

# Statement from Wayne Pacelle on DOJ Lawsuit Against California's Animal Welfare and Food Safety Laws

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WASHINGTON, DC, UNITED STATES, July 10, 2025 /EINPresswire.com/ -- Wayne Pacelle, president of [Animal Wellness Action](#) and the Center for a Humane Economy, issued the following statement in response to the U.S. Department of Justice's legal challenge to California's animal welfare laws, including two landslide ballot initiatives, promoting humane treatment of laying hens and the safety of consumers from salmonella and other pathogens spawned by intensive factory farms. Pacelle was one of the key architects of Prop 2 and Prop 12.

"This absurd lawsuit from the U.S. Department of Justice would do more than eviscerate mainstream animal welfare laws to stop the extreme confinement of laying hens. It will also put American egg farmers on the chopping block. Eliminating animal welfare and food safety standards in the states will open the floodgates to allow cheap eggs from factory farms in Mexico to flood the U.S. market. Nearly half of all eggs produced in the United States are cage-free, and where are they supposed to go if all state laws requiring cage-free housing standards are eliminated. This is a headline-hunting action that is anti-farmer, anti-consumer, and anti-animal welfare."

California voters passed Prop 2 in 2008 and Prop 12 in 2018 to ban the extreme confinement of laying hens. Now, a raft of other states, from Oregon to Colorado to Michigan to Massachusetts, have similar laws. USDA just released information indicating that 44.8% of all eggs in the United States come from uncaged hens.

The surge in egg prices within the last three years came about because of H5N1, and the USDA's reckless and overreaching depopulation of laying hens. It's clear though, that cage-free systems are less likely to produce disease spread than cage systems. The laying hen population is 330 million, and the hen population is rebuilding after the government killed more than 130 million birds in response to the spread of H5N1, or bird flu.

"Returning to the era of extreme confinement of laying hens is a prescription for the spread of H5N1, the death of tens of millions of laying hens, and stratosphere egg prices," said Jim Keen, DVM, PhD, the director of veterinary science for Animal Wellness Action and the Center for a Humane Economy. Dr. Keen worked for the USDA as a senior research scientist.

The DOJ's case is built on the flawed premise that the federal Egg Products Inspection Act

somehow prohibits states from protecting egg-laying chickens from the worst forms of extreme confinement — a claim that flies in the face of settled legal precedent. That law has nothing to do with humane treatment. The pork industry and other barnyard organizations opposed and blocked a federal bill to establish humane treatment standards for hens. “There are no federal farm animal welfare laws that protect any animals on the farm in the United States, so there is no federal preemption at work when it comes to animal welfare on the farm,” added Pacelle.

Time and again, the federal courts have reviewed and rejected legal challenges like this one, including nearly identical preemption from the pork industry. This lawsuit is a retread of those already-failed efforts, attempting to dress up industry profits as constitutional principle.

At the very moment DOJ is advancing this baseless theory, the pork industry is making virtually the same arguments in federal court in Massachusetts to strike down Question 3, which restricts the sale of pork from cruelly confined pigs. A federal district court has already rejected those preemption claims, reaffirming the state’s authority to regulate products sold within its borders in accordance with public values.

“We fully expect this misguided and disappointing DOJ initiative to meet the same fate as every similar legal challenge before it,” said Scott Edwards, general counsel for Animal Wellness Action. “States have the constitutional authority to ensure humane treatment of animals and to protect their citizens from unsafe and unethical agricultural practices. DOJ should be defending these rights — not working to hurt American farmers, consumers, and animals.”

Animal Wellness Action and the Center for a Humane Economy are exploring ways to intervene in the case to support the efforts of states to maintain vital animal welfare policies.

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