

# Animal Welfare, Farming Groups Sue California Agriculture Department for Failing to Enact Voter-Approved Proposition 12

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/EINPresswire.com/ -- In an effort to ensure the proper implementation of California's Proposition 12 – with key provisions taking effect in California in January that restrict the sale of pork and eggs that come from severely confined breeding sows and laying hens -- key backers of the measure sued the California Department of Food and Agriculture (CDFA) in



Pigs crowded in dirty pen

Superior Court in Sacramento. Animal Wellness Action, Animal Wellness Foundation, the Center for a Humane Economy, and Americans for Family Farmers filed suit against CDFA challenging regulations the agency proposed to implement the law. While Proposition 12 was enacted to address animal cruelty, environmental pollution and public health concerns, CDFA's proposed regulations conflict with the legislation implementing Proposition 12 by failing to account for the full range of harmful impacts of industrialized systems of animal confinement that have long dominated U.S. meat and egg production.

Building on a voter-approved ballot measure in 2008 (Prop 2), California voters strengthened the farm animal welfare laws of the state by enacting Proposition 12 in a landslide vote, 63 percent favoring it and 37 percent opposing it. The latter measure prescribes more specific space allotments for breeding sows, laying hens, and veal calves and also restricts the sale of pork, eggs, and veal from operations that do not comply with the law. For instance, starting on January 1, 2022, pork producers would only be able to sell pork in California if they meet with the Prop 12's humane treatment and food safety standards, regardless of where they raise the sows.

"The California Department of Food and Agriculture has a legal responsibility to propose and enact regulations that conform to all the terms of Proposition 12," stated Wayne Pacelle, president of Animal Wellness Action. "With its proposed regulations, the agency has embraced the false framing from agribusiness groups and omitted the public health threats caused by confining the animals in cages and crates barely larger than their bodies. It is these overcrowded,

high-stress conditions that create dangerous environments for pathogens to emerge and even mutate.”

The Legislative Analysis of Proposition 12 made clear that the purpose of its enactment was to both end the cruel practices of confining baby veal calves, mother pigs, and egg-laying hens in tiny cages their entire lives while also eliminating “unsafe products from these abused animals from the California marketplace,” thereby reducing “the risk of people being sickened by food poisoning and factory farm pollution,” such as salmonella.

Despite this broad, multifaceted purpose, CDFA proposed regulations that declare that the inhumane confinement practices that Proposition 12 was intended to address do not “directly impact human health and welfare of California residents, worker safety, or the State’s environment.”

“Confining mother pigs in two-foot wide cages and egg-laying hens in battery cages by the thousands is not only harmful to animals with increasing outbreaks of diseases like swine and bird flu, but adversely impacts public health as the link between inhumane treatment of animals and zoonotic outbreaks become more widely understood,” stated Americans for Family Farms President Donna Krudwig. “When voters opted for Proposition 12, they also did so knowing that eliminating these inhumane confinement practices would help family farmers who want to properly care for their animals but are unfairly forced to compete with greedy corporations who are driving the deplorable system of factory farming.”

Voters in Massachusetts approved similar sales restrictions on pork and eggs by approving Amendment 3 in November 2016. That measure was also approved by a landslide vote, with 78 percent favoring the measure and just 22 percent opposing it.

Seven other states have banned gestation crates (by acts of voters or state lawmakers or state agencies), including Arizona, Colorado, Florida, Michigan, and Ohio. What’s more, more than 100 major food retailers, including McDonald’s, Costco, Safeway, and Target, have expressed their opposition to gestation crates, with most companies pledging to phase in purchases of crate-free pork by 2022. McDonald’s announced in 2012 that it “believes gestation stalls are not a sustainable production system for the future.” Kroger’s announced that “a gestation crate-free environment is more humane and that the pork industry should work toward gestation crate-free housing.” Costco said it wants “all of the hogs throughout our pork supply chain to be housed in groups” and said “this transition should be accomplished no later than 2022.”

Despite this emerging consensus that gestation crates and battery cages are inhumane, the National Pork Producers Council and the American Farm Bureau Federation, have asked the U.S. Supreme Court to review a recent 9th Circuit ruling upholding the law. The 9th Circuit ruling was one of a series of lawsuits that the federal courts have rejected from agribusiness interests seeking to overturn the law. Federal courts have routinely upheld a state’s ability to regulate instate business practices even where incidental out-of-state impacts occur, particularly when

driven, even in part, by public health concerns.

Petitioners in the case are represented by Jessica Blome of Greenfire Law, PC.

#### ABOUT:

Animal Wellness Action (Action) is a Washington, D.C.-based 501(c)(4) organization with a mission of helping animals by promoting legal standards forbidding cruelty. We champion causes that alleviate the suffering of companion animals, farm animals, and wildlife. We advocate for policies to stop dogfighting and cockfighting and other forms of malicious cruelty and to confront factory farming and other systemic forms of animal exploitation. To prevent cruelty, we promote enacting good public policies, and we work to enforce those policies. To enact good laws, we must elect good lawmakers, and that's why we remind voters which candidates care about our issues and which ones don't. We believe helping animals helps us all.

The Center for a Humane Economy ("the Center") is a non-profit organization that focuses on influencing the conduct of corporations to forge a humane economic order. The first organization of its kind in the animal protection movement, the Center encourages businesses to honor their social responsibilities in a culture where consumers, investors, and other key stakeholders abhor cruelty and the degradation of the environment and embrace innovation as a means of eliminating both.

The Animal Wellness Foundation (Foundation) is a Los Angeles-based private charitable organization with a mission of helping animals by making veterinary care available to everyone with a pet, regardless of economic ability. We organize rescue efforts and medical services for dogs and cats in need and help homeless pets find a loving caregiver. We are advocates for getting veterinarians to the front lines of the animal welfare movement; promoting responsible pet ownership; and vaccinating animals against infectious diseases such as distemper. We also support policies that prevent animal cruelty and that alleviate suffering. We believe helping animals helps us all.

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