta County Farm Bureau (MI)	Charlotte County Farm Bureau (VA)
Montcalm County Farm Bureau (MI)	Chesapeake Farm Bureau (VA)
Newaygo County Farm Bureau (MI)	Chesterfield County Farm Bureau (VA)
Oceana County Farm Bureau (MI)	Clarke County Farm Bureau (VA)
Oscola County Farm Bureau (MI)	Craig County Farm Bureau (VA)
Ottawa County Farm Bureau (MI)	Culpeper County Farm Bureau (VA)
Shiawassee County Farm Bureau (MI)	Dinwiddie County Farm Bureau (VA)
St. Clair County Farm Bureau (MI)	Essex County Farm Bureau (VA)
St. Joseph County Farm Bureau (MI)	Fauquier County Farm Bureau (VA)
Van Buren County Farm Bureau (MI)	Floyd County Farm Bureau (VA)
<i>Minnesota</i>	Fluvanna County Farm Bureau (VA)
Minnesota Agri-Growth Council	Franklin County Farm Bureau (VA)
Minnesota Farm Bureau Federation	Frederick County Farm Bureau (VA)
Minnesota Lamb & Wool Producers Association	Giles County Farm Bureau (VA)
Minnesota Milk Producers Association	Gloucester-Mathews Farm Bureau (VA)
Minnesota Pork Producers Association	Grayson County Farm Bureau (VA)
Minnesota State Cattlemen's Association	Greene County Farm Bureau (VA)
Minnesota Turkey Growers Association	Greensville County Farm Bureau (VA)
Arrowhead Regional Farm Bureau (MN)	Halifax County Farm Bureau (VA)
Beltrami County Farm Bureau (MN)	Hanover County Farm Bureau (VA)
Blue Earth County Farm Bureau (MN)	Henry County Farm Bureau (VA)
Brown County Farm Bureau (MN)	Highland-Bath County Farm Bureau (VA)
Carver County Farm Bureau (MN)	Isle of Wight County Farm Bureau (VA)
Cass County Farm Bureau (MN)	King & Queen County Farm Bureau (VA)
Chisago County Farm Bureau (MN)	King George County Farm Bureau (VA)
Clay County Farm Bureau (MN)	King William County Farm Bureau (VA)
Cottonwood County Farm Bureau (MN)	Lee County Farm Bureau (VA)
Dakota County Farm Bureau (MN)	Louisa County Farm Bureau (VA)
Dodge County Farm Bureau (MN)	Lunenburg County Farm Bureau (VA)
East Polk County Farm Bureau (MN)	Madison County Farm Bureau (VA)
Faribault County Farm Bureau (MN)	Mecklenburg County Farm Bureau (VA)
Fillmore County Farm Bureau (MN)	Middlesex County Farm Bureau (VA)
Freeborn County Farm Bureau (MN)	Montgomery County Farm Bureau (VA)
Goodhue County Farm Bureau (MN)	Nansemond County Farm Bureau (VA)
Headwaters Regional Farm Bureau (MN)	Nelson County Farm Bureau (VA)
Hennepin County Farm Bureau (MN)	Northampton County Farm Bureau (VA)
Houston County Farm Bureau (MN)	Nothumberland-Lancaster County Farm Bureau (VA)
Huron County Farm Bureau (MN)	Nottoway County Farm Bureau (VA)
Jackson County Farm Bureau Federation (MN)	Page County Farm Bureau (VA)
Lyon County Farm Bureau (MN)	Patrick County Farm Bureau (VA)
Martin County Farm Bureau (MN)	Pittsylvania County Farm Bureau (VA)
McLeod County Farm Bureau (MN)	Powhatan County Farm Bureau (VA)
Mower County Farm Bureau (MN)	Prince Edward County Farm Bureau (VA)
Nicollet County Farm Bureau (MN)	Prince George County Farm Bureau (VA)
Olmsted County Farm Bureau (MN)	Prince William-Fairfax Farm Bureau (VA)
Scott County Farm Bureau (MN)	Pulaski County Farm Bureau (VA)
Sibley County Farm Bureau (MN)	Rappahannock County Farm Bureau (VA)
Stearns County Farm Bureau (MN)	Richmond County Farm Bureau (VA)
Steele County Farm Bureau (MN)	Roanoke County Farm Bureau (VA)
Swift County Farm Bureau (MN)	Rockbridge County Farm Bureau (VA)
Todd County Farm Bureau (MN)	Rockingham County Farm Bureau (VA)
Wabasha County Farm Bureau (MN)	Russell County Farm Bureau (VA)
Washington-Ramsey County Farm Bureau (MN)	Scott County Farm Bureau (VA)
Winona County Farm Bureau (MN)	Shenandoah County Farm Bureau (VA)
<i>Mississippi</i>	Smyth County Farm Bureau (VA)
Mississippi Cattlemen's Association	Southampton County Farm Bureau (VA)
Mississippi Department of Agriculture and Commerce	Stafford County Farm Bureau (VA)
Mississippi Farm Bureau Federation	Surry County Farm Bureau (VA)
Mississippi Pork Producers Association	Sussex County Farm Bureau (VA)
<i>Missouri</i>	Tazewell County Farm Bureau (VA)
South Central Cattlemen's Association (MO)	Virginia Beach Farm Bureau (VA)
Missouri Farm Bureau Federation	Warren County Farm Bureau (VA)
Missouri Pork Association	Washington County Farm Bureau (VA)
Missouri Sheep Producers	Wise-Dickenson County Farm Bureau (VA)
Missouri Department of Agriculture	Wythe County Farm Bureau (VA)
<i>Montana</i>	<i>Washington</i>
Montana Farm Bureau Federation	Washington Cattle Feeders Association
Montana Pork Producers Council	<i>West Virginia</i>
Montana Stockgrowers Association	West Virginia Livestock Marketing Association
<i>Nebraska</i>	<i>Wisconsin</i>
Nebraska Cattlemen	Wisconsin Farm Bureau Federation
Nebraska Corn Growers Association	Wisconsin Pork Association
Nebraska Department of Agriculture	Dairy Business Association
Nebraska Farm Bureau Federation	Clark County Farm Bureau (WI)
Nebraska Pork Producers Association	Door County Farm Bureau (WI)
Nebraska Sheep and Goat Producers Association	Dunn County Farm Bureau (WI)
Nebraska Soybean Association	Langlade County Farm Bureau (WI)
Nebraska State Dairy Association	Lincoln County Farm Bureau (WI)
Boone County Farm Bureau (NE)	Marathon County Farm Bureau (WI)
Box Butte County Farm Bureau (NE)	Marquette County Farm Bureau (WI)
Boyd County Farm Bureau (NE)	Marquette County Farm Bureau (WI)
Brown County Farm Bureau (NE)	Monroe County Farm Bureau (WI)
Buffalo County Farm Bureau (NE)	Outagamie County Farm Bureau (WI)
Burt County Farm Bureau (NE)	Price County Farm Bureau (WI)
Butler County Farm Bureau (NE)	Racine County Farm Bureau (WI)
Cedar County Farm Bureau (NE)	Shawano County Farm Bureau (WI)
Cherry County Farm Bureau (NE)	Taylor County Farm Bureau (WI)
Clay County Farm Bureau (NE)	Waushara County Farm Bureau (WI)
Colfax County Farm Bureau (NE)	Waupaca County Farm Bureau (WI)
Cuming County Farm Bureau (NE)	Waushara County Farm Bureau (WI)

Custer County Farm Bureau (NE)
 Dawes County Farm Bureau (NE)
 Dixon County Farm Bureau (NE)
 Douglas County Farm Bureau (NE)
 Fillmore County Farm Bureau (NE)
 Frontier County Farm Bureau (NE)

Wood County Farm Bureau (WI)
 Wyoming Farm Bureau Federation

Wyoming

Additional Organizations

APC Proteins (IA)
 ASI Women
 Automated Production
 Big D Ranch
 Colonial Farm Credit, ACA (MD/VA)
 Compeer Financial
 Cool Spring Cattle (GA)
 Crow Land & Cattle
 Park LLC (IA)
 Dairy (PA)
 Edge Dairy Farmer Cooperative (WI)
 Elanco Animal Health
 Farm Credit Mid-America

Georgia Energy Propane
 Hillcrest Farms Inc in Dearing (GA)
 Huvepharma, Inc. (MO)
 JYGA Tech USA (KS)
 Landwehr Land & Cattle
 MetaFarms (MN)
 Phillips Farms
 Professional Swine Management (IL)
 Standard Nutrition Company (NE)
 Steven and Meg Williams Farm, LLC
 Weisinger Farms (IA)
 Wiechman Pig Company, Inc. (NE)

CC: Members of the House Agriculture Committee

LETTER 3

July 18, 2025

Hon. GLENN THOMPSON,
Chairman,
 House Committee on Agriculture,
 Washington, D.C.;

Hon. ANGIE CRAIG,
Ranking Minority Member,
 House Committee on Agriculture,
 Washington, D.C.

Dear Chairman Thompson and Ranking Member Craig:

I write on behalf of Livestock Marketing Association (LMA) to support efforts to address the negative impact of California's Proposition 12 on production agriculture. As you are aware, LMA represents more than 80 percent of the regularly selling local livestock auction markets across the United States, as well as other livestock marketing businesses. Each of our member markets sell livestock for hundreds and, in some cases, thousands of livestock producers.

In recent years, we have become concerned with a trend of producers stepping away from livestock production without new producers coming behind them. Agriculture is not optional. America's food chain is only as strong as our family farms and ranches. Freedom to operate and certainty of requirements are fundamental to the future viability of livestock producers.

This needed certainty is jeopardized by California's Proposition 12, a 2018 California ballot measure that prohibits the sale of pork, veal, and eggs produced from animals not housed according to the state's requirements, regardless of in which state the livestock were raised.

Livestock producers worry about the precedent this could set for the future. Additional states creating their own specifications would lead to a patchwork of requirements that would be impossible to navigate. Additionally, there are significant costs associated with complying with new requirements, which would be disproportionately challenging on smaller producers.

We appreciate the leadership of the House Agriculture Committee in including Section 12007—*Ensuring the Free Movement of Livestock Derived Products in Interstate Commerce*—in the Farm, Food, and National Security Act of 2024 (H.R. 8467), passed out of Committee in May 2024. Unfortunately, this legislation did not advance out of the House of Representatives during the 118th Congress.

We urge Congress to include a similar provision in any farm bill reauthorization to prevent an unworkable patchwork of 50 conflicting state laws. Thank you again for your commitment to American agriculture and ensuring producers have the certainty needed to succeed.

Sincerely,



MIKE VANMAANEN,
 LMA President.

SUBMITTED BY STATEMENT HON. AUSTIN SCOTT, A REPRESENTATIVE IN CONGRESS
 FROM GEORGIA; ON BEHALF OF AMERICAN VETERINARY MEDICAL ASSOCIATION

On behalf of the American Veterinary Medical Association (AVMA), which represents over 108,000 veterinarians across the United States, we thank you for the opportunity to provide our views regarding California's Proposition 12 (Prop 12).

In a 2018 ballot initiative, California voters passed Prop 12, which prohibits sales of animal products in their state that do not comply with specific livestock housing requirements, whether those products are produced in California or elsewhere. The requirements in Prop 12 are not scientifically based, have not been objectively demonstrated to reliably and consistently improve animal welfare, and may unintentionally cause harm. Any regulations aimed at improving the welfare of animals should be based upon scientific evidence and the professional judgement of veterinarians.

In addition, allowing one state to dictate husbandry requirements to other states not only interferes with interstate commerce, but opens the door for future governance of all states by an individual state. The resulting convoluted patchwork of regulations would be cumbersome and cost prohibitive for veterinarians and their clients to navigate. Ensuring good animal health and welfare requires a veterinarian to have the freedom and authority to recommend the best course of action for each unique situation.

Veterinarians have scientific training and expertise that allows them to provide the best possible care for animals living in a range of housing types. AVMA is opposed to Prop 12, which restricts veterinarians' flexibility to provide the best care possible based on animals' specific needs. We urge Congress to address the numerous challenges presented by Prop 12 and protect veterinarians' ability to maximize animal health and welfare.

SUBMITTED BY LETTER HON. RANDY FEENSTRA, A REPRESENTATIVE IN CONGRESS
FROM IOWA; ON BEHALF OF BLAKE EDLER, E 2 FARM LLC

Dear Mr. Brandt,

Thank you for the opportunity to share how Proposition 12 is impacting my operation. I greatly appreciate Congressman Feenstra's continued leadership on this issue.

I am **not Prop 12 compliant**, but I am currently operating under **open pen gestation (OPG)**—a housing method that is essentially a scaled-down version of Prop 12. While OPG was introduced with welfare intentions, in practice, it has resulted in serious animal health and management challenges. Expanding to full Prop 12 compliance would only **exacerbate these problems and threaten the survival of family farms like mine**.

Here are the key impacts we're facing:

1. **Decreased Animal Welfare:**

Group gestation housing—whether OPG or Prop 12—**increases aggression, stress, and death loss**. When sows are forced to establish a pecking order, we see more injuries, more abortions, and more long-term stress. This isn't animal welfare—it's a government-mandated fight club. The system works **against** animal health, not for it.

2. **No Ability to Provide Individualized Care:**

In group systems, it's nearly impossible to **isolate sows that need medical treatment or special diets**, or even to monitor them closely. The design removes our ability to provide individualized care, and any producer who's been in a pen of aggressive sows knows how dangerous it can be—for both animals and people.

3. **Infrastructure Costs Are Devastating:**

Transitioning from OPG to Prop 12-compliant facilities would require **millions in capital investment**—costs that are simply unaffordable. Family farms cannot survive under these mandates, and many of us will be forced to close or sell to large integrators. This is not about welfare—it's about wiping out small producers.

4. **Increased Labor in a Shrinking Workforce:**

Group housing systems **require more labor**, especially when you're constantly managing injuries, sow dynamics, and welfare breakdowns. But rural labor is already scarce. Prop 12 expects us to do more with fewer hands, and it's **not realistic or sustainable**.

5. **No Market Incentive-Only Losses:**

Even if we could meet Prop 12 standards, **there's no real market premium**. Retailers don't pay enough to offset the increased cost of infrastructure, labor, and death loss. In fact, compliance would **increase financial losses**, not reduce them. There's no viable economic path forward under these regulations.

I urge the Committee to understand that policies like Prop 12 do **not reflect science-based animal husbandry**. They punish responsible farmers, degrade animal care, and accelerate industry consolidation. Thank you for the opportunity to share this perspective and for continuing to fight for common sense in agriculture policy.

Sincerely,

BLAKE EDLER,
E 2 Farm LLC.

SUBMITTED LETTERS BY HON. RANDY FEENSTRA, A REPRESENTATIVE IN CONGRESS
FROM IOWA

LETTER 1

Representative Feenstra,

I am writing this in hopes to convince you to continue to push for a legislative fix for California Prop 12.

As you know, I am a farrow to finish producer from your district. The century farm in which I am a part owner has already been impacted by this over reaching out of state law. We previously were able to sell market hogs to a packer in California. Since this legislation had gone into effect, we have been locked out of this market. This limiting of market opportunities has impacted each of the four families invested in our operation.

Our scale does not allow us make the necessary \$2,000 per sow investment to meet these requirements. As independent producers the regulations are causing us to have serious discussions about the future of our swine operation.

Please continue to work for a legislative fix to this issue.

TIM SCHMIDT,
Hawarden, IA.

LETTER 2

To Whom It May Concern:

We own and operate a family farm in northwest Iowa, raising wean-to-finish pigs. Dean and I are proud to have our two sons farming alongside us. Together, they also own shares in a sow unit in Kansas.

When the time came for a major renovation, they explored what it would take to make the sow farm Proposition 12 compliant. Unfortunately, the numbers simply didn't work for a farm our size. To comply, they would have had to reduce sow numbers by roughly 33% or more. That kind of cut would create a domino effect across our entire operation—driving up the cost per pig dramatically, increasing labor and input expenses, and leaving empty spaces in our nurseries and finishing barns.

At the end of the day, complying with Prop 12 would have made it impossible for our family farm to remain sustainable long-term. So, we made the difficult decision not to pursue Prop 12 compliance.

We are both fifth-generation pig farmers, have been raising pigs most of our lives and understand what it takes to keep animals healthy and well cared for. Evidence-based research shows Prop 12 does not improve pig health, and it also puts the caretakers working in these barns at a higher risk of injury.

We care deeply about the people who buy our pork. Our goal has always been to produce a nutritious, flavorful, and affordable product for families across the country. If farms like ours are forced to comply with Prop 12, it will drive food costs higher and make pork less affordable for everyone.

For the sake of family farms and American consumers, we urge policymakers: Stop Prop 12. Let us keep pork affordable and accessible for all.

Thank you,

DEAN & LINDA SCHROEDER, Iowa pork farmers.

LETTER 3

Hello,

My name is Harvey Williams, and I am responding to a request for letters from producers about the negative impacts Proposition 12 has had on the swine industry. I have worked in the industry on both the integrated side and now on the independent producer side. Proposition 12 can have a negative impact on any size swine

operation. Below are a few examples of personal experiences where Proposition 12 has affected myself or fellow producers in my area.

There have been several family/independent farrowing operations that have had to shut down because of the burdensome cost of becoming Prop 12 compliant. These operations have already had to struggle with tough markets and health issues in their herd. It was simply not realistic to either expand their current building size or decrease the number of sows to fit the Prop 12 standards. Producers had to make the tough choice of continuing to farrow pigs with no Prop 12 premium, close the doors of the farrowing unit, or retrofit their farrowing unit into another style of operation.

With the decreased number of farrowing operations, large integrated operations replaced the gap of local wean pigs available in the industry. Large farrowing operations in the Midwest, Carolinas, and Canada were able to afford the cost of becoming Prop 12 compliant. This raised the prices of open market wean pigs which put another strain on producers. The worst part is producers that are paying a higher price for a Prop 12 compliant wean pig but are not getting a premium at the packing plant for this same pig. Larger operations that were able to become Prop 12 compliant filled most of the marketing contracts for the added premium. Now there is another challenge of raising a Prop 12 compliant pig for an increased price but not getting any market incentive for that pig.

Overall, Proposition 12 and Question 3 have had and will continue to have a negative impact on the industry. Family farms are struggling to follow standards created by non-consumers in other states that are not science-based. If legislation is not created to prevent a patchwork of state interstate-commerce restrictions, then we will not be able to stop the snowball effect. This will spiral out of control and make it even more difficult for an already struggling industry.

Sincerely,

Harvey Williams

LETTER 4

July 16, 2025

Hon. RANDY FEENSTRA,
Washington, D.C.

Dear Representative, Feenstra,

I am writing to share the negative impact that California Proposition 12 has had on pork producers.

Pork producers have faced some of the worst economic times in 2023 and 2024. The economic losses were significant. During that same time producers were faced with cost of complying with Proposition 12 requirements. This has created a significant negative economic impact on pork producers.

Proposition 12 will also drive family farms out of business. Because of the compliance cost and the return on investment, this will force family farms out of business. The cost to renovate a swine farm is about \$2,000 per sow. Will drive producers out of business.

Finally, pork producers are committed to the well-being and care of their animals. This proposition does nothing to ensure that animals have better well-being.

We need a legislative fix to this issue.



AARON JUERGENS,
President,
Iowa Pork Producers Association.

LETTER 5

July 17, 2025

I am writing to you today in strong support of addressing in the House farm bill the challenges posed by Proposition 12. It is crucial for the stability of agricultural producers like me who are committed to ensuring access to safe and affordable protein for all. The Trump Administration and House Agriculture Committee Chairman GT Thompson recognize the potential chaos that Proposition 12 may create in the marketplace if not addressed. *It is imperative for Congress to retain the Federal fix to Proposition 12 in the farm bill to provide much-needed stability.*

Following the implementation of California Proposition 12, my family has experienced firsthand the disruption caused by arbitrary state regulations, especially within the U.S. pork industry. At a time when food prices are on the rise, such propositions and the possibility of similar ones in the future will place unfair burdens on hardworking American families and lead to even higher prices. The price of pork in California has gone up 20–40% since Prop 12 full implementation January 1, 2024.

Our family farm is not Proposition 12 compliant and the price to convert is millions of dollars. We are still recovering financially from 18 months of the worst economic times in the pig industry. Pig farmers take top-notch care of their animals every day and Prop 12 does not improve the care of animals. It is just a step towards a meat-free society that does not want animal agriculture—this is the ultimate goal of the groups that funded the California Prop 12 ballot initiative. This patchwork will lead to other drastic measures in the future. It is interesting to note that California Farm Bureau reports that it takes \$100 million to defeat or win a state-wide ballot measure in California—that makes it nearly impossible for small groups with little funding to have a voice and make a difference in the process.

Last year, I visited California on a Farm Bureau trip and while at a Raley's grocery store, we talked to a butcher. He said that consumers are asking why has pork gotten more expensive—they didn't even remember what Prop 12 is. I compared a 16 oz package of Hormel Black label bacon and the cost was \$10.99 in California. In my home town in Iowa it was \$4.99, less than half the cost. That price difference is staggering and will weigh heavily on lower to middle income families just trying to serve a meal.

I urge Congress to support a national solution to prevent a patchwork of restrictions on our farms from other states. Maintaining a Federal fix to Proposition 12 in the farm bill offers the clarity and certainty that our agricultural community needs to continue supporting our nation's food supply. Locally, my work ensures that all Americans have access to an affordable and nutritious protein source. **I urge you to vote to keep the Proposition 12 fix in the farm bill to help me safeguard my life's work and protect this industry.** Food security is national security.

TRISH COOK,
Pig farmer from Iowa.

SUBMITTED ANALYSIS BY HON. JIM COSTA, A REPRESENTATIVE IN CONGRESS FROM CALIFORNIA

Pork Prices Lag Behind Chicken, Beef and Average Food Prices (2018–2025)

Proposition 12 was approved by California voters in November 2018, with initial space requirements for egg-laying hens, veal calves, and breeding pigs taking effect on January 1, 2020. Full enforcement of sales restrictions—banning the sale of non-compliant pork, eggs, and veal in California—began on January 1, 2022. However, due to a pending lawsuit that the Supreme Court eventually ruled Prop 12 as Constitutional, enforcement of pork provisions was delayed until July 1, 2023.

Based on our review of the existing literature, we have only located one recent empirical study analyzing the impacts of Proposition 12 on pork prices. In this study, three USDA-affiliated economists¹ have analyzed the Circana retail scanner data to study any early impacts of Proposition 12 on retail pork prices in CA and the Rest of the U.S. There was no evidence of price impacts on covered pork products outside of California.²

Oklahoma State University professor of economics, Dr. Bailey Norwood stated, “From the economic analyses I've reviewed, there is no indication that Prop 12 has contributed to elevated pork prices at the national level. Moreover, I don't see any logical reason why Prop 12 would influence pork prices outside of California.”

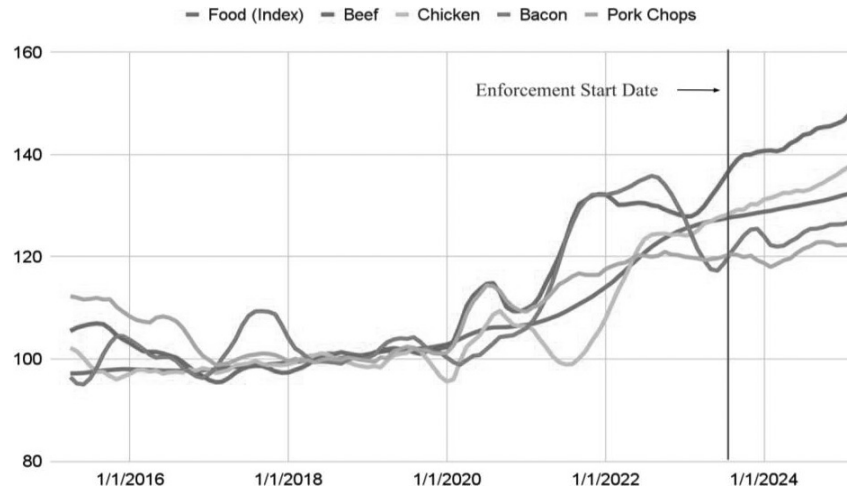
To test the very same hypothesis using publicly available data, our team has collected item-level price data from the Bureau of Labor Statistics (BLS). We find that, from 2018 to 2025, BLS's prices of pork product categories that are fully covered

¹Hawkins, H., Arita, S., & Meyer, S. (2024). *Proposition 12 pork retail price impacts on California consumers*. Berkeley (CA): Giannini Found Agric Econ, Univ. Calif. https://s.giannini.ucop.edu/uploads/pub/2024/03/19/v27n3_2_e40mBEN.pdf.

²This was also predicted by the analysis of UC Davis Professors Richard Sexton and Daniel Sumner: https://www.supremecourt.gov/DocketPDF/21/21-468/228373/20220617170252460_21-468AgriculturalAndResourceEconomicProfessors.pdf.

by Prop 12 (bacon, boneless and bone-in pork chops) have grown significantly less than overall food prices (CPI), beef and chicken prices as shown below in *Figure 1*.³

Figure 1: Time Series of Pork Prices with Other Food Prices (6-Month Moving Average, 2018 = 100)



Comparing average prices between 2018 and the first half of 2023 with the period after (considering the pre- and post-enforcement periods), Prop 12 covered retail pork products show only modest price increases through mid-2025, namely 8% to 11% range (see *Table 1* below). In contrast, given high-inflation environment, especially for food products, beef prices climbed 26%, and chicken rose 24% over the same period.⁴ During the same time period, the average CPI-Food index rose 19%. Other pork product categories that are partially covered by Prop 12 (inclusive of ground or cooked pork products) showed higher price increases, but still overall fell short of beef and chicken prices, with the exception of the “All ham” category.

On the other hand, based on USDA’s meat disappearance data, there has been no significant changes in the overall per capita pork consumption throughout this time period either.⁵

In sum, the data suggests that retail prices for pork have generally lagged behind price increases for other proteins and food prices as a whole.

Table 1: Comparison of Pork Prices with Other Food Prices (Pre- and Post-July 2023)

Item	Jan. 2018–June 2023	July 2023–May 2025	% Change in Prices
Food (Index)	276.88	330.33	19.31%
Beef	\$6.15	\$7.73	25.64%
Chicken	\$1.61	\$1.99	24.22%
Bacon	\$6.16	\$6.82	10.75%
Pork chops bone-in	\$4.15	\$4.50	8.53%
Pork chops boneless	\$4.14	\$4.60	11.17%
All pork chops*	\$3.73	\$4.31	15.35%
Pork ham*	\$4.68	\$5.62	20.24%

³Data sources: https://www.bls.gov/regions/mid-atlantic/data/averageretailfoodandenergyprices_usandmidwest_table.htm<https://www.bls.gov/cpi/tables/relative-importance/>, <https://www.bls.gov/cpi/data.htm>.

⁴Beef prices are a combination of ground beef, beef roasts, steaks, and other uncooked beef products, weighted using relative importance in the CPI basket. On the other hand, pork prices in the chart are driven from bacon, and the simple average of boneless and bone-in pork chop prices. Those three are the only categories that are fully covered by Prop 12, and available in the BLS data.

⁵<https://www.ers.usda.gov/data-products/chart-gallery/chart-detail?chartId=112856>.

Table 1: Comparison of Pork Prices with Other Food Prices (Pre- and Post-July 2023)—Continued

Item	Jan. 2018–June 2023	July 2023–May 2025	% Change in Prices
All ham *	\$3.56	\$4.53	27.06%

Note (*): Includes products not covered by Prop 12.

Authors' Note: Intelligent Analytics and Modeling has been hired by The Responsible Meat Coalition⁶ to analyze the effects of California's Proposition 12 on nationwide pork prices. This white paper contains our preliminary and draft findings on the subject, based on our initial analysis of publicly available resources, and our findings are subject to change upon further analysis of data and information.⁷

SUBMITTED LETTERS BY HON. JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM MASSACHUSETTS

UNDATED

Dear Members of the House Agriculture Committee,

At ABC Beef, short for About Being Conscious Beef, we raised cattle along the banks of the James River in Nelson County, Virginia, using regenerative agriculture practices. Our cattle were raised and finished entirely on pasture, grazing a diverse array of grasses and forbs. While we are not certified organic, our farming and animal care methods mirror organic principles: no confinement, no synthetic inputs, and a deep respect for the land, the animals, and the people we feed.

We write today in strong support of California's Proposition 12 and the values it upholds. Although it doesn't directly regulate beef, its preservation is essential to protecting the direction of food and farming in this country. Prop 12 affirms that consumers have a right to know, and influence, how their food is produced. It protects ethical, transparent farming and gives producers like us a fair chance in a marketplace too often dominated by the lowest-cost, least-conscious methods.

We are deeply concerned about efforts to overturn Prop 12, especially through legislation like the Food Security and Farm Protection Act (S. 1326). Stripping states of the ability to set higher standards for food sold within their borders does not protect agriculture, it protects consolidation. It undermines the growing number of farmers and ranchers who are working to restore soil health, humanely raise animals, and connect directly with informed consumers.

People want beef raised consciously, without cruelty or chemicals, and with care for the land and the people who work on the farms. When consumers choose food produced in ways that restore our healthy water cycles and climate, our choices help actively rebuild our ecology and economy. Prop 12 supports that vision, and its reversal would be a step backward for all of us.

Sincerely,

ABC Beef.

To the Committee,

At Rosy Hill Organics, we are a regenerative organic farm located in York, South Carolina. We raise chickens for both eggs and meat, as well as hogs for pork. Our standards are above reproach, giving respect to our animals, our land and our community—keeping everyone healthy and nurtured is our top priority. Our work is grounded in soil health, animal welfare, and community accountability.

I'm writing to express support for Proposition 12 and its preservation (and opposition to the EATS Act or other attempts to dismantle it). As a producer, I see this not as an obstacle, but as an opportunity—to differentiate, to lead, and to meet a growing demand for humane products. Importantly, the law gave everyone time. Prop 12 was approved by voters in 2018.

⁶Our team has started its work on July 11th, 2025.

⁷Please note that a comprehensive analysis would need to include a supply chain analysis, retail pricing strategies (such as loss leader for staple product groups), product mix, geographic distribution of supply and demand factors.

Let's be clear: rolling it back now undermines the producers who played by the rules and invested in a better way forward.

Thank you,

RACHEL ABPLANALP,
Rosy Hill Organics,
York, SC.

Dear Committee Members:

At Rehoboth Family Farms in Iowa, our happy hens have always had the space and freedom to express natural behaviors. Treating animals well is a core part of how we farm, and it's also good business.

We support Proposition 12 because it sets reasonable, humane standards that responsible farmers can and already do meet. Compliance hasn't been difficult for farms like ours, it simply reflects how we've raised animals for years.

What's more, Prop 12 has opened doors. It has created market opportunities for producers who invest in higher-welfare systems and want to reach consumers who care about how their food is produced. That's good for farms, good for animals, and good for the future of agriculture.

We urge you to defend Proposition 12 and reject any effort to overturn it through the farm bill or legislation like the EATS Act. Let the farmers doing it right thrive.

Sincerely,

VIOLET AHRENHOLTZ.

Dear Congressman McGovern, Congresswoman Craig and Members of the House Agriculture Committee,

I'm writing concerning a dangerous attempt to undo laws like California's Proposition 12. I proudly served my country as a U.S. Marine for 8 years at Camp Lejeune. My wife served in the U.S. Army for 4 years in Germany. As a proud veteran who dedicated years of my life in service to our country, my commitment to serving my nation continues in a new form. Alongside my wife, I now serve our country as a small family farmer. Transitioning from my military service to the agricultural sector, we have embraced the role of cultivating and nurturing the land, providing sustenance to our community, and contributing to the economic well-being of our nation.

Like the EATS Act before it, the Food Security and Farm Protection Act presents a severe risk to the state laws that help American farming families like mine. It's a Federal overreach that would hurt New York's rural communities. What's more alarming is its potential to throw open our agricultural gates to foreign corporations, granting them the power to operate virtually unregulated. If this Act were to pass, it would undermine hard working American farmers.

Our farm is fully Prop 12 compliant, our sows have space to turn around, root, and live naturally without crates. We made that choice because it's better for the animals, and frankly, it's what our customers want. Prop 12 helps ensure that farms like mine, that invest in humane, responsible practices, aren't undercut by cheaper, confined systems. I ask that you please prioritize American family farms over foreign corporations, and strongly oppose any attempts to jeopardize Proposition 12.

Sincerely,

NATHAN and MARLINE ALLANACH,
ALL Family Farm,
Naturally Raised Berkshire Pigs,
Middletown, NY.

My name is Dick Allen, and I run Dick Allen's Honeybees in Palmer, Alaska, where I produce honey, beeswax, and bee pollen using practices that support both healthy pollinators and healthy ecosystems. As a beekeeper, I know firsthand how much consumers value transparency and integrity in their food system.

That's why I oppose the EATS Act.

This bill would take away the rights of states like California to set basic standards for how animals are treated—standards supported by voters and consumers who care about where their food comes from and how it's produced.

Beekeepers may not raise pigs or chickens, but we understand what it means to work in partnership with nature, and we depend on a food system that values responsibility over exploitation. Proposition 12 rewards farmers and ranchers who prioritize animal welfare and public trust. The EATS Act undermines both.

Please stand with small-scale producers and the people we serve. Protect state rights. Uphold Proposition 12. Oppose the EATS Act.

Sincerely,

DICK ALLEN,
Dick Allen's Honeybees, Alaska.

Dear Members of the Committee,

I am the sole proprietor of Busy Ewe Farm & Fibers. I have "Specialty Raised" Registered ATSA Teeswater Rams & Ewes, and am a very small farm committed to ethical land stewardship, humane livestock care, and transparency in how my animals are raised and take pride in producing wholesome sustainable food and fiber. I urge you to oppose the so-called Food Security and Farm Protection Act, formerly known as the EATS Act, and any similar efforts that would repeal or invalidate state-level laws like California's Proposition 12. We need to maintain our states' rights!

Let's be clear: this bill is not about protecting farms. It's about stripping states and communities of their right to set baseline standards for food safety, animal housing, environmental protection, and land use. It is imperative that states have the right to regulate to the situations for their area and their producers. We cannot have a one size fits all regulation. Thoughtful, phased-in reforms are possible and welcomed by consumers and many producers alike when voted by the residents of that area. Prop 12 was passed by CA voters, upheld by the Supreme Court, and gave producers more than 5 years to adapt.

As a small farm, I have worked hard to build trust with my customers, trust built on knowing where their food and fibers come from, and how our animals live. This bill would undercut that trust. It would force states to accept products from systems that disregard animal welfare, often rely on intensive confinement, and externalize environmental harm onto local communities.

The majority of Federal laws have multiplied and created additional regulations that have eliminated the small farmer as we don't have the financial resources to implement all of the said regulations that will benefit the small farmers but in reality, undermine and harm our livelihoods.

The current requirement for USDA labeling of meat and the increased regulations that have shut down many of our butcher shops have increased our costs over 85% for processing our animals to offer to customers in neighboring states. How has this benefited the small farmers?

We urge you to defend the rights of states, support the constitutional intent of states' rights, the rights of small farmers, the integrity of responsible agriculture, and the freedom of consumers to support farms that reflect their values.

Thank you for your time and consideration.

Sincerely,

BRENDA ANDERSON,
Busy Ewe Farm and Fibers.

Subject: Support for Proposition 12/Opposition to the EATS Act and Save Our Bacon Act

Dear Chair Thompson and Members of the House Agriculture Committee,

We are writing on behalf of Date Creek Ranch, a long-standing environmentally focused, family-operated ranch in Arizona. Since 1985, our ranch has proudly provided grass-fed beef, lamb, pastured chickens, and natural pork to families across the region. Today, we continue our legacy of producing meats that are as nutritious and humane as they are sustainable.

We raise pigs, and we understand the challenges and responsibilities that come with doing it right: raising animals with space, dignity, and respect for natural behaviors. So, we were happy to see California pass Proposition 12.

Prop 12 created a clear, values-based market for farmers who prioritize animal welfare and responsible farming. It gave us access to more customers who care deeply about how their food is raised and who are willing to support farms that align with those principles. In a time when small- and mid-sized farms are often squeezed out, Prop 12 has created market opportunities.

The EATS Act and the newly introduced Save Our Bacon Act would erase that progress. They would take away the ability of states to respond to their residents' concerns, destroy opportunities for responsible producers, and hand even more power to industrial meat corporations that cut costs by cutting corners.

These bills are not about helping farmers; they are about protecting a few multinational players at the expense of every rancher and consumer who believes food can and should be better. That's not freedom, and it's certainly not fairness.

At Date Creek Ranch, we believe in raising animals in a way that heals the land, nourishes our communities, and upholds integrity from soil to supper. We believe consumers should have the right to know how their food is produced, and support farms whose values reflect their own.

For the above reasons, we respectfully urge this Committee to oppose the EATS Act and Save Our Bacon Act, and to defend Proposition 12.

With respect and thanks,

RYAN BARTEAU & SAVANNAH FIGUEROA,
On behalf of Date Creek Ranch,
Wikieup, AZ.

Dear Members of the House Agriculture Committee,

Barton Farm is a small, family-run cattle operation in northern Mississippi. We raise Hereford cattle on pasture. Our cattle are raised with space to roam, fresh forage, and without confinement, because it's better for the animals, and better for the families we feed.

We strongly oppose the Food Security and Farm Protection Act (S. 1326), and other attempts to overturn California's Proposition 12. Despite its name, this bill does not protect farms like ours. In fact, it does just the opposite. By stripping states of the right to set standards for the products sold within their borders, it gives even more power to massive corporate operations, and pushes small, responsible farms like ours further to the margins.

Proposition 12 creates space in the market for producers who already farm the right way. We understand livestock. We know what humane care looks like, and we support a food system that respects both animals and the people who raise them. Rolling back Prop 12 just to benefit industrial confinement operations undermines that goal, and it sends the wrong message about who Federal policy is designed to serve.

Please oppose the Food Security and Farm Protection Act (along with other attempts to gut Prop 12) and stand with the farmers who are working to do things right.

Sincerely,

BARRY BARTON,
Barton Farm.

Dear Members of the Committee:

My name is Donna Bascom, and I represent Bascom Farm, a diversified, family-run operation in New Hampshire. I submit this testimony in firm opposition to the so-called Food Security and Farm Protection Act, a bill that, despite its title, undermines both food security and the long-standing rights of states and communities to govern the quality and safety of food produced and consumed within their borders.

At its core, this bill is not about farm protection. It's about removing control from local consumers, farmers, and land stewards and handing it to the largest, most consolidated segments of the agricultural industry. It would prohibit states from setting basic standards on the types of food products sold within their borders—no matter the consequences to local economies, public health, or the environment.

This is not an abstract debate. When we lose the ability to set standards at the state or regional level, we open the door to industrial practices that have already proven destructive: manure lagoons leaching into drinking water, unchecked antibiotic use contributing to drug-resistant bacteria, and foodborne illness outbreaks.

Bascom Farm urges this Committee to recognize what's truly at stake here: not just the way a product gets to market, but who gets to decide how it does. If you support food sovereignty, responsible land management, and public health, this bill should alarm you. If you believe in states' rights and the principles of federalism, this bill is very problematic. And if you care about the future of farming in New Hampshire and beyond, this bill is a major red flag.

We respectfully urge you to reject the Food Security and Farm Protection Act.

Thank you for your time.

DONNA SIOBHAN DOEL BASCOM,
Bascom Farm.

Dear Congresswoman Craig,

Blossom Bluff Orchards in California's Central Valley grows organic peaches, nectarines, and citrus using regenerative methods.

As California farmers, we support Proposition 12 as part of a shared agricultural ethic: transparency, care, and quality. It's consistent with the way we farm and the kind of food system we believe in.

It also affirms the right of states to listen to their voters and take a stand for higher standards. Undermining that right benefits no one, except the few who profit from cutting corners.

We hope you'll protect the voice of California voters and uphold Proposition 12. Respectfully,

Blossom Bluff Orchards.

To the Committee,

At Blueberry Ridge Farm in Fairmont, West Virginia, we invite our community to pick their own organic berries, connecting people to fresh food and the land it comes from. Our farm reflects local values and personal responsibility.

We are opposed to the EATS Act, the Food Security and Farm Protection Act and attempts to weaken California's Proposition 12. Regardless of what it's called now, these are attacks on state sovereignty. State governments have the right to set standards that reflect the will of their voters. Undermining those rights in favor of centralized corporate lobbying is a step backward for agriculture and democracy alike.

Please stand up for state-level autonomy and local food systems. Reject any attempts to undo Prop 12.

Sincerely,

Blueberry Ridge Farm,
Fairmont, West Virginia.

Dear Representatives Craig, Carbajal, and McGovern,

My name is Robert Brubaker, Jr., and I'm a fourth-generation farmer from Manheim, Pennsylvania. Today, I farm alongside my two sons, making up the fifth generation on our family farm with the hope that a sixth generation will one day continue our legacy.

Like many others, we operate a small family farm. In our case, we run a sow breeding and piglet production operation. When California voters passed Proposition 12, and the Supreme Court later upheld it, our family saw an opportunity. We recognized that if we were willing to make the financial and time commitment, we could serve a market that was willing to pay a premium for higher animal welfare standards.

That's exactly what we did. We transitioned our sow facility to meet Prop 12 standards. Our sows now live in open pens with room to move freely, and I can confidently say: I wouldn't want to go back to the old-style barns. Our animals are healthier. Our employees are more satisfied. And the sows are visibly more content. Productivity has also improved, which is one of the clearest signs that animals are thriving in their environment.

It's important to point out that producing hogs in Pennsylvania is already \$8-\$16 more expensive than in other regions. So, for small family farms like ours, having access to a specialized, value-driven market like California's has helped create a path to long-term sustainability.

Now, with proposals like the EATS Act gaining momentum, that very market and the investment we made into it is at risk. Some producers may be urging you to vote against Prop 12, but those producers didn't make the investment we made. They still have markets for their pigs. If Prop 12 is overturned, it won't affect them, it will hurt farmers like us who stepped up, made the change, and are serving these standards. It would unravel our business model and threaten the viability of continuing our multigenerational operation.

Let's also be honest about the bigger picture. Over 60 major food companies like McDonald's, Costco, Wendy's, and Kroger are already moving away from crate-raised pork because they know it's not what their customers want. This is where the market is heading, and forward-thinking farms like ours are trying to stay ahead of that curve.

That's why I respectfully ask you to **continue supporting Proposition 12** and reject proposals like the EATS Act. Please don't overturn the voter-approved standards that allow small family farms like ours to compete. This is not just about policy, it's about our livelihood, our future, and the legacy we've worked so hard to build.

Thank you for your time and consideration.

ROBERT "BOB" BRUBAKER, JR.

Dear Committee Members,

My name is Anthony Byars, and I run 3191 Farm in Alabama. We've been raising pigs here, proudly without the use of gestation crates (the cages that confine sows while they're pregnant).

California's Prop 12 gives farmers who prioritize animal welfare a way to stand out and reach a broader market. When voters ask for better treatment of animals, and the courts uphold that decision, Congress should not step in and unravel it.

Proposals like the EATS Act would throw all of this progress into chaos. Let states make laws that reflect the values of their people. Let farmers continue to meet those expectations—and benefit from them.

Sincerely,

ANTHONY BYARS,
3191 Farm,
Alabama.

Dear Members of the Committee,

As a proud farmer from Arizona, I can tell you that farming today is about more than growing food, it's about meeting expectations, earning trust, and doing right by the people we feed. Consumers increasingly want to know that their food is produced ethically, with care for animals, the environment, and public health. That's not a passing trend, it's the future of farming.

Proposition 12 is a thoughtful response to that shift. It gives farmers a framework to align with growing consumer demand for humane, transparent practices. It also gives consumers confidence that the system reflects their values. This law is not about imposing burdens. Rather, it sets a new standard that responsible farmers can meet and be proud of.

That's why I'm deeply concerned about legislation like the EATS Act and the Food Security and Farm Protection Act. These proposals would erase years of progress and tell consumers and farmers alike that their efforts don't matter. Farmers who have made real investments to raise animals humanely and sustainably would be punished, and the public's trust in agriculture would be eroded.

We should be encouraging forward-thinking practices, not undermining them. I urge you to stand with those of us working toward a more ethical, sustainable food system. Please protect Proposition 12 and reject any attempt to roll it back.

Thank you for your time and for listening to the voices of working farmers.

Sincerely,

April Christie

To the Committee,

At Churchill Orchard in Ojai, California, we grow fruit with a focus on land stewardship, quality, and transparency. Our customers care deeply about how their food is grown and so do we.

We oppose the EATS Act and any version of it that overrides the will of voters and strips states of the right to set basic food standards. California's Proposition 12 is one example of a state-led effort to bring integrity and accountability to our food system. Responsible producers shouldn't be penalized for doing things the right way. Instead, this legislation rewards industrial consolidation while silencing local voices.

Please protect the right of states to uphold integrity in agriculture. Oppose the EATS Act and uphold Prop 12.

Sincerely,

Churchill Orchard,
Ojai, California.

Dear Rep. John Mannion,

I am aware that the House Agriculture Committee is holding a hearing on Prop 12 on Wednesday 7/23. As a farmer who raises cattle, pork and chickens in your district, I am writing to express my hope that you will attend that hearing, oppose efforts to repeal Prop 12, and share that your constituents, like me, oppose the EATS Act and any attempts to overturn state laws. Local communities know what is best for them and should be able to pass laws protecting animal welfare, farmers and consumers.

Though its supporters claim to be protecting independent farmers like me, the EATS Act or any similar attempt to roll back state laws like California's Prop 12 would undermine farmers by removing important market opportunities for those of

us who have already invested in more humane animal housing systems to meet the growing demand for higher-welfare products.

At Otter Creek Farm, we raise grass-fed beef cattle, pasture-raised pigs, chickens, and laying hens in systems that prioritize animal welfare, land health, and transparency. These practices—certified by trusted third parties—come with higher costs, but they also yield better outcomes for the animals, the environment, and our community.

If Prop 12 is overturned, it would signal a step backward for farm animal welfare nationwide. The law not only ensures minimum space requirements for animals like sows and hens, but also restricts the sale of meat and eggs from systems that don't meet these standards. Without it:

Factory-farmed products raised under inhumane, confined conditions would flood the market—including in states like California that have historically led the demand for higher-welfare food.

The price advantage for confinement-based systems would widen, making it harder for farms like ours—who invest in quality, not shortcuts—to compete fairly.

Consumer trust and momentum toward better farming practices would erode, undercutting years of education, advocacy, and relationship-building with values-driven customers.

Small-scale, high-welfare producers like us risk being priced out of mainstream markets, despite offering superior nutrition, transparency, and stewardship.

Prop 12 isn't just about pigs in crates—it's about protecting the future of ethical, sustainable farming. For Otter Creek Farm and others like us, overturning it would threaten both our principles and our bottom line.

Eliminating laws like Prop 12 would further entrench the industrial confinement system that puts farmers like me at a disadvantage in the marketplace every day. I fully support local control and the ability for states to take action against the consolidation of the agriculture industry in support of a more humane and healthy food system.

Thank you for your consideration,

ELIZABETH COLLINS and BRADLEY WILEY,
Johnsonville, NY.

Otter Creek Farm (<https://ottercreek.eatfromfarms.com/>)

Graceful Acres Farmstay (<https://ottercreek.eatfromfarms.com/page/graceful-acres-farmstay>)

OCF Cattle LLC (<https://ottercreek.eatfromfarms.com/page/ocf-cattle>)

To Whom It May Concern,

I'm writing as a farmer who supports Proposition 12 and what it represents. It's not radical, it's simply humane. Undoing it through the EATS Act or similar legislation sends the message that animal welfare can be traded away for convenience.

Please don't allow that. Let voters' choices stand.

With respect,

BETH CONREY,
Berthoud, CO.

Hon. ANGIE CRAIG,
Representative,
Washington, D.C.;

Hon. JAMES P. MCGOVERN,
Representative,
Washington, D.C. 20515

Hon. SALUD O. CARBAJAL,
Representative,
Washington, D.C.;

Dear Ranking Member Angie Craig, Representative Jim McGovern, and Representative Salud Carbajal:

I'm Aaron Corbett, CEO of North Country Smokehouse, a family-owned, artisanal meat smokehouse based in Claremont, New Hampshire. North Country Smokehouse has been crafting smoked bacon, ham, and sausage for over a century, staying true to traditional methods and exceptional quality. What truly sets us apart is our unwavering commitment to ethical sourcing and animal care.

We are proud to be a subsidiary of duBreton, a North American leader in Certified Humane® and organic pork. Our parent company has been raising pigs 100% crate-free since 2003, far exceeding even the most stringent animal welfare standards. Every hog that goes into North Country's smoked meats is raised with ample space, comfortable bedding, and the freedom to engage in natural behaviors—no gestation crates, no stressful confinement.

Because of this, North Country Smokehouse was among the very first in the industry to achieve formal certification for compliance with California's Proposition 12. In fact, when Prop 12's rules came into effect years ago, our company was more than ready: we had been gearing up for years, scaling our supply of Prop 12-compliant pork through duBreton's network of over 400 family farms.

The enactment of Prop 12 in California (and a similar standard in Massachusetts) represented a major opportunity for a company like ours. We had new retailers and food-service clients reaching out almost daily once the law took effect. We expanded production shifts, hired more workers at our smokehouse, and proudly shipped Prop 12-compliant bacon to California, just as we've had been doing in Massachusetts.

The California and Massachusetts laws are good for our business and good for our farmers. It validated our long-term investments in responsible farming. Instead of being undercut by substandard, inhumane pork, we found ourselves rewarded in the marketplace for our higher standards. This is how it should be.

Now, imagine our dismay when we learned of the proposed Ending Agricultural Trade Suppression (EATS) Act. This Federal legislation would obliterate Prop 12 and Massachusetts' Question 3 in one fell swoop. From where I sit, overseeing a business that has flourished by adhering to these better standards, the EATS Act is nothing less than a dire threat to our company's success. If this Act passes, the carefully constructed market incentives that have allowed responsive producers like us to succeed will vanish overnight. Let me break down the consequences for North Country Smokehouse and our network:

- **Lost Markets and Customers:** Many of the new customers we gained—those retailers and distributors who came to us for Prop 12-compliant bacon—could very well revert to their old suppliers if those suppliers are allowed to sell non-compliant (crate-raised) pork again. The EATS Act would force California and Massachusetts to accept products that do not meet their current standards. That means our competitive advantage in those states evaporates. The result: our sales would drop, and so would the sales of any other responsibly-focused brand. For a smokehouse of our size (we're not a multinational corporation—we're a regional, family-run business), losing those contracts would hurt us immensely. It might mean scaling back production or delaying growth plans that were based on expanding demand for higher-welfare products.
- **Stranded Investments in Animal Welfare:** North Country Smokehouse and duBreton have invested enormous resources over the years to raise the bar on animal welfare. We've invested in third-party humane certifications, organic certifications, and auditing processes to assure customers of our claims. All that investment made sense when laws like Prop 12 signaled a trend toward stricter standards—we were ahead of the curve and positioned to lead. But if the EATS Act reverses that tide, we and our farmers are left holding the bag. Those investments don't disappear, but their financial returns do. It is a painful prospect to consider that doing the right thing early could become a competitive disadvantage because the law would suddenly reward those who did nothing. We'd find ourselves having spent millions on world-class animal husbandry, only to compete against global corporations that spent zero and now face no requirement to ever improve. It's demoralizing for our farmers, to say the least. How do I look them in the eye and explain that Congress may effectively say "It doesn't matter that you raised the bar, our market just got taken away by Congress"? This is the kind of policy whiplash that makes farmers distrust government.
- **Impact on New England and Local Networks:** I want to emphasize that Massachusetts' Question 3 is essentially our *home market* standard. We are based in New England; many of our local grocery partners in Boston and throughout Massachusetts rely on North Country Smokehouse for compliant bacon and hams. If the EATS Act strikes down Q3, it will harm New England businesses directly. Here in New Hampshire and neighboring Vermont, we have a proud tradition of small-scale, humane farming. The Massachusetts law has been a boon to our regional food system by creating demand for local humane products. Eliminating it would hurt New England farmers and food producers in favor of distant industrial operators with lower standards. It feels like an attack on our local agricultural identity, led by interests that have no stake in our commu-

nity's values. Representative McGovern, as a Massachusetts lawmaker, I know you understand how hard-won Q3 was and how strongly your constituents support it. Representative Carbajal, California's Prop 12 is the twin of Q3 and equally cherished by your constituents. And Representative Craig, even though Minnesota doesn't have an identical law, many Minnesota pig farmers have adapted to serve those who do (some of them supply companies like ours). This is truly a national issue that touches even states without their own confinement bans, because it's about allowing markets for higher-welfare products to flourish.

From a business perspective, I also must mention stability and planning. We ramped up production to meet Prop 12 demand, including securing additional organic hog supply from duBreton's farms and ensuring our smokehouse capacity could handle large orders from West Coast clients. These are not spigots that can be turned on and off without cost. If EATS were to pass and Prop 12 enforcement vanished, we could be left with more supply than demand. Oversupply could force prices down and squeeze margins for us and our farmers. In the worst case, farms might have to scale down herds or even shutter, and we might have to reduce our workforce that proudly produces what had been a fast-growing product line. It's tragic to contemplate this reversal after the hopeful surge we experienced when Prop 12 kicked in. It was like a new dawn for responsible agriculture—and EATS threatens to plunge us back into darkness.

The EATS Act would be devastating not just economically, but morally. North Country Smokehouse has built its brand on doing things the right way for animals, farmers, and quality. To see that ethic potentially undermined by a Federal law catering to the lowest common denominator is disheartening. I strongly urge you to oppose the EATS Act and prevent it from becoming law. The momentum in agriculture should be toward better practices and empowering states to be "laboratories of innovation" for food policy. If some states want to go above and beyond to support responsible farming and family farms, the Federal Government should not tear that down. Please stand with companies like North Country Smokehouse, with our farmer partners, and with the consumers who want these choices. Stopping the EATS Act is critical to preserving a fair, values-driven market and keeping businesses like ours thriving. Thank you for your attention and for your continued support of ethical and family-scale agriculture.

Sincerely



AARON CORBETT,
Chief Executive Officer, North Country Smokehouse.

To the Members of Congress,

My name is Vincent Costa, and I run Sacred Garden Farm in Phoenix, Arizona. I'm writing to express my support for Proposition 12 and my strong opposition to the EATS Act and its newer version, the Food Security and Farm Protection Act. These Federal bills are deeply concerning because they would strip states of the right to protect animals, ensure transparency, and respond to the values of their own residents.

Small farms like mine are built on trust, trust in how food is grown, how animals are treated, and how the land is cared for. Prop 12 reflects that trust. It gives ethical farmers a fair shot and honors the wishes of millions of voters who want a better food system. The EATS Act would do the opposite, it would silence those voices and reward those who cut corners.

Farming isn't one-size-fits-all, and Federal overreach like this hurts the people trying to do it right. Please defend Prop 12 and reject the EATS Act.

Sincerely,

VINCENT COSTA,
Sacred Garden Farm,
Phoenix, AZ.

Dear Committee Members,

Along with chickens, I raise pigs in Romulus, Michigan. Out here, we raise animals on pasture, with space to move and root around like pigs are meant to.

Michigan made the choice to phase out the use of cruel confinement methods for pigs, and we were proud to see it. It gave farms like mine a chance to grow our customer base. When Prop 12 passed in California, it only amplified that momentum.

Now we hear that some in Congress want to rip all that away. The EATS Act, the farm bill language, whatever you call it, it's a mistake. You're not just stepping on state rights; you're undermining farmers like me who have adapted, invested, and built trust around doing things better.

Animal welfare matters. And so does honoring the people (voters, farmers, families) who are trying to make the food system more humane. Keep Prop 12 and laws like it in place. And let us keep doing what we do best: raising animals with care.

Respectfully,

Detroit Flight Path Farm.

Dear Members of the House Agriculture Committee,

My family's commitment to agriculture runs deep. From my father raising Jersey cattle in Clarksburg, West Virginia, to our current small, multi-generational Hereford operation at Dunrovin Farm in Crozet, Virginia, we've spent decades committed to raising animals with care, integrity, and purpose.

We support Proposition 12 because it reflects the values we've built our farm around, ethical treatment of animals, respect for the land, and a food system that honors transparency and responsibility. Laws like Prop 12 don't hinder good farmers. They allow consumers to make informed choices, and they create space in the market for farmers who go above and beyond to do things right.

Efforts like the Food Security and Farm Protection Act, which would gut Prop 12, threaten not just animal welfare standards, they threaten family farms like ours that have built their reputations on quality, trust, and compassion. We're not asking for favors; we're asking for fairness. Let voters and states continue to uphold standards that prioritize responsible agriculture.

Please preserve Proposition 12 and reject attempts to undermine it.

Sincerely,

Dunrovin Farm,
Crozet, Virginia

As a family farmer and as a farm that welcomes eco-tourism in southwestern Wisconsin, I urge you to vote against the EATS [A]ct. Urban people are hungry to see healthy and thriving small family farms that treat domesticated animals and their human care givers with dignity. Allowing the barbaric treatment of the very animals that are sacrificed for our food is no longer an option for many of us. I urge you to vote your conscience and not be swayed by industrialized ag which has moved far from the intrinsic relationship between human beings and the production of food that should be considered sacred—for our health and for that of the entire ecosystem.

Thank you,

ADENA EAKLES,
Founder, Echo Valley Farm.

To the Committee,

At EcoGarden Oasis in Sheridan, Wyoming, we support pollinators by offering supplies that help people grow healthy gardens and sustain bee populations. Whether it's through home gardening or food production, our goal is to support sustainable ecosystems and local resilience.

That's why we oppose the EATS Act, its rebranded [from] (the Food Security and Farm Protection Act), and any attempts to undo Proposition 12. These efforts strip away the ability of states to respond to local values, environmental concerns, and consumer demand. Decisions about food policy should be made by the people most affected, not by centralized forces or lobbying from multinational agribusiness.

We urge you to reject this Federal overreach and preserve states' rights and the local food systems we all depend on.

Sincerely,

EcoGarden Oasis LLC,
Sheridan, Wyoming.

To the Committee,

At Flippin Bees in Columbia, we provide bee removal services and are proud advocates for pollinator health. Bees are essential to food security, and our work helps protect both ecosystems and agriculture.

We oppose attempts to weaken California's Proposition 12, like the EATS Act (and the identical legislation introduced under a new name) because it strips states of the right to regulate agricultural practices in ways that reflect local values and en-

vironmental needs. From pollinators to livestock, farming is never one-size-fits-all. This legislation undermines local autonomy in favor of industrial interests.

Please protect states' rights and support food systems that value sustainability and diversity.

Sincerely,

GREG FLIPPIN,
Flippin Bees,
Columbia, MO.

To the Committee,

Franklins Farm Blooms and Heirlooms in Illinois grows heirloom vegetables and using no-till and pollinator-friendly practices. We're part of a growing movement of farms that prioritize soil health, biodiversity, and responsible stewardship.

I am also a President of a [501(c)(3)] farmers['] market that works with tiny producers who want to grow and process small quantities of meat animals for sale to their community members. Proposition 12 will give them a fair opportunity to profitably raise a small number of animals in a humane manner that can then be sold by that local producer to their local community. It will allow for a tighter network of community food providers.

We support Proposition 12 because it gives a fair shot to producers who invest in quality over quantity. It sets a reasonable, humane baseline for animal care that reflects what many small farmers are already doing.

Please preserve Prop 12 and help ensure a future where ethics and transparency in food production are protected, not erased.

With gratitude,

Franklins Farm Blooms and Heirlooms

Dear Rep. Foushee,

As a farmer who raises livestock and poultry in northern Durham County, I am writing to express my support for Prop 12 and laws like it across the country. Local communities know what is best for them and should be able to pass laws protecting animal welfare, farmers and consumers in their state.

On July 23rd, the House Agriculture Committee is holding a hearing on the "implications" of Proposition 12, which bans the sale of caged/crated eggs, pork and veal in California. Under the guise of protecting independent farmers like me, some House Members are attempting to roll back Prop 12. In reality, overturning Prop 12 would undermine independent farmers by removing important market opportunities for those of us who have already invested in more humane food animal practices to meet the growing demand for higher-welfare products.

We take immense pride in providing humane and healthy meats and eggs to eaters in Durham, Orange and Wake Counties and would love to see a NC version of Prop 12. While this is unlikely given the current political climate, it is important to stand up for a community's right to make the decision to hold the ag industry to minimal welfare standards. Who knows, NC might want to support the thousands of small, humane farmers who sell at one (or multiple) of the almost 300 farmers' markets in the state or the hundreds of co-ops or Whole Foods and pass our own Prop 12. It would be unfortunate if the precedent is set so that other states could ignore our laws or even overthrow them.

I urge you to fully support local control and the ability for states to take action against the consolidation of the ag industry in support of a more humane and healthy food system. I urge you to oppose any future efforts to overturn Prop 12, whether by the EATS Act or otherwise.

Thank you for all you do for district 4,

SAMANTHA GASSON,
Bull City Farm.

Hon. ANGIE CRAIG,
Washington, D.C.;

Hon. SALUD CARBAJAL,
Washington, D.C.;

Hon. JAMES P. MCGOVERN
Washington, D.C.

Dear Ranking Member Angie Craig, Representative Salud Carbajal, and Representative Jim McGovern:

My name is Phil Gatto, and I am the Co-Founder and CEO of True Story Foods, a family-owned meat company based in California. True Story Foods partners with a network of small family farms—from the Midwest heartland—to raise pigs humanely, without gestation crates or cages. True Story was founded on the belief that *the best meat comes from respecting traditional methods*: animals raised with room to roam, cared for by farmers who are stewards of their land. We pride ourselves on offering products that consumers can feel good about—a “true story” behind every bite, where animals are treated well and family farmers can make an honest living.

When California’s Proposition 12 was enacted by voters, we at True Story Foods welcomed it wholeheartedly. In fact, Prop 12’s standards (such as giving mother pigs room to at least turn around) mirrored the practices we already had in place from day one. But that’s not to say Prop 12 had no effect on us; on the contrary, it validated our business model and spurred major growth opportunities.

Suddenly, large retailers and distributors in California and Massachusetts needed sources of pork that met these new humane requirements. True Story Foods was ready and able to meet that demand. Over the last couple of years, we’ve invested significantly—millions of dollars—to scale up our Prop 12-compliant supply chain to serve the California market. This included supporting our farmers as they built additional housing that exceeds the required space per pig, obtaining third-party certifications for compliance, and expanding our processing capacity to handle more crate-free pork. These were big investments for a mid-sized, family-run company like ours, but we made them with confidence because Prop 12 opened a pathway for sustainable growth aligned with our values.

Today, True Story Foods supplies Prop 12-compliant pork products to grocery chains, restaurants, and meal services around the country. We’ve proven that raising pigs with care is not only the ethical choice—it’s a viable business when the market rewards it. Our farmers, some of whom are in states like Missouri and Iowa, have seen their efforts pay off as they ship pork to high-demand markets throughout California and Massachusetts. This progress, however, is now under an existential threat from the proposed EATS Act. If the EATS Act were to become law, it would erase Prop 12 and Massachusetts’ Question 3 overnight, nullifying the very standards that have allowed companies like ours to succeed. The consequences for True Story Foods would be severe and immediate.

First, the EATS Act would undermine the huge investments our farmers have made. As one example, one of our partner farmers in the Midwest recently spent a substantial sum converting their barns to meet California’s requirements—installing new penning systems, enrichment for the pigs, and dedicating more floor space per sow. This farmer did so knowing that California is a robust market that cares about animal welfare. If the EATS Act passes, that farmer’s operation will technically no longer *need* to meet those standards to sell into California—but they can’t exactly undo those investments.

Instead, they will be stuck facing international competitors who avoided all such investments and can now sell into California because Congress gave them a free pass on responsible husbandry. It would be nothing short of heartbreaking for me to call that farmer and tell them that Washington just crushed their businesses.

Many of our other farmers are in the same boat: they invested millions collectively to become Prop 12-compliant, in partnership with us. The EATS Act blatantly threatens the livelihoods of these farmers by stripping away the market framework that made their investments worthwhile. As a CEO, I worry that some of our suppliers could go out of business or exit hog farming altogether if their market evaporates.

Second, overturning these state laws would harm True Story Foods’ business directly. Prop 12 and Q3 leveled the playing field—everyone selling pork in California and Massachusetts had to meet the same basic humane criteria. We could compete fairly on the basis of quality and craftsmanship, without being undercut by industrial producers who confine animals in cruel, high-density systems. EATS would reverse that.

We would once again be forced to compete against giant conglomerates that produce pork at with little regard for animal welfare or small-farm viability. These companies have economies of scale and vertically integrated systems that dwarf family farmers.

Prop 12 gave consumers confidence that any bacon or ham they bought locally met a decent standard, which opened the door for brands like ours that emphasize quality and ethics. If EATS knocks down those standards, we fear losing many of our retail placements and food-service contracts as the market floods with old-style pork. In blunt terms, the EATS Act threatens the future of our business. It would

yank away the stability and growth we've enjoyed and throw us back into a race-to-the-bottom market we specifically set out to transcend.

Beyond the immediate economic threat, I want to emphasize what a backward step the EATS Act represents for our society. True Story Foods joined a coalition of crate-free pork farmers and responsible meat companies to speak out in Washington, D.C., precisely because we see EATS as an attack on fundamental American values. Voters in California and Massachusetts made a clear, democratic decision that they want no part in products derived from extreme animal confinement. Our company's experience has shown that honoring those values is possible—we *are doing it successfully!* For Congress to swoop in now and nullify those state laws would send a chilling message. It says to consumers: "You don't get to choose, through your laws, products that align with your morals." It says to farmers: "Don't bother innovating or improving animal welfare—the Federal Government will come in and destroy your farm." And it says to companies like mine: "Your good deeds are not only unrecognized, but will be penalized; you should have just stuck with the cruel *status quo*." This is why I consider the EATS Act a dire, existential threat. It threatens not just our bottom line, but the very vision of a more humane, transparent food system that we have been working toward.

Representatives Craig, Carbajal, and McGovern, I appeal to you today with urgency and sincerity: please do everything in your power to stop the EATS Act. As lawmakers from Minnesota, California, and Massachusetts, you each understand how important local agricultural standards can be—whether it's protecting family farms, consumers, or animal welfare. California and Massachusetts have been national leaders in raising the bar for how farm animals are treated, and Minnesota is home to many independent farmers who have embraced those higher standards to serve those markets. Don't let a few powerful agribusiness interests derail this progress. On behalf of True Story Foods, our employees, our farm partners, and the customers we proudly serve, I urge you to oppose the EATS Act in any form. Stand with us as we defend the hard-won progress toward ethical farming and an honest food system. Thank you for championing what is right and for considering this testimony as you deliberate on the farm bill and related matters.

Sincerely,

PHIL GATTO,
Co-Founder & CEO, True Story Foods.

To Whom It May Concern:

My name is Matt Goettl, and I own and operate Goettl Grove LLC in Minnesota. We raise pigs and goats in a humane, pasture-based system that emphasizes animal welfare, environmental stewardship, and consumer trust. Our pigs roam freely in the woods and forage naturally. This woodlot pork model reflects Minnesota values of responsible animal care.

I am writing in strong opposition to the EATS Act. This bill would override important state laws that protect animals, family farmers, and the integrity of our food systems. It would favor large industrial operations over small-scale, ethical farms like mine. I believe Minnesotans (and all Americans) have a right to demand higher welfare standards and transparency in how food is raised.

One thing that is often overlooked is the voice of the people.

California's Proposition 12 and Massachusetts' Question 3 were passed by popular vote. These were not policies pushed solely by elected officials—they were decisions made directly by the people who showed up at the ballot box to vote for stronger animal welfare protections.

The EATS Act disregards that voice. It pushes a corporate agenda above the rights of citizens who made a choice and exercised their democratic right to vote.

Please reject the EATS Act and uphold the right of states, and the people, to support responsible farming and animal care.

Sincerely,

MATT GOETTL,
Goettl Grove LLC,
Minnesota.

To the Members of the House Agriculture Committee,

We at Green Thumb Farm are purveyors of the highest quality local Missouri wildflower honey.

We have been growing organically/sustainably on our land with sensitivity and caring for all living beings since our location here in 1996.

We support Proposition 12 because it creates a food system where transparency and ethics are expected, not exceptional. The next generation is watching, and they

want to know: are we going to reward good farming or the cheapest possible production?

Prop 12 answers that with action. It's not just about animals, it's about values. Let's keep it.

Thank you,

Green Thumb Farm,
Missouri.

Dear Committee Members,

At Griffith Family Farm here in West Virginia, we raise our animals with patience, care, and respect. Growing a chicken for meat takes around 8 weeks, while pork can take anywhere from 6 months to 2 years depending on the breed. That time matters. It gives us the chance to do things right, to raise animals in clean, open environments, with the ability to move, root, peck, and behave like animals were meant to.

When an animal lives a good life, it shows in the quality of the meat and in the pride we take as farmers. We don't rush it. We don't cut corners. And we're not alone, many small farms across the country are doing the same. Proposition 12 recognizes that kind of stewardship. It doesn't demand perfection; it simply expects the basics: room to move, standards for care, and a market that values better treatment of animals.

Efforts to gut Proposition 12 through the EATS Act or any other vehicle are dangerous. They don't protect farmers, they protect consolidation, cut corners, and erase the value of doing things the right way. West Virginia, like many other states, has farmers who believe that raising animals well is part of raising food well. Proposition 12 has helped create space in the marketplace for that belief.

We urge Congress to defend the right of states to set humane farming standards and to support the farmers and families working hard to meet them.

Sincerely,

Griffith Family Farm,
West Virginia.

Dear Congressman McGovern:

The recently proposed Food Security and Farm Protection Act—a Federal bill that's identical to the previously introduced EATS Act—has us really alarmed as stewards of the land at Blueyah Blueberry Farm. While this Federal bill claims to strengthen the food supply, it would wipe out states' abilities to set agricultural standards. It strips communities of control of food policy. That's a real threat to Iowa farmers and our rural communities.

Iowa has laws in place to guard against both livestock and plant diseases, like Iowa Code § 177A.5. If the Food Security and Farm Protection Act passes, those protective measures could be nullified. That's not just bad policy, it's dangerous.

Local conditions and communities' needs vary, which is why food policy is best left in the hands of the states. Decisions that affect our farms shouldn't be handed over at the expense of proven Iowa safeguards.

For these reasons, we urge Members of Congress to reject the Food Security and Farm Protection Act.

JENNA HAMMERICH,
Blueyah Organic U-Pick Blueberry Farm.

Hon. ANGIE CRAIG,
Representative,
Washington, D.C.;

Hon. JAMES P. MCGOVERN,
Representative,
Washington, D.C.

Dear Representative Craig and Representative McGovern,

My name is Will Harris and I own a family farm called White Oak Pastures in Bluffton, Georgia. We raise cattle, sheep, goats, hogs, and poultry . . . we slaughter them . . . and we ship the product to consumers in 48 states from our online store. Our farm is nearly 160 years old, and I am the fourth generation of my family to own it. Two of my daughters and their spouses are in management today, and we employ 165 employees. We are the largest private employer in our county. We sell about \$30 million of product per year.

Before California's Proposition 12 and Massachusetts's Question 3, securing buyers was much more challenging. As much as we believed in our company's values

and were committed to staying family-owned, we struggled to compete for contracts against large, corporate conglomerates. Corporate giants, including foreign-owned ones like Smithfield and JBS, were out-bidding us and pushing us out of the market. Consolidation in the U.S. pork industry has caused the number of hog farms to plummet by 93% over the last 55 years, while hog production has increased due to these corporations' concentrated and exploitative business models. We are one of the few smaller operations that have survived.

Proposition 12 was one of the best things to happen for our company. The law opened the door to market opportunities that were previously dominated by the monopolistic meatpackers. We were already Prop 12 compliant. We now believe that we will have more business with virtually the same management and labor. Last year, we had record gains with about a million dollars in total net revenue.

Unfortunately, some industry groups, such as the National Pork Producers Council (NPPC) and the North American Meat Institute (NAMI), have vehemently opposed Proposition 12, claiming that the law would hurt small farmers. But in reality, Proposition 12 is helping to keep small farms like ours alive. Despite their claims, lobbying groups like the NPPC represent the interests of large meatpackers, not small farmers. Today, just four multinational corporations—Smithfield Foods, Tyson Foods, JBS USA, and Cargill—control 67% of the pork processing market. Those four companies are who the lobbying groups truly represent, not us. Laws like Proposition 12 give us *real* American farmers a fighting chance.

It has come to my attention that the House Agriculture Committee wishes to examine the implications of Proposition 12. Here at White Oak Pastures, the implications have been nothing but positive. Because of Prop 12, we have more sales, more consistent income, and perhaps most importantly, a brighter future for our employees, our family, and our farm. Please do everything in your power to protect us by protecting this law.

Sincerely,

WILL HARRIS,
White Oak Pastures,
Bluffton, Georgia.

To the Members of the House Agriculture Committee:

My name is Elaine Heath and I manage The Garden at Spring Forest in Hillsborough. I urge you to oppose efforts to undermine Proposition 12. This law represents not only a fair timeline for producers, but also a vital shift toward a food system that reflects consumer values and public health concerns.

Proposition 12 wasn't just about animal space—it's about mitigating public health risks tied to overcrowding and intensive confinement. Better living conditions for animals lead to better health outcomes for consumers.

We should be encouraging states and producers who lead on these fronts, not penalizing them.

Thank you,

ELAINE HEATH,
The Garden at Spring Forest,
Hillsborough, NC

Dear Congressman McGovern,

We run Union Hill Grassfed Beef on the western slopes of the Cascades in Washington State. We raise grass-fed cattle and chickens, grazing them rotationally without confinement, antibiotics, or hormones.

Proposition 12 upholds values that mirror our practices: transparency, animal welfare, and land stewardship. When voters say, "We want food produced under humane conditions," it's not just a policy choice—it's democracy at work. Ignoring that sets a dangerous precedent and undermines the ethical producers consumers increasingly want to support.

We urge you to defend Prop 12.

Respectfully,

PETER HENDRICKSON,
Union Hill Grassfed Beef, WA.

To the Members of Congress,

At Horneman Family Organic Farm in Regan, North Dakota, we raise our animals in wide open spaces where they can move freely, express natural behaviors, and live the way animals are meant to live. This kind of farming isn't just good for the animals, it's good for our land, our families, and the people we feed.

We oppose the EATS Act because it threatens the rights of states and the integrity of farmers like us. Laws like Proposition 12 reflect what consumers are asking for: more humane, transparent food systems. The EATS Act would undermine it by giving an unfair advantage to industrial operations that rely on confinement and cut corners.

We don't need Federal overreach that protects the lowest standards. We need policies that support independent family farms that are doing things right.

Please stand with responsible farmers. Oppose the EATS Act, and uphold Prop 12.

Sincerely,

Horneman Family Organic Farm,
Regan, North Dakota.

Dear Congressman McGovern,

We understand Proposition 12 because we raise egg-laying hens. At Edgewise Farms, we have a mixed flock that ranges over about 4 acres but has access to forty. We collect fresh eggs three times daily.

Our hens roam freely, scratch in the dirt, and enjoy access to the outdoors every day. We're fully compliant with Proposition 12, and proud of it, our hens aren't confined to cramped cages, and their welfare is a core part of how we farm. Prop 12 has helped create a market that values this kind of humane, transparent production. It also gives consumers confidence in the food they're buying.

If laws like Prop 12 are overturned, it makes a mockery of our efforts and props up industrial models that cut costs at the animals' and farmers' expense.

Keep Prop 12. It's good law, and good sense.

Sincerely,

NATHAN HUNTLEY,
Edgewise Farms,
Oklahoma.

To Whom It May Concern:

I'm Jill Johnson, co-owner of Crane Dance Farm in Middleville, Michigan. We raise pigs, cattle, lambs, chickens, and ducks on pasture, using regenerative practices that honor both the animals and the land. Our animals live naturally, with straw bedding, sunshine, and the freedom to move, how farming should be.

The EATS Act is an alarming threat to everything we stand for. It would strip states of their ability to require even the most basic animal welfare standards, and it would undermine consumer trust by forcing all of us to accept the lowest common denominator.

Please understand: this bill does not help small farmers. It helps industrial meat giants who confine animals in cruel conditions. Responsible farmers like us will be forced to compete against producers who cut corners at the expense of animals and rural communities.

I urge you to oppose the EATS Act and defend Michigan's right to support ethical agriculture.

With respect,

JILL JOHNSON,
Crane Dance Farm, Middleville, MI.

Dear House Agriculture Committee,

I'm Nancy Kiefat of Alerohof LLC in North Dakota. I'm writing to voice my strong opposition to Federal efforts to overturn Proposition 12, whether through the EATS Act, the so-called Food Security and Farm Protection Act, or other measures.

Prop 12 sets a reasonable, humane baseline for animal care. It was voted in by the people, upheld by the Supreme Court, and supported by many farmers who meet welfare standards. Markets are changing, and responsible producers are rising to meet that demand.

Federal overreach undermines farmers who are already doing the right thing and tells voters their values don't count. Let's protect Prop 12, not tear it down.

Sincerely,

NANCY KIEFAT,
Alerohof LLC,
North Dakota.

To the Members of Congress,

We are the King family, owners of Frog Holler Farm in Brooklyn, Michigan. We are a working farm, rooted in soil and community. (We're not to be confused with a separate wholesale distributor in Ann Arbor, Frog Holler Produce, which serves retail markets.)

We are writing today in strong support of Proposition 12 and in firm opposition to the EATS Act and any Federal legislation that seeks to override hard-won state standards like it.

Proposition 12 reflects the values of a growing number of Americans (including Michiganders as our state has passed similar legislation), people who believe animals should be raised humanely and that transparency in food production matters. These standards support ethical farmers, encourage better practices, and give consumers confidence in the food they bring home to their families.

The EATS Act would erase those gains. It would strip states of their ability to protect animals, consumers, and local farmers by nullifying laws passed through democratic processes. For small farms like ours, it would tilt the playing field even further in favor of industrial agriculture and take away one of the few tools we have to stand out: integrity.

Farming is about trust. Trust between farmers and the land, and between producers and the people we feed. We ask you to protect that trust. Please defend Proposition 12 and reject the EATS Act and other attempts to dismantle it.

Sincerely,

The King Family,
Frog Holler Farm,
Brooklyn, Michigan.

Dear Members of the Committee,

At Uncommon Beef in Montana, our name reflects our mission: to raise cattle in ways that respect the land, the animals, and the people who rely on us for food. We operate with a deep commitment to animal welfare, our cattle live their lives on pasture, with room to roam, graze, and express natural behaviors.

We support Proposition 12 because it upholds the basic principle that how animals are treated matters. It ensures that veal, eggs, and pork sold into California meet minimum humane standards, standards that align with what more and more consumers are demanding and what responsible farmers already practice.

Efforts to overturn Prop 12, like the so-called Food Security and Farm Protection Act, would not only erase those humane standards, but they would reward the cheapest, most industrialized forms of confinement, at the expense of both animals and the farmers who treat them well.

Our farm doesn't cut corners, and we don't believe producers should be able to hide poor practices behind weak laws. Prop 12 is a step toward a food system that respects animals and gives farmers doing right by them a fair chance.

Please defend Proposition 12 and reject efforts to dismantle it.

Sincerely,

CATHERINE KIRCHNER,
Owner—Uncommon Beef.

Dear House Agriculture Committee,

My name is Belinda Kiser, and I farm in West Virginia. We raise our animals outdoors and grow vegetables with care for the earth and our community.

California's Prop 12 says that animals deserve space to move and that consumers deserve to know their food comes from humane systems. That's responsible, not radical.

Efforts to overturn Prop 12, like the EATS Act and others, put corporate interests above decency and fairness. These laws threaten the integrity of farming and the rights of states to uphold public values.

I ask you to stand with farmers and citizens. Oppose the EATS Act, the Food Security and Farm Protection Act and the Save Our Bacon Act. Uphold Prop 12.

Sincerely,

BELINDA KISER,
Everything Green, WV.

Dear Members of the Committee,

As an organic farmer in southeastern Minnesota, I've been raising healthy crops and livestock without the use of CAFOs (Concentrated Animal Feeding Operations) for nearly 30 years. My pigs are raised in a way that fully complies with California's Proposition 12, no gestation crates, no extreme confinement, just honest, humane

animal care. That's the kind of farming that more and more consumers want, and Prop 12 ensures that those values are reflected in the marketplace.

Unfortunately, efforts like the EATS Act, now misleadingly renamed the Food Security and Farm Protection Act, would strip states like California of the right to enforce these standards. That would mean the elimination of critical protections not only for animals, but also for food safety, disease prevention, and public trust in agriculture. It would also give an unfair advantage to industrial-scale CAFOs that continue to rely on practices the public finds unacceptable.

I recently traveled to Washington with other farmers and food businesses to urge Congress to reject harmful efforts like the Food Security and Farm Protection Act. What we heard across the spectrum is that consumers, companies, and fellow farmers, is that people do not want to see Prop 12 overturned. They want food produced with care, transparency, and accountability.

I urge you to stand with the farmers who are doing the right thing, and with the voters who demanded better. Protect Prop 12, and oppose the Food Security and Farm Protection Act (and all other efforts to undermine this critically important law).

Sincerely,

ERIC KLEIN,
Hidden Stream Farm/Klein Family Farms
Elgin, MN

Dear Members of the House Agriculture Committee,

At Katharsis Meadows, we are committed to raising food in ways that care for animals, the land, and the people we feed. On beautiful hills and valleys, we raise pastured Berkshire pigs, free range chickens, Muscovy ducks for eggs and meat, and goats for goat milk soap, meat and fleece. We see Proposition 12 as a step in the right direction, and one that creates opportunities for farmers, like us, who raise their hens, pigs and calves with space to move.

This law reflects consumer expectations and public concern. More than that, it reinforces the idea that states have the right to establish meaningful standards for food sold within their borders.

Bills like the EATS Act and the Food Security and Farm Protection Act don't protect farms, they strip away accountability and undermine responsible farming. We urge you to stand against them.

Proposition 12 and laws like it deserve protection.

Thank you,

KATHARINE KRAMER,
Katharsis Meadows,
Blanchardville, WI.

To the Committee,

At Mission ABQ Learning Gardens in Albuquerque, New Mexico, we grow produce and grains with a focus on education, sustainability, and nourishing our local community. We believe that food justice starts with transparency and local control.

The EATS Act, and its rebranded counterpart, is an assault on those principles. Based on an attempt to undo California's Prop 12, it would take decision-making power away from states and communities and hand it to corporate agriculture. That's not in the best interest of farmers, consumers, or the environment.

Please stand with local food systems and the people who depend on them. Oppose the EATS Act and protect Prop 12 and state agriculture laws like it.

Sincerely,

JAMES LANDRY,
Mission ABQ Learning Gardens,
Albuquerque, NM.

To the Committee,

At Suki Farms in Powder Springs, Georgia, we raise alpacas with care, purpose, and a commitment to sustainable agriculture. We are firmly opposed to the EATS Act and any renamed version of it.

This legislation strips states of their rights and serves the interests of large industrial operations, not independent farmers like us. Local control and transparency matter. Laws like California's Proposition 12 are examples of how states can set thoughtful standards that reflect the values of their residents. Without that ability, small farms lose their voice.

Please protect laws like Prop 12. Protect states' rights and support the farms that reflect the values of their communities.

Sincerely,

RIC LARRED,
Suki Farms,
Powder Springs, GA.

Dear Members of Congress,

We are Kerry & Michelle Loggins from Poplar Creek Farm & Produce in Wentworth, North Carolina. We raise pigs on pasture-happy pigs who roll in mud, root in the earth, and live in a way that honors their nature. It's not just better for them; it's better for us, our soil, and our customers.

We are writing to express our deep opposition to the EATS Act. This bill threatens to erase the progress North Carolina and other states have made in animal welfare and local food transparency. It hands control of farming standards to the Federal Government and mega-industrial producers who don't share our values.

The families who buy from us do so because they care how their food is raised. The EATS Act would rob them of that choice.

Please stand up for small farmers and vote no on the EATS Act.

Sincerely,

KERRY & MICHELLE LOGGINS,
Poplar Creek Farm & Produce, NC.

To the Committee,

Thank you for the opportunity to comment on this important matter. The attempt to override Prop 12 through Federal legislation is a dangerous precedent. It disregards both the democratic process and states' rights. Farmers who comply with humane standards benefit from these laws, not suffer. The EATS Act would hand control over to industrial producers with no regard for the consequences on farms like mine. That's unacceptable.

Accordingly, I ask that the Committee please continue to listen to the will of voters and uphold laws like Prop 12. Thank you for your time.

Respectfully,

Lone Star North Farm,
Townsend, Tennessee.

To the Committee,

At Longleaf Pasture Farm in Jasper, Florida, we raise cattle, hogs, and chickens organically and humanely. We believe in transparency, responsible stewardship, and giving animals a life worth living.

Prop 12 does not hurt family farms. It opens up market opportunities for farms like ours that already meet or exceed those expectations.

Please protect the rights of states and the interests of independent farmers. Reject attempts to weaken Prop 12.

Sincerely,

Longleaf Pasture Farm,
Jasper, Florida.

To the Committee,

At Longshadows Ranch in Hulbert, Oklahoma, we grow culinary and medicinal herbs with care and purpose. Our work supports well-being, biodiversity, and a deeper connection between land and life.

We oppose the EATS Act (whether in its original or rebranded form) and other attempts to weaken California's Proposition 12 because they strip states of the right to regulate how food is produced and sold. State and local governments need the flexibility to support small farms, responsible practices, and consumer choice.

Please defend state sovereignty and the future of independent farming. Oppose the EATS Act and any other attempt to dismantle Prop 12 and laws like it.

Sincerely,

Longshadows Ranch,
Hulbert, Oklahoma.

To the Members of Congress,

We are seeing an uprising of concern for animal welfare reform in this country. In the age of information, more and more people are discovering how their food is

produced and we are not happy. The will of the public is being felt from the free-market to the ballot box and the factory farm industry in this country is scrambling for any way to preserve the *status quo*. Their disdainful practices have been exposed and rather than adapt, they run to Congress. That's where the EATS [A]ct comes in, or the King amendment, or whatever they are calling it this time. The factory farm lobby had to re-brand their legislation but it's still lurking in the farm bill, waiting to sneak through and abolish the sovereignty of every state in this nation. We need our elected officials to stand up to the special interests for once. We need you to serve the will of the public. We need you to regulate multi-national corporations instead of private citizens. Please stand up for the family farms and the consumers across this great nation. We are tired of being ignored and trampled upon. We are building our new, better way of life that rings with truth for all who choose to see. We want you there with us. We only ask that you do what you know is right and reject amendments like the EATS [A]ct that seek silence the will of the public of this great nation.

PATRICK MADDEN,
Mastodon Farm,
Clayton, MI.

Dear Members of the Committee,

As a proud and dedicated farmer, I have always believed that the standards we hold ourselves to impact not just the quality of the products we produce, but also the trust we build with our consumers. It is because of that belief that I support Proposition 12, which establishes basic, humane standards that reflect what most Americans expect from their food system. These aren't radical ideas. Instead, they are practical and achievable.

It is alarming to see Federal efforts like the EATS Act and the Food Security and Farm Protection Act attempt to strip away those standards. These bills threaten states' rights and ignore the growing number of farmers who are already working to meet or exceed Prop 12's requirements. I urge you to defend this progress, defend the hard-working farmers, protect Proposition 12 and support a future in agriculture that prioritizes sustainability, safety, and transparency.

Sincerely,

STEPHANIE MATLOCK,
Cobblestone Farm, Colorado.

To the House Agriculture Committee,

Farming is more than a business—it's a way of life rooted in responsibility. Many of us in agriculture see ourselves as caretakers: of animals, of land, and of the communities we feed. That's why Proposition 12 matters. It affirms the principle that how we raise animals reflects who we are as a society.

This law doesn't impose anything unreasonable. It simply ensures that food production meets basic standards of decency. When voters chose to pass Proposition 12, they were expressing a value shared by many of us in agriculture: that integrity and compassion should guide how we grow food.

Legislation that seeks to overturn Prop 12 ignores that public mandate and undermines the credibility of farmers who believe in doing the right thing. We should be working to build trust with the people we feed, not eroding it.

Thank you for considering the voices of those of us committed to responsible farming. We respectfully urge you to protect Proposition 12 and reject attempts to undermine it.

Sincerely,

ANDREW AND BEVERLY McDOWELL,
Hidden Pond Farm LLC.

Congresswoman Craig,

At MeMaws Honeybees and Double SS Farm in Lebanon, Missouri, we raise goats and egg-laying hens (along with bees) and pay special attention to their welfare. We're part of a growing network of farmers who believe food should come from systems that nurture, not exploit, animals and the land.

Proposition 12 reflects the will of voters who support that vision. Attempts to dismantle it not only silence democratic process, but also harm the viability of farms like ours. Please continue to support ethical, independent agriculture by defending Prop 12.

Sincerely,

MeMaws Honeybees and Double SS Farm.

Dear Members of the Committee,

Protect Proposition 12.

My name is Peggy M. Miller, and I operate/own Highland Winds LLC in Missoula, Montana. As a grower of herbs for sale, and a medical herbalist, I've come to learn the importance of organics and healthy food.

While I don't raise livestock, I support Proposition 12 and similar laws because they protect something fundamental: the right of states and consumers to demand ethical standards in the food they buy and the ethics of raising healthy animals.

Prop 12 ensures that products sold in California meet basic animal welfare requirements. That's not government overreach, that's voters choosing to align their values with their purchases. Undermining that right doesn't just affect pigs or chickens, it affects farmers like me, who work hard to meet the expectations of thoughtful consumers.

Family farms thrive when laws recognize the importance of care, transparency, and integrity. That's what Prop 12 does. Please protect it, and what it stands for.

Sincerely,

PEGGY M. MILLER,

Owner: Highland Winds, LLC

Dear Members of the House Agriculture Committee,

My name is Kara O'Brien, and I run a small farm stay (three airbnbs) in Atlanta, Georgia that includes a few beloved alpacas, bunnies, chickens, guanacos, llamas, bamboo forest, dogs, cats, reclaimed buildings, and a welcoming environment for guests to reconnect with land, animals, and rural life in an urban setting.

I care deeply about how we treat animals and grow food in this country. In fact, our small farm began with a desire to keep chickens and teach my daughter that they can live long lives of care, while providing us breakfast, as they live happy healthy free range lives as long as they wish.

That's why I'm writing to express my strong support for California's Proposition 12, and to urge you to reject any Federal legislation, including the EATS Act or the Food Security and Farm Protection Act, that seeks to weaken or override it.

Prop 12 reflects what more and more people are asking for: food raised with care and conscience. It doesn't force farmers to do anything; it simply sets expectations for what's allowed in California's marketplace, a state whose residents made their values clear at the ballot box. Voters wanted to stop extreme confinement of animals. They wanted transparency. They wanted better choices. And many farmers around the country rose to meet that call.

We should be encouraging that shift, not undoing it through Federal overreach.

From my vantage point, guests who visit and stay at our farm are curious about where food comes from, and they want to support systems that reflect their values. They love that our animals are rescued and pampered. They love that they are aging well past their expected lifetime. They love the care and devotion we lavish on these lovely sentient beings.

When we ignore or override those values/ethics, this basic level of humanity, we erode trust but more deeply, we betray our own sense of morality.

Please preserve state laws that reflect their citizens choosing a more humane and kinder standard. And please protect the rights of responsible farmers who have already invested in doing better.

As humans, we can and should do better towards animals.

Respectfully,

KARA O'BRIEN,

Atlanta, GA.

Dear Members of the House Agriculture Committee,

I'm David Ogburn, a cattleman from Leoma, Tennessee. I raise Hereford bulls and females and am a proud member of the Tennessee Cattlemen's Association. I'm writing to ask you to oppose the EATS Act, the Food Security and Farm Protection Act and the Save Our Bacon Act.

As Mike Schultz, founder of the Kansas Cattlemen's Association, recently explained, "The EATS Act is nothing but a Trojan Horse designed to put family farmers out of business and give multinational conglomerates like JBS and Chinese-owned Smithfield an even greater advantage than they already have."

California's Prop 12 created opportunities for producers who want to do right by animals and consumers. The Save Our Bacon Act is just another attempt to roll back those standards and let the big players cut corners.

I stand with the many cattle producers, hog farmers, and poultry growers across the country who are saying enough is enough. Defend Prop 12. Oppose the EATS Act and the Save Our Bacon Act.

Sincerely,

DAVID OGBURN,
Leoma, TN.

To: Members of the House Agriculture Committee

Oh Goodness Homestead is a small family farm in Olympia, WA, where we raise goats.

We support Proposition 12 because it helps responsible farming having a chance to survive in a system dominated by massive operations.

Prop 12 isn't a burden to us; it's a signal to consumers that how their food is produced matters. It aligns the marketplace with values that small farmers have always carried: respect for animals, the environment and public health.

Rolling it back would do real harm, not to corporate agriculture, but to families like ours who are trying to do it right.

Sincerely,

Oh Goodness Homestead

Dear Members of the Committee,

Farming is about more than producing food. It is about doing the right thing by consumers, animals, and the land. Proposition 12 and similar laws set reasonable standards to ensure that food is produced ethically and safely. That is not extreme. Rather, it is what the public expects, and it is what I believe in as a farmer.

I respectfully urge you to safeguard Proposition 12 and similar laws by rejecting attempts to squander them. Bills like the EATS Act and the Food Security and Farm Protection Act undermine the progress we have made towards a more sustainable and transparent food system. Instead of lowering the bar, let's raise it. Please protect Proposition 12 so that our food system can continue to flourish.

As owners of Fox Run Vineyards, our family is keenly aware of the impact we have on the community and the environment. Our mission at Fox Run Vineyards is to reduce our environmental impact through meaningful and consistent changes to our business each year. In 2002 Fox Run was certified a Lake Friendly Farmer, which means none of our farming practices will negatively impact the water quality of Seneca Lake, and In 2023, Fox Run was named a certified sustainable vineyard by the *New York Wine & Grape Foundation*.¹ We understand the need for strict legislation to protect the food we buy in our stores and the grapes and wines we produce here in the Finger Lakes. Keep the current standards and Protect Proposition 12.

Respectively,

SCOTT OSBORN,
President and Co-Owner
Fox Run Vineyards.

Dear Members of the Committee,

Pemberley Farms is a small, independent egg farm located in southeastern Nebraska. Our hens are raised on pasture with access to the outdoors year-round, and we market directly to consumers who care about where their food comes from and how it's produced.

We are writing today in strong opposition to the so-called Food Security and Farm Protection Act (S. 1326), which is anything but protective for small farms like ours. The bill is a thinly veiled attempt to overturn Proposition 12 in California and strip states of their right to set standards for the food sold within their borders. That is a dangerous precedent, for farming, for democracy, and for the future of local food systems.

Our farm meets Prop 12 standards, and then some, not because we're forced to, but because we believe it's the right way to farm. When voters in California said they wanted to support higher animal welfare, they opened up opportunity for farmers like us who already do things the right way.

S. 1326 would undercut that progress by shielding industrial operators from accountability and turning back the clock on animal welfare and consumer trust. It sends a message that corporations, not voters, get to decide about agriculture. That's not freedom, and it's not food security.

¹<https://newyorkwines.org/industry/sustainability/>.

If this bill becomes law, it won't help small farms, it will crush them. It will reward confinement and corner-cutting, and penalize farmers who go above and beyond to raise animals humanely. We urge you to reject this bill and defend both state sovereignty and the future of ethical, sustainable farming in America.

Thank you for your time and your commitment to supporting responsible farmers.
Sincerely,

Pemberley Farms.

To the Committee,

At **Pinedora Farms** in Arizona, we grow vegetables using permaculture design in commercial greenhouses and are deeply committed to **organic farming, holistic nutrition, and education**. Through our community programs, including children's farming experiences, health and sustainability courses, and support for off-grid living, we aim to inspire a new generation to care for the [E]arth and each other.

We support Proposition 12 because it affirms values that matter to farms like ours: ethical stewardship, transparency, and the right of people to choose food that aligns with their beliefs. The EATS Act, and any attempt to revive it, would undermine those values and remove states' ability to set standards that reflect their communities.

A better food system depends on integrity, education, and respect, not shortcuts.
Please protect Prop 12 and reject the EATS Act.

Sincerely,

Pinedora Farms,
Arizona.

Re: Support for Proposition 12 and Humane Farming standards

Dear Committee Members,

Recent claims blaming California's Proposition 12 for rising egg prices are misleading. Proposition 12 simply establishes modest, commonsense standards for eggs produced and sold in California—standards that prevent needless animal suffering and reduce food safety risks.

As a farm that specializes in eggs and poultry, we want to set the record straight: Proposition 12 and other cage-free laws are not the cause of price increases. The real driver is the ongoing avian flu outbreak, which has devastated poultry farms across the nation.

The egg regulations under Proposition 12 took effect in January 2022. Independent economic research, including studies from institutions like UC Davis, has shown that the law's impact on egg prices has been minimal.

By contrast, the avian flu outbreak has been catastrophic. In the final quarter of 2024 alone, over 20 million egg-laying hens were culled due to the disease. This dramatic loss in supply has led to the current rise in egg prices. Regardless of whether hens are raised in cage-free, conventional, or pasture-based systems, such losses affect supply and cost for everyone.

Farmers who have invested heavily in cage-free systems would be severely harmed if Proposition 12 were repealed. Many of us have spent years and substantial resources upgrading our operations to meet both humane standards and growing consumer demand. Rolling back these laws would destabilize the market and punish those of us working toward a more ethical and sustainable future.

More importantly, Proposition 12 is simply the right thing to do. It ensures that hens have enough space to move naturally, spread their wings, and engage in basic behaviors that promote health and well-being. Extensive research has shown that extreme confinement causes severe stress and physical ailments in animals.

At Tzaddik Farm, we see firsthand that happier, healthier hens produce better-quality eggs. Consumers are increasingly demanding food that reflects their values—and laws like Proposition 12 help make that possible.

Farmers who have embraced humane practices should not be penalized. Rather than weakening these hard-fought reforms, we should strengthen disease prevention efforts and support those committed to responsible, sustainable agriculture.

I urge Members of this Committee not only to preserve Proposition 12, but to champion similar reforms nationwide.



NATHAN RAKOV,
Tzaddik Farm.

Regarding S. 1326

As owners of a small Ohio farm that follows organic farming practices, we feel that the current laws regarding animal welfare and the humane raising of farm animals are inadequate. The Food Security and Farm Protection Act (formerly the EATS [A]ct) should **not** be passed because it restricts the rights of any states willing to define and confront animal welfare within their borders.

Historically legislation for human rights, food safety, environmental protection, and even auto emissions, has often originated in a forward-looking state, and then gone on to be adopted nationally. In most cases this has served in the best interests of our society. Please do **not** infringe on the rights of our “states” to move in a direction they feel best serves their citizens.

TOM RAPINI and VALERIE GARRETT,
A's and O's Farm,
Mentor, OH.

Chairman Thompson, Ranking Member Craig, and Members of the Committee,

Thank you for the opportunity to submit this testimony. My name is Julie Rawson, and I co-own Many Hands Organic Farm in Barre, Massachusetts. For over 40 years, we have grown food rooted in natural principles—organic, regenerative, and humane. We are proud to provide our community with high-quality produce, meat, and eggs raised with care for animals, people, and the planet. This philosophy has shaped our success, and it reflects the values of the customers and neighbors we serve.

That's why I must express deep concern over attempts to override state laws like Massachusetts' Question 3 and California's Proposition 12, both passed by voters to ensure basic humane standards for farm animals. These laws are not radical. They reflect a broad, bipartisan public consensus that farm animals should not be kept in extreme confinement.

Some special interests in the pork industry now seek to undo these laws. This is a direct threat to farmers like me, and to the very idea of state-level decision-making in agriculture. If enacted, policies like the EATS Act or Food Security and Farm Protection Act would force us to compete with low-cost, low-welfare industrial products, many from foreign-owned companies, regardless of what our communities have voted for or believe in.

This provision is not just bad policy, it's a betrayal of democratic process and market fairness. State laws like Question 3 and Proposition 12 have opened opportunities for ethical producers to thrive. Dismantling these important laws would shut those doors, prioritizing corporate consolidation over consumer demand and public interest.

Massachusetts and California voters chose to end the intensive confinement of animals. That choice deserves respect not erasure at the Federal level.

We are grateful to Representative Jim McGovern for his leadership in defending farmers, states' rights, and the humane treatment of animals. I urge all Members of this Committee to join him.

Sincerely,

JULIE RAWSON,
Co-owner, Many Hands Organic Farm,
Barre, Massachusetts.

Dear Members of the House Agriculture Committee,

We are Renegade Ridge, a small, independent pig farm committed to raising animals with care, dignity, and respect. We proudly exceed Proposition 12 standards, our pigs live outdoors, with space to root, roam, and live as pigs are meant to. We chose this model not just because it's humane, but because it's healthier for the animals and safer for the people who eat our food.

Proposition 12 set a baseline for decency. It's a reflection of evolving science and public values, an acknowledgment that extreme confinement is not only cruel but also linked to increased disease risk. By ensuring animals have basic freedom of movement, Prop 12 improves welfare, reduces stress-related illness, and promotes safer food.

Laws like Prop 12 also give farmers like us, who do the right thing every day, a fair shot. When industrial producers cut corners with extreme confinement, they undercut farmers committed to ethical, sustainable practices.

We urge you to reject any legislation, including the so-called Food Security and Farm Protection Act, that would undo this progress. Rolling back Prop 12 would

harm animals, compromise public health, and reward the worst actors in the industry at the expense of responsible farmers.

Respectfully,

Renegade Ridge.

Dear Members of the Committee,

Right from the Hive is a small beekeeping operation in upstate New York, committed to ethical practices and healthy ecosystems. We work closely with local farms and understand how important it is to align farming with public trust.

Proposition 12 gives consumers a voice and supports farmers who already raise animals with compassion. Trying to override it only serves those looking to cut corners. It undermines both the integrity of the food system and the rights of states to govern within their borders.

Let's not move backward. Keep Prop 12 intact.

Sincerely,

Right from the Hive,
New York.

To the Committee,

At Iron Quail Ranch in Marana, Arizona, we regeneratively raise meat goats and poultry with care and respect for both the animals and the land. Like many small producers, we believe that farming should reflect the values of the communities it serves, not be managed through distant Federal regulation.

I support state and voter rights over Federal regulation. The EATS Act, the Food Security and Farm Protection Act, or any other name would strip states and local farmers of the ability to set their own agricultural standards. That's not just bad policy, it's a direct threat to small ranches like mine that rely on transparency, integrity, and local trust.

Please stand up for state sovereignty and for independent farmers across the country.

Reject the EATS Act.

Sincerely,

MICHAEL RODOCKER,
Iron Quail Ranch,
Marana, Arizona.

Dear Members of the Committee,

We raise pigs the old-fashioned way at Rosy Buck Farm, on pasture, with fresh air, sunshine, and space to roam. Proposition 12 represents a basic standard of decency. It's not extreme to say animals should be able to turn around and lie down comfortably.

When voters in California passed Prop 12, they sent a clear message: consumers care about how their food is raised. And for those of us already raising pigs humanely, that's good news. Prop 12 creates an opportunity for small and responsible farmers.

Overturning this law would be a step backward—for the animals, for farmers like us who already meet these standards, and for consumers who want to make informed, ethical choices. *Please keep Prop 12 intact.*

Sincerely,

Rosy Buck Farm.

To the Committee,

At Yes Ma'am Country Harvest in Gillette, Wyoming, we raise cattle with a commitment to integrity, animal care, and serving our local community. We believe that states should have the freedom to reflect the values of their residents in how food is produced and sold.

We strongly oppose the EATS Act, under any name, because it strips states of their ability to enact meaningful agricultural standards. Laws like California's Proposition 12 are examples of how states can respond to voter concerns with thoughtful policies. The EATS Act would erase those decisions—handing more power to industrial agriculture and taking it away from farmers and communities.

Please stand with independent producers and protect the right of states to guide their own agricultural future. Reject the EATS Act and keep Prop 12 and laws like it intact.

Sincerely,

MADISON, JANELL, & LAURA ROUSH,
Yes Ma'am Country Harvest,
Gillette, WY.

To the Committee,

At Bit of Elysium in Ocala, Florida, we raise goats and chickens with care and intention, participating in a tradition of small-scale dairy farming that prioritizes animal well-being and land stewardship.

We support laws like California's Proposition 12. We oppose the EATS Act (and any repackaged version of it) because it attacks the right of states to enact policies that reflect their citizens' values. Whether it's about food safety, ethical treatment, or environmental standards, those decisions belong with the people and their representatives and not multinational corporations. Farm animals deserve to live a healthy, clean, and comfortable life even those that are destined for the table. We support laws like California's Proposition 12 to keep the animals and the people that work with them healthy.

Please reject this overreach and stand with independent farmers and local communities. And please protect Prop 12 and laws like it.

Sincerely,

CANDACE ROY,
Bit of Elysium, mini Lamancha goats.

To the Committee,

At Sammy's Farm in Grape Creek, Texas, we raise free-range animals and believe in giving our animals a good life. We also believe in the freedom of states to choose how food is produced and sold within their borders.

We serve a community that increasingly asks where its food comes from and how it was produced. Proposition 12 gives us the framework to answer those questions with integrity.

The law's multi-year timeline was generous by agricultural standards. Responsible family farmers have seen the benefits: stronger markets, better animal health, and growing trust from our buyers.

We urge you to stand against any Federal attempt to weaken Prop 12, like the EATS Act. Let the states lead when they are willing to raise the bar.

Sincerely,

Sammy's Farm,
Grape Creek, TX.

To the Committee,

At Horizon Honey LLC in Beulah, Wyoming, we care for bees and produce honey that reflects the health of our land and the integrity of our practices. Pollinators are foundational to food production, and so is trust in where that food comes from.

Proposition 12 sets commonsense standards for animal housing and gives both producers and consumers peace of mind that the basics of humane care are being met.

These are not extreme standards. They reflect what responsible farms already do.

Please preserve Proposition 12; it's working. And I urge the Committee to reject the EATS Act, Food Security and Farm Protection Act and any attempts to dismantle Prop 12 or laws like it.

Sincerely,

COLT SELL,
Horizon Honey LLC,
Beulah, Wyoming.

To the Committee,

I recently heard about the disastrous EATS Act. As a former regenerative agriculture farmer in Michigan and remain deeply committed to responsible, independent agriculture. I believe states should have the right to support farmers who prioritize quality and ethical practices.

As a Michigan shepherd who made the well-being of my sheep a top priority, I saw firsthand how standards in our state reflected the public's growing concern about how food is produced. Michigan passed an anti-confinement law that phases

out extreme confinement of egg-laying hens, veal calves, and pregnant pigs, ensuring animals have enough space to lie down, turn around, and extend their limbs. These reforms mirror the intent behind California's Proposition 12, and represent a broader movement toward transparency, animal welfare, and consumer trust. Whether in Michigan or elsewhere, states must retain the ability to set and uphold these kinds of reasonable protections.

The EATS Act would strip that ability away. It would override voter-approved laws and reward large-scale operations that resist transparency and accountability. Farmers had ample time to adjust to these standards. Choosing not to was a business decision, not a justification to dismantle progress others worked hard to achieve.

Please stand with independent farmers, past and present, and with states that are trying to do the right thing. Protect local laws like Prop 12 and reject the EATS Act.

Sincerely,

BRIAN J. SMITH,
Former Michigan Farmer and Concerned Citizen.

To the Committee,

My name is Leah Smith, and my family owns Nodding Thistle, a 72 acre organic and diversified farm in Nashville, Michigan. Since 1984, we have practiced sustainable farming with a focus on organically grown vegetables, herbs, small berries, fruit trees, and humanely raised dairy and beef cattle, and egg-laying and "table carcass" chickens.

Our philosophy is rooted in working with nature—not against it—to produce healthy, flavorful food through practices like soil building, diverse crop selection, the fostering of beneficial insect populations, and minimal irrigation. We believe that sustainability, transparency, and animal welfare are essential to the future of American agriculture; that it is what many of both farmers and consumers want.

I am writing in strong support of California's Proposition 12 and in firm opposition to the EATS Act and any reincarnation of it in the House farm bill. These Federal efforts seek to override state-level agricultural standards, including vital animal welfare laws, and would upend the democratic process that allowed voters to adopt policies reflecting their values.

Many of us have made serious investments in compliance with these higher standards—not because we were forced to, but because we believe it is the right way to farm. To nullify those laws now would be both economically and morally irresponsible. It would punish farmers who stepped up, reward those who refused to adapt, and undermine the consumer trust that is so essential to our local economies. A lack of this trust is, in my opinion, already leading to a lack of patronage.

The EATS Act and similar provisions in the current House farm bill would also violate state sovereignty—denying Michiganders, and citizens across the country, the ability to make decisions about the kind of agriculture we want in our communities. This approach is deeply undemocratic, and it clearly does not represent the will of the people. Even though Proposition 12 is California's business, Michigan could be next.

In contrast, Proposition 12 reflects a growing consensus among consumers and farmers alike—that higher welfare standards matter, and that farming can be both ethical, environmentally sound, and economically viable, as well as truly beneficial to human health.

I urge you to reject the EATS Act and all related language that would invalidate state laws. Uphold Proposition 12, and with it, the voices of farmers and voters working for a more responsible and ultimately resilient food system.

Sincerely,

LEAH SMITH,
Nodding Thistle Farm,
Nashville, MI.

To: Congresswoman Angie Craig and Congressman Jim McGovern

My name is Stephen Soros, and I run The Song of Orchids, a small specialty farm on the Big Island of Hawai'i. We cultivate rare tropical orchids and fruit using regenerative practices passed down over generations.

Though we do not raise animals, we stand firmly in support of California's Proposition 12. It reflects a growing national movement to align food production with compassion and care. When big industry fights laws like Prop 12, it's often to preserve the *status quo* of low-cost, low-welfare production. But Prop 12 helps build a future where integrity is rewarded, not punished.

Please protect Proposition 12 and laws like it. The soul of American agriculture depends on it.

Mahalo,

STEPHEN SOROS,
The Song of Orchids,
Honoka'a, HI.

Dear Members of the House Agriculture Committee,

At Sourland Farm, we run a small family operation atop the Sourland Mountain in Hillsborough Township, New Jersey. We raise egg-laying hens and provide our local community as well as far beyond with the freshest natural eggs possible, which are collected daily. Because we work in small batches, we see the impact of every choice we make on our animals, our land, and the people we serve. Our customers expect and demand the very best products from our farm, be it eating eggs, fertile eggs, or live poultry.

That's why we strongly support Proposition 12 and oppose any Federal effort to weaken or overturn it. This law sets basic, humane standards for how animals are treated. For those of us who raise hens with care, giving them room to move, peck, and behave naturally, Prop 12 validates our values.

Our customers buy from us because they know we prioritize animal welfare. They want eggs that come from hens that weren't confined to cages their entire lives and are fed all-natural feed that is Antibiotic Free, GMO Free, Hormone Free, Vaccine Free, Pesticide Free, Chemical Free. Prop 12 reinforces that growing market and keeps industrial producers from cutting corners at the expense of both animals and smaller farms like ours.

Family farms should be part of the solution, not collateral damage in a system that puts profit over principles. **We urge you to uphold state-level laws like Prop 12 and protect the right of voters to choose higher standards for food and farming.**

Respectfully,

Sourland Farm,
"Happy Hens Lay Healthy Eggs".

Dear Committee Members,

As a Connecticut-based farm, we strongly support Proposition 12. The law reflects a basic truth many small farmers already know: how animals are treated matters. We've watched how efforts like Prop 12 are reshaping the agricultural landscape in a good way, rewarding values-driven farming, not cutting corners. The EATS Act and similar proposals threaten to erase that progress. Please reject those efforts and stand with the farms that reflect what voters and consumers overwhelmingly support.

AMELIA SOUTH,
Black Sun Farm.

Dear Committee Members,

My name is Amy Surburg, and I run Berry Goods Farm, where we raise laying hens and grow food for our family and our community. I'm a former engineer turned farmer and mother of five. These days, I spend more time observing the ecosystem in our backyard than any lab, and I've come to understand just how connected everything is. Our chickens fertilize the soil and help manage pests, and in return, they get to live the way chickens should—able to move, scratch, perch, and spread their wings.

That's why I support Proposition 12, because it reflects the kind of thoughtful, practical animal care that farmers like me already believe in. Prop 12 hasn't just affirmed better standards; it has created real market opportunities for those of us who prioritize humane, sustainable practices. We've seen increased demand from buyers who want eggs from farms where animals aren't crammed into cages. That demand supports small-scale, diversified farms like ours and encourages more farmers to rethink how they raise animals.

I strongly oppose efforts to dismantle laws like Prop 12 through Federal overreach, such as the EATS Act or provisions in the farm bill that would block states from setting humane farming standards. Voters across the country (including here in Indiana) want food systems that reflect compassion and integrity. Those voices deserve to be heard.

We're raising our kids on this farm to understand where food comes from, how to be good stewards of our animals, and why doing what's right matters for our

health and the health of our community. Please don't take that choice away from our family or the many others who believe farming can be both ethical and productive.

Sincerely,

AMY SURBURG,
Farm Owner,
Berry Goods Farm LLC.

Members of the House Agriculture Committee,

We are Patty and Erick Taylor of Devon Point Farm in North Stonington, Connecticut, where we raise humanely treated beef and pork, including happy, healthy pigs raised outdoors with care and respect.

I'm writing to express my strong support for Proposition 12 and opposition to the EATS Act, and to share what I've seen firsthand: that higher standards for animal welfare aren't just ethical, they're also good for business.

I've worked with pigs long enough to know what they need to thrive. They are intelligent, social animals. When they're given the space to move freely, root, and rest comfortably, they're healthier, more resilient, and less prone to stress and illness. The core standards outlined in Prop 12, like ensuring animals can turn around and lie down, reflect what many of us who care deeply about animal welfare already know and practice.

Since Prop 12 passed, we've seen growing demand from buyers who want pork from systems that meet these standards. It's created market opportunities for farms like mine that prioritize animal care and transparency.

Proposition 12 was passed by voters, upheld by the Supreme Court, and gave the industry years to adapt. It reflects a broader change happening in agriculture, and it's one we should be leaning into, not fighting against.

Thank you for the opportunity to share my perspective. I hope you will stand by Prop 12 and the farmers who are helping build a more humane and future-focused food system.

Sincerely,

PATTY and ERICK TAYLOR,
Devon Point Farm,
North Stonington, CT.

Dear Rep. Cline,

As a farmer who raises goats and swine in your district, I am writing to express my support for Prop 12 and laws like it across the country.

Local communities know what is best for themselves and should be able to pass laws protecting animal welfare, farmers and consumers. On July 23rd, the House Agriculture Committee is holding a hearing on the "implications" of Proposition 12, which bans the sale of caged/crated eggs, pork and veal in California.

Under the guise of protecting independent farmers like me, some House Members are attempting to roll back Prop 12.

In reality, overturning Prop 12 would undermine independent farmers by removing important market opportunities for those of us who have already invested in more humane animal housing systems to meet the growing demand for higher-welfare products.

I own and operate a small farm in the Shenandoah Valley near Bridgewater, raising Nubian dairy goats and Gloucestershire Old Spot heritage pigs for sale as breeder animals for other farms here in Virginia and throughout the country. Rolling back proposition 12 would allow farmers to produce more product in less space, thereby profiting unfairly from their inhumane farming practices. It would further disadvantage me in competing with big Ag, my business competitor, competitors that receive handouts from the Federal farm bill (handouts that I do not receive), competitors that raise animals in horrid conditions to achieve an economy of scale advantage that would require me to sell my conscious to match.

Eliminating laws like Prop 12 would further entrench the industrial confinement system that puts farmers like me at a disadvantage in the marketplace every day.

I fully support local control and the ability for states to take action against the consolidation of the agriculture industry in support of a more humane and healthy food system.

I urge you to oppose any future efforts to overturn Prop 12, whether by the EATS Act or otherwise.

Thank you for your consideration,

BILL THEISS,

Fawn Crossing Farms,
Bridgewater, VA.

To the Members of Congress,

My name is Bobby Tucker, and I run Okfuskee Farm in Siler City, North Carolina. We raise pastured pork, pigs that are given space to roam, root, and live as pigs were meant to. Rather than altering the inherent nature of pigs, we work with their characteristics and integrate it as an ecological tool. This plays a part of our whole farm management, that also includes sheep, steers, fruit and nut crops, and mixed vegetables. Our farming methods, and ultimately the high-quality products that they yield, are the foundation of what our customers value.

We support Proposition 12 because it reflects the kind of farming that respects animals and rewards responsible animal and land stewardship. Our pigs have room to forage, socialize, and live without being confined in crates. That's not just a moral choice, it results in healthier animals, reduced input costs, and stronger trust with our customers.

Since the law was passed, we've seen growing demand from retailers and restaurants who are looking for pork that meets Prop 12 standards. That demand has created real business opportunities for producers like us who raise animals with care and transparency.

Prop 12 didn't just set rules, it responded to a clear shift in what consumers expect from their food. Overturning it would not only ignore those expectations, it would penalize farmers who are already meeting them.

Proposition 12 isn't some radical new idea; it aligns with what we already do. It rewards humane animal care, and integrity over confinement-based shortcuts. The EATS Act, on the other hand, is a giveaway to industrial agriculture and would strip away the rights of both consumers and states.

North Carolina is full of people who care about how animals are raised and want to support farmers—particularly small farmers—who utilize humane livestock and land stewardship practices. Please protect laws like Prop 12 and reject the EATS Act, because ethical hog farming matters.

Sincerely,

BOBBY TUCKER,
Okfuskee Farm,
Siler City, NC.

Dear Chairman Glenn "GT" Thompson and Members of the Committee:

We're proud to farm in Pennsylvania, the state Chairman Thompson represents. At Two Creek Farm, we raise pigs on pasture and rotate them across our wooded acreage in a way that supports soil health and animal well-being.

Proposition 12 reflects values we see right here in Pennsylvania: decency, independence, and doing right. This law ensures animals raised for food are treated with respect, and it recognizes farmers who've chosen more humane, more resilient systems.

Undermining Prop 12 through Federal overreach doesn't serve farmers or consumers. It serves the biggest players in the industry, while making it harder for farms like ours to compete and grow. Please protect Prop 12 and oppose legislation like the Food Security and Farm Protection Act.

Respectfully,

Two Creek Farm.

To the Members of Congress,

My name is John Ubaldo, and I operate John Boy's Farm in Cambridge, New York, where we raise registered Berkshire pigs, Black Angus cattle, and a variety of poultry. Every animal is treated with respect and raised in a manner that reflects traditional, ethical agriculture.

I strongly oppose the EATS Act. This bill would take away the ability of New York and other states to enact commonsense protections for farm animals. It threatens the future of farms like mine, which depend on quality, transparency, and consumer trust, not factory-style production.

The EATS Act may claim to be about commerce, but in reality, it silences local voices and puts honest farmers at a disadvantage.

Please oppose the EATS Act and protect the rights of states, farmers, and consumers.

Respectfully,

JOHN UBALDO,

John Boy's Farm, Cambridge, NY.

To the Members of the Agriculture Committee,

I am asking you to oppose the Food Security and Farm Protection Act which would strip states of their right to determine their agricultural practices.

At Udder Blessings in Colorado, we believe in laws like California's Proposition 12 (and our own state's laws that prohibit farm animal intensive confinement).

The Food Security Act allows the cruel practices of puppy mills and intensive confinement where animals spend their entire lives barely able to move in filthy, dangerous conditions. These conditions increase the risk of bird flu and other diseases and increase the need for heavy antibiotic use which is harmful not only to the animals, but to our overall food supply. Consumers deserve to know that their food comes from animals treated with care. It's good for farmers, good for animals, and good for trust in agriculture.

This [A]ct also causes an unfair disadvantage for farmers who raise their animals in healthy, humane conditions.

Please oppose the Food Security and Farm Protection Act and the overreaching impact it will have on states' rights and local farms.

Sincerely,

Udder Blessings,
Colorado Springs, CO

Dear Representatives Craig, Carbajal, and McGovern,

My name is Jeff Ward. I'm a hog farmer in Mankato, Minnesota. I've raised pigs most of my life, and I'm writing today in support of Prop 12. Rolling back Prop 12 is bad news for American farmers who have made investments and are working hard to make a living to keep food on the table.

When California voters adopted Prop 12 and the Supreme Court upheld it, many hog farmers saw it as a business opportunity. Same with the law in Massachusetts. And they're not asking for anything extreme—just that pigs be able to stand up, lie down, and turn around. That's common sense.

Now along comes legislative attempts such as the EATS Act, trying to bulldoze all that progress. If it passes, the contracts farmers have signed and the barns they rebuilt could all go down the drain. It's like pulling the rug out from under folks who did the right thing.

I hear folks claim that the EATS Act is about protecting farmers. Well, I *am* a farmer—and I don't feel protected. The EATS Act doesn't help independent farms. It helps the biggest players, the ones that never changed, the ones still hanging on to outdated ways. It helps the processors who want total control, not folks who are working hard to farm with integrity.

If you're wondering where the industry's headed—look at the buyers. McDonald's, Costco, Wendy's, Safeway—they've all committed to getting rid of crate pork. They're not doing that for fun. They're doing it because their customers demanded it.

Here's the truth: there's a divide in the pork world right now. The big lobbyists in D.C. say they speak for farmers, but they don't. They're pushing hard to eliminate Prop 12, and if you listen to them, Prop 12 is to be blamed for everything in the world. But it doesn't reflect what's happening on the ground. Meanwhile, those of us actually doing the work—we're adapting, we're innovating, we're succeeding. And we're proud of the way we raise animals.

I've been at this a long time. I've changed with the times. And I've seen firsthand: you can be a good farmer, raise healthy animals, and still sleep at night knowing you did right by them.

I respectfully ask that you support Prop 12. Don't punish the hardworking farmers who made investments. Don't roll back standards voters and consumers clearly support. Let's build a pork industry we can be proud of—one that supports small- and mid-sized farms.

Thank you for your time.

Sincerely,



JEFF WARD,
Hog Farmer,
Mankato, Minnesota.

Dear Members of the Committee,

At Skip Rock Ranch, located near Pearsall, Texas, we raise cattle with a simple mission: to produce honest, healthy beef the way our grandparents did. Our animals are born and raised on pasture, graze freely on native grasses, and are never given hormones, steroids, or antibiotics. We practice low-stress, humane handling techniques and work with a small-town butcher, allowing our customers to know exactly where and how their food is raised.

We support Proposition 12 because it represents the values we hold dear, animal welfare, transparency, and food raised with integrity. This law reflects what many Americans are calling for: a shift away from industrialized confinement and a return to food systems rooted in care, quality, and accountability.

Being from Texas, it pains me to tell you that California actually did something right with Prop 12. The way we raise animals today in the U.S. is frightening. Our family rarely eats chicken or pork, unless we get it directly from the farmer, because we know how it is likely raised on factory farms in battery cages and gestation crates. We do have our own backyard chickens for eggs, which helps.

As a country, we've drifted too far from the source of our food. Meat that once came from trusted local butchers now often arrives in shrink-wrapped trays, shipped in from mega-feedlots and even overseas. Meanwhile, family farms and small processors are squeezed out. Prop 12 helps put the focus back on where food comes from and how animals are treated before they become part of our meals.

Efforts to overturn Prop 12 through the so-called "Food Security and Farm Protection Act" don't protect food or farms, they protect unchecked consolidation and a race to the bottom. Farmers like us, who raise animals with care and work directly with consumers, are undermined when laws allow the worst practices in agriculture to dominate the marketplace.

We urge the Committee to preserve Proposition 12 and defend the rights of states and voters to demand higher standards in agriculture. It's not just about animal welfare, it's about the integrity of our food system and the survival of independent, values-driven farms like ours.

Respectfully,



SCOTT WILBECK,
Skip Rock Ranch.

Dear Members of the House Agriculture Committee:

At Wild Goose Ranch in Missouri, we raise a flock of 600 sheep on open pasture, with access to fresh water, healthy forage, and the freedom to move and thrive. It's a good life for them, and that care and respect show up in their health and in the quality of what we produce.

That's why we believe standards like Proposition 12 are so important. They recognize and reward the kind of ethical, responsible farming that puts animal welfare and transparency first, not confinement and shortcuts.

We are strongly opposed to the EATS Act, which would erase these kinds of hard-earned, commonsense standards. It threatens the progress being made across the country and puts independent family farmers at a disadvantage while giving an edge to industrial operations that cut corners.

We urge the Committee to stand strong: preserve Prop 12, and reject the EATS Act, for farmers like us who believe in doing things the right way.

With thanks,

Wild Goose Ranch,
Missouri.

Dear Members of the Committee,

At Woods & Stems in Indiana, we grow mushrooms using regenerative practices. While we don't raise animals, we believe laws like Proposition 12 are crucial for building a food system that values ethical treatment, transparency, and sustainable farming.

Consumers are demanding higher standards. Prop 12 helps ensure small farms with humane practices are not pushed aside by industrial producers cutting corners. This is about protecting a future where quality and care matter.

Thank you for standing with family farms and voters who want better.

Sincerely,

Woods & Stems.

Dear House Agriculture Committee Members,

My name is Trisha Zachman, and I'm an Niman Ranch hog farmer and owner of Feathered Acres Learning Farm + Inn in Belgrade, Minnesota. I'm writing to urge you not to roll back Proposition 12—an important policy that protects the values of farmers, consumers, and animals alike.

Rolling back Prop 12 would devastate independent farmers like me who have built our farms to meet and exceed these standards. We've made significant investments in ethical, humane farming because there is a market for it—and because it's the right thing to do. Our pigs are not raised in confinement crates. They are not part of a system that treats them like machines. They are raised with dignity, and Prop 12 supports this way of farming.

This policy also creates a rare and critical opportunity for new and beginning farmers to enter the market. In an industry dominated by vertical integration and industrial-scale operations, niche markets like the one supported by Prop 12 offer a foothold—one where farmers can compete not by getting big, but by doing things better. Eliminating this policy would remove one of the few remaining viable entry points for the next generation of livestock farmers.

Our rural community is stronger because of the relationships we've built with customers who care where their food comes from. Local grocers, chefs, and families actively choose to support farms that align with their values. When those markets disappear, so does the ability for farms like ours to survive—and with it, a piece of rural America.

Please don't turn your back on the future of farming. Stand with independent producers, rural communities, and the millions of Americans who support humane, transparent, and local agriculture. Uphold Proposition 12.

NOLAN & TRISHA ZACHMAN

To the Members of Congress,

At Feathered Acres Farm in Belgrade, Minnesota, we raise pigs with care, space, and respect. As a small, independent hog farm, our animals are never treated like cogs in a machine—they're raised outdoors with the ability to move freely and root naturally, the way pigs are meant to.

We strongly oppose the EATS Act. This legislation would wipe out state-level standards like California's Proposition 12, which simply ensures that animals have enough space to turn around. These are commonsense, humane standards that reflect what consumers want and what responsible farmers already provide.

Prop 12 has opened up a real pathway for small and beginning farmers to enter the hog industry—an industry that has largely been taken over by large-scale, corporate-controlled operations. Without access to high-volume processing plants or industrial infrastructure, new farmers need niche markets like crate-free or pasture-raised pork to survive and grow. Prop 12 creates a demand for higher-welfare, specialty products that allow us to command a fair price and compete on values, not volume.

Instead of being forced to conform to a system that favors consolidation and confinement, beginning farmers can carve out a future by raising animals in alignment with their ethics and the expectations of today's conscious consumers. These opportunities bring young people back to the land, support farm-based entrepreneurship, and revitalize rural communities through job creation and local investment.

Prop 12 is a farmer-friendly law that's good for animals, consumers, and the future of agriculture. The EATS Act, on the other hand, would erase that progress and make it harder for farms like ours to compete with CAFOs that put profit over principle.

Please support responsible farming and the right of states to set meaningful standards. Stand against the EATS Act, and uphold Prop 12.

Sincerely,

TRISHA ZACHMAN,
Feathered Acres Farm,
Belgrade, MN.

Dear Committee Members,

Prop 12 isn't radical; it's reasonable. As a family farmer, I know firsthand that giving animals enough space to move, turn around, and lie down isn't just humane, it's common sense. This law reflects how many of us already operate. Efforts like the EATS Act threaten to punish farms that choose to do better. Please reject it. And please preserve Prop 12 and laws like it.

Sincerely,

Zephyr Family Farm.

To the Committee,

At New Story Farm, we believe food should tell a better story, one rooted in compassion, sustainability, and integrity. Located in Hutchinson, MN, we raise our animals with care and respect, prioritizing their welfare, the health of our land, and the trust of the people who buy our food.

We support Proposition 12 because it reflects values we live by every day: humane treatment of animals, transparency in agriculture, and the right of states to uphold higher standards. This law didn't appear overnight, it was passed by voters who demanded better. And it aligns with what more and more consumers are asking for: food produced without cruelty or confinement.

The EATS Act would take us backwards. It would wipe out laws like Prop 12, silencing voters and stripping states of the right to set their own standards. Worse, it would give industrial factory farms even more power, at the expense of small-scale, ethical farms like ours.

This isn't just a policy debate. It's a question of whether we reward producers who do the right thing or allow those who cut corners to dictate the future of farming.

Please protect laws like Prop 12 and reject the EATS Act.

Sincerely,

DANIEL and STEPHANIE ZETAH,
New Story Farm, MN.

DATED

March 2024

Dear Senator/Representative:

On behalf of Massachusetts' family farms, we're writing to respectfully request your help in stopping legislation that would harm Massachusetts and our communities.

In the past two farm bill debates, hundreds of farmers spoke out against the highly controversial "King amendment," a measure that could gut an array of state laws in Massachusetts and the rest of the country. The amendment, sought by former Representative Steve King, was fortunately kept out of the final 2014 and 2018 Farm Bills, but now some industrial CAFO lobbyists are pushing for the Ending Agricultural Trade Suppression (EATS) Act (S. 2019/H.R. 4417) or other similar legislation also modeled after Rep. King's legislation, to be included in this year's farm bill. We urge you to oppose the EATS Act and any measure intended to undermine state or local agricultural laws.

States and localities should continue to have the right to set standards on agricultural products sold within their borders. These standards prevent a race to the bottom when it comes to pollution, food safety, animal welfare, and public health. Massachusetts' farmers have invested significant amounts of time and money to comply with state laws in Massachusetts and in other domestic markets, and the EATS Act would pull the rug out from under us.

Please ensure that neither the EATS Act nor any similar attack on state and local agricultural laws is included in the farm bill. Thank you for your time and consideration.

Sincerely,

Full Well Farm, Adams
Ancient Ponies Farm, Amherst
Carrot Corner Farm, Amherst
Sunset Farm, Amherst
Hanes & Axle Farm, Ashburnham
Silver Oak Farm, Ashby
Bloom Woolen Yarns, Ashfield
Bug Hill Farm, Ashfield
Growing a Bunch Farm, Ashfield
Sweet Birch Herbals, Ashfield
Whitney Acres Farm, Ashfield
Happy Hollow Farm, Barre
Many Hands Organic Farm, Barre
Mindful Garden Farm, Barre
White Rabbit Farm, Barre
Grown Up Farm, Belchertown
Phoenix Fruit Farm, Belchertown
Sentinel Farm, Belchertown
Heart Beets Farm, Berkley
Balance Rock Farm, Berlin
Eden Trail Farm, Bernardston
Daniels Farmstead, Blackstone
Fiddlers Blue Farm, Bolton
Greenleaf Farm, Brockton
Bent Birch Farm, Brookfield

Ellison Farms Beef, Ludlow
Pine Meadow Alpacas, Mattapoisett
Mann Orchards Inc., Methuen
Thatcher Farm, Milton
Falls Farm LLC, Montague
Positively Goats, Natick
Walker Farm at Whortleberry Hill, New Braintree
Angel Hair Alpaca Farm, North Grafton
Abundance Farm, Northampton
Cider Crossing Farm, Northfield
Crooked Trail Farm, Orange
Emma's Acres Alpacas, Oxford
Oxford Farms, Oxford
Golden Rule Farm, Plymouth
Colchester Farm, Plympton
A Mire Farm, Rehoboth
Rosasharn Farm, Rehoboth
Lanzoni's, Rochester
Cream of the Crop Farm, Russell
Dragon Tree Farm, Savoy
Seven Arrows Farm, Seekonk
Taylor Girls Farmstead, Sharon
Moon in the Pond Farm, Sheffield
Sky View Farm, Sheffield
Hopestill Farm, Sherborn

Allandale Farm Inc., Brookline
 Bay End Farm, Buzzards Bay
 Edgewood Cranberries, Carver
 Fresh Meadows Farm, Carver
 Wilder Brook Farm, Charlemont
 Kelso Homestead Farm, Chester
 Bare Roots Farm, Chesterfield
 Native Earth Teaching Farm, Chilmark
 The Grey Barn and Farm, Chilmark
 Black Thistle Farm, Clinton
 K & L Organic Growers, Colrain
 Jordan Farm, Dartmouth
 River Bard Farm, Deerfield
 Riddle Brook Farm, Douglas
 Dunlap Farm, Dracut
 Farmer Tim's Vegetables, Dudley
 Beaver Brook Farm, East Bridgewater
 Rhineland Acres Farm, East Bridgewater
 Coonamessett Farm, East Falmouth
 Chicoine Family Farm, Easthampton
 Upinngil, Gill
 Mountain Orchard LLC, Granville
 Golden Egg Farm, Hardwick
 Harvard Alpaca Ranch, Harvard
 Flora Farm, Haydenville
 The Benson Place, Heath
 Happy Goats Farm, Holliston
 Flor Farm, Holyoke
 Nuestras Raices, Inc., Holyoke
 Long Life Farm, Hopkinton
 Ladybug Farm Produce, Hubbardston
 Hillside Herbals, Jefferson
 DragonWing Farm, Lanesborough
 Red Shirt Farm, Lanesborough
 The Farm at the Winthrop Estate, Lenox
 Dancing Bear Farm, Leyden
 Good Bunch Farm, Lincoln
 Raja Farms, Lincoln

Lightning Ridge Farm, Sherborn
 Warm Colors Apiary, South Deerfield
 The Bitty Red Barn, Southampton
 K E Farm Maple Products, Southbridge
 Meadow View Farm., Southwick
 Gardening The Community (GTC), Springfield
 Sixteen Acres Garden Center, Springfield
 Springfield Food Policy Council (SFPC), Springfield
 Pineo Family Farm, Sterling
 Sagatabscot Orchards, Sterling
 White Pond Farm, Stow
 Little Brook Farm, Sunderland
 Spring Rain Farm, Taunton
 Longnook Meadows Farm, Truro
 Bear Hill Farm, Tyngsborough
 Chockalog Farm, Uxbridge
 Ironstone Farm, Uxbridge
 Chase Hill Farm, Warwick
 Wareham Quail Farm, West Wareham
 Emery Family Farm, Westborough
 Yellow Stonehouse Farm, Westfield
 Outlook Farm, Westhampton
 Wind Eagle Farm, Westminster
 Aeonian Farm, Westport
 Allen Farms, Westport
 C Ledoux Wood Farm, Westport
 Ferry Farm, Westport
 Skinny Dip Farm, Westport
 Stonehaven Farm, Westport
 Sweet Goat Farm, Westport
 Lombrico Farm, Whately
 Quonquot Farm, Whately
 Dufresne's Sugar House, Williamsburg
 North Wind Farm, Winchendon
 Shared Harvest Winter CSA, Winchester
 Hilltown Market, Worthington
 Justamere Tree Farm, Worthington

June 9, 2025

Hon. JOHN BOOZMAN,
Chairman,
 Senate Committee on Agriculture, Nutrition, and Forestry,
 Washington, D.C.;

Hon. AMY KLOBUCHAR,
Ranking Minority Member,
 Senate Committee on Agriculture, Nutrition, and Forestry,
 Washington, D.C.;

Hon. GLENN THOMPSON,
Chairman,
 House Committee on Agriculture,
 Washington, D.C.;

Hon. ANGIE CRAIG,
Ranking Minority Member,
 House Committee on Agriculture,
 Washington, D.C.

Dear Chairman Boozman, Chairman Thompson, Ranking Member Klobuchar, and Ranking Member Craig:

We write to you today to discuss the pressing attack on common-sense animal welfare regulations.

Currently, a small group of Congressmembers is attempting to push a piece of legislation called the Food Security and Farm Protection Act (*S. 1326*) a renamed version of the Ending Agricultural Trade Suppression (EATS) Act (*S. 2019, H.R. 4417*) introduced in the 119th Congress.

If passed, the Food Security and Farm Protection Act (formally known as the EATS Act) would eliminate virtually all state and local legislative powers to impose standards or conditions on the “pre-harvest” production of agricultural products entering their own borders. This includes regulations related to food safety, disease and pest control, and government procurement.¹ In doing so, the Act would overturn California's Proposition 12 and Massachusetts' Question 3, two state laws that require farm animals to be raised without cruelty and ban the sale of pork, eggs, and veal that don't comply with certain animal welfare laws.

The provisions in the Food Security and Farm Protection Act are not new: In fact, similar versions of this bill have been introduced 5+ times—and met with uproar

¹ McGill, K., Linder, A., & Eberly, K. (Green, C. Ed.). (2023). *Legislative analysis of S. 2019/ H.R. 4417: The “Ending Agricultural Trade Suppression Act.”* Harvard Law School, Brooks McCormick, Jr. Animal Law & Policy Program. <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>.

and strong opposition from a diverse set of more than 5,000+ groups, including American farmers, consumers, and businesses.²

This attempt should be treated similarly: **We, the undersigned companies, strongly urge you to oppose the Food Security and Farm Protection Act and any of its iterations for the following reasons:**

1. *The Food Security and Farm Protection Act Counters Consumer Demand for Common-Sense Production Standards*
 - California's Proposition 12 and Massachusetts' Question 3 were passed overwhelmingly by voters in the 2018 and 2016 elections, respectively. Specifically, 63% of California residents voted in favor of Proposition 12 and 78% of residents voted in favor of Massachusetts' Question 3.³
 - These state ballot measure results are just one example of the growing consumer demand for products made with common-sense animal welfare standards aligned with their expectations and values. A recent study revealed that 80% of Americans are concerned about the negative impacts of industrial animal agriculture on animal welfare, second only to their concern about its effect on public and community health.⁴
2. *The Food Security and Farm Protection Act Would Reverse Progress and Investments in Animal Welfare*
 - The Food Security and Farm Protection Act is a direct response to recent legal and legislative success in the animal welfare industry. If passed, the Food Security and Farm Protection Act would **overturn** laws that require veal calves, breeding pigs, and egg-laying hens to be housed according to specific standards for freedom of movement, cage-free design, and minimum floor space, and that prohibit a farm owner or operator from knowingly confining specific animals in a cruel manner.⁵
 - Under the ruse of "protecting farmers from costly regulations," the Food Security and Farm Protection Act would reverse major progress in humane farming practices, and it would harm farmers that have already taken steps and made investments in order to become Proposition 12-certified. For example, the egg industry is now around 40% cage-free, and more than 1,250 pork producers and distributors are Proposition 12-compliant.⁶
3. *The Food Security and Farm Protection Act Threatens the Balance of Power in U.S. Government*
 - The Food Security and Farm Protection Act aims to erode the long-standing ability of state and local authorities to set agricultural regulations within their borders, and it threatens to undermine states' ability to pass laws and ballot measures related to food safety, disease and pest control, and other public health and welfare matters.⁷
 - In 2023, the *Supreme Court* held that the regulatory structure outlined in California's Proposition 12 was constitutional. The court ruled that the state could establish its own rules on meat sold in the state, even if that means that products produced outside of the state must comply with the law. The Food Security and Farm Protection Act—if passed—would thus not only overturn voter-aff-

²"Diverse Opponents of the EATS Act." (n.d.). Retrieved April 18, 2025, from <https://docs.google.com/document/d/1eQgmpVGKskImh1NlPukUXDO76DS55CaJ/>.

³Makovec, A. (2024, April 2). *U.S. farm bill on track to invalidate the will of California voters*. CBS News Bay Area. <https://www.cbsnews.com/sanfrancisco/news/u-s-farm-bill-on-track-to-invalidate-the-will-of-california-voters/>; THE NEW YORK TIMES. (2017, August 1). *Massachusetts question 3 minimum size requirements for farm animal containment results: Approved*. THE NEW YORK TIMES. <https://www.nytimes.com/elections/2016/results/massachusetts-ballot-measure-3-improve-farm-animal-confines>.

⁴American Society for the Prevention of Cruelty to Animals. (2023). 2023 industrial animal agriculture opinion survey. https://www.asPCA.org/sites/default/files/2023_industrial_ag_surveys_results_report_052523_1.pdf.

⁵California Department of Education, Nutrition Services Division. (2022, October). *Proposition 12—Farm animal confinement* (Management Bulletin FDP-03-2022). <https://www.cde.ca.gov/ls/nu/fd/mb-fdp-03-2022-a.asp>.

⁶United Egg Producers. (2025). *Facts & Stats*. <https://unitedegg.com/facts-stats/>; Miller, C.J. (2024, January 4). *Over 1,250 producers in compliance under California's Prop 12*. HOOSIER AG TODAY. <https://www.hoosieragtoday.com/2024/01/04/over-1250-producers-compliant-prop-12/>.

⁷McGill, K., Linder, A., & Eberly, K. (Green, C. Ed.). (2023). *Legislative analysis of S. 2019/H.R. 4417: The "Ending Agricultural Trade Suppression Act."* Harvard Law School, Brooks McCormick, Jr. Animal Law & Policy Program. <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>.

firmed laws in multiple states but would also run afoul of U.S. Supreme Court precedent.⁸

While some companies remain silent in the name of cheaper production costs, we believe it is our responsibility to amplify the concerns of our customers and business partners through our platforms. As organizations with a direct impact on the U.S. food system, we must never prioritize profit over the people, animals, and planet who produce our food.

We, the undersigned companies, are proud to join forces with our brave colleagues in farming in calling on Congress to reject the Food Security and Farm Protection Act. We hope that you will listen to the voice of American businesses, American farmers, and the American public and avoid reversing animal welfare advancements and disrupting the state-Federal equilibrium of the U.S. Government.

Thank you for your time and consideration. We welcome the opportunity to collaborate with you on this important issue.

Sincerely,

MIKE SALGUERO, *Founder & CEO* **ButcherBox**
Watertown, MA

Actual Veggies

Miami, FL

Applegate

Bedminster, NJ

Bon Appétit Management Company

Redwood Shores, CA

Boulder Organics

Louisville, CO

Campfire Treats

Rocklin, CA

Coleman Natural Foods

Westminster, CO

Crowd Cow

Seattle, WA

duBreton USA

Claremont, NH

Earth Animal

Southport, CT; Westminster, MD

Grass Roots Farmers' Co-op

Leslie, AR

Handsome Brook Farms

New York City, NY

Happy Valley Meat Company

Brooklyn, NY

Hickory Nut Gap Farm LLC

Fairview, NC

Home Place Pastures

Como, MS

Hungryroot

New York, NY

Kipster

North Manchester, IN

Natural Grocers

Lakewood, CO

Niman Ranch

Westminster, CO

North Country Smokehouse

Claremont, NH

Open Farm

Dover, Delaware

ParsleyPet

Kyle, TX

Perdue Foods

Salisbury, MD

Solutions Pet Products

Littleton, CO

Thrive Market

Los Angeles, CA

True Story Foods

Fairfield, CA

White Oak Pastures

Bluffton, GA

Whole30

Salt Lake City, UT

Wild Nosh Pets

Lafayette, CO

July 16, 2025

Dear House Agriculture Committee Member,

Coleman All Natural Meats is the largest supplier of no antibiotics ever, humanely raised, fresh and processed pork in the country, a natural foods pioneer since 1875. We are writing today to express our opposition to the Food Security and Farm Protection Act—formerly the EATS Act—and any legislation that would roll back California's Proposition 12 or Massachusetts' Question 3. Such a move would have significant consequences for our company and network of pork producers across eight states raising crate-free pigs.

All our pork suppliers made the choice to convert their operations to be Proposition 12-certified. That was not an easy decision. It meant a significant financial investment—an investment made in good faith based on the passage of this state law by a vote of the people that was upheld by the U.S. Supreme Court. They took on this challenge because it opened new market opportunities. We pay a healthy premium for every Prop 12-compliant pig our farmers supply.

Many Coleman farmers have shared that their operations have improved after conversion, with better production results and lower stress for people and pigs. Any legislation that eliminates Prop 12 and Question 3 would pull the rug out from under these farmers, putting these investments—and their farms—at risk.

⁸McGill, K., Linder, A., & Eberly, K. (Green, C. Ed.). (2023). *Legislative analysis of S. 2019/H.R. 4417: The "Ending Agricultural Trade Suppression Act."* Harvard Law School, Brooks McCormick, Jr. Animal Law & Policy Program. <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>.

Prop 12 has been a welcome opportunity for our supplier farms. No farm or business is being forced to participate in the California market. Producers that choose to meet Prop 12 standards do so because they see it as an opportunity to tap into a more premium, stable market. Prop 12 gave farmers an open door to those willing to innovate.

Despite what some industry voices are claiming, Prop 12 has not caused widespread disruption in the marketplace. It went into full effect in January 2024, and pork is still flowing to California stores today. Price fluctuations have moderated as the market has evolved. The only uncertainty that remains is not driven by Prop 12, but by the threat of Federal legislation that would override the law.

If enacted, the Food Security and Farm Protection Act/EATS Act (or any legislation like it) would invalidate the good-faith efforts of our farmers and penalize companies like ours that chose to lead.

We respectfully urge you to reject the Food Security and Farm Protection Act, the EATS Act and any legislation that would rollback Prop 12 or Question 3. We would welcome the opportunity to speak with you further about how Prop 12 is working in practice—and what's really at stake for our company and family farmers in our network.

Sincerely,

MEL COLEMAN, JR.,
Vice President,
Coleman Natural Meats.

July 17, 2025

Dear Members of the House Agriculture Committee,

I am writing as a pork producer who has successfully transitioned to be Proposition 12 compliant. We are a third generation family farm with 50 employees and eight contract grower family farms. We produce 100,000 market hogs per year. We supply our pigs to Perdue for its Coleman Natural brand. Perdue feels like a partner; it is family owned, U.S. owned and focused on quality. Switching from commodity to crate-free and Prop 12 compliant was better for us financially, better for the welfare of the animals and better for our employees.

The main reason we converted our operation from a conventional commodity model to the more value-added premium market is we felt there was an inevitable push of consolidation by large agribusiness, and their model is least cost driven. Farms that supply to them are squeezed for more pigs at cheaper price—that's it. This is not a bad thing to get more efficient and be a least cost producer, however you will see more and more consolidation until only the largest multinational industry players are left. I do not believe this consolidation is in the best interest for my family's farm or rural communities.

Transitioning to crate-free has benefited our operation. We have seen unchanged production numbers—from conception rate to weaned pigs per litter. It does take a slightly different workforce focused on animal husbandry and more tech savvy. While there were up-front investments made and we have slightly reduced the number of sows per barn, the ultimate cost to our operation has been slight, an estimated 3%. We more than make up for this cost in the premium we are paid to serve California and other crate-free, natural markets.

We urge you to maintain Proposition 12 to support family farms like mine. The pork industry is not united on this issue. As time has passed, farmers and others in the industry have seen that the law merely creates opportunity to those who are interested in a higher premium market and those who are not interested can continue business as usual. Prop 12, although imperfect like many laws, was voted on by the voters of a state by significant margin, it was upheld by the Supreme Court and farmers have invested and adapted to the law to the betterment of their animals and employees. To change the law now would cause unnecessary instability in the marketplace and punish those of us who invested in our farms.

I am happy to provide additional information or discuss my experience further.

Sincerely,

JARED SCHILLING,
KJMM Pork and Grain,
New Athens, IL.

July 18, 2025

Dear House Agriculture Committee Member,

We write to you as a fourth-generation, family-owned U.S. food and agriculture company to express our support for California's Proposition 12, the Prevention of

Cruelty to Farm Animals Act. We respectfully ask for your opposition to efforts that would overturn Prop 12. Proposition 12 is important progress for both animal welfare and American farmers and if rolled back, would have an immediate negative impact on not just livestock but also our company's network of Proposition 12-certified hog farmer suppliers.

Now in our second century, Perdue Farms has long recognized the importance of humane animal care. Our vision is "to be the most trusted name in food and agricultural producer." That trust extends to our animal care and welfare commitments, and through our "*Commitments to Animal Care*"¹* we embrace our responsibility to ensure animals are treated with dignity and respect.

Our dedication to animal welfare is further demonstrated by our ownership of Niman Ranch and Coleman Natural Foods. Both brands are pioneers in producing crate-free pork, adhering to stringent animal welfare standards that exceed industry norms. Together, Niman Ranch and Coleman Natural partner with over 530 crate-free hog farmers across 16 states.

We continue to listen—and respond—to consumers, customers and other stakeholders, continuously innovating and improving in what we produce and what we do. Like many other pork producers across the country, some of our partner farms have put significant time and resources into building new barns or retrofitting old facilities to become Proposition 12-certified. We have supported our farmer network in this pursuit.

California's Prop 12 law has opened new markets for Niman Ranch and Coleman Natural farmers, helping the pork industry and rural communities throughout the country. To abruptly require farmers to change course by reversing Proposition 12 would create instability in the industry and harm farmers that have made investments to participate in the California marketplace.

We believe the Proposition 12 standards for pork are consistent with the evolving expectations of consumers and reflect a growing understanding of animal welfare best practices. While we acknowledge the challenges associated with implementing new regulations, we also recognize the importance of innovation in business and of states serving as laboratories of democracy. We are committed to working with stakeholders, including producers, retailers and policymakers to support the continuation of Proposition 12.

Thank you for your consideration of our position. We are available to answer any questions you may have.

Sincerely,

Herb Frerichs

Herb Frerichs,
General Counsel,
Perdue Farms.

Hon. ANGIE CRAIG,
Representative,
Washington, D.C.;

Hon. SALUD O. CARBAJAL,
Representative,
Washington, D.C.;

Hon. JAMES P. MCGOVERN
Representative,
Washington, D.C. 20515

Dear Representatives Craig, Carbajal, and McGovern,

My name is Brent Hershey, and I'm a pork producer from Marietta, Pennsylvania. I own and operate Hershey Ag, where I've raised around 3,000 breeding sows and tens of thousands of market hogs each year for about 40 years.

I'm writing to raise my voice my strong opposition to the EATS Act—a radical proposal that would devastate my business and family farmers across the country.

For most of my career, I did things the way the industry told me to. That included confining mother pigs inside gestation crates—metal cages barely larger than the pig's own body. A mother pig confined this way cannot walk or turn around during her 4 month pregnancy. After nursing her piglets, she's returned to the crate, repeating this cycle for years.

¹ <https://corporate.perdufarm.com/responsibility/animal-care/commitments/>.

* **Editor's note:** a website snapshot has been taken, and the underlying report, *Perdue Farms 2024 Animal Care Report*, are both retained in Committee file.

Dr. Temple Grandin, an inductee in the Meat Industry Hall of Fame and arguably the most respected animal scientist in the history of our country, put it bluntly: “Gestation crates for pigs are a real problem . . . I think it’s something that needs to be phased out.”

I used to defend crates, assuming they were necessary. But over time, I began to question the ethics and economics of it. I visited farms using group housing—where pigs could move—and saw a better way.

When California’s Prop 12 was upheld by the Supreme Court, I decided to remove every gestation crate from my operation. Now my sows live in open pens with room to move freely—and our results speak for themselves. Our animals are healthier. Productivity has *improved*. My workers are more engaged, able to practice real husbandry. Morale on the farm has never been higher.

Prop 12 and Massachusetts’ law set basic, very modest humane standards for pork sold in those states—ensuring pigs can stand up, lie down, and turn around. These laws took effect in 2022. Remember the fearmongering about “bacon shortages”? It never happened. Three years in, the supply chain remains strong and steady.

Even the President of the Iowa Pork Producers Association recently acknowledged there’s now “been enough production change to meet Prop 12 demand,” and producers who don’t want to comply “really don’t have to.”

It’s a choice—one many of us made—and we’ve been rewarded with access to new markets.

But the EATS Act threatens to unravel it all.

Farmers like me built new business models around these standards. We signed contracts. We invested in infrastructure. If EATS passes, all of that gets wiped out. It would financially devastate my company and, for consumers, throw supply chains into chaos.

This may be a windfall for those pushing for greater consolidation—but for independent American family farmers, it’s nothing short of an existential threat to our livelihood.

I heard strange claims that these laws raise pork prices nationally. As a farmer who tracks every penny, I can tell you: feed, fuel, and labor costs are what’s driving prices. Not animal welfare standards in two states.

Let’s also be honest about where this industry is heading. Consumers overwhelmingly oppose the use of gestation crates. Over 60 major food companies—McDonald’s, Burger King, Wendy’s, Costco, Kroger, Safeway, IHOP, and many more—are moving away from crate pork. They know it’s a practice they can’t defend to their customers.

And here’s the hard truth: there’s a civil war in the pork industry right now. Not between farmers and consumers—but between NPPC leadership and many of us farmers on the ground. While they lobby for the EATS Act in Washington, we’re out here doing the work—adapting, improving welfare, and thriving in markets that reward it. Their actions don’t protect us. They jeopardize everything we’ve built.

I used to defend confining pigs in tiny cages. But I’ve changed. And I have proven we can have a strong, profitable pork industry without relying on practices the public rejects. Roughly ½ of U.S. pork already comes from farms using group housing—and that number is growing. See my YouTube . . . search “Brent Hershey Prop 12 Successes”.

So I urge you: reject the EATS Act. Don’t overturn the voter-approved standards in California and Massachusetts. Don’t destroy the market that’s helping farmers like me succeed while treating animals with decency.

Instead, let’s move forward. Support innovation. Support independent farmers over more consolidation. Let’s build an industry that respects both people and animals.

Thank you for listening. I’d be honored to answer any questions you have.

Sincerely,



BRENT HERSHEY, Hershey Ag.

Dear Representative Craig,

I am writing to you as a fifth generation farmer from Le Sueur, MN. There have been many changes as our family’s diversified farm has adapted to challenges and pursued opportunities. One stabilizing component has always been livestock, namely, hogs.

I am writing to share our farm’s concern over efforts to roll back Proposition 12.

For the past 25 years my brother and I have raised livestock for the Niman Ranch pork company. As farrow to finish hog farmers, this market opportunity has allowed

us to continue to raise pigs profitably by responding to evolving and increasing consumer demand for pork raised in conditions that do not confine gestating sows for the entirety of their piglet producing lives.

Our farm had an opportunity to adopt the confinement system when the commodity pork model began to transform and impoverish the independent hog farmer system in the 1970's. Our parents rejected that for the same reasons my brother and I do now. The conditions in which sows are raised matter; the improved health and longevity of sows on a farm related to the lower stress in non crate systems matters; and raising pigs in a manner that aligns with our animal husbandry values and consumer values tied to animal welfare, matters.

As a Proposition 12 certified hog farm in MN CD 2, it matters to us that markets like Niman Ranch who pay us a fair price for the pigs we raise in non crate systems continue to respond to increased consumer demand. The ability of states like California to pass laws like Prop 12 will only make these markets more robust and responsive to consumer preference, and also result in a more equitable sharing of the consumer dollar with independent hog farmers like us.

We thank you for your leadership in MN CD 2, and ask that you use your power as CD 2 representative and Agriculture Committee Member to oppose and vote against legislation that would restrict California's Proposition 12.

Sincerely,

TOM NUESSMEIER,
Nuessmeier Brothers LLC.

Dear House Agriculture Committee Member,

On behalf of Niman Ranch, a network of over 600 independent family farmers and ranchers, I write to express strong opposition to efforts to overturn California's Proposition 12 and Massachusetts' Question 3 including the highly controversial Food Security and Farm Protection Act. This proposed legislation threatens to undermine states' rights, stifle agricultural innovation, harm farmers and rural communities and disregard the evolving preferences of American consumers.

For decades, Niman Ranch has demonstrated that a market exists and thrives for humanely raised products. Our supplier network includes over 500 Prop 12-certified, crate-free hog farms spanning across 16 states. Many of our farmers transitioned to crate-free hog farming to join Niman Ranch and have experienced firsthand the economic viability that humane practices can generate. We pay our farmers a stable premium and our business model has been proven to generate more jobs and economic value for rural farming communities.¹*

State initiatives like California's Proposition 12 and Massachusetts' Question 3 are not burdens but catalysts for positive change, creating a stable, premium market opportunity for farmers who invest in specialized production practices. Prop 12 does not force any pork company or out of state farm to convert their operation or sell into California. The argument that Prop 12 will hurt small farmers or lead to consolidation is counter to our experience as a company.

The Food Security and Farm Protection Act represents a dangerous Federal overreach of states' authority to establish agricultural standards that reflect the values and demands of their citizens. By attempting to invalidate state laws concerning agricultural production methods, the proposed legislation would:

- **Undermine States' Rights and Local Control:** It would strip states of their constitutional authority to regulate commerce within their borders and protect their citizens' interests, setting a concerning precedent for Federal interference in diverse state economies.
- **Harm Farmers and Disrupt a Stable Market:** Farmers who have already invested significant capital and effort to meet crate-free standards would be unfairly penalized. Rolling back Prop 12 would destabilize markets that are already responding to consumer preferences and local laws, creating uncertainty and potentially devaluing existing investments in farm infrastructure. We are over 18 months into full implementation of Prop 12; the industry has adapted, and the market has stabilized. The Food Security and Farm Protection Act would create instability, spur further lawsuits and hurt our business and farmer network along with other crate-free producers.

¹<https://nimanranch.com/press/small-farm-economic-impact-analysis/>.

***Editor's note:** the press release, and the underlying report, *The Economic Contribution of Niman Ranch Hog Production in Iowa*, are both retained in Committee file.

- **Stifle Innovation and Progress:** By imposing a lowest-common-denominator standard, the Food Security and Farm Protection Act would discourage the very innovation and investment that forward-thinking farmers are embracing. It would send a clear message that Federal policymakers prioritize industrial models over diversified, sustainable and humane agricultural systems that are gaining traction and supporting a resilient rural America.

Niman Ranch believes in a robust agricultural system that respects farmers' autonomy, responds to market signals and state laws and upholds the principles of animal welfare. We do not see these values in conflict—in fact, we strongly believe by focusing on all these factors we will build a stronger, more resilient pork industry.

Respectfully, we urge you to consider the detrimental impacts of the Food Security and Farm Protection Act on states' rights, farmer livelihoods and rural opportunities.

Sincerely,



PAUL WILLIS
Founding Hog Farmer,
Niman Ranch.

July 19, 2025

Aloha,

My husband and I have been farming in Hawai'i since 1978, and we grow a variety of fruits and vegetables. We understand the long history of the rules and regulations that have developed locally in Hawai'i to protect the safety of our food system.

The central aim of the EATS Act remains the same: to federally overrule Prop 12 and similar state and local health, safety, and welfare laws. By doing so this will have dire consequences for the safety and the health of the nation's food supply which is already at risk due to the labor shortage.

We urge you not to pass this Bill.

Mahalo,

NANCY REDFEATHER and GERRY HERBERT,
Kawanui Farm, Hawai'i.

July 20, 2025

Dear Congresswoman Craig and Members of the Committee:

I'm Elizabeth "Liz" Townsend, owner of Berried Delights, a small, family-run berry farm and jam/jelly kitchen in Newcastle, Wyoming. I, with the help of my family, grow and harvest berries, rhubarb, and wild grown fruits. These products are then used to create jams, jellies, fruit syrups, *etc.*, which are then sold to local markets.

Proposition 12 creates a market for food raised with integrity. Consumers want to support farms and businesses that reflect their values, and Proposition 12 ensures they can.

I've seen too many good farms fold under pressure from industrial competition that refuses to play fair. Laws such as Proposition 12 protect the future of farming that feeds communities, not corporations.

Please preserve Proposition 12, it is critical for responsible farmers and rural communities.

Sincerely,

ELIZABETH TOWNSEND,
Berried Delights,
Newcastle, Wyoming.

July 21, 2025

To the Committee,

At the Hāmākua Chocolate Farm in Hawaii, we cultivate cacao trees to produce fine chocolate with care for the land and the ecosystem. Our work reflects Hawaii's unique agricultural heritage and the power of regional food systems. Our work is rooted in respect for nature, responsible stewardship, and transparency—values shared by many small farms across the country and reflected in California's Proposition 12.

We write today in strong support of Proposition 12, and in opposition to any effort to repeal or override it.

Though we do not raise animals ourselves, we stand in solidarity with farmers who prioritize ethical and sustainable practices, including those who ensure animals have the space to move freely and live in conditions that reflect basic decency. Proposition 12 affirms that principle. It doesn't impose anything radical—it simply sets minimum welfare standards that align with what many conscientious farmers already do.

This law was democratically passed by voters and implemented with a generous timeline. It supports consumer trust, marketplace fairness, and a more transparent food system. To override it now would undermine state rights, consumer expectations, and the leadership of farmers who have chosen a better way to work with the land.

We respectfully urge you to protect Proposition 12 and uphold the values of integrity, sustainability, and respect that guide our work—and the work of so many across the country.

With *aloha*,
Sincerely,



DAN CORSON,
Hāmākua Chocolate Farm,
Hawaii.

Hon. GLENN THOMPSON,
Chairman,
House Agriculture Committee,
Washington, D.C.;

Hon. ANGIE CRAIG,
Ranking Minority Member,
House Agriculture Committee,
Washington, D.C.

Dear Chair Thompson and Ranking Member Craig:

As a producer myself, I understand the importance of controlling costs. However, as someone who sells products both through distribution and directly to individual customers, I know that my product must remain competitive—meaning it has to be both desirable and reliable if I want to maintain their support. It's a relationship built on trust and dependability. What they expect from me is a product that is both cutting-edge and dependable.

The kind of innovation and skill that creates my product is unlikely to come from a top-down directive or bureaucratic mandate, but rather from the efforts of individual producers to meet marketplace demands.

In 2018, California voters passed Proposition 12 with a nearly $\frac{2}{3}$ majority vote. This law sets very basic animal health and welfare standards for eggs, pork, and veal sold within our state. Essentially, the electorate laid out a challenge to the producers, demanding that they meet the marketplace's demand. The producers of California met that challenge and often exceeded it.

Currently, there is an ongoing discussion, partly driven by concerns that some may fall behind. Please put their concerns into proper perspective and avoid suppressing the efforts of producers who are doing their best to meet marketplace demands. This is not the way to foster a thriving, healthy, and more resilient agriculture and food system.

Sincerely

GEORGE R. DAVIS,
Porter Creek Vineyards, *Partner*,
California Farmers Union, *President*.

To the Committee,

At Dew Dance Farm in Sanford, North Carolina, we raise heritage breeds and grow crops using sustainable methods. While we don't sell meat, we care deeply about how animals are raised and treated, and we pass those values on through the educational programs we offer in fiber arts and farming.

We oppose the EATS Act, in any form, because it erodes the ability of states to set ethical and sustainable standards. Laws like California's Proposition 12 are one example of how states can choose to reflect local values and support responsible farming. Local communities should have the freedom to shape food systems that reflect their values.

Please reject the EATS Act and preserve the right of states to support responsible farming practices.

Sincerely,

Dew Dance Farm,
Sanford, North Carolina.

To the Committee,

At Ashwood Acres in Abingdon, Virginia, we raise cattle, goats, sheep, pigs, chickens, and guardian dogs on our family farm. Our philosophy is deeply influenced by Joel Salatin and his vision of regenerative, transparent farming rooted in respect for the land, the animals, and the consumer.

The EATS Act, and any rebranded version of it, is a direct threat to that vision. By overriding state-level standards like California's Prop 12, the Act gives more power to corporate agriculture and strips away the right of states to support ethical, independent producers.

This legislation doesn't level the playing field. It tilts it further in favor of multinational consolidation, making it harder for farmers like us to compete fairly while staying true to our values.

Please protect states' rights and farms that prioritize integrity. Please protect Prop 12 and laws like it, and oppose the EATS Act.

Sincerely,

KEN HASSLER,
Ashwood Acres,
Abingdon, Virginia.

To the Committee,

As someone who has grown produce in New Jersey, I've seen firsthand how important it is for states to have the authority to guide their own agricultural standards. Local food systems rely on that autonomy.

The EATS Act, and any legislation that mimics it, takes that power away from states and hands it to corporate agriculture. That's not good for small producers, and it's not good for consumers. States like New Jersey and California have already passed laws, including Proposition 12, that reflect the will of voters and promote more humane, transparent food systems. The EATS Act would erase those protections.

Please protect state-level decision-making and reject attempts to dismantle laws like Prop 12.

Sincerely,

RAY HOFMANN,
Stoney Lane Farm,
Lumberton, NJ.

Members of the House Agriculture Committee,

We are Lauren and Jeremy Jennings from Rose Hollow Farm. We are located on San Juan Island, Washington, a community that relies on small family farms. We raise sheep for both wool and meat, using rotational grazing and low-stress handling methods. We also raise goats for milk, meat, and breeding stock.

As a family farmer, I support Proposition 12 because it promotes transparency and responsibility. Too often, markets are skewed in favor of industrial operators who sacrifice animal welfare and public health for efficiency. That's not how we do things on our farm.

Prop 12 gives ethical producers a fighting chance. It's not about restricting commerce; it's about ensuring that those who farm the right way aren't edged out by those who exploit loopholes.

Don't let the big players rewrite the rules. Keep Prop 12 in place, and stand with responsible, farmers like us.

Thank you,

LAUREN and JEREMY JENNINGS,
Rose Hollow Farm.

At Koenigs' Acres Farm here in Hampton, Iowa (where we produce fruits and vegetables, chickens and turkeys, honey, jams and jellies), we've always believed that how an animal is raised matters—not just for the animal's sake, but for the quality of the food we feed our families and communities. We take pride in raising animals with care, letting them live naturally and without confinement. That's just good farming.

That's why I support Prop 12. It sets a reasonable bar: animals raised for food should have enough space to stand up, lie down, and turn around. As farmers, we know that better treatment means healthier animals and higher-quality food. It's something more consumers are asking for, and it's something many of us are already doing.

I'm deeply concerned about efforts to erase laws like Prop 12 through the EATS Act or other measures. These are voter-backed laws that reflect what people want in their food system. Iowa may not have the same laws, but we should all have the right to make those choices at the state level without interference from big corporations or distant lobbyists.

Please protect Prop 12 and the rights of farmers who are doing things right. Don't let shortsighted provisions undo the progress we're making toward a more ethical, transparent food system.

Sincerely,

KAREN KOENIG,
Koenigs' Acres Farm,
Hampton, Iowa.

Members of the Committee,

I represent Martha Owen Woolen. Everyone comes from a long line of farmers, I had to learn from the start when deciding to raise sheep chickens and rabbits. I believe that animals should be treated with decency and that the public deserves to support farms that do so.

Proposition 12 is a standard that aligns with what many of us have been doing all along. It should not be weakened by Federal legislation designed to serve the lowest common denominator.

Please protect the rights of states to set higher standards.

Sincerely,

MARTHA OWEN.

Dear House Agriculture Committee Member,

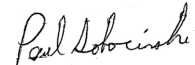
I am writing regarding the House Agriculture Committee hearing on Prop 12 on Wednesday 7/23. I am a farmer based out of Redwood County Minnesota and for more than 20 years I raised crate-free pigs that I sold both locally through direct marketing and nationally through Niman Ranch. I appreciated and enjoyed raising pigs with a focus on quality and higher standards rather than just scale and quantity. The natural, crate-free market helped my family stay on the farm and support our local community.

For farmers like me, who have invested in higher welfare practices, Prop 12 helped slightly level the playing field and better compete in an increasingly consolidated industry. Prop 12 created a valuable niche and encouraged the entire industry to innovate to better meet consumer demand for higher welfare products.

While I retired from raising hogs in December of 2023, I can speak to the harms repealing Prop 12 would have on independent farms like mine throughout the district, state and beyond. If Prop 12 were rolled back, compliant farms would be harmed by losing an important market, and those who invested in barn conversions could potentially even put their farm at risk.

I hope that you will attend the hearing on July 23, oppose efforts to repeal Prop 12, and share that your farmer constituents, like me, oppose the EATS Act and any attempts to overturn state laws. Local communities know what is best for them and should be able to pass laws protecting animal welfare, independent family farmers and consumers. Frankly, pork producer organizations should not be advocating against those independent livestock farmers who have built these specialized markets and offer the kind of pork products consumers have voted for and stated they want.

Thank you for your consideration,



PAUL SOBOCINSKI,
Wabasso, MN.

Dear Committee Members,

At Swazey Farms in New Jersey, our work with bees has taught us how delicate and interconnected life really is. Stewardship of animals, whether insects or live-

stock, requires respect, responsibility, and a willingness to evolve when we know better.

That's why we support Proposition 12. Humane treatment of farm animals isn't just a California concern, it reflects values shared across states, including right here in New Jersey, where gestation crates are now banned. When voters and farmers come together to raise standards, it deserves support, not interference.

Proposals like the EATS Act or similar provisions would erase state progress and silence the voices of those who believe better care for animals benefits everyone, from farmers to consumers to the animals themselves. Please stand with those who choose compassion and integrity in agriculture.

Respectfully,

Swazey Farms,
New Jersey.

Dear Members of the House Agriculture Committee:

We're a small farm in Connecticut. Every seed we plant is rooted in care—for our community, our soil, and for the ethics behind how food is grown. That's why we support California's Proposition 12. It aligns with a vision of agriculture that's thoughtful and respectful. We don't see it as burdensome. We see it as necessary.

Farmers like us don't want a race to the bottom. Laws like Prop 12 raise the bar in a good way. Congress should reject efforts like the EATS Act and stand with the many farmers who know we can, and must, do better.

Sincerely,

MARY ELLEN VICEANT,
Down to Earth CSA Farm,
Stafford Springs, CT.

Dear Members of the House Agriculture Committee:

As the owners of Wanda Farms, my wife and I are proud to raise animals with care, respect, and a commitment to humane treatment. Faith, family, and farm are at the heart of our vision, along with a deep sense of accountability and service to our own community. We produce pasture-raised pork, beef, poultry, and eggs in a way that reflects a simple philosophy: animals deserve to live a life as close to nature as possible. We treat our animals well, providing them with high-quality feed, access to pasture, and a free-range environment. These principles don't just yield superior products; they're the ethical backbone of our farm.

Unfortunately, this way of farming is under threat. A proposed "fix" to Prop 12 and laws that set higher standards would be nothing short of a repeal of laws that promote humane treatment of animals and public health.

Overwhelmingly approved by California voters in 2018, this law prohibits the sale of pork from pigs raised in intensive confinement. This measure, and a dozen other state laws like it in red, blue and purple states, reflects voters' increasing demand for transparency in our food system and humane care of animals in agriculture. Congress should not override the voice of the people. Dismantling Prop 12 would strip states of the right to set their own agricultural standards. It's an anti-democratic move that undermines the will of voters and threatens to drag state and local governments into endless legal battles over nullifying carefully considered laws.

If Congress rolls back Prop 12, farmers across the country will be plunged into regulatory chaos. Many producers have already made investments to meet or exceed welfare standards because they represent where farming is headed, not where it's been. Even the National Pork Producers Council has reported that over 40% of U.S. pork production already involves group housing for breeding pigs, rather than confining them in tiny cages for the majority of their lives.

Prop 12 and laws like it are a step toward a future where American farming reflects the values of our society. These measures respect animals and consumers alike, recognizing that quality pork should come from pigs who were treated humanely. For Congress to intervene and negate this progress is to tell farmers and consumers that the way we raise food doesn't matter. But at Wanda Farms, we know that it does.

We urge you to reject any attempt to gut Prop 12 and laws like it, and respect the progress that farmers, consumers, and voters have demanded, supported, and implemented.

JOE WANDA,
Wanda Farms.

Dear Members of the House Agriculture Committee,

We are a small, biodiverse farm in New Mexico built from the ground up with the intention of healing—land, food, community, and ourselves. We grow mushrooms, daffodils, and herbs using indigenous and permaculture practices. We farm without chemicals because we believe deeply in the interconnectedness of life.

That's why we support Proposition 12.

To us, it's a reflection of a worldview that says animals deserve space to move, breathe, and simply be. It affirms something many farmers already live by: that ethics and responsibility belong at the heart of agriculture.

Federal proposals like the EATS Act would take a sledgehammer to that progress. They would undo the work voters, consumers, and farmers have done to build a more humane food system. We reject that.

As parents raising two small kids on a farm, teaching them to care for creatures big and small, we believe what we model matters. Let's model care. Let's stand for dignity in food and farming. Let Proposition 12 stand.

Sincerely,

Wildhood Farm,
New Mexico.

July 22, 2025

Dear Committee Members,

As advocates for organic, sustainable agriculture in New Jersey, the Northeast Organic Farming Association of New Jersey (NOFA–NJ) stands in strong support of California's Proposition 12. This law reflects core values shared by farmers, consumers, and communities who believe in humane treatment of animals and integrity in our food system.

Here in New Jersey, we recently passed legislation banning the use of gestation crates and extreme confinement of pigs. That law is based on the understanding that such practices are incompatible with both animal welfare and the humane standards increasingly demanded by the public.

California's Prop 12 is aligned with these same principles. It sets baseline expectations that food sold in the marketplace should not come at the cost of cruelty. Undermining these protections through Federal legislation like the EATS Act or similar proposals would override the will of voters and legislators in states across the country who have worked hard to advance meaningful reforms.

We urge the Committee to reject any effort to preempt state animal welfare laws and to support Prop 12 as a model for responsible, values-based agriculture.

Sincerely,

CALI ALEXANDER, H.O,
Policy Chair,
Board of Directors,
Northeast Organic Farming Association of New Jersey (NOFA–NJ).

In Defense of Proposition 12

Dear Members of the Committee,

At Amaltheia Dairy in Montana, we raise goats and pigs using practices that put animal welfare first. Our pigs live outdoors, with plenty of room to root and forage.

Proposition 12 aligns with those values. It ensures the animals behind the food on grocery shelves are treated with basic dignity. It also helps farms like ours, who have invested in ethical, sustainable practices, find fair access to markets like California.

To roll back this progress would send a message that big industry gets to write the rules, no matter what voters say. We urge the Committee to stand with responsible farmers and defend Prop 12.

Sincerely,

Amaltheia Dairy

Dear Esteemed Members of the Committee,

Ambling Ambystoma Farm is a certified organic farm (CCOF) located on the central California coast in Santa Cruz County, and is named for the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).

We support Proposition 12 wholeheartedly. Undoing Prop 12 sends the message that profit trumps principle. That isn't the future we want for American agriculture. Prop 12 is a baseline, not a burden. It gives conscientious producers the opportunity to thrive without being undercut by industrial shortcuts.

Thank you for defending integrity in farming.

Ambling Ambystoma Farm.

To the Committee,

At Sue's Blueberries in Portland, Oregon, we've built our farm on trust, quality, and a strong connection with the people who pick and eat our fruit. That connection depends on transparency and the ability of states to reflect local values in their food standards.

The EATS Act and its rebranded version would take that power away—pre-empting state laws like Prop 12 and paving the way for centralized control by large agribusinesses. That's not the kind of future we want for farming.

Please oppose this Federal overreach and support farmers and eaters who value integrity and choice.

Sincerely,

SUSAN ANDERSON,
Sue's Blueberries,
Portland, OR.

Dear Committee Members,

At Avery Family Farm, our motto is "bringing smiles and healing souls" As a North Carolina farm, we support Proposition 12 because it acknowledges what many of us already know: how we treat animals matters to our customers, our land, and our communities. Any legislation that weakens Prop 12 undermines farmers who are trying to do better. We ask you to respect state rights and voter mandates. Reject the EATS Act and protect forward-thinking policies like Prop 12.

Thank you.

Avery Family Farm

Dear Members of the Committee,

We write to you from Beauregards Farm in Big Lake Township, Maine, where we grow fresh produce for our community with a focus on quality, care, and environmental responsibility. While we do not raise livestock ourselves, we support Proposition 12 because we believe in a food system where all farms, whether growing vegetables or raising animals, are held to basic standards of integrity, safety, and humane treatment.

We work hard to grow food that reflects our values: stewardship of the land, care for the community, and respect for the living systems that sustain us. Prop 12 embodies those same principles. It sets minimum space standards for farm animals, ensuring they can turn around, lie down, and live without constant confinement. These are commonsense, baseline conditions that consumers widely support, and many farmers already meet.

As produce farmers, we also understand the importance of public trust in our food system. Customers want to know their food is grown and raised responsibly. Prop 12 gives them that confidence. Prop 12 is a step toward a more just and transparent food system, something we believe benefits all producers, whether they grow vegetables or raise animals.

We urge you to protect Proposition 12 and reject attempts to take this decision out of the hands of the states, the voters, and the farmers who are building something better.

Sincerely,

Beauregards Farm,
Big Lake Township, ME.

To the Members of the Committee,

I'm a farmer from Stockholm, Wisconsin and I'm writing to express my strong opposition to the EATS Act or any other legislation that would weaken states' authority to regulate animal welfare and farming practices.

My wife and I get approximately 1/3 of our household income most years from producing and selling animal proteins (beef, eggs, and chicken), mainly direct-to-consumer. Over my lifetime, I have watched animal proteins across the board lose market share to so-called plant-based alternatives. I believe much of this shift has been driven by consumers' animal welfare concerns. Simply put, many people no longer trust the food industry to treat animals humanely and are choosing to eat less animal products as a result.

States have taken steps to restore public trust by implementing reasonable, common sense animal welfare standards. Small- and mid-sized producers like me, who interact with our animals daily and care deeply about their well-being, stand ready

to comply with these standards, because we understand that in the long run, restoring consumers' trust in their food will benefit farmers as much as it benefits animals and the public.

Unfortunately, a handful of greedy corporate actors, driven by the logic of short-term cost-cutting, are pushing the EATS Act to shut down state-level regulation. What they don't seem to realize is that even if the regulations go away, the ethical concerns of shoppers are here to stay. State legislators are in the best position to understand those concerns and balance them with economic realities and the needs of producers in their region, and allowing thoughtfully crafted state regulations to stand is the best path forward for farmers and eaters. There is no need for Federal involvement in this issue.

Sincerely,
W. GEOFFREY BLACK,
Avodah Farm, LLC,
Stockholm, WI.

Dear Members of the Committee,

At R.G. Bees LLC in Beulah, Wyoming, we care for bees and contribute to the health of our food system through sustainable pollination. Bees are essential to life and so is the right of communities to govern their food and farming practices.

We support laws, like California's Proposition 12, that are based on these same principles. Accordingly, we oppose the EATS Act, and any renamed version of it, because it overrides state authority and compromises the will of voters. Every state has unique ecosystems and values. They must retain the right to respond accordingly.

Please reject attempts to roll back Prop 12 via the EATS Act or any other measure and stand up for states' rights and the small producers who support them.

Sincerely,
RENEE BRUNSON,
R.G. Bees LLC,
Beulah, WY.

Dear Committee Members,

As a Pennsylvania farmer, I believe Proposition 12 represents an important step forward in ensuring the humane treatment of animals.

Chairman Thompson now has the opportunity to listen to voices from his own state—voices of farmers who support Prop 12, who believe in better standards, and who don't want to see progress rolled back by sweeping proposals like the EATS Act.

The marketplace is changing, and those of us who farm with care and intention are ready to meet that demand. Please defend Proposition 12 and reject any efforts to override it.

Sincerely,
MATT CARTER,
Carter Farm,
Pennsylvania.

To the House Agriculture Committee,

When people purchase products from our farm, they're not just buying food, they're placing trust in how we care for our land and the food they feed their families. Proposition 12 helps strengthen that trust by setting clear, reasonable standards that reflect what most consumers already expect: transparency, food safety, and responsible stewardship. As a farmer, I am proud to meet those standards.

That is why I am deeply troubled by attempts to undo this positive progress. Bills like the EATS Act and the Food Security and Farm Protection Act would undermine the ethical and sustainable practices that farmers like me have worked hard to uphold. They would strip away the ability of states to respond to their voters and rob consumers of the confidence they deserve.

I urge you to protect Proposition 12 and stand with those of us committed to building a more transparent, trustworthy, and humane food system.

Thank you for your time and consideration.

NICHOLAS CHOATE-BATCHELDER,
Midnight Sun Farm,
Illinois.

Esteemed Members of the Commi4ee,

As the owner of Tru Farm, a small farm in Florida, I believe Proposition 12 represents fair, commonsense standards that reflect what today's consumers are asking for. It ensures that farm animals have basic space to move and express natural behaviors. These aren't extreme measures; they're simple steps that align with the growing public demand for a food system that is both ethical and sustainable.

Today's consumers want transparency. They want to know where their food comes from and expect it to be produced with care for animals, the environment, and public health. Proposition 12 promotes that transparency and supports food safety by encouraging better farming practices. Repealing it through Federal legislation would be a step backward. It would send a message that progress, consumer trust, and responsible farming don't matter. I urge you to protect Proposition 12 and reject any attempt to dismantle it.

Thank you for your time and consideration.

CHRIS DAWES

Dear Committee Members,

At EdenGreen, our microgreen farm in Idaho, we've built our model on care, precision, and sustainability. Urban farming teaches you to make the most of every inch—and to think deeply about the systems we depend on to grow food responsibly.

That's why we support California's Proposition 12, and similar laws. These standards reflect a basic truth: how we treat animals matters, and policies should uphold humane, thoughtful practices in food production.

Proposals like the EATS Act and other attempts to weaken Prop 12 undermine the progress being made toward a more ethical and sustainable food system. They threaten the right of states to set standards that reflect the values of their voters and the direction consumers are clearly moving in.

We urge you to defend Proposition 12 and reject any legislation that strips states of the ability to protect animal welfare and support responsible farming.

Sincerely,

EdenGreen,
Idaho.

Dear Members of the House Agriculture Committee,

I'm Alescia Forland of Loxley Farm Market in Alabama. I urge you to oppose the EATS Act, the Food Security and Farm Protection Act, and any efforts to dismantle Proposition 12.

This isn't just about California. It's about whether states can decide what standards they want for the food sold within their borders. It's about whether farmers who invest in better practices will be supported or undercut.

I support Prop 12 because it helps guide agriculture in a more responsible direction. That's something we should build on, not block.

Thank you for your time,

ALESCIA FORLAND,
Loxley Farm Market,
Alabama.

Dear Committee Members,

Missouri farmers like us know what it takes to build trust with the people who buy from us. Proposition 12 speaks to those values. It gives meaning to food raised with care. Overriding it through Congressional action would betray both producers and consumers who are choosing better. Please protect state-level progress. Say no to the EATS Act and stand up for Prop 12.

Respectfully,

Four Oaks Farm.

Dear Members of the Committee,

Farmers know what stewardship means. We see it every day in the care we give. Proposition 12 is a reflection of that ethos, and I ask that you defend it.

Laws like the EATS Act strip away the ability of people to shape food systems that reflect their values. Let California and other states' voters be heard. Let their standards stand.

Thank you,

PHYLLIS FRANZOY,
Mark Anthony Farms.

To the House Agriculture Committee,

As the owner of Frost Sheep and Desert Frost Farms in Arizona, I urge you to reject the EATS Act, the so-called Food Security and Farm Protection Act, and any attempts to gut Proposition 12.

Prop 12 is about accountability. It tells consumers: you deserve to know how your food is raised. And it tells farmers: there are opportunities when you raise animals with care. This is the direction farming should be heading, not toward less transparency and less local control.

The Federal Government shouldn't be in the business of invalidating the progress states have made or silencing the voices of voters. Let Prop 12 stand. Let farmers grow toward higher standards, not away from them.

Sincerely,

RYAN FROST,
Frost Sheep,
Desert Frost Farms.

Dear Committee Members,

Proposition 12 matters because it reflects a growing consensus that animals deserve to be treated with basic decency. It's not complicated. People care, and so do many of us in agriculture.

Federal proposals like the EATS Act would take that choice away, not just from California, but from every state trying to raise the bar. That's wrong. Please stand with the farmers and citizens who believe in something better.

Sincerely,

MARK GIBSON,
Berry Haven Farms.

Dear Committee Members:

I represent Greentree Naturals, a small farm in Idaho rooted in ecological stewardship and the belief that food should be produced in ways that are both ethical and sustainable.

We write today to express our strong support for California's Proposition 12, and to voice serious concerns about Federal legislative efforts, such as the EATS Act, that seek to undermine it.

Proposition 12 sets a baseline for how animals should be treated. It doesn't impose radical change, it affirms a simple principle: animals deserve enough space to move, lie down, and turn around. Efforts to erase Prop 12 through Federal preemption would set a dangerous precedent. Not only would they override the will of California voters, but they would also strip all states, including Idaho, of the ability to enact policies that reflect the priorities and ethics of their residents. That kind of top-down approach runs counter to the spirit of local agriculture and state governance.

Thank you for the opportunity to submit our views. We ask that you stand with farmers, consumers, and animals, and preserve the future of ethical agriculture in this country.

Sincerely,

DIANE GREEN,
Greentree Naturals—Certified Organic Farm,
Sandpoint, Idaho.

Aloha Members of the Committee,

At Mohala Farms in Hawai'i, we work in close connection with the land and our community. We believe in food systems rooted in care: care for the [E]arth, for animals, and for those we feed.

That's why we support Proposition 12. It's not just about one state; it's about a broader movement to make farming more humane, more transparent, and more aligned with the values of the people who eat what we grow.

Please reject the EATS Act and the Food Security and Farm Protection Act, which would undercut that progress. We believe communities and states must retain the right to set standards that reflect their values. And please keep Prop 12 in place.

With gratitude,
Sincerely,



MARK HAMAMOTO,
Executive Director.

Dear Committee Members,

At Helsing Junction Farm in Washington, we believe that animals deserve space to move and express natural behaviors. Our state has already recognized this by passing a cage-free law, and we support efforts like California's Proposition 12 for the same reason.

Proposals like the EATS Act would undo the progress states have made. Farmers who treat animals humanely and consumers who care about how food is produced should not be overruled. Please reject any attempt to weaken Prop 12.

Sincerely,

Helsing Junction Farm,
Washington State.

Committee Members,

Three Hearts Farm in Montana supports Prop 12 because it aligns with the basic principle that animals deserve room to move and behave naturally. It's not a burden, it's a reflection of values that many farmers already share.

Let's not allow Congress to silence that progress through bills, like the EATS Act, that favor industrial scale over moral scale. Protect the choices states and citizens have made, and uphold Prop 12.

Respectfully,

RACHAEL HICKS,
Three Hearts Farm, MT.

Dear Committee Members,

At Honey Sweetie Acres, our goats are more than livestock, they are partners in the work we do every day. We are committed to raising animals with care, respect, and space to live as they were meant to. That philosophy is not only better for the animals, it produces better results in every way: from health to quality to customer trust.

That's why we support California's Proposition 12. Laws like Prop 12 reflect a growing understanding that how we treat animals matters, not just ethically, but economically and socially. They affirm that animal welfare is not a fringe concern, but a mainstream value that many farms already uphold.

Attempts to weaken or repeal Prop 12 through measures like the EATS Act ignore the progress that's being made on farms like ours across the country. We don't need lower standards. We need consistent, fair policies that recognize farmers who do the right thing and protect the ability of states to set higher bars for welfare.

Please reject provisions that would dismantle Prop 12 and similar efforts. We need to move forward, not backward.

Sincerely,

Honey Sweetie Acres,
Owensville, Ohio.

Dear Members of the House Agriculture Committee:

My name is Sara Jones, and I serve as Co-Director of Tucson Community Supported Agriculture (CSA). At our core, we work to strengthen the connection between local farmers and the people they feed, guided by a commitment to sustainability, transparency, and community resilience. These values shape how food is grown, sourced, and shared every day. Proposition 12 reflects these same values by establishing humane and transparent standards for animal agriculture that align with what consumers increasingly demand: food produced with integrity and respect for both animals and the environment.

Proposition 12 provides a clear, practical framework for responsible animal care, giving both farmers and consumers confidence in the food supply. These are practical standards that responsible producers across the country should support. Upholding this law helps reward those who are doing the right thing and sends a powerful message that accountability matters in agriculture.

At its heart, Proposition 12 is about building trust between farms, families and communities. Undermining it would weaken that trust and move us further from a food system rooted in fairness, responsibility, and stewardship. I respectfully urge the Committee to protect the integrity of Proposition 12. Thank you for considering this testimony and for your service to the agricultural community.

Sincerely,

SARA JONES,
Tucson Community Supported Agriculture.

To the Committee,

My name is Gabriel Kenyatta, and I operate Gardenscapes GCK in Crawfordsville, Arkansas.

I'm writing in support of Proposition 12 and in opposition to the EATS Act and its revived form, which threatens state-level food standards and undermines farmers who operate with integrity.

I believe in farming that reflects responsibility, not just to land and animals, but to the people who eat the food we grow. Prop 12 supports that vision. It gives consumers more confidence and gives small farmers the ability to compete on values, not just volume.

The EATS Act and attempts to strike down Prop 12 would erase those gains. They're an attack on local choice, and responsible agriculture. Farmers should not be punished for doing the right thing, and voters should not be overruled by corporate influence.

Please reject the EATS Act, protect Prop 12 and stand up for fairness, food democracy, and the future of responsible farming.

Sincerely,

GABRIEL KENYATTA,
Gardenscapes GCK,
Crawfordsville, AR.

Dear Members of the House Agriculture Committee,

We represent a small farm in Connecticut that believes the future of agriculture lies in integrity and compassion. Proposition 12 and laws like it set reasonable standards for humane treatment. The attempt to override it through Federal legislation not only ignores voter voices, it undermines good agricultural practices. Let's build forward, not backward. **Please preserve Prop 12.**

JANET KRAMKA.

Members of the House Agriculture Committee,

We are a small family farm in Morris, Connecticut, operating Lakeside Farm right at our home on Route 109. We use organic practices to grow a wide variety of seasonal fruits and vegetables, and we prepare everything ourselves, from heirloom tomatoes and greens to berries, herbs, and homemade jams.

We're writing in support of Proposition 12 and in strong opposition to the EATS Act and its rebranded version. These Federal efforts would strip states of the right to set standards that reflect local values, and that's a serious concern for farms like ours.

Farming is personal, hands-on work. Consumers want to know how their food is produced, and more and more of them are asking for humane, sustainable practices. We believe in meeting that demand, not hiding from it. Prop 12 supports transparency, responsibility, and local control. The EATS Act undermines all three, favoring large-scale industrial interests over small farms that do things the right way.

Please protect the right of states to make laws that reflect their people's values. Support Prop 12, and reject the EATS Act.

Sincerely,

Lakeside Farm,
Morris, Connecticut.

Dear Committee Members,

I write today as an organic farmer and gardener in Arizona to express strong support for California's Proposition 12. I urge you to oppose any Federal attempts that seek to dismantle Prop 12 or override the will of state voters.

Arizona was one of the first states to ban the confinement of pregnant sows and veal calves in 2006. That law came from voters, just like Prop 12, and it reflected how Arizonans value animals, food quality, and responsible farming. Laws like Prop 12 have created market opportunities for producers who raise animals humanely.

Undoing Prop 12 would reward the worst actors and hurt those who've invested in doing things right.

Please stand up for farmers, animals, and the rights of states to improve food policy; uphold Prop 12 and laws like it.

Sincerely,

KEITH LIERMAN,
Tucson Organic Gardeners President.

Dear Committee Members,

What happens on farms matters far beyond property lines. The public has every right to expect humane standards, and California's Proposition 12 (and similar laws in my own state of Colorado) is a reflection of that expectation. Trying to nullify it through Federal overreach is not just a policy mistake, it's a moral one. We stand firmly against the EATS Act and other measures that aim to roll back ethical progress. Please do the same.

Thank you,

MICHAEL MOSS,
Kilt Farm.

Dear Members of the Committee,

I'm writing on behalf of Oahe Hills Ranch Premium Beef, where we raise cattle with a commitment to quality, animal care, and responsible land stewardship. We strongly support California's Proposition 12, and we oppose any Federal efforts to repeal or override it.

As ranchers, we understand the importance of treating animals with respect, not only because it's right, but because it results in healthier animals and a better product. Proposition 12 is grounded in that same principle. It sets basic space requirements for animals and supports more humane, thoughtful production systems. These standards aren't burdens, they're benchmarks for integrity in agriculture.

We know firsthand that today's consumers are asking more questions about where their food comes from and how it was raised. They want transparency, and they want to support producers who take the time to do things right. Laws like Prop 12 create market clarity and ensure that producers committed to higher standards aren't undercut by those relying on outdated, industrial-scale confinement.

The law was passed by voters, upheld by the Supreme Court, and implemented with years of lead time. That's more than fair. In fact, it's a blueprint for how agricultural policy should work: clear goals, realistic timelines, and accountability.

At Oahe Hills Ranch, we've built our brand on trust and quality. Proposition 12 supports both. Please protect this important law and stand with the farmers and ranchers who are leading the way toward a better future for agriculture.

Sincerely,

Oahe Hills Ranch,
South Dakota.

Dear Chairperson and Members of the Committee,

I represent Lazy Moon Ranch, a small, family-run farm in Butler County, Kansas. Our farm is built on a foundation of sustainable agriculture and humane animal care. At Lazy Moon Ranch, we treat our animals with compassion and respect. We work with them every day, and that hands-on experience has taught us that when animals are given the space and care they need, they thrive.

As a farmer who strongly believes in animal welfare, I view California's Proposition 12 not as a burden, but as a standard of responsible farming. It requires that animals have room to move freely and express natural behaviors—conditions that lead to healthier animals and safer food. These values resonate with today's consumers, who want to know how their food is produced. Meeting those expectations not only strengthens trust in agriculture, but also reinforces our role as stewards of the land and caretakers of the animals we raise.

Efforts at the Federal level to dismantle Proposition 12 would undermine both the will of California voters and the broader, growing commitment to ethical and sustainable farming across the country. Millions of Americans supported Prop 12 because they believe in transparency, food safety, and the humane treatment of animals. Overturning it would ignore that clear message and set back the progress farmers like me have worked hard to achieve.

Preserving Proposition 12 sends a powerful message that American agriculture can evolve while staying true to its core values of care, responsibility, and integrity. This isn't about one state imposing its will on others. It's about raising the bar for how we feed our nation. I urge you to protect this important law and the future it represents for farmers, animals, and consumers alike.

Thank you for your time and consideration.

JERRAMY & ERIN PANKRATZ,
Lazy Moon Ranch.

Dear Members of the House Agriculture Committee,

As a proud Wisconsin farmer, I believe in treating farmed animals with care and respect. That is why I support Proposition 12. It sets fair, reasonable standards that

align with how many of us already farm—with decency, transparency, and respect. Voters asked for better animal welfare and food safety standards, and farmers like me are meeting that demand.

The EATS Act, the Food Security and Farm Protection Act and similar bills would wipe out the progress so many of us have made. It is wrong to let big interests override the will of the people and undercut those of us who are doing things right. I urge you to stand with Proposition 12 and protect what it stands for.

Thank you,

Parisi Family Farm.

Dear House Agriculture Committee Members:

At Tawanda Farms, where we raise grass-fed sheep and beef cattle, we love our animals and it's important that we treat them with respect for the livelihood they have given us. It's not just our farm that believes this, but the majority of Californians. Our state has consistently shown that we value humane treatment of animals and responsible food production. Through ballot measures like 2018's Proposition 12, voters made it clear: Californians want a food system that reflects our values.

That's why a recently introduced, misleadingly named Federal bill, the Food Security and Farm Protection Act, is so alarming. This bill would override the will of voters, wiping out humane and food safety standards California residents voted to put in place.

For family farms like ours, this is more than politics, it's personal. We've seen firsthand how important it is for states to have the ability to set standards for humane and responsible food production and sales. We also know that farmers have invested time, care and money into aligning operations with what Californians expect. Rolling back standards rewards industrial-scale producers, many of which are foreign-owned, that cut corners and undermine farmers who are doing the right thing.

We urge Members of Congress to reject the Food Security and Farm Protection Act and stand with the people of California and responsible farmers.

CAROL PASHEILICH,
Tawanda Farms, CA.

Dear Committee Members:

At Podunk's Ranch in southwestern Colorado, family tradition and a sincere commitment to sustainability stand at the heart of everything we do. As a woman-owned farm, we are dedicated and responsible stewards of the land, following sound grazing principles, ensuring high animal welfare standards, and implementing sustainable practices that reflect deep respect for the animals and environment that sustain us. This approach not only guides our daily operations, it has helped us build lasting trust with a loyal network of customers who count on us to provide responsibly sourced food for their families.

However, the values that define and guide our farm are now under threat. Attempts to undo California's Proposition 12 and laws like it dismantle hard-won, voter-approved animal welfare protections across the country.

Here in Colorado, we have enacted our own laws regarding the confinement of pigs, calves, and egg-laying hens, laws that reflect a growing understanding that intensive confinement of farm animals is inconsistent with both animal welfare and public health. In fact, a recent survey by the Animal-Human Policy Center at Colorado State University found that over 80% of Americans support measures to end confinement practices. This isn't a partisan issue. It's a public values issue.

Overriding state-level protections and silencing the will of voters would transfer power from local communities and their elected officials to large corporate interests, many of which are foreign-owned, whose primary motivation is profit. That is not responsible governance. It undermines the fundamental principle that citizens have a right to shape the standards under which their food is produced.

This is a defining moment. We ask you to stand with the people. Defend the values that sustain our farms and our communities. Support responsible farming, democratic decision-making, and the right of states to lead on agricultural policy. Please support Prop 12 and laws like it.

Thank you for the opportunity to share our perspective.

Sincerely,

Podunk's Ranch, Colorado.

Dear Committee Members,

I farm because I believe in working with integrity—toward the land, the animals, and the people who rely on us. Proposition 12 and my own state's Question 3 support that approach.

Attempts to strip away such laws through legislation like the Food Security and Farm Protection Act tell farmers like me that our values don't matter. But they do. And so do the values of voters who passed these measures.

Please protect those values.

Sincerely,

WENONA RACICOT,
Chockalog Farm.

Dear Members of the Committee,

As a small family farmer from Idaho, I strongly support preserving Proposition 12. This law is not extreme, it simply ensures that animals raised for food are given basic freedoms, such as the ability to move around and lie down comfortably. These are reasonable, common-sense standards that form the foundation of humane, responsible farming. They also contribute to a safer, more transparent food system.

When laws like Proposition 12 are upheld, it sends a clear message that the agriculture industry values more than just profit. It shows that we care about how food is produced, not just the end result. That's how we build trust with consumers. In contrast, efforts to roll back these standards (like the EATS Act and similar proposals) send the wrong message. They tell the public that the ethical treatment of animals doesn't matter, and that the will of voters can be ignored.

That's not the future we should be moving toward. The standards in Proposition 12 reflect a future where farming is both ethical and sustainable. That's the kind of agriculture I'm proud to be a part of.

Thank you for your time.

MIKE REID,
Paradise Springs Farm.

To the House Agriculture Committee,

I became a farmer because I care deeply about how food is produced for not just my family, but for every family in my community. Proposition 12 aligns with what so many Americans believe: that animals should be treated humanely, and that food safety begins on the farm. It reflects shared values of compassion, care, and responsibility.

I am concerned that bills like the EATS Act and the Food Security and Farm Protection Act would erode that trust by stripping states of their right to set thoughtful standards. These bills threaten the connection between farmers and consumers, one that Proposition 12 has helped strengthen. Please defend this progress and support a food system we can all be proud of.

Respectfully,

ELIZABETH ROBB.

Hon. ANGIE CRAIG,
Representative,
Washington, D.C.;

Hon. SALUD O. CARBAJAL,
Representative,
Washington, D.C.;

Hon. JAMES P. MCGOVERN,
Representative,
Washington, D.C.

Dear Representatives Craig, Carbajal, and McGovern,

My name is Blake Sensenig, and I'm a pork producer from Lancaster County, Pennsylvania. I own and operate a 600 head sow breeding and weaner piglet producing barn. I produce over 15,000 piglets each year.

California's Proposition 12 and Massachusetts Question 3 provided our family an opportunity to enter the pigs business. We built our new sow farm 3 years ago to cater to this market sector. We are opposed to any Federal legislation that would interfere with the states right to determine their own food production standards. Overturning these established market channels would be a significant blow to our business plan/model and ability to run a profitable new pig farm.

Thank you for the opportunity to share our concerns with you.

Sincerely,

Blake Sensenig

BLAKE SENSENIG.

Dear Members of the House Agriculture Committee,

At Songbird Haven Farm here in Washington, we take pride in growing food that supports the broader ecosystem, above and below the soil. Our practices are rooted in long-term sustainability, care for the land, and a deep respect for the interconnectedness of life.

That's why we support Proposition 12. Like Washington's own cage-free standards, Prop 12 reflects a growing consensus among farmers, voters, and consumers that food should be produced in ways that are not only safe and sustainable, but also humane.

Efforts to override these hard-won state laws are deeply concerning. They ignore the will of the people, undermine democratic decision-making, and threaten the integrity of independent farms trying to do things the right way.

We ask you to protect state-level standards like Prop 12 and reject any attempt to weaken them via the EATS Act, farm bill or other Congressional action.

Thank you,

Songbird Haven Farm,
Washington State.

Dear Members of the Committee,

My name is Jerry Steckler, and I run Steckler Grassfed in Dale, Indiana. We produce organic, grass-fed, pasture-based food with a focus on animal welfare, soil health, and transparency, because we believe in doing right by both the land and the animals in our care.

Thank you for the opportunity to submit testimony on the importance of Proposition 12 to independent farmers who are deeply committed to ethical livestock practices.

Proposition 12, passed by the voters of California in 2018, is not merely a regulation, it is a declaration that consumers and farmers alike care about how animals are treated in our food system. It requires that animals such as pigs, calves, and egg-laying hens be raised in conditions that allow them to move freely and express basic behaviors that align with any farmer's understanding of humane care.

At Steckler Grassfed, we've always believed that healthy soil, healthy animals, and healthy communities are interconnected. Our animals are raised on pasture, where they can engage in their natural behaviors. This is not only better for the animal, but it leads to healthier products and greater trust with our customers.

Proposition 12 supports farmers like us who have invested in humane systems. When large-scale industrial farms are allowed to undercut responsible producers by confining animals in cruel, restrictive environments, the market punishes those of us doing the right thing. Prop 12 begins to correct that imbalance. It says that if you want access to California's market, you must meet minimum standards of decency in animal care. That's not only fair, it's a reflection of what the public wants and what responsible farming requires.

Let me be clear: Proposition 12 is not an attack on farmers. It is a recognition that animal welfare, food quality, and consumer values matter. It's a safeguard for the integrity of our food system and for the families who have built their farms on trust, ethics, and respect, for animals and people alike.

I urge this Committee to support Proposition 12 and to resist any efforts, like the EATS Act, to weaken or override it. Let us not step backward into a system that favors volume over values. Instead, let us lift up the farmers who are already doing it right.

Thank you for your time and attention.

Sincerely,

JERRY STECKLER,
Steckler Grassfed,
Dale, IN.

Dear Committee Members,

At Secret Keepers Ranch here in Wisconsin, we raise pigs with care, space, and dignity. Our customers know that when they purchase from us, they're supporting a farm that refuses to cut corners when it comes to how animals are treated.

Proposition 12 affirms the kind of values we already live by on our farm. It rewards the hard work of producers who prioritize animal well-being and gives consumers confidence in the standards behind their food. We know pork production without confinement is possible and profitable; we do it every day.

Efforts like the EATS Act would undo years of progress and punish the very farmers who are doing it right. We urge you to reject those measures and uphold Prop 12.

Sincerely,

CATHY STOLL,
Secret Keepers Ranch—Wisconsin.

Dear Committee Members,

At Tiny Giant Farm in Kalamazoo, Michigan, we built our farm on the belief that small, everyday actions can lead to big, lasting change. That's why we support California's Proposition 12 and Michigan's own crate-free standards, because how animals are treated in our food system matters, and our policies should reflect that.

We farm small so we can farm responsibly. That means staying close to the land, listening to what it needs, and doing right by the animals and people who depend on it. Proposition 12 gives voice to those values. It's a policy rooted in respect: for animals, for farmers, and for consumers.

Efforts to undo laws like Prop 12b (through the EATS Act or other Federal overreach) would silence the work that farms like ours do every day to raise the bar. Voters in California and Michigan have made it clear: humane treatment of animals is not optional. It's a basic expectation.

We urge you to reject any provision that would weaken these laws. Let the states lead where they've already shown the courage to act.

Sincerely,

Tiny Giant Farm,
Kalamazoo, MI.

Members of the House Agriculture Committee,

My name is Walt Tysinger, and I operate WildSide Farm in Chapel Hill, North Carolina. Our motto is Healthy Soil. Healthy Food. Healthy People. That principle guides everything we do, from how we treat the land to how we raise food for our community.

I'm writing in strong support of Proposition 12 and in opposition to the EATS Act and any attempt to revive it under a new name. These bills are harmful because they would take away states' ability to uphold higher standards for animal welfare, food quality, and transparency, the very values our farm stands on.

Prop 12 helps support farmers like me who choose ethical, sustainable practices. The EATS Act would do the opposite. It would give more power to industrial operations and erase the progress states have made to meet the expectations of informed consumers.

We need more accountability in agriculture, not less. I urge you to protect Prop 12, reject the EATS Act, and stand with independent farmers and the people who support them.

Sincerely,

WALT TYSINGER,
WildSide Farm,
Chapel Hill, NC.

Dear Members of the House Agriculture Committee,

At Valley Flora Farm, our work is rooted in care, care for the land, for our community, and for the values that guide responsible food production. As a small mother-and-two-daughter-run farm in Oregon, we've seen firsthand how thoughtful policies, like Oregon's own animal welfare and cage-free standards, support both humane farming and public trust.

Proposition 12 reflects that same spirit. It aligns with the direction many of us have already embraced: producing food in ways that honor the dignity of animals and the expectations of informed consumers.

Any attempts to override Prop 12 (via the EATS Act or other Congressional action) would undo progress, progress shaped by years of effort, investment, and commitment from farmers and voters alike. We urge you to reject any provisions that seek to undermine state laws like Prop 12.

Let's protect the integrity of food grown with purpose and care.

Sincerely,

Valley Flora Farm,
Langlois, OR.

Dear Recipient,

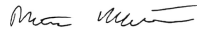
As members of the Pennsylvania Pork Producers Strategic Investment Program, we are writing to share our opposition of repealing California's Proposition 12 ("Prop 12") and Massachusetts Question 3 ("MA Q3"). Pushing for this legislation to be repealed will lead to more consumer distrust at a time when consumers are interested in learning more about their food supply. While we do not support a patchwork of state-issued standards, our consumers deserve a choice in how their safe, wholesome pork is produced. Producer success and lasting consumer trust rely on change and innovation.

We strongly believe in pork producers' ability to meet the requests of their consumers. ***Prop 12 and MA Q3 do not force producers to make production changes. Hog producers are free to choose how to respond to market demands, and each producer will make this decision based on what is best for their business.*** Historically, Midwestern hog producers have enjoyed the advantage of low-cost production due to their proximity to the corn belt. We believe market dynamics help drive innovation in our industry and allow hog producers to fill a niche market created by consumer demands. Pennsylvania producers are positioned to meet this demand, drawing on established production practices and animal husbandry methods.

Furthermore, utilizing our expertise in animal husbandry, we feel strongly that investment in different types of production practices is valuable for the long-term viability of the pork industry in Pennsylvania. For Pennsylvania pork producers to remain competitive, it is imperative for the industry, and Pennsylvania specifically, to remain a leader of progressive animal care and to ensure flexibility to meet the ever-changing demands of consumers.

In that regard, please do not repeal Prop 12 or MA Q3.

Sincerely,



MATT WALTERS,
PA SIP Co-Chair



KURT GOOD,
PA SIP Co-Chair

Dear Members of the House Agriculture Committee,

At Willowbrook Farm and Sheep Dairy, we are proud to be a veteran-owned family farm raising sheep, chickens, goats, and fresh eggs. In 2021, we invested in a water system to ensure our sheep could thrive, because doing right by our animals is simply how we farm.

We stand firmly against the EATS Act because it would erase state-level standards like Prop 12, standards that reward transparency, responsibility, and humane practices, and that give farmers like us a level playing field and a chance to compete with integrity.

Our farm is built on service, not shortcuts. Please protect the rights of states and the values of hard-working farmers like us. Uphold Prop 12, and say no to the EATS Act.

Sincerely,

Willowbrook Farm and Sheep Dairy,
Arkansas.

Dear Committee Members,

At Winged Elm Farm in Philadelphia, Tennessee, we raise pigs, cattle, and lamb with care and intention for our direct-market customers. We believe that how an animal lives directly affects the quality of the food it produces—and more importantly, it's the right thing to do.

We support California's Proposition 12 because it recognizes what responsible farmers already know: extreme confinement like gestation crates is inhumane. Our animals have space to move, graze, root, and live naturally. Not only is this better for their well-being, but it's also what our customers expect and deserve.

Prop 12 has created new market opportunities for farms like ours—farms that prioritize humane treatment and thoughtful animal husbandry. We urge Congress

to reject any attempt to weaken this progress, whether through the EATS Act or other preemption efforts.

Let the people who care about how food is produced, farmers and consumers alike, continue to make those choices at the state level.

Sincerely,

Winged Elm Farm,
Philadelphia, TN.

July 23, 2025

Dear Committee Members,

At Anita's AREA Farms in Arizona, we believe in raising animals with care, respect and basic humanity. Standards like those in Proposition 12 reflect values that responsible farmers already uphold.

Efforts to weaken Prop 12 would undermine both animal welfare and the trust consumers place in food producers. We urge you to defend Prop 12 and support farms that are doing things right.

Sincerely,

Anita's AREA Farms, Arizona.

Dear Chair Thompson, Ranking Member Scott, and Esteemed Members of the Committee:

We are running a small farm in Mendocino County, California, on which we grow many fruits and vegetables as well as raising pigs, chickens, ducks, pigeons, and cows. We urge you to vote NO on the EATS Act in Congress. California voters passed Prop 12 mandating humane conditions for farm animals. The EATS Act and other attempts to roll back Prop 12 would hurt responsible farmers like us since it would encourage large, industrial producers with no regard for animal husbandry to cut corners. We strongly support raising animals more humanely than CAFO's do.

We support Prop 12, and we oppose the EATS Act.

Thank you,

NIKKI [AUSSCHNITT] and STEVEN [KRIEG],
Petit Teton Farm,
Yorkville, CA.

Dear Members of the Committee,

We are proud to say we are farmers. At Bean Hollow Grassfed, we raise pigs, cattle, and sheep on diverse pastures and wooded lands where animal health, soil health, and ecosystem health are deeply interconnected. Every task we do, from fixing fences to rotating pastures, is part of a larger mission to farm in a way that's good for animals, good for people, and good for the planet.

Our pigs live in wooded areas where they root, forage, and express their natural behaviors. Proposition 12 sets a baseline standard that animals should be able to move freely. For farms like ours that go beyond these standards, Prop 12 helps ensure that industrial confinement systems don't set the market terms for everyone else.

Efforts to dismantle Prop 12 threaten not only animal welfare, but also the viability of farms that are trying to do things right. When voters demand higher standards, those decisions should be respected, not overridden. We urge you to preserve Prop 12 and reject any attempts, like the Food Security and Farm Protection Act, that would strip away states' ability to set basic, responsible standards.

Thank you for your time and for listening to farmers who are doing the work on the ground.

Sincerely,

Bean Hollow Grassfed

Dear Members of the Committee,

My name is Angela Bivens, and I own and operate White Stone Ranch in Webster, Texas, where we raise Hereford cattle on open pasture. We take pride in maintaining high standards for animal care, land stewardship, and transparency in how we operate.

While Proposition 12 focuses on the treatment of pigs, veal calves, and egg-laying hens, it represents something bigger for producers like me. It's about a shared commitment to quality, ethics, and the right of states to reflect the will of their people. California voters passed Prop 12 because they wanted to support a food system that

values humane treatment of animals. That's their right, and frankly, it's a message we hear more and more from consumers across the country.

Undermining Prop 12 would send the signal that national policy is more responsive to powerful processors than to the people who do the work or the citizens who vote. That's not good for farmers, and it's not good for democracy.

Please respect state rights, respect the voices of voters, and support a future where integrity in agriculture is not just encouraged, but protected.

Sincerely,

ANGELA BIVENS,
White Stone Ranch, TX.

Hon. GLENN THOMPSON,
Chairman,
House Committee on Agriculture,
Washington, D.C.;

Hon. ANGIE CRAIG,
Ranking Minority Member,
House Committee on Agriculture,
Washington, D.C.

Dear Chairman Thompson and Ranking Member Craig:

We, the undersigned farmers, raise hogs in compliance with California's Proposition 12 and supply pork to this important market. We write today to thank those Members of Congress who have rejected attempts to strip us of this opportunity, and to urge all Members to continue standing with American family farmers.

For us, this market is not political, but rather an opportunity to improve the financial success of our operations. Proposition 12 has created a stable, premium market that allows us to sustain our farms, invest in better infrastructure and livestock care, and continue farming in an increasingly consolidated industry. We readily decided to comply with these standards, made the necessary investments, and now rely on this market as a part of our farms' financial futures.

In the last Congress, language was included in the House farm bill draft that would eliminate this market opportunity. It would undercut the very market we have worked hard to serve, penalizing farmers who chose to innovate and respond to consumer demand.

Meanwhile, it would protect those who refused to adapt, including the largest corporate pork producers, such as China-owned Smithfield Foods. Multinational firms do not need Congress to shield them from competition, but family farmers like us need fair access to markets we have earned.

We respectfully ask you to reject any proposal that would dismantle the market created by Proposition 12, and again thank the many Members of Congress who continue to stand with independent farmers and the consumers we serve.

Sincerely,

MIKE BUTCHER, Palmyra, Illinois
JEFF KUHN, Shabbona, Illinois
STEVE MAXWELL, Rush Hill, Missouri
DARYL MUDD, Silex, Missouri
DAVE MUDD, Silex, Missouri
DEAN MUDD, Silex, Missouri
DEBBIE MUDD, Silex, Missouri
DON MUDD, Silex, Missouri

GARY MUDD, Silex, Missouri
PAT MUDD, Silex, Missouri
TERRY MUDD, Silex, Missouri
WES RYNDEK, Greenfield, Missouri
BRIAN SJOSTRAND, Hartsburg, Missouri
JEAN SJOSTRAND, Hartsburg, Missouri
BOB STREET, Whiteside, Missouri

cc: Members of the House Committee on Agriculture

Dear Members of the House Agriculture Committee,

My name is Debbie Duplisea, and I operate Happy Hollow Farm in Barre, Massachusetts. I'm writing to express my support for California's Proposition 12 and my own state's Question 3; along with my opposition to any legislative effort (such as the EATS Act or the Food Security and Farm Protection Act) that seeks to weaken or override these important laws.

Like Question 3, Prop 12 represents a step forward in how we approach food production. It sets a basic expectation that animals should be treated with dignity and that consumers have a right to know how their food is produced. Undoing it would be a step backwards, for farmers, for public trust, and for the integrity of our food system.

Please respect the will of the people, the role of states in shaping food policy, and the values that responsible farmers uphold every day. Stand against efforts to dismantle Prop 12.

Sincerely,

DEBBIE DUPLISEA,
Happy Hollow Farm,
Barre, Massachusetts.

Dear Members of the House Agriculture Committee,

At Taste of the Wind, raising animals with care and respect is our way of life. From pasture-raised eggs to responsibly produced chicken, beef, and lamb, we know what it takes to raise animals humanely and sustainably. These values aren't just good for the animals; they're good for our customers and our rural community.

That's why we support Proposition 12 and strongly oppose efforts like the EATS Act that would override it. Prop 12 creates real opportunities for farmers like us who prioritize animal welfare, and preserves local autonomy in choosing what and how we eat and raise food. It recognizes the kind of care and stewardship we already practice and want to see adopted as sustainable and healthy for lives across the food shed.

Trying to wipe out these state-level laws, like Prop 12, with one-size-fits-all legislation only serves corporate interests, not family farmers, not the animals, and certainly not the people who eat the food.

We urge you to support Prop 12 and laws like it; stand with responsible farmers; and reject the EATS Act and other attempts to weaken Prop 12.

Sincerely,

BJ EDWARDS,
Taste of the Wind,
Wyoming.

Dear Committee Members,

*Ekvn-Yefolecvlket owēyat, pum etvlwvt emvkerrickv ohfvccvn nak cen
hoccicēyat, fuccuset ontos. Eyasketv teropotten cen hoccicēt okes.
Ohhonvyepakvccvs.*

We submit this testimony on behalf of Ekvn-Yefolecv, a climate-positive, income-sharing ecovillage community of Indigenous Maskoke People who, after 180 years of having been forcibly removed, returned to our homelands in what is commonly known as Alabama with unwavering commitments to: revitalizing Maskoke language and culture, regenerative agriculture for food sovereignty, ecological restoration, endangered species conservation, restorative economics, and natural building construction.

Our ancestors made a covenant with the Creator that we would be caretakers of all human and non-human life situated within the bioregional ecology in which Maskoke People resided since time immemorial until our forced removal. Today, our community is situated on 7,498 acres where we daily strive to live into this covenant—unequivocally the core of our Maskoke identity. We do not view non-human beings as mere commodities. Rather, as Indigenous regenerative farmers, our ecovillage recognizes that the beings with whom we co-reside in this ecosystem, including the agricultural environment, are integral to our ecological, spiritual, and linguistic survival. Our commitment to regenerative agriculture is grounded in reverence for life and reciprocity. We ensure the bison and endangered livestock breeds (American Guinea Hogs, San Clemente Island Goats, Gulf Coast Sheep and eight chicken breeds) that we raise are provided a species-rich pasture with diverse forbs, graminoids, nuts and fruits, through which they are regularly rotated. As these animals mature on pastures, our community provides them opportunities to live long lives—recognizing that they contribute immensely to ecosystem restoration in these lands we cherish as Maskoke People. We hold traditional ceremonies to honor the life of every single animal we cull, therein offering deep gratitude for the nourishment they provide not only to our community, but likewise to our customers who purchase meat from us because they appreciate the ways in which we care for these animals.

Proposition 12 represents a modest but meaningful affirmation of these principles. It ensures that animals raised for food are afforded space and dignity, and it opens pathways for food systems that nourish without dominating. It affirms what we know to be true through thousands of years of Maskoke teachings, traditional ecological knowledge and practices: when we treat animals with care, our communities and ecosystems thrive in return.

We oppose legislative attempts, like the EATS Act, that seek to erase hard-won protections such as Prop 12. These efforts erode food sovereignty, undermine sustainable agriculture, and deepen the disconnection between people, animals, and the land.

We call upon Congress to respect the authority of communities and states to uphold values that align with ecological responsibility and justice for all beings. Pro-

tecting Proposition 12 is one small act toward restoring right relationships with all life.

Mvto pumapohicackat, ce kicakētos (to all of you, we express gratitude for listening)

Ekvn-Yefolecv Ecovillage

Dear Committee Members,

From South Carolina, we watch as Prop 12 sets an example. It's a law rooted in respect—for animals, for farmers, and for the people who care about where their food comes from. Undoing it through legislation like the EATS Act would be a blow to farmers who work ethically and communities who support them. We urge you to protect Prop 12 and reject efforts that strip away hard-earned progress.

Thank you,

Fire Ant Farms, SC.

Dear Committee Members,

At GG's Alpaca Farm in Kansas, we care deeply for our animals and understand what humane treatment means day in and day out. Proposition 12 sets a minimum standard of decency, not a radical one. Any Federal attempt to overturn it would prioritize industrial convenience over care, and that's not a path we want agriculture in this country to take. Please stand up for animal welfare and the farmers who practice it. Protect Prop 12.

Thank you,

GG's Alpaca Farm LLC,
Kansas,

Dear Esteemed Committee Members:

My name is Brian Grantham, and I am a former cattle farmer from rural Arkansas. I appreciate the opportunity to submit this testimony in support of Proposition 12 and to express strong opposition to efforts such as the EATS Act and the Food Security and Farm Protection Act, which seek to undermine it.

Though I no longer actively farm, I spent many years living close to the land and to the animals in my care. I believe deeply in the importance of raising livestock with dignity. We worked hard each day to provide our animals with the space, attention, and humane environment they deserved. For me, this was never about politics—it was about values. And those values are shared by millions of consumers who care how their food is produced.

Proposition 12 represents a step toward more responsible, ethical farming. It affirms that animals should be able to move freely and live in conditions that reflect a basic standard of decency.

Federal proposals like the EATS Act would override the will of voters and strip states of the ability to uphold these values. That's not about easing burdens on farmers—it's about silencing local voices and reversing progress.

I urge this Committee to recognize that many farmers, past and present, support humane standards and oppose any effort to roll them back. We should not allow the interests of industrial operations to drown out the voices of those who believe in transparency, decency, and accountability in agriculture.

Thank you for your time and for considering the perspectives of farmers like me who care about the integrity and future of our food system.

Sincerely,

BRIAN GRANTHAM,
Former Farmer, Arkansas.

Dear Members of the Committee,

At Guidry Organic Farms in Louisiana, we're known for our organic pecans, but we also raise egg-laying hens. And when you care for hens every day, you learn what they need to thrive. They need room to stretch their wings. They need sunlight. They need to move around and express their natural behaviors like scratching, dust bathing, and laying eggs in peace. That's not radical, it's just responsible, humane animal care.

That's why we support California's Proposition 12 and other efforts like it. These are commonsense standards that reflect how family farmers across the country already treat their animals. Prop 12 isn't extreme; it simply asks producers to meet a baseline of decency. It also gives consumers the right to support farms that reflect their values.

We've seen firsthand how healthier, less-stressed hens lead to better eggs and a better environment. Our hens aren't confined to battery cages, and we never saw the need for that. Instead, we treat them with care, and they reward us with strong, steady production.

Efforts to overturn Prop 12 or strip away the rights of states to set animal welfare standards, like the so-called Food Security and Farm Protection Act, are misguided. They take power away from voters, hurt responsible farmers, and prioritize the lowest standards over what's right.

We urge the Committee to stand with family farms and animal welfare. Preserve Proposition 12 and protect the right of states to set fair, science-based standards.

Sincerely,

Guidry Organic Farms.

Dear Committee Members,

At Alpacas at Lone Ranch in White City, Oregon, we raise alpacas with care, purpose, and respect for the animals and the environment. Our farm is built on values of ethical stewardship, transparency, and quality.

We strongly oppose the EATS Act, under any name, because it threatens the ability of states to set their own agricultural standards—standards that often go beyond the bare minimum and reflect the expectations of today's consumers. Laws like California's Proposition 12 are important examples of how states can lead the way in promoting responsible and humane farming practices. The EATS Act would erase that progress.

Please protect states' rights and the farmers who are committed to doing things the right way. Protect Prop 12. Reject the EATS Act.

Sincerely,

RENATE GYURO,
Alpacas at Lone Ranch,
White City, Oregon.

Dear Members of the Committee,

As an organic farmer in Arizona, I support California's Proposition 12 and urge you to reject any attempt to override it, including the EATS Act or the Food Security and Farm Protection Act.

Prop 12 reflects what our customers expect: food from farms that prioritize health, safety, and humane treatment of animals. It doesn't dictate how farmers operate; it simply says that if you want to sell into California, you meet basic standards. That's fair, and it has created opportunity for producers like me who already go above and beyond.

Food safety and animal welfare matter. Please protect these values, and keep Prop 12 as it was enacted.

Sincerely,

STANLEY HAGYARD.

To the Members of Congress,

My name is Jolene Hammond, and I raise pigs at Basswood Acres in Dresser, Wisconsin. On our farm, we believe animals deserve to be treated with care and respect, not just because it's good farming, but because it's the right thing to do.

I strongly support California's Proposition 12 and urge you to reject the EATS Act and any Federal legislation that would override it.

Proposition 12 reflects a shift in public values—a growing recognition that how animals are treated matters. It gives consumers the right to food raised under humane conditions and gives farmers like me the opportunity to meet that demand by raising animals responsibly and ethically. After all, you are what you eat!

The EATS Act and the Food Security and Farm Protection Act would strip states of the ability to set these higher standards. It would erase progress and force all of us to accept the bare minimum, regardless of how we farm or what our customers want. That's not freedom. That's corporate protectionism at the expense of independent producers and informed consumers.

I ask you to stand with the many farmers who are doing things the right way. Support Prop 12, and please reject the EATS Act and other Federal attempts to override Prop 12.

Sincerely,

JOLENE HAMMOND,
Basswood Acres,

Dresser, Wisconsin.

Dear Members of the Committee:

As a CSA farm in Tennessee, we believe in building a food system rooted in care—care for the land, for our animals, and for the people we feed. We operate close to the soil and close to our community. That's why we support California's Proposition 12 and oppose any attempt, like the EATS Act, to overturn it.

Prop 12 sets basic expectations: that farm animals should be able to move. This isn't a radical demand. It's a common-sense standard that matches what customers increasingly expect.

Trying to block these kinds of laws doesn't just go against animal welfare, it goes against the very idea of local control. Our communities should have the right to shape the kind of food system we want, just like Californians and voters in other states have already done.

Congress should protect the freedom of farmers to farm with integrity and the freedom of states to uphold meaningful standards. Please reject any provision that would strip away those rights.

Respectfully,

Hernandez Family Organics.

Dear Members of the Committee,

At Hidden Gem Farm in Tennessee, we operate a community-supported agriculture (CSA) program rooted in care for the land, for people, and for the animals in our food system. We raise chickens, ducks, and turkeys on our farm, and we partner with another local farm that humanely raises and processes the beef we sell. This model reflects values of transparency, collaboration, and respect for life.

California's Proposition 12 reflects those same values. It upholds the right of states to require more humane standards for animals raised for food, and it was passed overwhelmingly by voters who want better systems.

That's why we urge you to protect Prop 12 and reject any provision in the farm bill, EATS Act, or other Federal legislation that would strip states of their ability to set higher agricultural standards. These decisions should remain in the hands of the people and the communities directly impacted by them.

Sincerely,

Hidden Gem Farm,
Tennessee.

Dear Committee Members,

My name is Richard Holcomb. I'm now retired, but for many years I ran Coon Rock Farm in North Carolina, where we raised pigs and hens the way nature intended—on pasture, with space to move, forage, and live well. Our animals were never confined in tight crates or cages because we knew that good farming meant respecting the life of the animals in our care.

That's why I support California's Proposition 12. It reinforces practices that many sustainable farms, including mine, have long followed. Letting animals move freely isn't radical—it's responsible. And it reflects what more and more consumers are asking for.

Farming with animal welfare in mind never held us back—it helped us thrive. Prop 12 has created opportunities for farms willing to meet humane standards. Federal efforts like the EATS Act or the Food Security and Farm Protection Act threaten to erase that progress and silence the choices states and voters have made.

I urge the Committee to defend Proposition 12 and protect the ability of farmers who prioritize animal care to keep doing what's right—for the animals, the land, and the people they feed.

Respectfully,

RICHARD HOLCOMB,
Retired Farmer, Former Operator of Coon Rock Farm,
North Carolina.

To the Committee,

Cobblestone Valley Farm in Preble, New York is a diversified Organic Dairy, also raising organic beef, pastured pork, organic poultry, and eggs; with care and respect. We believe in fair competition, humane treatment of animals, and allowing states to set standards that reflect the values of their communities.

The new version of the EATS Act, like the original, is a Federal overreach. It would erase state-level laws like Prop 12 that are farmer-friendly and recognize the

importance of responsible farming. Far from protecting farmers, this legislation puts power in the hands of the largest corporate interests and weakens trust in our food system.

We urge you to oppose the EATS Act, preserve California's Proposition 12 and protect the rights of states and family farms.

Sincerely,

PAUL & MAUREEN KNAPP,
Cobblestone Valley Farm,
Preble, New York.

I'm Christy Krieg from KC Sunshine Farm in Indiana. I support Proposition 12 and respectfully ask the Committee to oppose the EATS Act and the Food Security and Farm Protection Act (which are identical).

Prop 12 is about giving voters to have the law reflect their shared values for the humane treatment of animals. The law was not rushed. It was carefully implemented and has helped create new market opportunities for producers who care about responsible farming.

Federal efforts to roll back Prop 12 would undo progress that matters to animals, to food safety, and to farming families who take pride in their work.

Thank you for considering our voice in this conversation.

Sincerely,

CHRISTY KRIEG,
KC Sunshine Farm Indy,
Indiana.

To the House Agriculture Committee,

I respectfully urge you to defend Proposition 12 against the wave of Federal proposals seeking to dismantle it. The EATS Act, the Food Security and Farm Protection Act, and similar bills are out of touch with what Americans want, and what many farmers already practice.

I am a proud Minnesota farmer, and I'm proud to stand in solidarity to uphold laws like Proposition 12. Prop 12 is not extreme. It's reasonable, and it reflects a future that respects both animals and the people who care for them.

Thank you,

CLAIRE LANDE,
Owner and Farmer,
Farm Landē LLC, Minnesota.

Dear Members of the Committee,

Today's consumers do not just want food, they want to know that it was produced responsibly, sustainably, and ethically. As a farmer, I've seen firsthand how aligning with these values, animal welfare, food safety, and transparency, builds trust with customers and creates lasting relationships. Proposition 12 provides a clear framework for farmers to meet these expectations and stay competitive in a modern, evolving marketplace.

Unfortunately, bills like the EATS Act and the Food Security and Farm Protection Act threaten to undo the meaningful progress Proposition 12 represents. Overriding this law through Federal action would not only disregard the will of the voters, but also penalize farmers who have invested in better practices. It would send a troubling signal that ethical progress in agriculture is optional.

Farming is evolving, and that's a good thing. Let's support policies that help move agriculture forward, not backward. I urge you to protect Proposition 12 and reject any attempt to undermine it.

Thank you,

MEG MCGUIRE,
Colorado Farmer.

Dear Committee Members,

Raising healthy, high nutrient quality food is a far better farming goal than turning out high volume yields. We know firsthand that real farming is about far more than yields. It's about intentional stewardship of valuable resources for the long-term. It's about humane interactions of all relationships, the animals, the land, and local communities.

Proposition 12 respects these relationships by establishing basic, common-sense standards of animal care. The EATS Act and similar proposals betray that respect in favor of high yields and unchecked farm consolidation.

We ask you to defend the rights of states and the principles behind laws like Proposition 12.

Thank you,

MAGGIE MCQUOWN,
Resilient Farms LLC,
Red Oak, IA.

Dear Congressman McGovern,

We Meadowlark Hearth Farm in western Nebraska are proud beef producers. We support Proposition 12 because it aligns with the core values of small-scale agriculture: stewardship, integrity, and respect for land, animals, and people.

Efforts to roll back Prop 12 threaten the sovereignty of states and the survival of farms like ours. Farmers who go the extra mile should not be penalized while others race to the bottom.

Please protect Proposition 12 and the voice of voters who supported it.

Respectfully,

Meadowlark Hearth Farm,
Scottsbluff, NE.

Dear Members of the Committee,

We're writing from Muddy Feathers Farm in Orangeburg, South Carolina, a small, diverse family farm where we raise chickens, ducks, goats, and even emus. Our animals are part of our daily lives, and we treat them with the care and respect they deserve. That's not just good ethics, it's good farming.

Proposition 12 is important because it reflects what many small farms like ours already practice: giving animals the space and conditions to live naturally. It sets a basic, humane baseline. Animals should not be confined so tightly they can't turn around. That's not farming, that's cruelty.

We urge you to defend Prop 12 and reject efforts like the EATS Act and others aimed at undoing it. These attempts don't help farmers, they undermine those of us doing it right. Let farmers who prioritize animal welfare continue to thrive.

Thank you for listening to farmers like us.

Sincerely,

Muddy Feathers Farm,
Orangeburg, SC.

Dear Committee Members,

At Odd Duck Asylum, our journey began in 2015 with a single injured goose named Baba. Since then, we've cared for animals of all kinds—giving them safety, space, and the chance to live the way nature intended.

That experience has taught us a lot about what animals need to thrive. We support Proposition 12 because it sets basic, humane standards that align with what we've seen firsthand: animals suffer in confinement, and they flourish when treated with dignity.

Efforts to overturn Prop 12 (like via the EATS Act) send the wrong message. States should be able to set policies that reflect compassion and common sense. Please stand with the voters, the animals, and the people who care for them.

Sincerely,

Odd Duck Asylum

To the Committee,

Organic Appalachian Farm is a small farm in Franklin, North Carolina. We're writing to express our support for Proposition 12 and our opposition to the EATS Act and its updated form. This kind of Federal overreach threatens to silence both farmers and voters who want a more ethical, transparent food system.

We believe states should have the right to set basic standards that protect animals, consumers, and farmers who go the extra mile. Prop 12 reflects values that matter to us, and to the growing number of customers who care how their food is produced. The EATS Act would erase those efforts and reward industrial shortcuts that don't align with responsible farming.

Please stand with independent farms and support the right of states to uphold meaningful standards. Reject the EATS Act and defend Prop 12.

Sincerely,

Organic Appalachian Farm,
Franklin, NC.

To the Members of Congress,

My name is Melody Peters, and I am an organic gardener in southern Arizona. I am writing in support of California's Proposition 12 and in strong opposition to the EATS Act and similar Federal efforts to override it.

As someone who grows food with care for the soil, the ecosystem, and the people who eat from it, I believe how food is produced matters. Proposition 12 reflects a growing public understanding that animals are not just commodities. They are living beings who deserve humane treatment. This law also reflects the will of voters to support farming systems that value transparency, decency, and sustainability.

The EATS Act threatens to take that choice away, not just from Californians, but from anyone who believes that states should be allowed to support higher standards in agriculture. It would override democratically enacted laws and force all of us to accept the lowest common denominator when it comes to food production and animal welfare.

This isn't just about one law in one state. It's about preserving the right of states and communities to protect public values, support responsible farmers, and ensure food systems align with the ethics of the people they serve.

I urge you to reject the EATS Act and uphold Proposition 12. Please allow states to continue building food systems that honor life, stewardship, and accountability.

Sincerely,

MELODY PETERS,
Organic Gardener,
Tucson, AZ.

Dear Members of the House Agriculture Committee,

My name is Stephanie Ramthun, and I run Tampa Bees in Florida. While we are primarily beekeepers, our work connects us deeply to the land, ecosystems, and ethical stewardship of all creatures, large and small.

That's why I support California's Proposition 12. It's a step toward more humane, transparent, and sustainable food production. Voters in California (and in red, blue and purple states) have made it clear that extreme confinement of animals raised for food is not acceptable.

Rolling back these laws through the farm bill, or any attempt like the EATS Act, would silence the voice of voters and reward industrial-scale operations that put profit over welfare. It would take away states' rights to set their own standards and push ethical producers out of the marketplace.

I urge you to protect Prop 12 and stand with the many farmers, ranchers, and food producers, like us, who believe good food starts with good practices.

Sincerely,

STEPHANIE RAMTHUN,
Tampa Bees,
Tampa, FL.

Dear Committee Members,

At Scheel Family Farm & Flour Mill here in Michigan, we've always believed that how food is grown and raised should reflect respect, for the land, for the animals, and for the people who rely on both. That's why we strongly support California's Proposition 12 and stand firmly against efforts to dismantle it through legislation like the EATS Act or the so-called Food and Farm Protection Act.

Michigan has its own laws to protect farm animals from extreme confinement, and we're proud of them. They're not burdens, they're standards that help build trust with customers and align with the expectations of the communities we serve. These kinds of laws create space for producers who are willing to take the care to do things right.

Prop 12 is in that same spirit. It was passed by voters and upheld by the Supreme Court. Efforts to override it would rob states, and citizens, of the ability to demand higher standards in agriculture.

We urge the Committee to preserve the rights of states like California and Michigan to protect animal welfare and support farmers who are committed to responsible, forward-thinking practices.

Sincerely,

JONATHAN SCHEEL,
Scheel Family Farm & Flour Mill,
Michigan.

Dear Committee Members,

I'm Diane Skoss of Windsong Farm in Warren, New Jersey, and I'm writing to support Proposition 12 and to voice my strongest opposition to any legislation that seeks to undo it (like the EATS Act and the Food Security and Farm Protection Act).

Prop 12 was the fruit of years of public engagement, industry input, and voter decision-making. It sets reasonable, clear standards and has opened up new opportunities for farmers committed to responsible production.

Undoing it would be a setback for all of us, farmers and eaters alike. Please reject these misguided efforts to strip states of their right to lead.

With appreciation,

DIANE SKOSS,
Windsong Farm,
Warren, NJ.

Dear Members of the House Agriculture Committee,

My name is Bill Theiss, and I raise pastured pigs at Fawn Crossing Farms in Bridgewater, Virginia. I'm writing today in strong support of California's Proposition 12 and to urge the Committee not to support any Federal effort, including the so-called Food Security and Farm Protection Act, that would undermine it or similar laws passed by other states.

As a farmer who works directly with pigs every day, I can tell you that how we raise animals matters, not just for their well-being, but for the quality of food we produce and the integrity of the farm economy. Prop 12 set basic, reasonable standards: animals like sows should be able to turn around. If we can't agree on that, then we've lost sight of what good animal husbandry really means.

At Fawn Crossing Farms, we go well beyond Prop 12. Our pigs live outdoors with space to root, wallow, and act like pigs. It's better for the animals, and it's better for our customers who increasingly demand transparency and humane practices.

Undermining Prop 12 would reward the worst actors in the system and punish the rest of us who are building a better future for agriculture, one based on sustainability and trust. Please stand with farmers who are doing it right. Leave Prop 12 in place, and let states continue to set standards that reflect their voters' values and their farmers' capabilities.

Sincerely,

BILL THEISS,
Fawn Crossing Farms,
Bridgewater, VA.

Dear Members of the House Agriculture Committee,

My name is Holly Whitesides, and I co-own and operate Against the Grain Farm in Zionville, North Carolina. We raise pigs, goats, beef cattle, and laying hens, and we do it with care, transparency, and respect for the animals and the land we steward.

I'm writing today in strong support of California's Proposition 12, and in firm opposition to the EATS Act, the Food Security and Farm Protection Act, or any other attempt to dismantle or override Prop 12 or laws like it.

On our farm, animal care is a commitment we live by. Our pigs are raised outdoors on pasture. Our animals have space to move, root, stretch, and behave like animals are meant to. This isn't radical; it's responsible farming. And Proposition 12 helps create market opportunities for farms like ours by supporting consumers who want to know that the food on their plate comes from animals treated with basic decency.

Prop 12 didn't tell us how to farm; it simply said if producers want access to the California marketplace, they need to meet a baseline of animal welfare. That opened the door for values-aligned farmers across the country. It recognized care, not confinement. And it gave farmers like me opportunity.

Efforts to undo this through Federal overreach would punish those of us who've done the right thing. They would take power away from voters and from farmers who are trying to feed their communities with integrity.

I urge you to protect Proposition 12 and reject any legislation that would roll back the progress it represents.

Thank you for your time and commitment to fair, humane farming.

Sincerely,

HOLLY WHITESIDES,
Against the Grain Farm,
Zionville, NC.

Dear Committee Members,

At Woods Rose Market, we support Proposition 12 because it sets important standards for animal welfare that reflect growing consumer expectations. Protecting these measures ensures that farms committed to humane practices can continue to thrive and provide quality products.

We urge the Committee to uphold Prop 12 and reject any efforts to weaken these vital protections.

Sincerely,

Woods Rose Market,
Livingston, MT.

July 25, 2025

To the Committee,

At Squashington Farm in Wisconsin, we believe in farming that reflects care—care for the land, for the food we produce, and for the communities we nourish.

We are writing in support of Proposition 12 and in opposition to attempts to weaken it (for example, via the EATS Act or the Food Security and Farm Protection Act). These Federal efforts threaten the rights of states to adopt higher standards that reflect the will of their voters and the values of small, independent farmers.

Prop 12 recognizes practices that are best for responsible farmers, animals, and consumers—the kind that many of us have embraced not because we had to, but because we believe it's the right way to farm. The EATS Act would erase that progress and allow industrial agriculture to dictate the terms for everyone.

Please stand with farmers who are doing things right. Defend Prop 12 and reject the EATS Act.

Sincerely,

SARAH LEONG and PATRICK HAGER,
Squashington Farm,
Wisconsin.

Dear Committee Members,

My name is Lance Samuel, and I run Bushels and Bags Farm in South Carolina. I strongly support Proposition 12, and I respectfully ask you to oppose the EATS Act, the Food Security and Farm Protection Act, and any similar attempts to erase the rights of states to regulate how food is produced and sold within their borders.

As farmers, we are constantly adapting, weather, markets, supply chains. Prop 12 is no different. It's a law that's been on the books for years. Farmers had time to prepare. And many responsible producers have already aligned with its values, raising animals better and building trust with consumers.

Prop 12 is about doing better. Please keep it in place.

Thank you,

LANCE SAMUEL,
Bushels and Bags Farm,
South Carolina.

July 26, 2025

Dear Members of the House Agriculture Committee,

We are writing from Allandale Farm, located in Brookline, Massachusetts. As a working farm and a longstanding part of our local food system, we support policies that reflect more ethical, transparent, and sustainable agriculture.

That's why we stand in strong support of California's Proposition 12, and our own state's Question 3, both passed overwhelmingly by state voters. Both laws reflect what people across the country know to be true: animals deserve to be raised with a basic level of care, and consumers deserve to know the standards behind the food they purchase.

As farmers, we understand what it means to care for the land, our workers, and the animals in our food system. We also know that public trust in agriculture depends on showing that our practices reflect our shared values. Proposition 12, Question 3 and similar state laws help do just that. They help ensure that large-scale producers can't cut corners on the backs of animals, or at the expense of smaller, more responsible farms like ours.

Efforts like the EATS Act and the so-called Food Security and Farm Protection Act threaten to undo years of progress and override the will of voters in both Massachusetts and California. These bills would erode state-level food standards and undermine trust in the very concept of local food democracy.

We urge you to reject any legislation that seeks to dismantle California's Proposition 12, Massachusetts' Question 3, or any similar state agriculture policies. Please protect the rights of states, and support farmers who are doing things the right way.

Sincerely,

Allandale Farm,
Brookline, MA.

Dear Committee Members,

State-level food and farming laws, like California's Prop 12, aren't threats, they're opportunities. They let responsible farmers choose practices that reflect our values and serve customers who care about where their food comes from. When Congress entertains provisions like those in the EATS Act, it puts that opportunity, and our autonomy, at risk.

Let states lead. Let farmers grow. Let's keep Prop 12 standing, and reject measures like the EATS Act that would weaken state agriculture laws.

Respectfully,

Firewatch Ranch,
South Dakota.

July 27, 2025

To the Members of Congress,

My name is Karen Arthur, and I am an organic grower committed to responsible agriculture and environmental stewardship. I am writing in strong support of California's Proposition 12 and in firm opposition to the EATS Act and any Federal attempts to override state-level agricultural standards.

As an organic producer, I understand that how we grow food, and how we treat the animals in our care, matters deeply. Proposition 12 reflects a growing awareness that animals are sentient beings, not just units of production. It also reflects the will of voters who want food systems grounded in ethics, transparency, and sustainability.

The EATS Act threatens to strip away those hard-won protections, not only from Californians, but from every state that values the right to raise standards and support responsible farming. It would erase democratically passed laws and force every state to abide by the weakest rules in the nation, regardless of what local communities believe is right.

This is bigger than California. It's about protecting state and local authority to create food systems that reflect our values, recognize good farming practices, and protect public trust.

I urge you to reject the EATS Act and defend Proposition 12. Let's stand for humane treatment, state sovereignty, and the future of responsible farming.

Sincerely,

KAREN ARTHUR,
Organic Grower.

To the House Agriculture Committee:

My name is Deana Bowling, and I run The Family Goat Farm in Bolivia, North Carolina. As a small farmer, I'm writing to express my strong opposition to the EATS Act and the newly introduced Save Our Bacon Act.

These bills are a direct threat to local agriculture and rural livelihoods. They aim to strip away the rights of states to set their own standards and make decisions that reflect the values of their citizens. That's un-American and anti-farmer.

Prop 12 represents progress. It created more opportunities for farmers who are willing to treat animals humanely. It's opened up new markets for those of us who prioritize responsibility and sustainability. Don't take that away.

Please defend Prop 12 and oppose these harmful bills. Protect small farms like mine.

Sincerely,

DEANA BOWLING,
The Family Goat Farm,
Bolivia, NC

Dear Members of the Committee:

We submit this testimony on behalf of Benjamin Dick Farms, Inc. and Ransom Elk Ranch, based in North Dakota, with deep roots in responsible agriculture and rural community values.

We are writing to express our firm opposition to the proposed Food Security and Farm Protection Act. These bills threaten to undermine the very foundation of federalism on which this country is built. Regardless of one's views on how agriculture should be conducted, it is not the role of the Federal Government to nullify the sovereign decisions made by individual states about commerce within their borders.

Our farms believe in local control, and our operations are shaped by the unique needs, values, and resources of our state. If Congress can override state-level agricultural standards simply because a product comes from out-of-state, what stops the Federal Government from applying that logic to any state regulation in any sector? This is not about agriculture; it's about eroding the 10th Amendment and the rights it guarantees.

In closing, we urge you to reject the Food Security and Farm Protection Act.

Thank you for your time and consideration.

Respectfully,

BENJAMIN DICK,

Benjamin Dick Farms, Inc. & Ransom Elk Ranch, ND.

To the Honorable Members of the House Agriculture Committee,

My name is Lanitta Horner, and I own Holistic Green Things, an urban farm in Arizona specializing in microgreens. Though I don't raise livestock, I care deeply about safe, clean, and ethically produced food, and so do our customers.

Prop 12 gives consumers a say in how animals are treated and what products are allowed into their communities. Attempts to erase that through legislation like the EATS Act are not about food safety or supply; they're about centralized control and undermining public will.

As a food producer, I stand with others who support transparency and responsibility. Keep Prop 12 intact. Reject the EATS Act and similar efforts.

Sincerely,

LANITTA HORNER,

Holistic Green Things, Arizona.

To the Honorable Members of the House Agriculture Committee,

We at Long Life Farm in Massachusetts grow nutrient-dense food that bursts with flavor by utilizing organic, biological, and mineral-balanced farming techniques. Our name, Long Life Farm, reflects our mission: to support a longer, healthier life for the land, the farmer, their family, and the community. We are proud to be certified organic by Baystate Organic Certifiers and deeply committed to practices that nourish people and the planet.

We are writing today in strong support of Proposition 12 and in strong opposition to the EATS Act.

Similar to Question 3 in my home state, Prop 12 represents more than just animal welfare—it is a reflection of the values held by the people of California and shared by many Americans across the country. It rewards farmers who invest in better living conditions for animals and gives consumers the freedom to support food systems aligned with their values.

The EATS Act, on the other hand, would erase the hard work and integrity of farmers who care about humane standards. It would strip states of their right to support higher-welfare farming and remove important distinctions between factory-style operations and those of us striving for sustainability and care. That's not freedom—it's corporate overreach.

We urge Congress to protect state-level standards like Prop 12 and Question 3, and reject the EATS Act. Let independent farms like ours continue to serve our communities with honesty, intention, and care.

Sincerely,

Long Life Farm,

Hopkinton, MA.

July 28, 2025

To the House Agriculture Committee:

As a farmer, I see my role as more than just producing food, it's about being a responsible steward of the land and a trustworthy member of my community. Every decision I make reflects a commitment to long-term sustainability and integrity. That's why I support Proposition 12 and strongly urge you to oppose any efforts to

weaken or overturn it. This law aligns with the values that guide my own farm: transparency, accountability, and respect.

Proposition 12 represents a meaningful shift toward farming practices that prioritize health and ethical treatment. Consumers want to know that their food comes from farms that reflect their values. They want to support farms that care for the land, not exploit it. Upholding Proposition 12 is a step toward honoring that relationship and ensuring a fair, transparent agricultural system. I urge the Committee to respect the will of voters, protect state-level standards like Prop 12, and stand with the farmers who believe that ethics and stewardship belong at the heart of American agriculture.

Thank you,

Don Bikowicz.

House Committee on Agriculture
Washington, D.C.

Re: Support for Proposition 12 and Opposition to the EATS Act and Save Our Bacon Act

Dear Members of the House Agriculture Committee,

My name is Stephen Parker, and I operate Wonderland Farms, LLC in La Grange, Kentucky, where we produce eggs, honey, and vegetables. I'm writing to express my strong support for California's Proposition 12 and to urge you to oppose the EATS Act and the recently introduced Save Our Bacon Act.

Prop 12 opened up a market for farmers like me: small, values-driven producers who raise animals in ways that reflect care, space, and dignity. For farmers like us, Prop 12 wasn't a burden; it was a business opportunity.

The EATS Act and Save Our Bacon Act would undo all of that. These bills would strip states of the right to enact standards for food sold within their borders, and instead force every state to accept the lowest common denominator set by corporate agriculture. That's not freedom. That's a corporate takeover of food policy, and it would punish farmers like me who've invested in responsible practices.

Prop 12 was passed by voters. It reflects the will of consumers. Why should the Federal Government override that just to serve the interests of a handful of multinational pork corporations?

I urge you to stand with independent farms, with responsible agriculture, and with the right of states to set their own standards. Defend Prop 12, and please vote **No** on the EATS Act and Save Our Bacon Act.

Sincerely,

STEPHEN PARKER,
Wonderland Farms, LLC,
La Grange, KY.

Dear Committee Members,

I am Dr. Karen Walasek, writing from Hillhouse Farm in southwest Virginia. I represent one of many small, principled farms across this country that believe farming should be rooted in dignity, for animals, for people, and for the land.

I am alarmed by attempts to nullify Prop 12 through Federal legislation like the EATS Act. These efforts would strip states of their autonomy and force consumers to accept products that don't align with their values.

Prop 12 is not burdensome; it's humane. And it reflects a shift toward better food systems. Responsible farms are already meeting and exceeding these standards because customers demand it, and because it's the right thing to do.

Don't stop progress for the sake of out-of-touch corporations. Please vote no on these anti-Prop 12 bills.

Sincerely,

KAREN WALASEK, MFA, PH.D.,
Hillhouse Farm, VA.

July 29, 2025

To the Members of the House Agriculture Committee,

We are Ken and Carolyn Marrota from Dreamland Farmstead in Coopersburg, Pennsylvania. As small farmers, we believe that the future of agriculture lies in transparency, ethics, and sustainability.

The EATS Act and Save Our Bacon Act are disastrous for all three. These bills would wipe away years of progress in creating a food system that values both animals and the people who raise them.

Prop 12 gave responsible farmers market opportunities, and the chance to connect with customers who want humane standards. Don't let that be undone. Protect the rights of states. Protect small farms. Oppose the EATS Act and Save Our Bacon Act.

Sincerely,

KEN and CAROLYN MARROTA,
Dreamland Farmstead,
Coopersburg, PA.

House Committee on Agriculture
Washington, D.C.

Subject: Support for Proposition 12; Opposition to the EATS Act and Save Our Bacon Act

Dear Members of the House Agriculture Committee,

I am Julie Pavlock, writing on behalf of Foothill Farm, our certified organic, multigenerational family farm in the Mission Valley of Western Montana. We have been stewarding the land and growing healthy, ethical food for generations, and I'm writing today to strongly oppose the EATS Act and the Save Our Bacon Act.

California's Proposition 12 represented a meaningful step toward greater accountability, animal welfare, and transparency in agriculture. And, despite what some large industry lobbyists claim, it has also created real economic opportunities for farms like ours—producers who care deeply about how animals are treated and how food reaches consumers.

The EATS Act and its latest version, the Save Our Bacon Act, would undermine everything that farms like ours stand for: local control, responsible practices, and not cutting corners. These bills would override state-level laws and erase hard-won markets for farmers who are trying to do better. That's not deregulation; that's Federal favoritism for the lowest standards money can buy.

Our customers, whether in Montana or across state lines, value the effort we put into responsible farming. Why should that be invalidated just to give massive pork corporations special treatment?

I respectfully urge this Committee to defend Prop 12 and reject the EATS Act and Save Our Bacon Act. Protect our right to farm responsibly, and the rights of states to support those efforts.

Sincerely,

JULIE PAVLOCK,
Foothill Farm,
Mission Valley, MT.

July 30, 2025

To the House Agriculture Committee,

My name is Ted Domville, and I help run Elodie Farms, a goat farm in Rougemont, North Carolina.

I never thought I'd be writing testimony to Congress, but this is too important to stay quiet. The EATS Act and the Save Our Bacon Act are deeply misguided attempts to override the will of voters and undermine small farms like ours.

Proposition 12 wasn't just about pigs. It was about a philosophy of food: that consumers should be able to support ethical, humane farming practices, and that states should be able to set standards that reflect their people's values. It's the kind of law that makes people proud to farm with compassion.

These new Federal bills, by contrast, are written to strip states of their power and hand it over to the biggest meat conglomerates on the planet. If passed, they'll create a race to the bottom, where only the cheapest, cruelest methods survive, and thoughtful farms get boxed out.

I ask you to protect our farm and others like it by standing against the EATS Act and Save Our Bacon Act. Support a food system that has room for ethics and for responsible farms.

Thank you for listening,

TED DOMVILLE,
Elodie Farms,
Rougemont, NC.

SUBMITTED STATEMENT BY HON. ALMA S. ADAMS, A REPRESENTATIVE IN CONGRESS FROM NORTH CAROLINA; ON BEHALF OF MAGGIE GARRETT, VICE PRESIDENT OF FEDERAL AFFAIRS, AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

On behalf of our more than two million supporters, the American Society for the Prevention of Cruelty to Animals (ASPCA) thanks you for the opportunity to submit written testimony to the House Agriculture Committee for the hearing titled “An Examination of the Implications of Proposition 12.”

California’s Proposition 12 (Prop 12) is one of many popular, commonsense state animal protection laws that sets housing standards for egg, pork, and veal production and for egg, pork, and veal products sold into the state.¹ Prop 12 and the fourteen other state laws that ban cruel confinement in some form have improved animal welfare and expanded market opportunities for American farmers. Companies of all sizes have enthusiastically met the demand for more humane cage and crate-free products, successfully increasing American consumers’ access to products that better match their compassion for farm animals. Congress should support laws like Prop 12, not roll back decades of progress towards a more humane and sustainable food system.

Accordingly, we urge Congress to reject *any* legislation that would invalidate Prop 12 and other state animal welfare protections, including the “Ending Agricultural Trade Suppression” (EATS) Act, which was introduced as H.R. 4417/S. 2019 in the 118th Congress, and the “Food Security and Farm Protection Act” (S. 1326), which is the identical, renamed Senate bill in the 119th Congress.

The ASPCA

As North America’s first animal welfare organization, the ASPCA has been America’s leading voice for vulnerable and victimized animals for more than 150 years. In furtherance of its mission to protect animals from cruelty, the ASPCA works to improve the lives of farm animals and build a more humane food system and is committed to increasing the presence and accessibility of higher-welfare products from independent farmers. We support the transition to and growth of higher-welfare farming systems through public policy, grant making, corporate policy and consumer education.

American Consumers and Farmers Support State Animal Protection Laws

Compassion for animals is a bipartisan, near universal value. Eighty percent of Americans are concerned about the negative impacts of industrial animal agriculture on animal welfare^{2*} and 80% support bans on the confinement of farm animals.³ Consumers are increasingly seeking out higher-welfare products that align with their compassion for animals and are urging lawmakers to support these higher-welfare systems. That’s why 15 states have passed animal protection laws that prohibit certain cruel confinement systems and/or the sale of products coming from those systems.⁴ Within these states, the confinement laws are extremely popular. For example, 63% percent of California voters approved Proposition 12 and 78% of Massachusetts voters supported a similar measure in their state.⁵

Thousands of our nation’s farmers have also shown support for state confinement bans. As explained by Missouri pig farmer, Hank Wurtz, “Prop 12 is one of the best things, economically, that’s happened to us in a very long time. That’s good for

¹ In 2010, California adopted AB 1437, which set cage-free housing standards for eggs sold into the state. The caged-egg sales ban went into effect in 2015. In 2018, the voters of California approved Proposition 12, which built upon the 2010 law by improving the welfare standards for laying hens, veal calves and gestating pigs, and implementing a sales ban on crated pork and veal, in addition to the existing caged-egg ban.

² American Society for the Prevention of Cruelty to Animals. (2023). 2023 industrial animal agriculture opinion survey. https://www.aspc.org/sites/default/files/2023_industrial_ag_survey_results_report_052523_1.pdf.

* **Editor’s note:** references annotated with † are retained in Committee file.

³ Data for Progress. (2022, August 3). *Voters demand farm animal protections from both politicians and companies.*† <https://www.dataforprogress.org/blog/2022/8/2/voters-demand-farm-animal-protections-from-both-politicians-and-companies>.

⁴ American Society for the Prevention of Cruelty to Animals. *Farm animal confinement bans by state.* ASPCA. <https://www.aspc.org/improving-laws-animals/public-policy/farm-animal-confinement-bans>.

⁵ American Society for the Prevention of Cruelty to Animals. *Farm animal confinement bans by state.* ASPCA. <https://www.aspc.org/improving-laws-animals/public-policy/farm-animal-confinement-bans>.

American farmers.”⁶ And Dan Honig, owner of the meat distribution company Happy Valley Meat Company, has expressed that Prop 12 has “create[d] market demand for smaller, more nimble meat companies to fill.”⁷

Congress Should Reject All Attempts to Overturn State Animal Protection Laws

Unfortunately, there have been several attempts in Congress to invalidate state confinement laws like Prop 12, including the EATS Act, which is an overly broad bill that raises serious constitutional concerns. The bill would nullify existing state and local laws prohibiting the use of gestation crates and battery cages and other cruel practices, as well as more than 1,000 other state laws regulating public health and safety. The EATS Act, and similar provisions, would trigger a race to the bottom for animal welfare, threatening the right of states to pass laws within their borders and prohibiting states from passing regulations that go beyond Federal requirements, even in areas where no Federal standards currently exist.

Congress should reject the EATS Act and all similar legislation that would overturn state confinement bans. In addition to erasing animal welfare protections, these proposals would hurt farmers and consumers, would infringe on state’s rights, and face vast opposition.

Overturning State Animal Protection Laws Would Hurt Farmers and Consumers

Farmers and companies across the country have already invested in higher-welfare and more sustainable practices that are consistent with state confinement laws. Small- to mid-sized, independent farmers are better equipped to quickly pivot to meet the demand for more humane, cage/crate-free products, and many are already directly benefiting from the growing markets for these products across the country. Overturning state confinement laws would remove important market opportunities and financial incentives for farmers, disadvantaging those who have already made the investment in more humane animal housing systems. And simultaneously, it would further entrench the industrial confinement system that hurts animals, farmers, and consumers.

American Grassfed Association President Carrie Balkcom has explained that “the negative impact on our agricultural sector [from passing the EATS Act], especially for those dedicated to grass-fed and pasture-based production, could be devastating.”⁸ And Maisie Ganzler of food service company Bon Appétit wrote the EATS Act is “bad for my company, for consumers, and for farmers who have already invested in better systems to improve animal welfare.”⁹

Invalidating State Animal Protection Laws Flies in the Face of States’ Rights

The EATS Act and similar proposals threaten the right of all states—not just California—to pass laws within their own borders and prevent state and local governments from determining which agricultural products can be sold in their jurisdictions. They would erase popular, voter-approved state standards, forcing states to allow commerce in products they chose to ban. And they would threaten more than 1,000 existing state public health and safety laws regulating agricultural products, risking the well-being of the very citizens they were put in place to protect.

Stakeholders Oppose Overturning State Animal Protection Laws

A broad set of stakeholders representing animal welfare, independent farmers and ranchers, state and local governments, environmental interests, unions, plus hundreds of bipartisan Federal and state legislators, individual farmers, veterinary professionals, and faith leaders oppose proposals like the EATS Act.¹⁰ In addition, a

⁶Elkadi, N. (2024, November 1). *Meet the farmers supporting Prop 12 despite pork industry pushback*. † Investigate Midwest. Retrieved July 22, 2025, from <https://investigatemidwest.org/2024/11/01/meet-the-farmers-supporting-prop-12-despite-pork-industry-pushback/>.

⁷Honig, D. (2025, March 3). *Letters: EATS Act takes away opportunities; Benefits in Inflation Reduction Act*. † Centre Daily. <https://www.centredaily.com/opinion/letters-to-the-editor/article278579999.html>.

⁸Balkcom, C. (2025, July 15). *Bolster American farmers, stop EATS Act* [Opinion]. † Lancaster Farming. https://www.lancasterfarming.com/farming-news/news/bolster-american-farmers-stop-eats-act-opinion/article_ff2e4024-9882-5735-9d08-9a417571aa65.html.

⁹Ganzler, M. (2023, November 18). *Don’t let Congress overturn California’s animal welfare law* [Opinion]. † THE MERCURY NEWS. <https://www.mercurynews.com/2023/11/18/opinion-dont-let-congress-overturn-californias-animal-welfare-law/>.

¹⁰List of Farms, Nonprofits, and Governmental Bodies Opposing the Food Security and Safety Act (aka EATS Act). † <https://docs.google.com/document/d/1eQgmpVGKskImh1NIPukUXD076DS55CaJ/edit?tab=t.0>.

bipartisan group of more than 200 Federal legislators also oppose overturning state confinement bans. For example:

- More than 20 retailers and meat processors signed a 2025 letter to oppose the EATS Act because it “counters consumer demand for common-sense production standards,” “would reverse progress and investments in animal welfare,” and “threatens the balance of power in U.S. Government.”¹¹
- The National Conference of State Legislatures, the National Association of Counties, and the National League of Cities oppose the bill because, “EATS would erode state and local sovereignty by prohibiting the establishment of laws and statutes that aim to protect our nation’s food production and manufacturing.”¹²
- One hundred and eighty state and local elected officials from 40 states signed a letter opposing the EATS Act, saying it “could upend that progress and stymie the ability of local governments, and of local residents by extension, to make policy that protects farmers, public health, consumers, animals and natural resources like land and water.”¹³
- In a 2023 letter, 16 House Republicans voiced opposition to the EATS Act, explaining the bill “is at odds with our foundational Republican principles of states’ rights, national sovereignty, and fair competition.”¹⁴
- A bipartisan group of more than 170 Federal legislators opposed the EATS Act on the grounds that it “could harm America’s small farmers, threaten numerous state laws and infringe on the fundamental rights of states to establish laws and regulations within their own borders.”¹⁵

Conclusion

State confinement bans like Proposition 12 are popular, effective, commonsense laws that protect animals, independent farmers, and consumers. Legislative proposals to invalidate these laws are a solution in search of a problem. Accordingly, Congress should support Proposition 12 and reject any efforts that strip states of the ability to adopt humane housing standards for animals.

SUBMITTED ARTICLE BY HON. DONALD G. DAVIS, A REPRESENTATIVE IN CONGRESS
FROM NORTH CAROLINA



[<https://www.guinnessworldrecords.com/world-records/768181-most-pulled-pork-sandwiches-sold-in-8-hours>]

¹¹ Salguero, M., et al. (2025, June 9). Letter from 30 Commercial Enterprises Opposing the Food Security and Farm Protection Act (aka EATS Act).† https://assets.ctfassets.net/1yr7azz9ggt1/2d1a17DNiABlxARtAQI2kR/5ddafa9fce933cccf536eef77d93a06/2025_Food_Security_and_Farm_Protection_Act_Opposition_Open_Letter_July.pdf.

¹² National Conference of State Legislatures. (2023, September 6). *Exposing Agricultural Trade Suppression Act (EATS Act)*.† https://documents.ncsl.org/wwwncsl/State-Federal/EATS_Intergovernmental_Final.pdf.

¹³ Local Progress and State Innovation Exchange. (2024, April 16). Letter from 180+ State and Local Elected Officials Urging Congress to Reject the EATS Act.† <https://localprogress.org/wp-content/uploads/2024/04/LP-Letter-Opposing-the-EATS-Act.pdf>.

¹⁴ Garbarino, A., et al. (2023, October 5). Letter from 16 U.S. Representatives Opposing the EATS Act. <https://drive.google.com/file/d/1DZoM8HAXdKHCQ05ZTZxJGdX4R604IqUv/view>.

¹⁵ Feinstein, D., et al. (2024, March 8). Letter from 30 U.S. Senators Opposing the EATS Act.† <https://drive.google.com/file/d/1H6wjoTd2ZolCQO6m-xASuHbupPdKdRy/view>; Blumenauer, E., et al. (2024, March 8). Letter from 172 U.S. Representatives Opposing the EATS Act.† <https://drive.google.com/file/d/176yaFCl1kKZG3bX-YNaJfCtUsSXzMWUz/view>; Garbarino, A., et al. (2023, October 5). Letter from 16 U.S. Representatives Opposing the EATS Act; <https://drive.google.com/file/d/1DZoM8HAXdKHCQ05ZTZxJGdX4R604IqUv/view>; Luna, A., et al. (2024, March 8). Letter From Ten U.S. Representatives Opposing the EATS Act.† <https://animalwelfareaction.org/wp-content/uploads/2024/03/3-8-24-Letter-to-Ag-Committee-EATS-Act.pdf>; Schiff, A., et al. (2025, July 14). Letter from 32 Senators Opposing the Food Security and Farm Protection Act (aka EATS Act).† <https://www.schiff.senate.gov/wp-content/uploads/2025/07/July-2025-Prop-12-Q3-Letter.pdf>.

Most pulled pork sandwiches sold in 8 hours

Who	What
BBQ Fest on the Neuse	4,775 total number
Where	When
United States (Kinston)	03 May 2025

Age Restriction: Applications for this record title will only be accepted if the applicant is 16 years of age or over.

The most pulled pork sandwiches sold in 8 hours is 4,775, and was achieved by BBQ Fest on the Neuse (USA) in Kinston, North Carolina, USA, on 3 May 2025.

Whole-hog BBQ is the traditional form of BBQ in eastern North Carolina, where the pork is served chopped on a bun with a vinegar-based sauce. Sales of the sandwiches raised over \$40,000 for the Kinston Foundation.

SUBMITTED QUESTIONS

Questions Submitted by Hon. John W. Rose, a Representative in Congress from Tennessee

Response from Patrick Hord, Vice President, National Pork Producers Council; Chief Executive Officer, Hord Family Farms

Question 1. Tennessee is home to nearly 280,000 hogs and approximately 2.5 million laying hens. It is important to understand the repercussions of not only Prop 12 but additional measures that could arise, threatening the two industries.

Mr. Hord, if disastrous initiatives like Prop 12 are not headed off by Congressional action, what will pork and poultry industries experience in states like Tennessee, and how will this impact consumers?

Answer. If other states are able to adopt regulations similar to or conflicting with Proposition 12, more producers will need to adopt more costly production practices to supply those markets. If this occurs, the retail price impacts that we've seen in California could become a reality in other states. Pork prices for covered products in California are still 20% higher due to Prop 12, even 2 years after implementation, and one study found that Prop 12 has led to lasting, structural changes in the California pork market.

Study: <https://www.arpc-ndsu.com/post/california-pork-market-responds-to-proposition-12-with-higher-prices-and-lower-consumption>

Question 2. Mr. Hord, with concerns of losing small and family farms, consolidation, and international trade if Prop 12 becomes the expansive norm, is there a pos-

sibility that the U.S. will see a significant downturn in the pork industry that could devastate producers and consumer access to pork products?

Answer. Many studies have shown that Proposition 12 is associated with higher cost production practices at the farm level and at various other steps in the supply chain. While producers today may be able to secure the premium needed to offset the added costs of supplying Prop 12-compliant hogs, if Prop 12 becomes the norm, producers across the country may be required to undertake costly changes without a premium. Imposing higher costs on the entire industry will likely result in some producers exiting the business or producing less, and higher pork prices would become a reality for consumers.

ATTACHMENT



[<https://www.arpc-ndsu.com/post/california-pork-market-responds-to-proposition-12-with-higher-prices-and-lower-consumption>]

California Pork Market Responds to Proposition 12 with Higher Prices and Lower Consumption

July 23, 2025

By Wuit Yi Lwin, Joseph Cooper, Seth Meyer, and Sandro Steinbach, ARPC NDSU

Introduction

In July 2023, California began enforcing Proposition 12, a voter-approved law that sets minimum space requirements for breeding sows and prohibits the sale of non-compliant pork within the state. The policy created new regulatory barriers for pork entering the California market, resulting in constrained supply and added compliance costs for producers. Drawing on high-frequency scanner-level data from July 2022 to June 2025, this analysis finds that Proposition 12 has led to lasting changes in California's pork market. Retail prices for key pork cuts have increased sharply relative to national trends, while the state's share of national pork consumption has declined. The results point to a structural shift in consumer behavior and pricing dynamics, with effects that have persisted over a 2 year period.

Background on Proposition 12

Proposition 12 was approved by California voters in 2018 but faced several delays and legal challenges before full enforcement began in January 2024. The law sets minimum confinement standards for breeding sows, and extends those standards to any pork sold in the state, regardless of its origin. This retail-level enforcement mechanism effectively restricts California's pork supply to producers that meet the state's animal welfare standards. Given California's size as a consumption market, these restrictions carry implications for both in-state prices and national supply chains. The enforcement of Proposition 12 thus provides a unique opportunity to study how retail regulations influence food markets through price and volume channels.

Retail Price Effects

Scanner data show that California retail pork prices increased significantly following the implementation of Proposition 12. The most pronounced changes were observed for loins and ribs, which shifted from below-average prices to substantial premiums relative to national benchmarks. For example, the average retail price for loins in California rose from a four percent discount before implementation to a 26 percent premium afterward; a 30 percentage point swing. Similar changes occurred for ribs, bacon, and shoulders. These price effects persisted across the full 2 year post-policy period, with no evidence of attenuation.

Table 1. Average Changes in California Retail Pork Price Premiums Due to Proposition 12

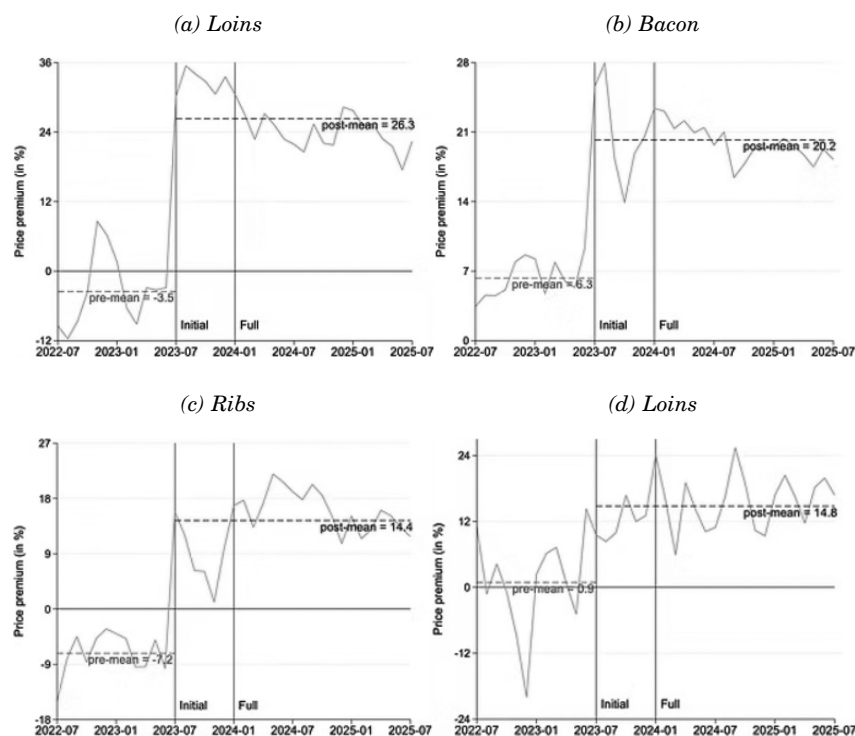
Cut	Pre-Policy Premium (percent)	Post-Policy Premium (percent)	Pre <i>vs.</i> Post Policy Change (percentage points)
Loins	-4	+26	+30
Bacon	+6	+20	+14
Ribs	-7	+14	+21

Table 1. Average Changes in California Retail Pork Price Premiums Due to Proposition 12—Continued

Cut	Pre-Policy Premium (percent)	Post-Policy Premium (percent)	Pre vs. Post Policy Change (percentage points)
Shoulders	+1	+15	+14

Source: NDSU-ARPC & USDA-OCE using data from Circana.

Weekly price premium data also show sustained increases beginning in mid-2023. Loins and ribs, in particular, display sharp upward shifts in relative pricing immediately following policy enforcement. The lack of price convergence over time suggests that supply adjustments have not been sufficient to reverse the initial impact of Proposition 12.

Figure 1. California Retail Price Premiums Before and After Proposition 12

Source: NDSU-ARPC & USDA-OCE using data from Circana.

Changes in Pork Consumption

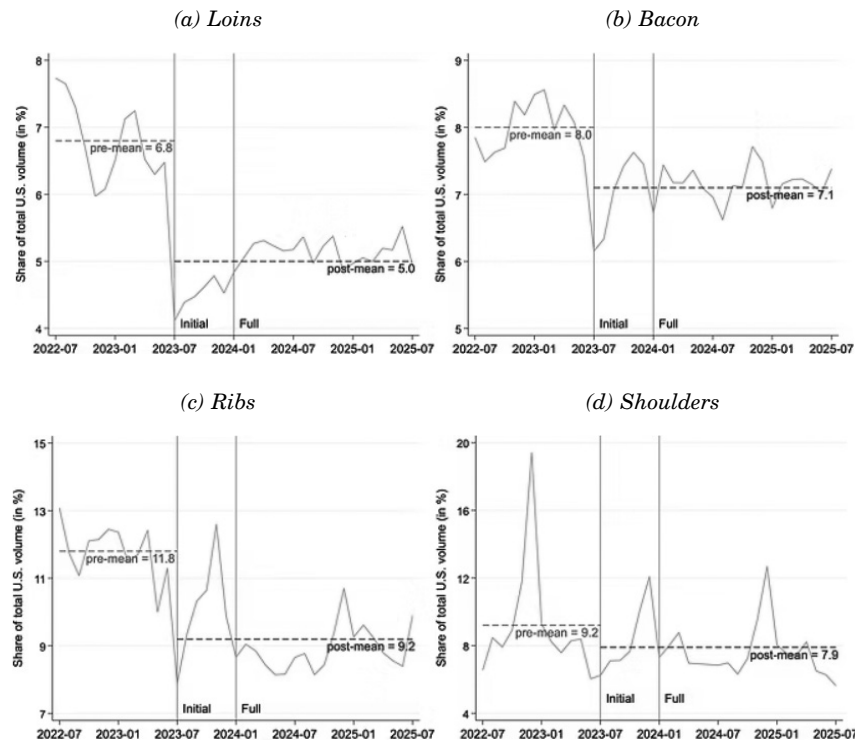
Higher prices and constrained supply led to a measurable reduction in California's pork consumption. The state's share of national fresh pork volume declined from 8.8 percent before Proposition 12 to 7.5 percent afterward. The largest declines occurred in ribs and loins—the same products that experienced the steepest price increases. These shifts were not temporary. Consumption volumes remained lower throughout the entire 2 year post-enforcement period, even during seasonal spikes such as holidays. The evidence suggests a durable shift in purchasing behavior rather than a transitory market response.

Table 2. Changes in California Market Shares Due to Proposition 12

Product	Pre-Policy Market Share (percent)	Post-Policy Market Share (percent)	Pre vs. Post Policy Change (percentage points)
Aggregate	8.8	7.5	-1.3
Loins	6.8	5.0	-1.8
Bacon	8.0	7.1	-0.9
Ribs	11.8	9.2	-2.6
Shoulders	9.2	7.9	-1.3

Source: NDSU-ARPC & USDA-OCE using data from Circana.

Detailed product-level data confirm these trends. California's share of national rib consumption fell by 2.6 percentage points, while loin volume declined by 1.8 percentage points. Although the percentage declines for bacon and shoulders were smaller, they followed the same general pattern.

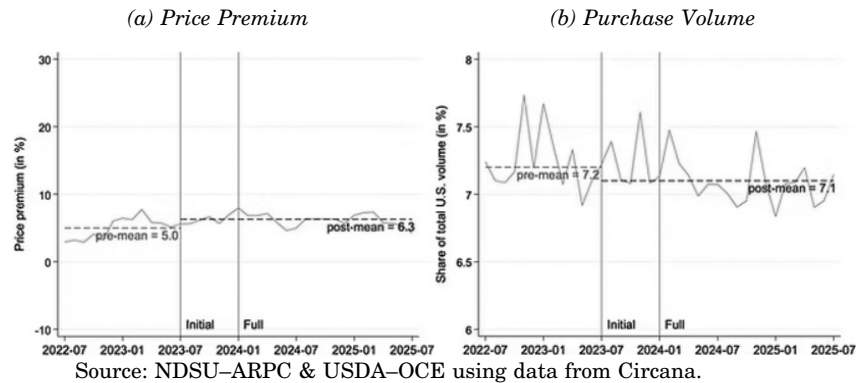
Figure 2. California's Share of U.S. Pork Consumption for the Top Four Pork Products

Source: NDSU-ARPC & USDA-OCE using data from Circana.

Robustness: Sausage as a Comparison Product

To isolate the effects of Proposition 12 from broader market dynamics, the analysis also examines pork sausage, which is exempt from the policy. Sausage prices and consumption in California remained stable over the study period. The price premium rose only slightly, and volume shares remained nearly flat. This finding provides further evidence that the observed changes for regulated cuts were indeed driven by Proposition 12 and not by unrelated market forces.

Figure 3. Price Premiums and Consumption Volumes for Pork Sausages in California



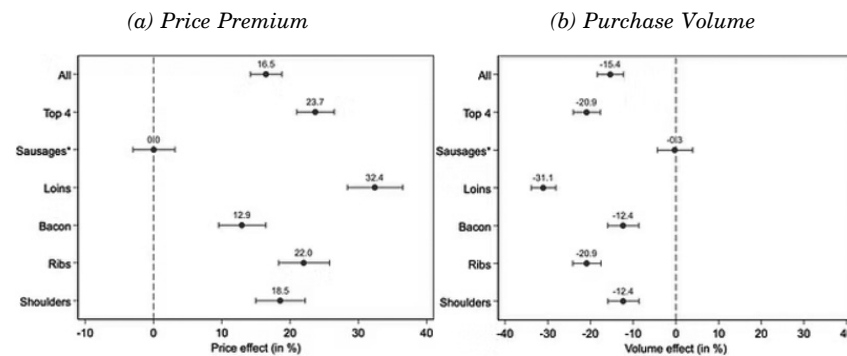
Source: NDSU-ARPC & USDA-OCE using data from Circana.

Econometric Estimates

A difference-in-differences econometric model confirms the descriptive results. Controlling for national trends, retail pork prices in California rose by an average of 16.5 percent across all pork products following policy implementation. For the four regulated cuts, the average increase was even higher, at approximately 23.7 percent. At the same time, purchase volumes declined by 20.9 percent for these products, with the largest drop observed in loin consumption.

These estimates remain consistent across the full post-enforcement period and support the conclusion that Proposition 12 produced statistically significant and policy-specific effects on both prices and volumes.

Figure 4. Econometric Effects of Proposition 12 on Retail Pork Prices and Purchase Volumes in California



Source: NDSU-ARPC & USDA-OCE using data from Circana.

Conclusion

Two years after Proposition 12 enforcement began, the California pork market has undergone a clear structural transformation. Retail prices for regulated pork products remain well above national levels, and the state's share of national pork consumption has contracted across all major product categories. These effects are persistent, suggesting that consumers and supply chains have adjusted to a new market equilibrium shaped by regulatory constraints. While California's goals focused on animal welfare standards, the economic impacts underscore the broader trade-offs that can arise when retail-level supply restrictions are imposed in large markets.

Lwin, W.Y., Cooper, J., Meyer, S., & Steinbach, S. (2025). *California retail pork prices and consumption two years into the Proposition 12 implementation.*

ARPC White Paper 2025-03, Agricultural Risk Policy Center, North Dakota State University. <https://doi.org/10.22004/ag.econ.362671>.

Note: The analysis, findings, and conclusions represent the interpretation of the authors and do not necessarily reflect the views of the U.S. Department of Agriculture, Circana, or any affiliated institution.

Response from Matthew Schuiteman, District 3 Member, Board of Directors, Iowa Farm Bureau Federation; Co-Owner, AJS Farms

Question. Mr. Schuiteman, in your written testimony, you mentioned the great strides the pork industry has made over time in developing the current standard for environmentally friendly, safe, and humane housing. Will you elaborate on the changes the industry has adopted over the last 20 years and the vigilant practices that are incorporated in operations today?

Answer. I'll touch on three different areas in my answers below.

- a. Manure Management
 - i. The advent of site specific technology and fertilization has helped our industry make some really big strides in learning how best to manage the fertilizer that our pigs generate. Testing our manure helps us understand what nutrients are available for our crop, and then soil tests help us determine where best to place that manure. The end result is much less waste and fertilizer runoff, and increased crop production. Swine manure is proven time and again to be one of the best sources of nutrition to a growing crop.
- b. Building Environment
 - i. Computer thermostat technology ensures that every day in a pig barn is almost identical. Pigs have a consistent and comfortable environment to grow and thrive. Slatted floors allow the manure to fall into a deep pit below the pigs, giving the pigs a clean, comfortable place to lay and rest.
- c. Feed Management
 - i. Feed management ensures little feed wasted in total, but also ensures efficient use of nutrients. Research has led us to develop rations that target nutrients to what the pigs actually need. Phosphorous used to be fed in excess to growing pigs resulting in too much phosphorous being applied to our land as manure. Now phosphorous is much more targeted in feed rations, resulting in a phosphorous load in manure that is better for the environment overall. In addition, feeder technology helps us keep feed waste to a minimum.