



Secretary Katherine Ross
California Department of Food and Agriculture
1220 N Street
Sacramento, California, U.S.A. 95814

May 18, 2023

Dear Secretary Ross:

With the U.S. Supreme Court decision favoring California in *NPPC v. Ross*, your office has a mandate from the people of California and the federal judiciary to implement the law in a robust way, now nearly 17 months after the measure was to take full effect. With thanks for the state's defense of the law, we write to urge you to take a series of steps without delay to ensure that all California food suppliers and retailers understand their responsibilities with respect to commerce in pork and they are not permitted to delay compliance any longer.

As you as well aware, five years ago, 12,051,139 Californians cast ballots on Prop 12, a measure formulated to improve the living conditions of some species of farm animals. In a landslide vote, 63 percent of them said "YES" to more mercy in our food system. That measure built on a similar anti-confinement measure passed a decade earlier. Seldom has a matter of policy had two unmistakable and emphatic declarations as with these farm animal welfare mandates.

Despite these consistent electoral verdicts, California has dragged its feet in promulgating regulations and fully enacting the law. Once the agency did circulate draft regulations – 4 years after legislative enactment of Prop 12 – they were wholly inadequate and did not properly represent the concerns of the people related to industrialized sow and laying hen confinement. Our organizations were forced to sue CDFA in order to compel the agency to adopt standards reflecting the intent and clear language of the ballot measure.

This is certainly a case of justice delayed is justice denied; the pork industry's ongoing efforts to thwart the will of the voters has already taken its toll on millions of pigs across the nation. Its arguments for maintaining its system of cruel confinement have been repudiated by California and also by voters in Arizona, Florida, and Massachusetts. In short, five times farm animal welfare measures have appeared on statewide ballot, and five times voters have said, by double digit margins, that extreme confinement must end.

In the federal courts, the decisions have also been unanimous in favor of the constitutional basis for these farm-animal-welfare policies. In 11 consecutive cases, federal judges have ruled to preserve these laws. The last ruling came from the Supreme Court, affirming that states may

indeed adopt food safety and animal welfare standards if they are fairly written and not protectionist in orientation. Notably, not a single justice on the Court voted to strike down Prop 12.

The state of California should begin making public announcements about the importance of retailers getting on board and reinforcing that the rule of law must be treated with respect and urgency. The agency should communicate with retailers and suppliers to give them guidance. And when the calendar turns into July, the state should be prepared to enforce the law and its penalty provisions for violators.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Edwards". The signature is fluid and cursive, with the first name "Scott" and last name "Edwards" clearly distinguishable.

Scott Edwards
General Counsel
Animal Wellness Action
Center for a Humane Economy