

# Rebranded EATS Act Eliminates Nation's Most Important Farm Animal Welfare Laws

Measure would clear path for China to expand its dominance in pork production in the American homeland

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# EXECUTIVE SUMMARY

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The Food Security and Farm Protection Act (FSFP), S. 1326, is a retread of the Ending Agricultural Trade Suppression (EATS) Act, which drew condemnation from animal advocates, farmers, and a broad swath of other stakeholders, and then languished in the 118th Congress. S. 1326 would nullify state laws seeking to impose any kind of meaningful animal care standards in the United States, and this report will document that it is grounded on demonstrably false and exaggerated claims.

Backed mainly by the National Pork Producers Council (NPPC) and its surrogates and close allies, it is a partisan measure, led by Sen. Joni Ernst, R-Iowa and cosponsored as of July 21st by just eight other GOP lawmakers.

In July 2025, Rep. Ashley Hinson, R-Iowa, introduced a companion measure, the Save Our Bacon (SOB) Act (H.R. 4673). As of January 2026, the bill had 22 Republican co-sponsors, and no Democrats on the roster. In a letter led by Reps. Anna Paulina Luna, R-Fla., David Valadao, R-Calif., and Andrew Garbarino, R-N.Y., with 11 other Republican representatives, urged House Agriculture Committee leaders to exclude the SOB Act from the 2025 Farm Bill. Congresswoman Lateefah Simon, D-Calif., along with Representatives Jim McGovern, D-Mass., and Jim Costa, D-Calif., led a November 2025 letter to House leaders with 182 Democratic members opposing H.R. 4673.

The FSFP Act and SOB Act, which we will refer to as the EATS Act in this report, would invalidate hundreds of state laws that impose restrictions on the sale of plant and animal products — whether the standards are driven by specific concerns about disease spread, environmental contaminants, public health, animal welfare, or other concerns of citizens. It is likely to be narrowed to deal just with the concerns of the pork industry (a “skinny EATS Act”) since no other commodity sector of agriculture seems to feel threatened by the exercise of state lawmakers, state agriculture commissioners, or voters when it comes to commerce in their products.

Since Florida voters approved Amendment 10 in 2002 — imposing the first state ban on the use of gestation crates — there has been nearly a quarter century of wrangling over the ethics, economics, and constitutionality of laws restricting extreme confinement of farm animals, with special controversy devoted to state laws that restrict the sale of pork derived from factory farms that rely on gestation crates.

Thus far, the pig industry has not had any success at the ballot box, in the federal courts, or within the Congress as this debate has played out in the 21st century. What’s more, 60 U.S.-based food retail giants — representing more than 90% of food sales in the United States, including McDonald’s, Costco, and Cracker Barrel — have issued public statements opposing the use of gestation crates.

- Voters have approved five of five anti-farm-animal confinement ballot measures in the 21st century, including two in California.
- Congress chose not to include EATS Act-like provisions in either the 2014 or 2018 Farm bills.
- There have been 19 decisions rendered in the federal courts, and every one of them has been adverse for the NPPC and its surrogates, including the Supreme Court ruling in NPPC v. Ross that upheld California’s Proposition 12 as a proper exercise of state authority.
- McDonald’s and Costco have nearly completed their transition to source only crate-free pork, while dozens of other supermarkets, restaurants, and food service companies are in various stages of that transition away from reliance on gestation-crate housing systems.

Despite this extraordinary series of judicial, legislative, corporate, and ballot box setbacks, the NPPC continues to press ahead in Congress. The NPPC may feel urgency to act partly because the implementation of Prop 12 in California and Question 3 in Massachusetts has been smooth and has already



*A dystopian high-rise pork farm like this one in China may become a fixture of U.S. pig production if some legislators have their way.*

disproved many forecasts from critics of the state laws. The industry rightly recognizes that the nation is at a tipping point on the suitability of gestation-crate housing systems, with eleven states banning their use, the EU eliminating their use, and American food retailers very nearly unanimously condemning them as “inhumane.”

The focus on Congress comes after the NPPC’s near exhaustion of its legal strategies in the federal courts — with the Supreme Court, in the latest setback for the NPPC, in June 2025 denying a petition for certiorari in the case of Iowa Pork Producers Association v. Bonta, which was a case pushed to the high court to prompt a re-examination of NPPC v. Ross under a legal theory slightly modified from the one advanced in NPPC v. Ross.

There is majority opposition to the EATS Act in both the House and Senate, and over time, opposition is only expected to grow. The industry’s voting constituency is waning because of consolidation and increasing foreign control of the pig industry. The number of pig farmers has declined already from **over 870,000** in 1970 to fewer than 57,000 today

— a decline of more than 90%. This trend has been in evidence for the last 50 years, and ironically, only Prop 12 and other measures that encourage a diversification of production strategies can arrest that trend.

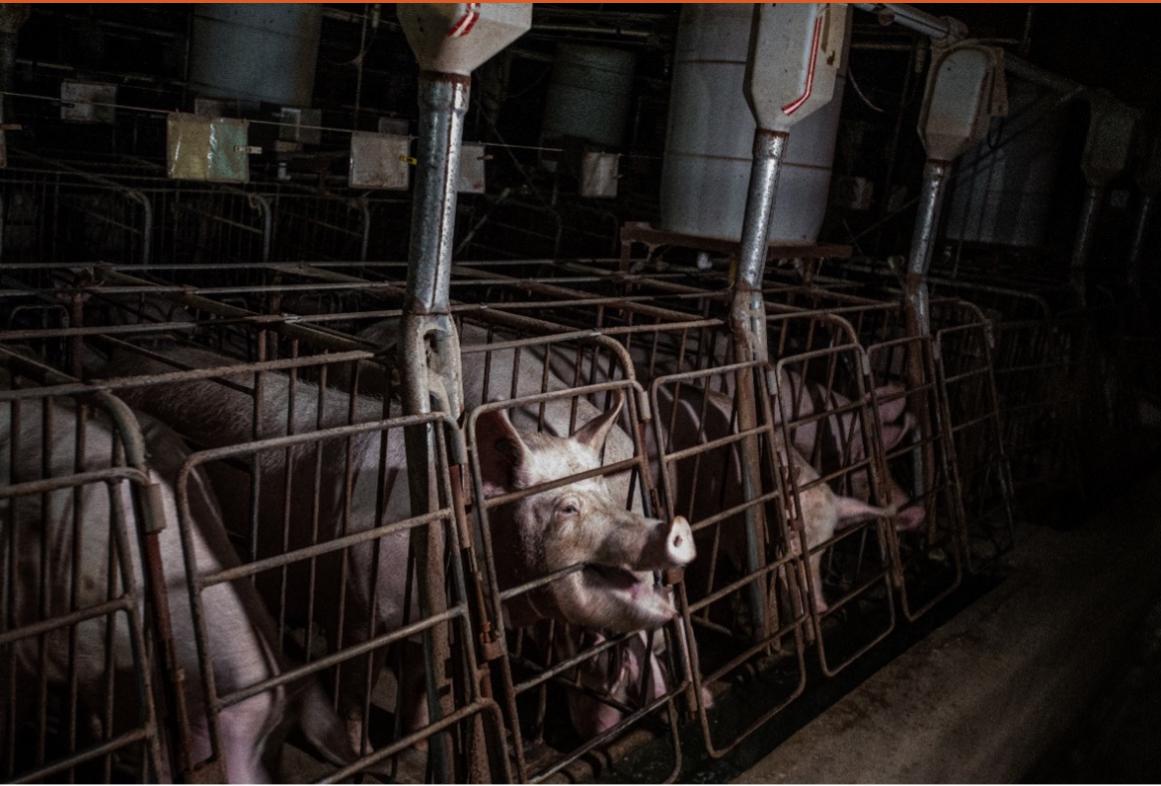
The NPPC has an additional political problem with its legislative campaign to advance EATS. The pork industry no longer speaks with unanimity on this subject. Thousands of producers do not use gestation crates. Many of them want to preserve their investments in more humane housing systems and not be undercut by producers taking moral shortcuts in their housing systems.

According to Agriculture Secretary Brooke Rollins, approximately 27% of U.S. pork producers have made or are making investments to comply with Prop 12. That’s a much lower number than the actual crate-free-housing capacity (45% of all sows are already out of gestation crates). Nonetheless, that 27% capacity far exceeds the pork demand for California and Massachusetts, which collectively require about 6% of U.S. produced pork to meet the demand in those states created by Prop 12 and Question 3.

And finally, there are no other key agricultural stakeholders with a stake in maintaining a cage- or crate-based agricultural system — not the veal industry, the egg industry, or any other sector of agriculture. The pork industry is on an island, and on that island, there is a civil war given that just slightly more than half of all sow production relies on gestation crates.

*This report issues the following findings on S. 1326 and other similar legislative proposals:*

- EATS is an attempt to subvert state elections, and this measure comes now in the wake of a conservative **U.S. Supreme Court** majority upholding Prop 12 and similar laws as a proper and constitutional exercise of state authority. The high court just declined the revisit of the issue in IPPA v. Bonta. The argument of unconstitutionality, often used by the NPPC and its allies in relation to Prop 12, is not valid. And while it has been a convenient political argument to “attack California,” the movement against gestation crates is a national one, with almost a dozen states and dozens of heartland-based farms and food retailers opposing the extreme confinement sow-housing system.
- No sector of American agriculture has a higher degree of foreign control than the pork industry, and the practical effect of the passage of the EATS Act, regardless of its intent, would be to benefit **China**. The Chinese Communist Party already controls 26% of U.S. pork sales (after America’s biggest global rival acquired Smithfield Foods thanks to a \$5 billion loan to the Wuhan Group from the Bank of China). If EATS passes, with Smithfield as its corporate proxy, China could bring its **25-story-high pig-factory skyscrapers** to America. There are now hundreds of these high-rise factory farms in China, and it has become the dominant production method there. China’s agricultural decision-makers favor those high-rise systems, and if they can vitiate regulatory or statutory barriers to their use in the U.S., they will do so. China has zero animal welfare laws, reflecting that the authoritarian government there has no use for animal welfare standards. Enactment of the EATS Act will set off a race to the bottom, elevating China’s favored methods and casting aside U.S. producers who still pay attention to animal husbandry norms.
- Not a single farmer in Iowa, Kansas, or any other state has been compelled to invest in new housing systems because of Prop 12 or Question 3. California and Massachusetts are meeting their sow-housing standards with voluntary support from pig producers, and there was sufficient production capacity for the two states before Prop 12 or Question 3 took effect. Pig producers were ready for these markets to open after voters approved the ballot measures seven years ago in California (Prop 12) and nine years ago in Massachusetts. Producers were ready and excited for the opportunity to supply these markets.
- The U.S. through its food retailers, producers, and consumers views gestation crates as fundamentally inhumane, and this report underscores that a housing strategy grounded on the strategy of immobilizing animals for the largest share of their lives is at odds with American consumers’ value systems.
- Prices for pork across the nation have not surged, as falsely predicted by the NPPC. Larger market dynamics, including feed costs, tariffs and access to export markets, do have practical and tangible effects on pork pricing. Prop 12 has not caused national pork prices to change by a penny. Californians are paying slightly higher prices for pork, but voters approved the ballot measure with that very expectation.
- Pricing is even more favorable for consumers outside of California. Pork prices outside of the state have not increased nearly substantially as beef and chicken prices (25% and 24% respectively) during the same Prop 12 implementation period. As crop prices and other inputs caused meat prices to surge, Prop 12 enhanced competition and created surplus pork availability that benefited consumers and producers in other states.
- The EATS Act will accelerate consolidation in American agriculture and turn many who stay in the pork production business into contract farmers answering to Chinese- and Brazilian-



*Photo: Jo-Anne McArthur / We Animals Media*

owned companies. There can be no question that the livelihoods of thousands of producers who converted to gestation-crate-free housing and depend on the California and Massachusetts markets will be threatened.

- No other sector of animal agriculture, or any other form of agriculture, is demanding an EATS Act-like formulation to restrict state laws or regulations. In fact, the egg industry opposes having its commodity included in the EATS Act, even though Prop 12 and Question 3 specifically banned cage confinement of laying hens. The egg industry understands that diverse markets require diverse production methods. The pork industry is alone in promoting the EATS Act, and its attempt to invoke a larger Dormant Commerce Clause argument is a tactical risk for the industry since no other commodity sector has a practical stake in its argument. The NPPC says its political advocacy is driven by the practical effects of animal care laws, but it appears to be grounded only in extreme profits. There's just no evidence that any farmer has had to change his ways because of two state laws in the nation. And as for other states following suit, there has been not a single such law proposed since Prop 12 in 2018, and there's nothing on the horizon.

- The “patchwork” argument used to justify the EATS Act is demonstrably false. Only two states (California and Massachusetts) currently have pork sales standards, and these are fundamentally aligned in requiring that sows be able to stand up, lie down, turn around, and extend their limbs. Despite claims of impending regulatory chaos, no other states have proposed similar legislation since Prop 12 passed in 2018.

What's more, none of the major production states — Iowa, Minnesota, North Carolina, and Indiana — even have the ballot initiative process. The states with the largest populations of consumers — Illinois, New York, and Texas, for example — also do not have the ballot initiative process.

The seamless implementation of Prop 12 undercuts the arguments from opponents of the law, which took full effect in January 2024. Producers across America have been anxious to become Prop 12-compliant to access this market, and there's been no pork shortage in the state, as critics predicted. What's more, the 1,250 producers and distributors of pork and eggs that are Prop 12-compliant are faring very well and relishing the access to this market. This highly successful implementation disproves the NPPC's the-sky-is-falling conjecture about surges in prices for consumers and coercion of farmers.

# ANALYSIS

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Since 2002, voters have approved five ballot measures seeking to provide more living space for animals reared for food. The first enacted measure, Amendment 10 in Florida in 2002, simply banned the extreme confinement of sows in gestation crates. Four years later, voters approved an Arizona measure (Prop 204) to ban gestation crates and veal crates, which were wooden stalls that immobilized the young male calves and kept them from developing muscle. In 2008, California voters passed Prop 2 to restrict gestation crates, veal crates, and battery cages for laying hens.

Some years later, in a 4-to-1 landslide, Massachusetts voters not only imposed production restrictions on confinement agriculture, but also limited the sale of pork, veal, and eggs in the state to farms that require some of the animals to be able to engage in some basic behaviors, such as turning around or extending their limbs. Two years later, also in a rout, California voters adopted Prop 12.

Collectively, these five measures triggered other reforms, including reforms by animal agriculture trade associations, regulations and laws adopted by executive agencies or state lawmakers, and new corporate policies from major food retailers. Today, 11 states and 60 major American food retailers have policies against gestation crates. Moreover, public attitude surveys suggest broad opposition to gestation crates, including in the top production states of Iowa, Minnesota, and North Carolina. There is no substantial support for gestation crates when average Americans understand the inhumane and cruel features of this animal-housing system.

The egg and veal calf industries consider the transition to crate-free or cage-free production inevitable, and they have actively transitioned to housing systems more in alignment with the values of their corporate customers and their consumers. The Association of California Egg Farmers has been

very active in opposing the EATS Act. The United Egg Producers (UEP), which represents producers covering 95% of domestic egg production, and the American Veal Association have never supported the EATS Act. According to the USDA, **45.7% of all egg production is cage-free** — that's about 135 million out of 285 million hens (the hen population is down from 330 million because of depopulation efforts related to the spread of H5N1). With its members largely being family-run businesses, the UEP does not want to undercut the producers who have invested in humane housing. (Many pig farmers oppose EATS for the same reason.)

The psychology of the pork industry trade associations appears to be different, and it may indeed be a more self-destructive and internally divisive instinct. It may derive from the industry trade association being less accountable to rank-and-file producers than the egg or veal sectors. The NPPC derives a major revenue stream from the National Pork Check-Off program, which throws off \$80 million in direct and indirect benefits to it. The pork-check-off dollars are derived from volume of product sold, and those monies come regardless of the opinions of rank-and-file pig producers. The lack of accountability to producers is accentuated by the level of control exerted by foreign-owned pork production conglomerates that control nearly half of all U.S. production. No other sector of American animal agriculture has anything resembling this level of foreign control.

The decision by the NPPC to fight against democratic decision-making in the states and to contest the decisions of major food retailers is especially difficult to understand because the gestation-crate controversy affects just a portion of animals used in the pig industry. A no-cage-confinement policy affects everyone in the egg industry. Prop 12 and Question 3 affect just 6% of sows conscripted into

pork production. The issue raised by anti-gestation-crate reforms is the treatment of 6 million breeding sows, not the 130 million pigs raised for meat; that latter group of animals — constituting 95% of the animals during a single year — are already kept in group housing or pasture-based systems. Their current housing is not a source of major controversy.

Of the 6 million sows used for production, at least **2.5 million** of them are already out of gestation crates, meaning that a national policy against gestation crates would have direct impacts on housing of just 2% of pigs domestically used in the pork industry. In short, if the egg industry is able to change housing systems for all 330 million hens, the pig industry can more readily undertake the task of seeing that all 6 million breeding sows are out of crate confinement.

And let's remember that extreme cage- and crate-confinement systems are anything but ubiquitous in animal agriculture. While there are ongoing animal welfare concerns raised about the commercial broiler bird industry, mainly related to genetics and the underlying health of the birds, none of the 10 billion chickens slaughtered every year are kept in cage confinement. Nor are the 35 million cattle who go to slaughter. And the 9.4 million cows used in milk production are generally able to lie down, stand up, turn around, and extend their limbs, except during milking.

The resistance from the National Pork Producers Council, a trade association based in Des Moines, to animal welfare reforms has resulted in pork industry trade groups spending tens of millions, perhaps more than \$100 million, fighting what appears to be an inevitable conversion to more humane housing systems. The industry has unsuccessfully opposed all five statewide ballot measures seeking to restrict the use of gestation crates. After voters approved them, the pork industry then launched a blizzard of lawsuits to invalidate key state laws, notably Prop 2 and Prop 12 in California and also Question 3 in Massachusetts. The first of those legal actions came 15 years ago, and since then, the industry has not prevailed in any one of the 19 federal courts decisions that have come in response to its pleadings.

The pork industry has attempted to nullify the states' most important farm animal welfare laws, but it refuses to substitute a federal legal framework for humane housing. In fact, when the egg industry forged an agreement with animal welfare groups more than a decade ago to have national consistency with respect to egg production housing, the NPPC led the effort to block consideration of the legislation in Congress. There are no federal laws governing the treatment of farm animals in production, and that's exactly the way the NPPC wants to keep it.

*Photo: Jo-Anne McArthur / We Animals Media*



# I. EATS is an attempt to subvert state elections

In November 2018, California voters decisively enacted Prop 12, the “Prevention of Cruelty to Farm Animals Act,” with the support of nearly **63% of voters**. It came 10 years after voters approved Prop 2 — to restrict extreme confinement of laying hens, veal calves, and breeding sows — by roughly the same margin. The second of the two measures established specific space requirements for covered animals, and it required that producers selling in California,

## California’s Proposition 12 in a nutshell

Pork raised or sold in California must originate from a gestating (pregnant) sow or gilt that could:

- **Stand up; Extend her legs; Turn around; Have at least 24 square feet (2.2 m<sup>2</sup>) at her disposal.**
- Prop 12 applies to all uncooked pork sold in California, whether raised in California or elsewhere in the US or other countries
- Only whole, uncooked pork cuts, like bacon or tenderloin, must be Prop 12-compliant. All other products, like ground pork, precooked pork, or deli meat (~[42 percent of pork consumption in the state](#)) do not.
- A similar requirement exists for pork raised or sold in MA

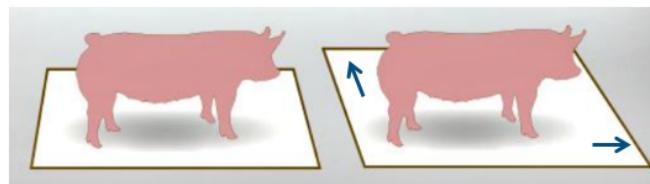
### The law does not mandate how these requirements are met

Possible ways to meet CA Prop 12 requirements include:

- Group housing of pregnant sows e.g. indoor pens with at least 24 ft sq per pregnant pig, hoop barns or on outdoor pastures
- The US swine industry is most adaptable of any US livestock industry and can readily adjust to Prop 12.
- Many large producers such as [Clemens Food Group](#), [Hormel](#), [Niman Ranch](#) and independent family farmers are already Prop 12 compliant or ready to comply.

Taking their case against Prop 12 to the U.S. Supreme Court, plaintiffs’ counsel Timothy S. Bishop of Mayer Brown argued that Prop 12 “will govern sow housing outside the State” and impose “a substantial burden on national pork production” while delivering only “illusory” local benefits. They held fast to a narrative that California is requiring producers to change their housing systems, arguing that the state is driving an “extraterritorial” effect. But in NPPC v. Ross, the **U.S. Supreme Court determined** that California’s sales standard applies only within the state’s borders and it applies equally to in-state producers and out-of-state producers. “In our interconnected national marketplace, many (maybe most) state laws have the ‘practical effect of controlling’ extraterritorial

regardless of the location of the producer, had to meet those clear standards. Labeled as **unconstitutional** by the NPPC and **an attempt** by “one state... to dictate production standards for the entire country,” the NPPC filed lawsuits against Prop 12 in the District Court, Court of Appeals for the 9th Circuit, and **the Supreme Court, and lost every single one.**



### 14 square feet

Typical swine industry gestation crate space per sow (2 ft x 7 ft)

- Size of a std refrigerator



### Pregnant sows in standard 2 ft x 7 ft gestation crates

- Used by about 60% (3.6M) of six million US breeding sows
- Banned by CA Prop 12 & MA Q3

### 24 square feet

CA Prop 12 required space per pregnant sow. Achieve by:

- Group housing or larger pens



### Pregnant sow group housing

- Used by about 40% (2.4 M) of 6 million US breeding sows
- CA Prop 12 compliant if 24 sq ft of floor space per sow

behavior,” declared Justice Gorsuch in his majority opinion. “State income tax laws lead some individuals and companies to relocate to other jurisdictions... Environmental laws often prove decisive when businesses choose where to manufacture their goods... Petitioners... cast a shadow over laws long understood to represent valid exercises of the States’ constitutionally reserved powers,” according to Gorsuch.

“Companies that choose to sell products in various States must normally comply with the laws of those various States,” said Justice Gorsuch, adding that “while the Constitution addresses many weighty issues, the type of pork chops California merchants may sell is not on that list.”

Constitutional law scholars in NPPC v. Ross affirmed that “Proposition 12 is a valid exercise of California’s police powers to protect and promote its citizens’ health, safety, and morals because it furthers their interests in and values of consuming humanely produced pork and preventing foodborne illness caused by overcrowded hog farms.”

Though most observers felt that the ruling in NPPC v. Ross settled the issue, the NPPC tried again through its surrogate, the Iowa Pork Producers Association, which filed a petition to the Supreme Court to re-examine the case against Prop 12 in IPPA v. Bonta. In January 2025, Iowa Attorney General, Brenna Bird, in support of IPPA’s petition, argued that “California’s radical pork ban, Proposition 12, raises pork prices and threatens to drive family farms out of business with extreme costs... California doesn’t get to tell Iowa farmers how to raise hogs in Iowa.”

In this case, the high court declined to hear the case, allowing the 9th Circuit’s rejection of that argument to stand and punctuating the winning argument in the 2023 SCOTUS ruling.

With no evidence that the ballot measure is being unconstitutionally coercive to producers, we are left now with NPPC’s legislative maneuvering in the form of the rebranded EATS Act.

That bill is a naked attempt to subvert states’ rights as a matter of preference by a portion of the pig industry rather than practical need. Long-time U.S. Senator and former U.S. Rep. Tom Harkin, D-Iowa, publicly weighed in on the controversy in an opinion piece in Iowa’s flagship newspaper, the Des Moines Register. “States must retain the right to set their own agricultural policies — policies that reflect the values of their voters and support humane, sustainable farming practices,” noted Harkin, who chaired the Senate Agriculture Committee for years and had a hand in all the Farm bills from the late 1970s through 2010. “This latest version of the EATS Act undermines that foundational principle.”

Such a policy will vitiate the critical role that states play in advancing animal welfare policies. The states, for instance, adopted anti-animal fighting laws and anti-cruelty laws long before Congress took action in these areas of federal policy. The states are

laboratories of democracy, and if enough states show support for a policy, then Congress may often act to establish a national standard. In some cases, there are overlapping state and federal laws when it comes to animal fighting and other malicious acts of cruelty. The NPPC is seeking to block any federal action on farm animal welfare, and also seeking to dismantle the most consequential laws in the states that place limitations on commerce in pork that are grounded on animal welfare and food safety concerns.

The rebranded EATS Act also contains a sweeping private right of action, giving agribusiness (in fact, anyone) a legal weapon to challenge a wide variety of state-level protections. The bill’s **Section 3(b)** explicitly allows “a person, including a producer, a transporter, a distributor, a consumer, a laborer, a trade association, the Federal Government, a State government, or a unit of local government, that is affected by a regulation of a State... to bring an action in the appropriate court to invalidate that regulation and seek damages for economic loss.” This provision could nullify over 1,000 state-level agriculture laws. It would “strip states and localities of their right to impose standards or conditions on the production or manufacturing of agricultural products sold or offered for sale in interstate commerce when those standards differ from federal law or the laws of other states.” This applies to not just animal welfare laws like those in Prop 12, but potentially any state regulation that affects agricultural commerce — from environmental protections and pesticide restrictions to food safety standards and labor protections for farmworkers to even **puppy mills**.

The private right of action essentially deputizes the agriculture industry to serve as enforcers against state sovereignty, creating a litigation pathway that could drain state resources through costly legal battles while putting a halt to future state-level reforms. This represents a fundamental shift from the traditional federal-state balance with states playing the role as laboratories of democracy in developing innovative policies that often become models for national action. By empowering private actors to challenge state authority through the courts rather than through the democratic process, the EATS Act would effectively outsource agricultural policymaking from elected state officials to corporate boardrooms and federal judges.

## II. No sector of American agriculture has a higher degree of foreign control than the pork industry, and the practical value of the EATS Act is to benefit China

The House and Senate Agriculture Committees have expressed concerns about foreign ownership of American agriculture. The Chinese government controls approximately **one-quarter** of U.S. pork production through Smithfield Foods, which was acquired by the WH Group (formerly Shuanghui International Holding Limited) in 2013 for **\$4.72 billion in cash**, making it the **largest ever** Chinese acquisition of an American company in history. “Smithfield might be the first acquisition of a major food and agricultural company, but I doubt it will be the last,” **said** Sen. Debbie Stabenow, D-Mich., former chairwoman of the Senate Agriculture Committee, at the time of the purchase. “That is why we must take a long-term view of what is happening. We need to be having this conversation and evaluating what is in the best interests of American families and our American economy because of the importance of our food supply, security, and safety.”

Many other lawmakers share the concerns of Stabenow, who also strongly opposed the EATS Act and retired in 2024 after shepherding to passage the 2014 and 2018 Farm bills. A **letter** that was signed by 10 strong conservative House members, including Rep. Byron Donalds, R-Fla., Marjorie Taylor Greene, R-Ga., and Rep. Anna Paulina Luna, R-Fla., asserted that, “the Chinese Communist Party has been stealthily encroaching on the U.S. agriculture industry for some time now... it [the EATS Act] will hurt thousands of American farmers, and substantially benefit foreign-owned farms that have come to dominate the domestic U.S. pork industry — especially pork production in the United States under the control of the Chinese Communist Party (CCP) in Beijing.”

The Trump administration has also expressed concern about foreign ownership of agriculture. Top officials have expressed an intention to ban Chinese-linked buyers from purchasing U.S. farmland. While

Chinese investors currently own just 265,000 acres of U.S. farmland — representing around **0.02%** of the nation’s total agricultural land — Agriculture Secretary Brooke Rollins has **declared** this level of ownership a threat requiring immediate action. “American agriculture is not just about feeding our families, but about protecting our nation and standing up to foreign adversaries... creating dangerous vulnerabilities in the very systems that sustain us,” she declared.

Secretary Rollins has endorsed the EATS Act but not mentioned the inordinately high level of Chinese control over American pork production or the dystopian pig-production practices now dominant in China. The mathematics are hard to reconcile: if 265,000 acres of farmland poses a national security risk, then what about Chinese control over a quarter of America’s pork supply. That level of control may affect pricing and the quality of food that goes to nearly 100 million Americans. What’s more, if there is a pork crisis in China, will Smithfield not answer the call and divert U.S.-produced pork to its homeland rather than to American consumers? By any measure, this is a dangerous level of control. The Secretary speaks with alarm about relatively small land control but is silent on the control of the actual animals that are at the center of American production agriculture.

Moreover, the U.S. House’s biggest proponent of the EATS Act, Agriculture Committee Chairman G.T. “Glenn” Thompson, R-Pa., **expressed concerns** that China has “weaponize[d] agricultural trade, and acquire[d] American farmland at an alarming rate,” adding also that these sorts of actions disrupt our national security, our rural communities, and our resiliency.” But here, too, this appears to be rhetoric without consistent application. There are no provisions in the EATS Act that he inserted into the draft Farm bill in 2024 to restrict China from controlling an even larger share of sow ownership and U.S.-based pig production.

Given that the pork industry has a larger share of Chinese control than any other sector of American agriculture by a country mile, the EATS Act would be the legislative vehicle to control China's expansionist interests in the U.S. pork sector. But there are no limits on foreign control of pork production to be found anywhere in the EATS Act.

Already, **one in every four** pigs raised in the U.S. is now owned by China. The Brazilian-based meatpacking company JBS also owns significant pork operations in the U.S. through its U.S. subsidiary, JBS USA (it acquired Cargill for **\$1.45 billion** in 2015). Both multinational foreign-based corporations — Smithfield and JBS — control around 40% of domestic U.S. pork production and **stand to benefit enormously** if the NPPC is successful in eliminating Prop 12 and similar state laws.

“Why has the Communist Chinese government endorsed the EATS Act?” asks Mike Weaver, retired poultry and beef cattle farmer, past president of Organization for Competitive Markets and Contract Poultry Growers Association of the Virginias, because “they have clearly indicated it improves their ability to manipulate the livestock markets to their benefit.”

If the NPPC and its allies get their way with the passage of the EATS Act, there will be nothing to stop China from replicating its high-rise factory farms in the American heartland. Millions of pigs would never see the light of day, born and slaughtered never leaving the cement floor of China's pig skyscraper farms. Can we really imagine that any American family farmers could play any role in this kind of production system? They'd be crowded out seeing such an alien system and not having the capital to compete against billion-dollar construction projects like this one.

China's pig skyscrapers are growing in numbers, with reports indicating that there may now be over 360 multi-story pig farms all over China. Some of the biggest of these mega farms can house and slaughter over 1 million pigs per year. Besides complete deprivation, overcrowding, and severe confinement, the pigs in these farms suffer routine mutilation (teeth clipping, tail docking, castration with no anesthetic). These mega farms also risk becoming the epicenters of severe **disease outbreaks**.

China's press has taken note of this opportunity. “It [the EATS Act] will greatly increase China's share of the U.S. pork market,” wrote the CCP-controlled China Weekly (July 19, 2023).



Photo: Jo-Anne McArthur / We Animals Media

### III. Not a single farmer in Iowa, Kansas, or any other state will need to invest in new housing systems because of the California and Massachusetts farm animal welfare law measures

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The NPPC and its supporters falsely accused California of attempting to coerce out-of-state pork producers into becoming Prop 12-compliant. “California’s Proposition 12 is going to hurt the economy of Iowa,” said Sen. Charles Grassley, R-Iowa. “Because we farm differently than the eggheads of California think we ought to run our animal agriculture, we can’t sell our product there.” The President Pro Tem of the U.S. Senate went further, declaring that Prop 12 is a “war on breakfast” that “will drive up costs to consumers who want to eat bacon and eggs for breakfast.”

When introducing the rebranded EATS Act in April 2025, Senator Ernst **struck the same tone**. Prop 12 is dangerous and “stands in direct opposition to the livelihoods of Iowa pork producers, increases costs for both farmers and consumers, and jeopardizes our nation’s food security.”

But Iowa producers are free to sell bacon and other pork products to California as long as they give the sows enough space to move around. And economists steeped in agriculture regard these comments as demagogic and unsupported. “What you might be hearing from the proponents of the EATS Act... ‘every farmer is going to have to convert and it’s going to be really costly,’ \$4000 per sow, that’s not true,” **said Dr. Galina Hale**, professor of economics at the University of California at Santa Cruz. “California and Massachusetts are about 10% of the market so as long as we have 10% of producers that are compliant, nobody else has to convert, and we already have about 30% of pork in the U.S. that’s compliant, so nobody else has to convert.” She added, “We have a market economy, so only farms which have a lower cost of conversion, will convert — if they find it’s profitable for them. If it’s not profitable, they have other states.”

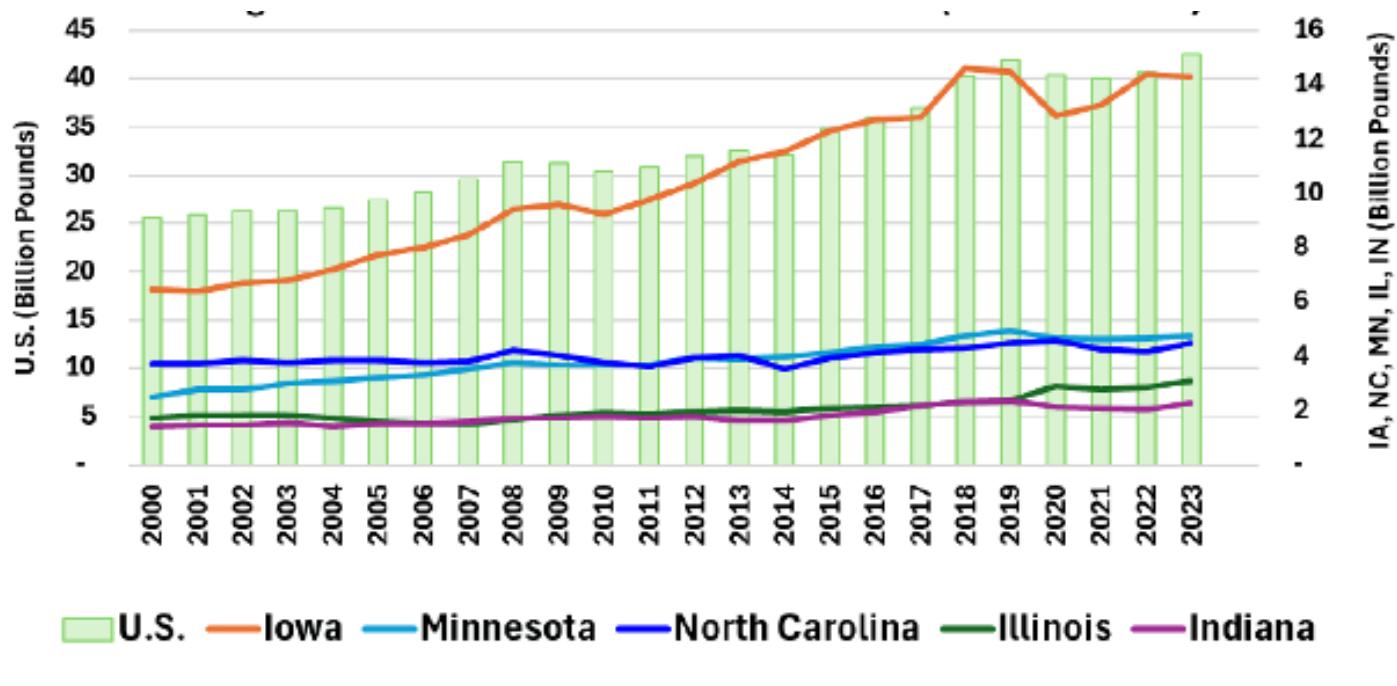
With Prop 12 and Question 3 now in effect, we’ve seen how the policies are playing out at the national level, and it’s not working out in the ominous way that the NPPC predicted — facts confirmed by NPPC’s own allies. “From the economic analyses I’ve reviewed, there is no indication that Prop 12 has contributed to elevated pork prices at the national level,” said Dr. Bailey Norwood, an agricultural economist at Oklahoma State University. “Moreover, I don’t see any logical reason why Prop 12 would influence pork prices outside of California.”

Even some of the strongest critics of Prop 12 seem to be retreating from their doom-and-gloom forecasts. “Initially, when California passed Prop 12 (in 2018), there was an effect in the market, because we didn’t really know how it was going to affect Iowa producers,” said Iowa Pork Producers Association president Matt Gent. “Since then, over the past year, **there’s been enough production change to meet Prop 12 demand** that it really truly doesn’t affect a producer that doesn’t want to adjust operations to comply with the California law.”

“Who made this decision [Prop 12]? In my mind, it was people who are not associated with the industry ... and don’t understand what the animal needs,” **said former president of the NPPC Randy Spronk**. “That should be left, in my mind, to the caretaker such as myself.” Despite his strong initial opposition to Prop 12, Spronk ultimately found it economically viable to adapt his operations for the California market and **transformed a portion of his farm** to offer Prop 12-compliant pork, illustrating how business realities can override ideological reflexes.

The U.S. pork industry employs diverse production methods across operations. Of the nation’s 6 million breeding sows, 40% already live in group housing

## Hog Production for U.S. and Selected States (Billion Pounds)



■ U.S. — Iowa — Minnesota — North Carolina — Illinois — Indiana

Data Source: USDA

Source: <https://www.iowapork.org/filesimages/Documents/IPPA%202024%20Pork%20Industry%20Report.pdf>



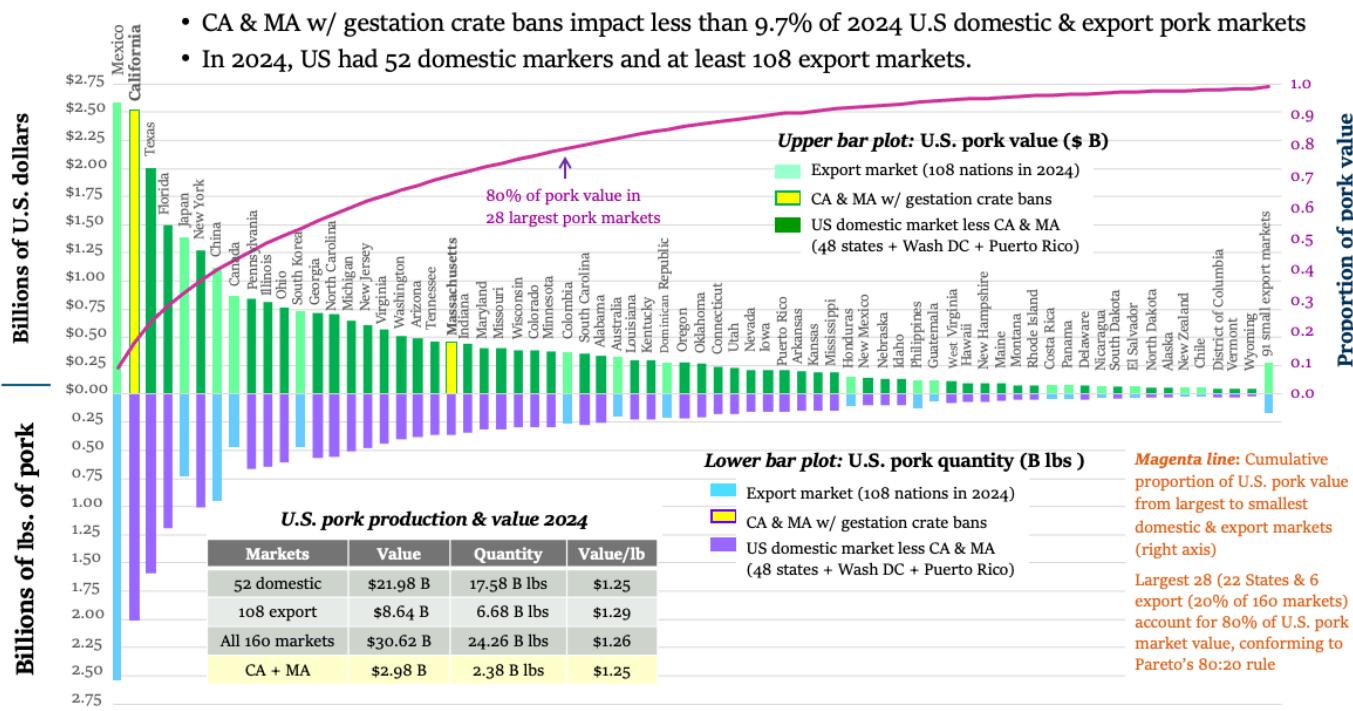
systems rather than gestation crates. Major producers including Tyson Foods, Hormel, Seaboard, and Clemens Food Group have publicly confirmed their capacity to meet Prop 12 standards and have recognized the market potential. The CEO of Tyson Foods, Donnie King, acknowledged the company's ability to supply Prop 12-compliant pork to California — “We can align suppliers, and we can certainly provide the raw material to service our customers in that way.” Even Smithfield Foods, the Chinese-owned company that controls a quarter of U.S. pork sales and an ardent political supporter of repealing Prop 12, reported over a billion dollars in operating profits in 2024 while maintaining its California sales through strategic distribution partnerships with registered customers like Sysco, U.S. Foods, and Costco. Its 2023 Sustainability Report **explicitly states** that “some of our sow farms are now Prop 12-compliant,” an on-the-record confirmation they’re producing and routing compliant product to California through subsidiaries like Farmer John.

Clemens has invested capital to become Prop 12-compliant across its operations. “We ultimately **don’t believe** the EATS Act is aligned with progress in animal welfare,” said Chris Carey, Clemens’ chief

operating officer. Other, medium-sized privately held pork producers saw Prop 12 as a **market opportunity** — “California’s standards help farms like ours compete on a more level playing field against these foreign conglomerates,” observed Neil Dudley, president of Pederson’s Farms in Texas.

Market adaptation has occurred relatively smoothly. As of April 2025, **387 companies have registered** to distribute Prop 12-compliant pork in California, including major distributors and processors like Sysco and Cargill. Several of America’s largest corporations that experts say carried the heaviest financial burden during the transition **experienced better pork segment results** in 2024 than in 2023 — Smithfield, Tyson, and Seaboard, three of the biggest pork producers, **reported increasing profits** in that period. Industry professionals like **Gary Malenke of Perdue Premium Meat Company** observed that after initial concerns about supply disruptions, the calls “mostly stopped” within six months, and “the market has met the moment” and **fully adjusted** to Prop 12 (as of February 2024). Minimal to no production disruptions occurred in the period of Prop 12 going into effect (July 1, 2023) and full implementation (January 1, 2024).

## U.S. pork value (\$) & quantity (lbs) for 52 domestic & 108 export markets in 2024



In an October 2025 [Agri-Pulse interview](#), David Newman, the CEO of the National Pork Board, said pork producers are doing “spectacularly well.”

Approximately 27% of U.S. pork producers have made or are making investments to comply with Prop 12 housing requirements, according to a [USDA letter authored by Secretary of Agriculture Brooke Rollins](#). That percentage is a very conservative estimate by USDA given that there's been a long-term movement away from gestation crates, with perhaps 45 percent of sows already out of gestation crates — which underscores the existing capacity to supply the California and Massachusetts markets. This substantial voluntary compliance rate demonstrates that producers recognize the growing markets for gestation-crate-free pork.

The contradictions between the NPPC's political rhetoric and the actual market outcomes have led some observers to question whether the industry's rhetoric about a “crisis” is more of a lobbying strategy than an accurate reflection of Prop 12's true impact on the market.

Not only can any compliant farmer sell pork to California, but it's plain that there are massive markets available to conventional pork producers should they wish to stick with extreme confinement systems for sows. They can sell pork derived from

sows in crates to food retailers and consumers in 48 states and in 108 other nations. A third of all American pork is exported, with Mexico, Japan, China, and other nations having no barriers to trade. Adding up the domestic and foreign markets, conventional producers can sell their pork into 48 states and 108 pork-importing nations — so they have access to 158 of 160 markets.

Even then, California and Massachusetts take a considerable amount of conventional pork. Prop 12 and Question 3 exempt all combined and canned pork products (which represent about 42% of pork sales in those states). The total amount of gestation-crate-free pork needed to meet market demand in California and Massachusetts is 6% of all U.S.-produced pork.

Given that nearly 40% of U.S. produced pork comes from producers not relying on gestation crates, producers should be able to accommodate six times as much pork as California and Massachusetts need.

“In our connected food system, our farms raise market hogs born from sows in various housing types based on customer requirements, including ... for Prop 12 group housing compliant for California,” noted [David Eaheart](#), spokesperson for Oklahoma-based Seaboard Foods. “We can flex between different sow housing requirements to produce pork products based on customer demand.”

The on-the-farm experiences of farmers show that the barriers to entry for more extensive housing systems are often not onerous. Research findings show **hoop barns** (no gestation crates) can be built for **30% less** than the cost of an intensive pig operation utilizing gestation crates. Also, the cost per pig weaned is **3%** less in a hoop barn than in a gestation crate confinement system.

What is a threat to so many of these pig farmers is the EATS Act. If Congress overturns Prop 12, it is these farmers who **will lose** market share, face lower prices, and be forced into contract production arrangements with giants like Smithfield or lose their business and go into bankruptcy. “So many guys have already made the commitment, already made the investment, already made the transition to gestation-crate-free systems in order to reap the benefits from the higher markets,” said Hank Wurtz, a pig farmer from Missouri. “That stool is going to be kicked right out from underneath them. And that’s a lot of good, hard working pork producers that we need.” Wurtz is part of a group of 12 farming families that together invested **\$11.6 million** to become Prop 12-compliant.

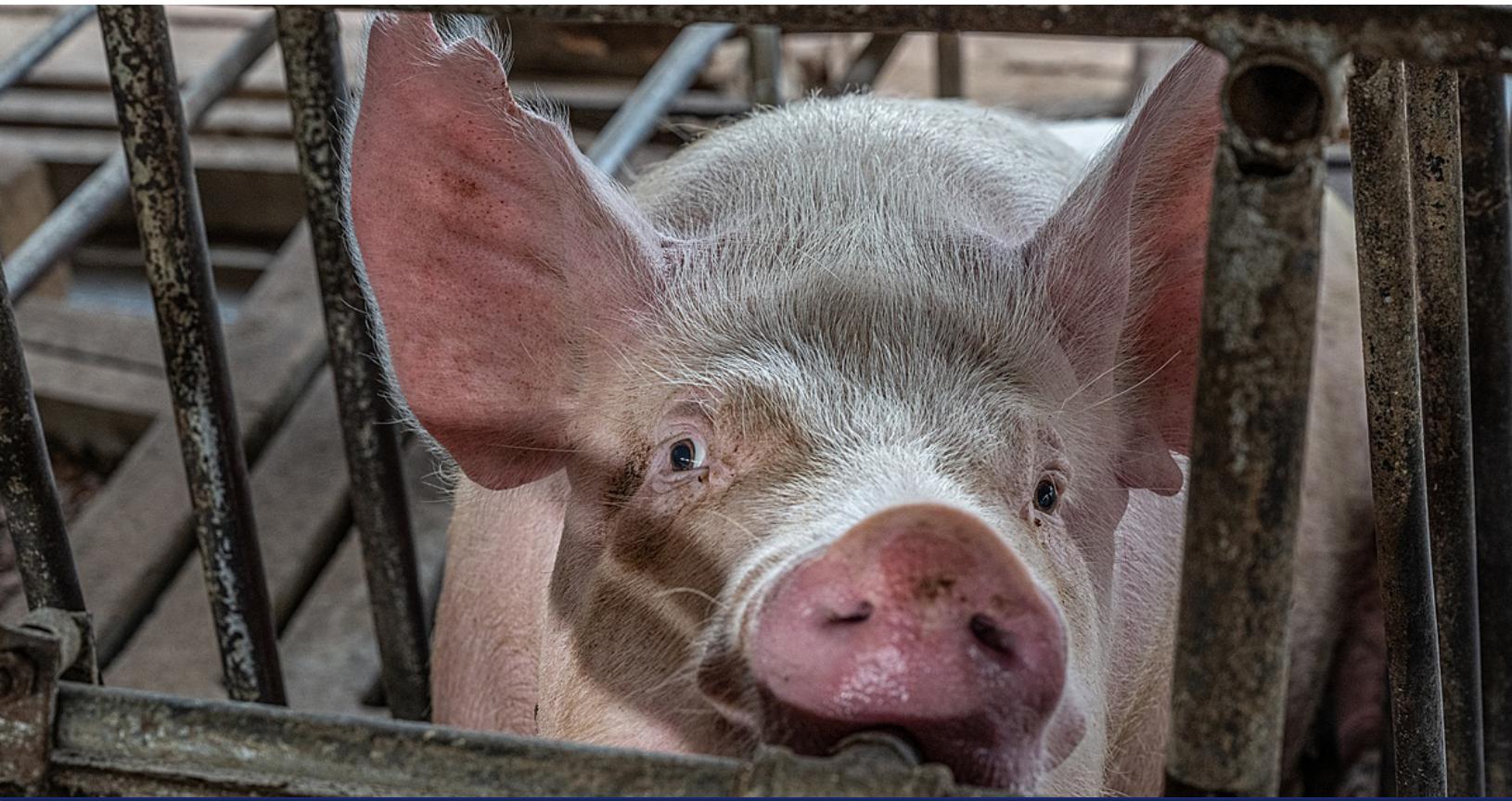
Besides facing bankruptcy and a loss of premium markets, the EATS Act will impact rural communities

more broadly. “A lot of these farmers are in communities that are in rural parts of America where farming is really one of a few industries that is maybe supporting that community and is really the backbone of that community,” observed McKiernan Flaherty of True Story Foods. “So, not only will those farmers be affected, but one of the few industries that is keeping individuals in that community will then lose viability.”

What is a much more practical concern are U.S. tariffs. China’s retaliatory tariffs on U.S. pork have swung from **172%** to **57%** and are wildly unpredictable. These tariffs pose a significantly greater threat to U.S. pork producers than Prop 12.

U.S. foreign trade policy is much more relevant for pork producers than state policy. The numbers tell the story: U.S. pork exports to China totaled **\$1.11 billion** in 2024, part of the \$8.63 billion pork export market. Meanwhile, California consumes just \$700 million in domestic fresh pork annually — approximately **7-10% of domestic supply**. The contrast is stark: China’s market impact is anywhere from \$1.74 to \$3.02 billion versus California’s \$700 million.

*Photo: Jo-Anne McArthur / We Animals Media*

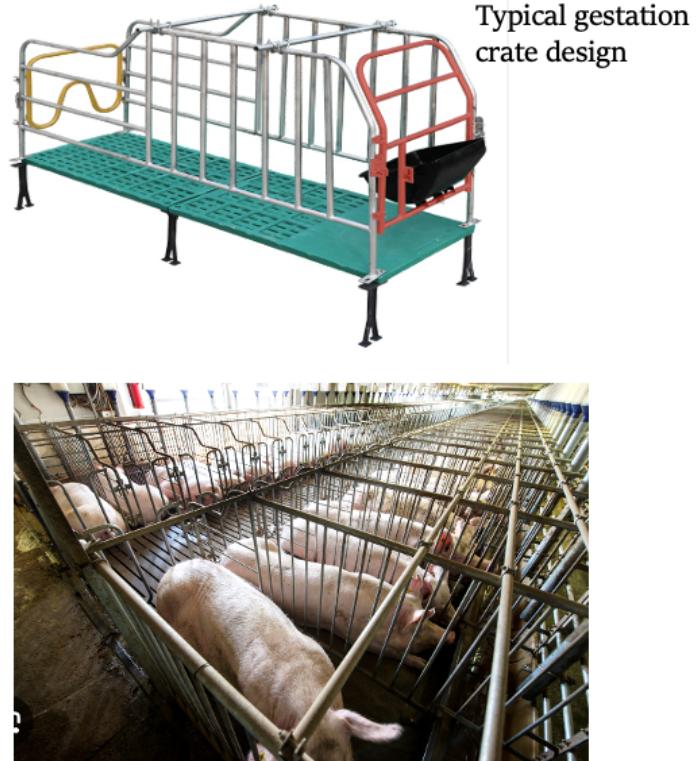


## IV. The US through its food retailers, producers, and consumers views gestation crates as fundamentally inhumane

### What is a gestation crate?

A gestation crate is a metal bar enclosure used to individually confine pregnant sows & gilts (female pigs)

- Once sows are bred, they are placed into gestation crates until about a week before they farrow (i.e. have piglets). Pig pregnancy lasts about 4 months
- A typical gestation crate is 7 feet by 2 feet, but these dimensions may vary across commercial farms
- Gestation crates prevent sows from fighting over feed & dominance but have severe animal welfare, public health and disease sequelae
- In the European Union, gestation crates are banned due to animal welfare issues after four weeks gestation. Group housing of gestating sows has been mandatory since 2013.
- Nevertheless, the European Union produces about twice the amount of pork as the US. In 2020, the EU produced 24.15 million metric tons of pork, while the US produced 12.84 million metric tons, ranking second and third in the world after China.



Humans have farmed pigs for approximately 10,500 years, yet intensive confinement of sows only dates back to the 1960s. Gestation crate use is, therefore, not a long-standing or traditional practice. It marks a moment when producers subordinated animal welfare and elevated notions of hyper-efficiency and maximum profits. The systems have been widely criticized since their first use, with Ruth Harrison in “Animal Machines” in 1964 and Peter Singer in “Animal Liberation” in 1975 criticizing their use as an extreme method of housing where the most elemental feature of animal care was sidestepped. It took another quarter century for some U.S. states to adopt policies to forbid that form of confinement, but it’s been gaining widespread momentum since that time.

But from the start, the NPPC and other like-minded organizations simply dismissed any concerns about the well-being and care of the animals — forgetting

that it is the animals who are at the center of the enterprise of pig farming and are the creatures who ultimately generate the wealth for the producers. “So our animals can’t turn around for the 2.5 years that they are in the stalls producing piglets,” said Dave Warner, former spokesperson for the National Pork Producers Council. “I don’t know who asked the sow if she wanted to turn around.”

Yet the public does intuitively know that there is something morally amiss with gestation crate confinement, and scientists are backing up that intuition with physiological and psychological measures of animal wellness. Scientists have studied the behavioral inclinations of pigs and concluded “that when penned in a wide enough enclosure, sows will turn around nearly 200 times a day. Clearly the behavior is important to the sow.”

Animal welfare concerns, particularly the confinement of pregnant sows in coffin-sized gestation crates (2

ft x 7 ft crates), were the driving force behind the passing of Prop 12 in California on November 6, 2018 (and by default, Question 3 in Massachusetts). “The weight of the scientific evidence strongly supports the conclusion that gestation crates cause profound, avoidable suffering and deprive pigs of a minimally acceptable level of welfare,” noted Donald Broom, Elena Contreras, Gwendolen Reyes-Illg, James Reynolds, and 374 other animal-welfare scientists and veterinarians in their **amicus brief** in NPPC v. Ross.

Investing in higher pig welfare systems, as **so many pig farmers already do**, is not only aligned with the policies of a growing number of states but with the stated declarations from nearly all major food retailers that gestation crates are inhumane. “I think it’s morally abhorrent to confine pigs in that way,” said Patrick Madden, a pig farmer from Michigan. “These practices are a big reason why pork production has a bad reputation in today’s society.”

Prop 12 **stipulated** that pork, veal, or eggs sold in California must come from farms that observe minimum space requirements, regardless of the location of the farm. Specifically for sows, an enclosure must allow sows to turn around, lie down, stand up, and fully extend their limbs (24 square feet of usable floor space per sow) whether she is kept in a crate, group pen, or outdoor pasture.

A typical gestation crate has 14 square feet of space and prevents the sow from moving, effectively immobilizing her. “Post-puberty, a sow spends 75 percent of her life in a gestation crate, 20 percent of her life in a farrowing crate, and just 5 percent of her life ‘uncaged’,” explained Jim Keen, DVM, Ph.D., and Thomas Pool, MPH, DVM, in **their brief** for NPPC v. Ross. “This degree of movement restriction is the most severe of any animal farmed for food globally.” Prop 12 does not ban or limit the use of farrowing crates (larger stalls used for birthing and nursing).

Pigs are highly social and **intelligent** animals that form stable social groups and hierarchies and have highly developed **senses**. Sows in gestation crates are deprived of all **natural exploration** behaviors. Gestation crates are a far cry from all **five freedoms commonly used to conceptualize animal welfare**: freedom from hunger/thirst, discomfort, pain/injury/disease, and fear/distress, and freedom to express natural behavior. A sow is commonly held in gestation crates up to 4 months (16 weeks) during pregnancy. She is then put in a farrowing crate for one month, followed by one week in a pen/crate for re-breeding. After six-seven pregnancies, she is culled. In such a cycle of extreme confinement and misery for the sow, there is no space for the five freedoms!

### Prop 12:

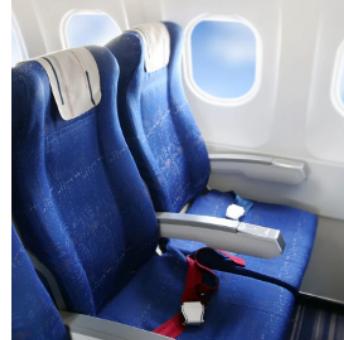
**Gestating sow must be able to:**

- Stand up. Turn around. Lie down.
- Stretch limbs w/o touching enclosure sides or another animal.
- Minimum **24 sq ft** accessible floor space per sow
- Penalty – \$1,000 fine & up to 180 days in prison for violation.



Typical gestation stall dimensions:  
• 7 ft long  
• 2 ft wide  
• 3 ft high

**14 sq ft floor space**



“Sow gestation stalls ... are like living in an airline seat and never being allowed to walk in the aisle.”  
*Temple Grandin*



A coffin & standard-sized refrigerator have similar dimensions to a gestation crate



Unable to engage in normal behaviors such as foraging and rooting, the sows display **stereotypic bar-biting**, an abnormal behavior involving repeated mouthing movements on the metal rails of the crate.

Sows have also demonstrated **learned helplessness** — they become unresponsive to their environment. “Pigs in extreme confinement are clinically depressed,” said Greg Gunthorp, a pig farmer from Indiana, “like an entirely different animal. You can see it in their eyes. Gestation crates are the equivalent of a prison cell.”

## **What health problems occur when gestation crates are used?**



\* If one defines sow welfare by high reproduction & production, then crated sow welfare is high

### **1. Poor basic health**

#### **“Production diseases”**

- Poor cardiovascular function
- Osteoporosis, muscle weakness & lameness
- Urinary tract infections & AMR
- Decubital ulcers (pressure wounds)
- Uterine prolapse
- “Dog sitting” from pain
- Numerous viral & bacterial infections due to immuno-suppression from stress

### **2. Impaired affective (emotional) state**

- **Stereotypies** — abnormal, repetitive behaviors due to boredom, frustration from impoverished environment, confinement, immobility & unfulfilled needs  
eg repetitive bar-biting, head-weaving, pressing drinkers w/o drinking, sham-chewing
- **Unresponsiveness** to external stimuli, including water poured on their backs,

### **3. Unnatural living (“denatured” life)**

- Sow cannot express natural individual or social innate behaviors
- Bernie Rollin: “lack of **telos**”
- Gestation crates prevent sows from rooting, foraging, nest-building, grazing & wallowing

Research has shown that sows do better in group housing — production and reproduction performance at the **herd level** improve significantly (shorter cycle lengths, an increased farrowing rate, and an increased number of total born and born-alive piglets).

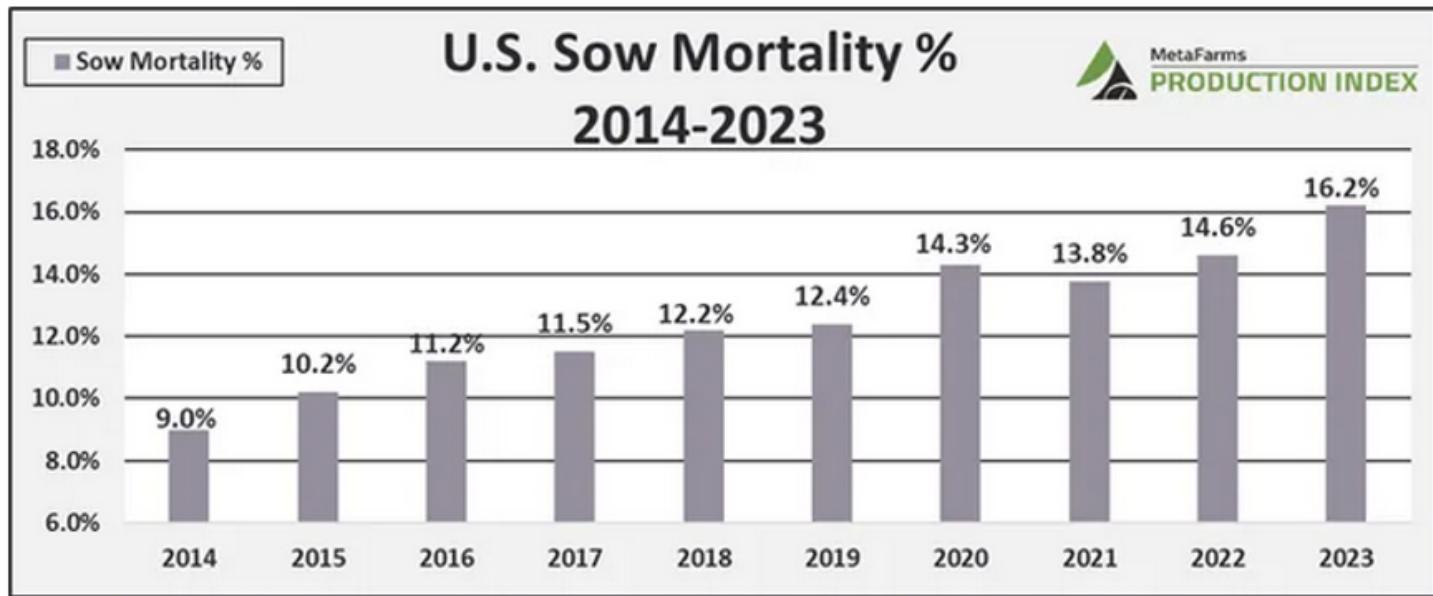
Higher levels of lameness (also called dog sitting), respiratory problems, and stress occur in sows housed in gestation crates than in group housing. **Lameness** affects sow welfare by reducing their ability to move, as sows experience general discomfort and pain, exhibit sickness behavior, **shoulder lesions**, and **urogenital infections**. **Lameness** in mother pigs also affects the **health** of their piglets. Research has found that lameness occurs in **>40%** of pregnant

sows on intensive pig farms. Reduced sow **longevity**, and decreased gestation length are also documented. Intensive production also reduces placental efficiency in protecting the offspring from the sow’s stress response.

Foot lesions are an ongoing problem in pig factory farms and are associated with lameness (up to **90%** in the U.S.) — resulting in a culling rate of approximately **15.2%** in U.S. pig farms. Foot lesions and lameness are very costly to a farming operation — costing around \$41 per sow. In a factory farm of, for example, 10,000 sows, this can result in roughly \$410,000 per year losses. (In 2025, that would be about \$620,689, reflecting cumulative inflation).

The physical pain and discomfort sows experience in gestation crate confinement can lead to a pig becoming “downed.” Research shows that 500,000 to 1 million **downed pigs** arrive at meat-processing plants annually. Most consumers are **against** pork consumption from downed pigs. **Mortality** rates are significantly higher, and annual pig production

per sow is considerably lower, in countries where gestation crates are preferred (U.S., Canada, and Brazil). In the E.U., where gestation crate use is restricted, the mortality rate is lower and **productivity** is higher. **Research** demonstrates that improved sow maternal welfare enhances disease resistance and the survival of piglets.



Source: <https://www.nationalhogfarmer.com/livestock-management/u-s-sow-farm-production-update#:~:text=Sow%20farm%20analysis%20was%20performed,the%20largest%20at%2011%2C000%20females>

Around **60%** of breeding sows in the U.S. are still kept in gestation crates, with the remaining 40% in group or crate-free systems. So why is extreme confinement in gestation crates still the predominant method of farming sows in the U.S.? Perhaps it is due to perceived short-term economic efficiency. Industrial pig farms are also **capital-intensive**; therefore, producers spread the cost over as many animals as possible by confining a large number of sows in gestation crates under one roof (producing more pounds of pork per square foot of space).

Crate practices will eventually become the minority rather than the majority, as illustrated by **shifts in farming practices** in much of the Western world and consumer preferences. “For the highly intelligent, active, curious, and gregarious sow, social isolation in a small cage is traumatic,” explained by Jim Keen, DVM, Ph.D., and Thomas Pool, MPH, DVM, in **their brief** for NPPC v. Ross, “analogous to humans

in solitary confinement who suffer severe duration-dependent psychological damage and physical health problems.” Almost **70%** of **consumers surveyed** nationally indicated they would vote for a referendum prohibiting the use of gestation crates in their state of residence. A recent survey indicates that **80%** of **voters** across the U.S. and across party lines support initiatives such as Prop 12.

Opponents of Prop 12 consistently misstate or misunderstand the plain language of the statute. Many politicians who are critical appear not to know the difference between pre-birth crates (gestation crates) and post-birthing crates (farrowing crates). Sen. Grassley has **argued** erroneously that California is “not allowing pork into the state if the (baby pigs) aren’t raised in 24 square feet farrowing pens.” Chairman G.T. Thompson has also repeatedly made the same error in discussing Prop 12 and Question 3.

## Some EATS Act backers EATS claim Prop 12 bans farrowing crates, putting piglets at risk

- A gestation crate is different from a farrowing crate



**Note: Farrowing (birthing & nursing) crates are NOT banned by CA Prop 12 or MA Question 3.**

- Used for the 3-4 week period from birth until weaning when the sow is nursing her piglets
- Protects piglets from being crushed by sow by giving the piglet a “side escape route”

***Nevertheless, the life of many U.S. breeding female pigs is one of immobilization & solitary confinement***

- After reaching puberty in a group pen at about 7 months of age, she is bred, confined for four months (16 weeks) in a gestation crate, followed by one month (4 weeks) in a farrowing crate, followed by one week in a pen or crate for re-breeding.
- This is repeated for 6 or 7 pregnancies and she is then culled.
- Thus once reaching puberty, a breeding sow spends **20 out of every 21 weeks of her life** in immobilized crate confinement (**95% of her post-puberty life**)

Pro-crate producers **argue** that gestation crates allow for better management of sows by reducing instances of aggression (such as tail-biting) and easier monitoring of health issues. “Farmers are using gestation stalls because, after years and years, they have found they work best for insuring health of sow and health of piglet,” said **NPPC’s Dave Warner**. “We also believe that any particular system that’s working for the health of sows shouldn’t be eliminated just because some group thinks that it should.” However, aggression is due to **confinement** of a large number of sows (leading to **boredom**) in industrial pig farms, and pig farmers are aware of this. “They cut their tails off, it’s because they’re so stressed, they’ll eat each other’s tails off... the commercial sow industry in the United States systemically has about a 60% lameness issue with sows from standing on concrete all day,” observed Jordan Green, a pig farmer from Virginia. Even the American Veterinary Medical Association, which traditionally defended the use of gestation crates for sows, has recently removed such language from its sow housing guidelines and adopted revisions to its housing policy that **recommend** housing pigs in a way that allows them to express ‘highly motivated behaviors.’ Increasingly, scientists and farmers recognize that sows in gestation crates underperform not just on sow welfare but also **productivity**.

From a public health perspective, the welfare of pigs is linked to the welfare of humans. Factory farmed pigs pose a high zoonotic risk to humans, as evidenced by swine influenza outbreaks. A recent scientific **review** concluded that there is exceptionally strong evidence for a link between low animal welfare levels (e.g., extreme confinement of pigs in gestation crates) and high zoonotic disease risks. This is due to high concentrations of animals in one space, poor hygiene, low genetic diversity, and high animal stress levels, which compromise immune systems. Pigs are natural **hosts** for several influenza viruses, and they can host an unusually high number of influenza strains, which makes them very well-suited to serving as mixing vessels for viruses. (There are 31 viruses that can exist in pigs; higher than the estimated average of **19.3 viruses** in other domesticated mammals). Pig factory farms rely on biosecurity and vaccinations as **silver bullets** for zoonoses. However, these measures are **insufficient** in preventing them. Viruses behave in **unpredictable** ways, and humans will always be playing cat and mouse, trying to catch up in relation to vaccine development. The best solution to reducing the risk of another potentially more deadly virus outbreak is to de-intensify pig farms and get rid of gestation crates.

## V. Prices for pork across the nation have not surged, as falsely predicted by the NPPC, and there has been no pork shortage in California

“Prop 12 will... lead to higher pork prices at the grocery store for America’s families,” [said Zippy Duvall](#), president of the American Farm Bureau Federation. “This law will ultimately harm consumers, farmers and animals.” He received moral support from former Agriculture Secretary Tom Vilsack who [said](#) “farmers don’t need the chaos” created by Prop 12. Vilsack was the architect of the Biden Administration siding with the NPPC and supporting the overturning of Prop 12 in NPPC v. Ross. [Pork prices](#) spiking nationwide and [50-60%](#) in California, a [drop](#) in pork consumption, pork shortages, marketplace [chaos](#), and coercion of pig farmers were the catch phrases and the vocabulary of the critics of Prop 12 and Question 3.

There’s just one big problem with the invoking of those predictions. None of them has panned out. They amounted to serial fake news reports. “The arguments that the NPPC are bringing up are not making any economic sense,” [said Professor Hale](#) from UC Santa Cruz. “State regulations actually support competition. Prices are coming down if you look at the most recent numbers.”

*[Eleven states ban or restrict the use of gestation crates for pregnant sows.](#)*  
*[Five of them were instituted via ballot initiatives.](#)*

Companies such as Perdue Foods, Coleman Natural Foods, Applegate, North Country Smokehouse, True Story Foods, [Niman Ranch](#), and many others have expressed [strong opposition](#) to the Food Security and Farm Protection Act. “Contrary to Petitioners’ apocalyptic predictions of the impact of Proposition 12, producers can and will adjust to the demands of the California market and raise hogs humanely without sacrificing their ability to earn profits,” statement made by Perdue Premium Meat Company Inc. and Niman Ranch in [their brief](#) in NPPC v. Ross.

The transition away from gestation crates has been underway for years. In most of the country, nearly half of all sows are not raised in gestation crates. There are premiums for pasture raised, organic, and other specialty products, but often not for gestation-crate-free pork.

No.	State	Passed	Takes effect	Passed via ballot initiative?
1	Florida	2002	2008	<a href="#">Yes – Amendment 10</a>
2	Arizona	2006	2012	<a href="#">Yes – Prop 204</a>
3	Oregon	2007	2012	No
4	California	2008 2018	2015 2023	<a href="#">Yes – Prop 2 (2008)</a> <a href="#">Yes – Prop 12 (2018)</a>
5	Colorado	2008	2018	No
6	Maine	2009	2011	No
7	Michigan	2009	2025	No
8	Ohio	2010	2026	No
9	Rhode Island	2012	2013	No
10	Massachusetts	2016	2022	<a href="#">Yes – Question 3</a>
11	New Jersey	2023	2026	No

Reports show that two-thirds of Americans view gestation crates as unacceptable. Prop 12 is becoming the gold standard on animal care for food retailers and consumers: pork products sold in states without gestation crate bans are being labeled as Prop 12-compliant to attract consumers seeking higher-welfare pork. Recognizing market potential, over 60 major food retailers — representing 90% of U.S. pork sales — have issued statements opposing gestation crates or supporting animal housing frameworks that allow meaningful movement for sows. “Gestation stalls are not a sustainable production system for

the future,” announced McDonald’s in 2012. “A gestation-crate-free environment is more humane,” Kroger stated. “We want all of the hogs throughout our pork supply chain to be housed in groups...and expect that this transition should be accomplished no later than 2022,” Costco wrote to pork suppliers and underscoring that the company treats “humane animal handling a business imperative.”

These market shifts have created natural co-mingling of conventional and higher-welfare pork products throughout supply chains, and this has not resulted in notable product price increases.

### ***Many major U.S. food retailers and wholesalers support sow gestation crate elimination***

***Sixty major American food retailers have policies against gestation crates or requiring sufficient opportunities for pregnant sows to move freely***

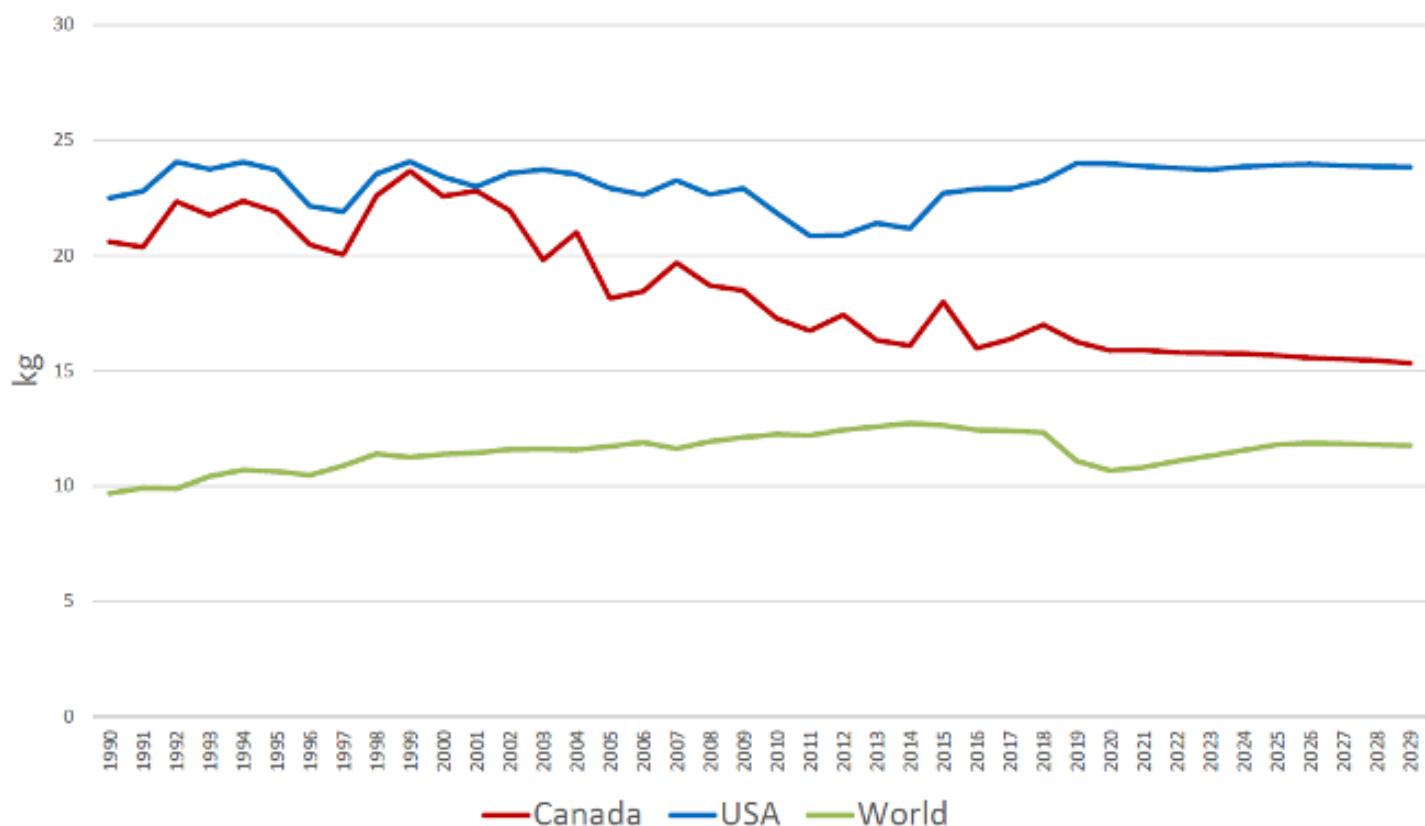


Source: <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=103505>

Pork consumption has consistently hovered around 23-25 kg per person annually. A threat to the industry is that the NPPC and others continue to defend gestation crates even though its *customers oppose* the use of these confinement systems. The association continues to remind its customers that the industry dismisses their instincts when it comes to animal welfare. A generation ago, that same dynamic was

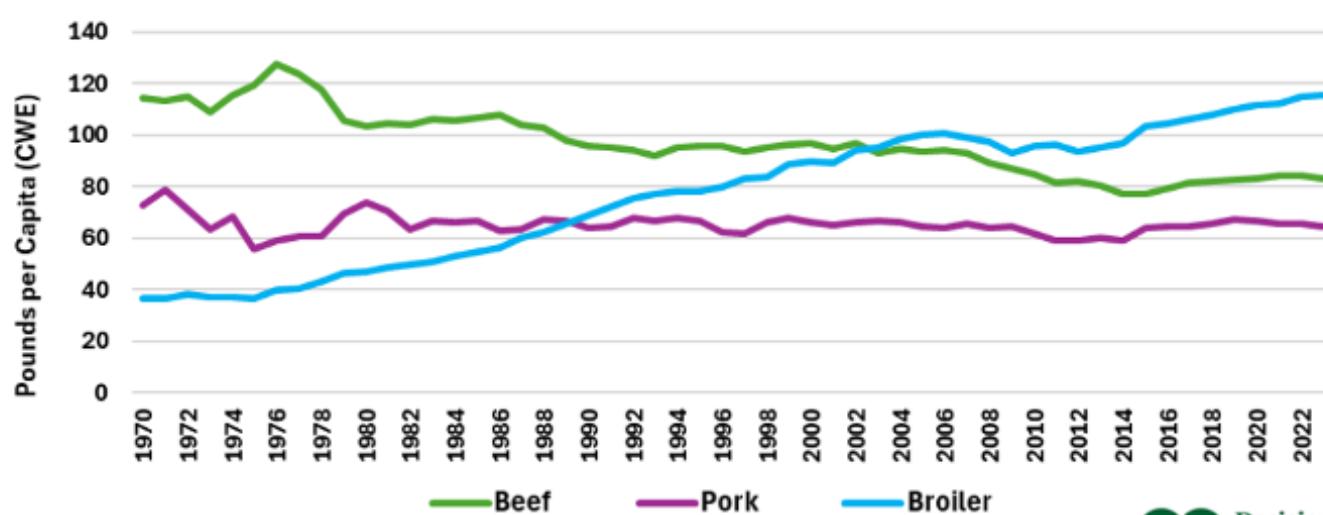
at work with the veal industry, and eventually public demand for veal cratered. It became associated with extreme confinement. The pork industry risks that same circumstance, and the evidence is found in landslide plebiscites on the issue, lopsided votes on gestation crate bans in state legislatures and an embedding of *views by the public* that “factory farms mistreat the animals.”

## Per Capita Consumption of Pork is Steady in the United States but Declining in Canada



Source: See, M. T. (2024). Current status and future trends for pork production in the United States of America and Canada. *Animal Bioscience*, 37(4), 775.

## U.S. Annual Per Capita Disappearance of Pork, Beef, and Broiler



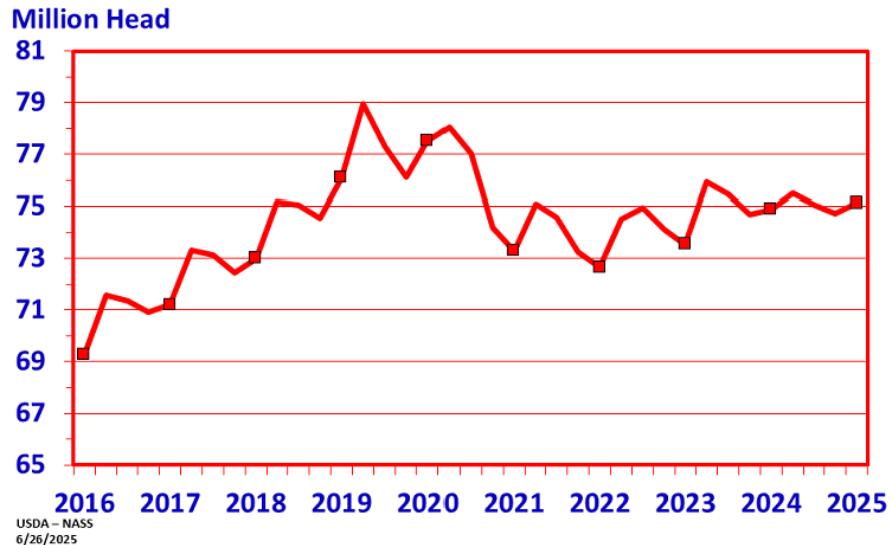
Data Source: USDA  
CWE = Carcass weight equivalent



Source: See, M. T. (2024). Current status and future trends for pork production in the United States of America and Canada. *Animal Bioscience*, 37(4), 775.

Pork production and national supply so far have not seen a major change because of implementation of Prop 12, as measured by USDA statistics on pig inventory and litter rate. When it comes to pricing, “There’s absolutely no national impact of Prop 12 going into effect on January 1st (2024),” said Professor Hale. California’s higher pork prices have “positively affected consumers nationwide,” says Hale. Pork became cheaper in other states due to a surplus of pork products not covered by Prop 12. Nationwide pork price trends have been consistently favorable to consumers.

### U.S. Quarterly Hogs and Pigs Inventory June 1



Source: [https://www.nass.usda.gov/Charts\\_and\\_Maps/Hogs\\_and\\_Pigs/qtr\\_e.php](https://www.nass.usda.gov/Charts_and_Maps/Hogs_and_Pigs/qtr_e.php)

### U.S. Quarterly Litter Rate March – May



Source: [https://www.nass.usda.gov/Charts\\_and\\_Maps/Hogs\\_and\\_Pigs/qtr\\_e.php](https://www.nass.usda.gov/Charts_and_Maps/Hogs_and_Pigs/qtr_e.php)

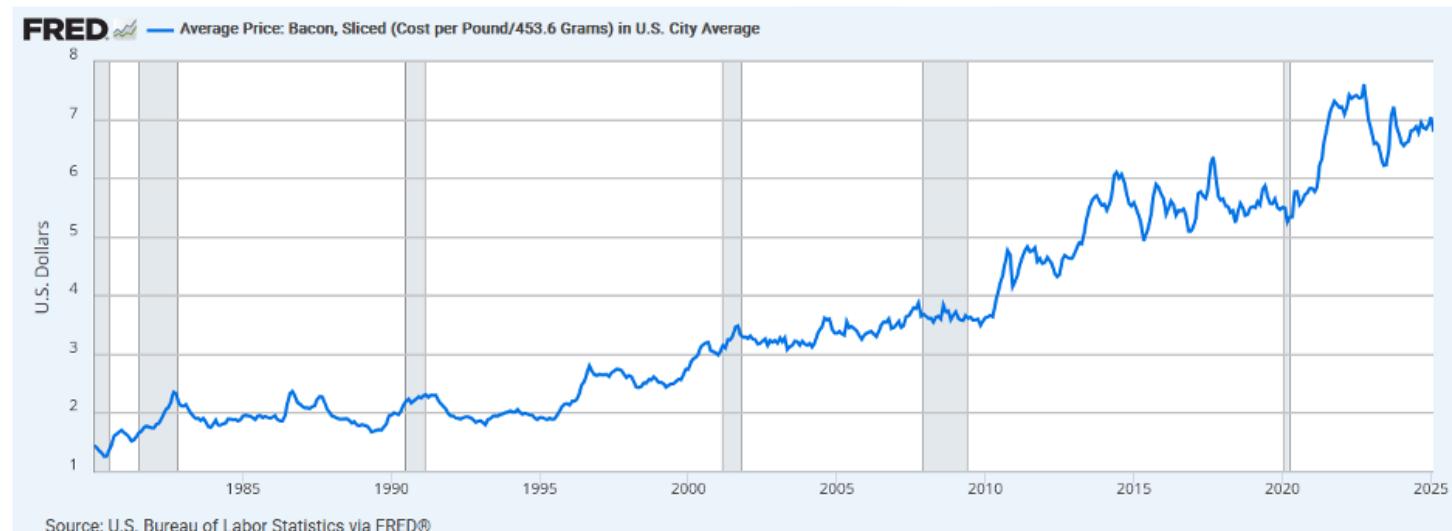
Despite fearmongering efforts by the NPPC and its allies, there have been no pork product shortages in California. Some California stores actually **increased** their pork product supply post-Prop 12 implementation. “There may be a brief period of disruption... but nothing like the apocalyptic predictions of significant long-term shortages or drastically higher prices,” **said** Richard J. Sexton, distinguished professor of agricultural and resource economics at UC Davis. In fact, the state has a list of 1,200 certified producers and distributors. Thousands of small and larger pig producers supply California. Many producers oppose the EATS Act not because of ideology but because it’s not good for their businesses.

Pork prices for fresh pork were going up nationwide well before Prop 12 was initiated. Sustained **price increases** correspond with several significant macroeconomic and sector-specific developments,

including global commodity price inflation, rising feed costs, labor market constraints, supply chain disruptions, disease-related production shocks, and tariffs. Also, the legal challenges brought against Prop 12 and Question 3 by the NPPC and its allies created uncertainty in the market, initially resulting in less investment and causing pork prices to rise. “Some of this price increase was due to the uncertainty that was created by the NPPC,” **observed** Professor Hale. Moreover, pork products not covered by Prop 12 have not been affected by the legislation. “Hog and pork prices in the 90% that does not comply with Prop 12 see no direct cost changes,” according to Daniel Sumner, agricultural economist from UC Davis.

In fact, over the past 15 years, beef has been the most expensive retail protein. Pork prices have seen more moderate growth, rising steadily but showing less volatility than beef. National pork prices have not shown significant upward price pressure due to Prop 12.

### ***Average Price Bacon, Sliced (Cost per Pound/453.6 Grams) in U.S. City Average***



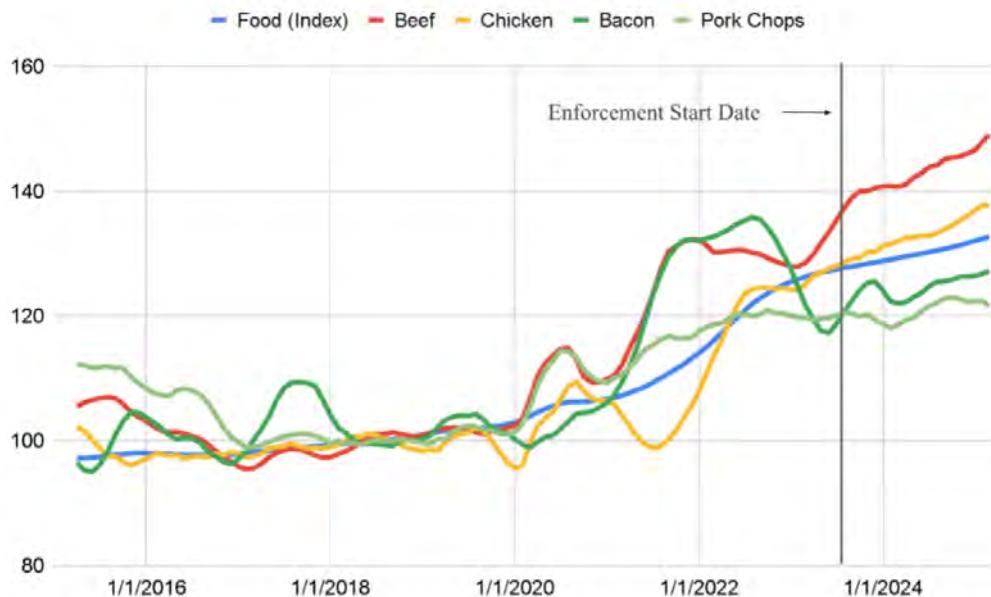
Source: <https://fred.stlouisfed.org/series/APU0000704111>

Based on data from Intelligent Analytics & Modeling, average covered pork prices nationwide are lagging behind chicken and beef (2018-2025). Analysis of Bureau of Labor Statistics item-level price data shows that pork product categories that are fully covered by Prop 12 (bacon, boneless and bone-in pork chops) have had much smaller price increases, compared to overall food prices, beef and chicken prices for the rest of the U.S. This information undercuts the oft-repeated claim from NPPC CEO Brian Humpherys

who **said** that prices will surge — “California’s Prop 12 will cause higher food prices for everyone by forcing pig farmers far outside the state to comply.”

Bucking the longer-term trends, the 2025 data for retail pork prices nationwide show prices actually declining, dropping back to around 485 cents per pound by March. This suggests the market has not only adapted to Prop 12 requirements but may be finding efficiencies.

## Time series of pork prices vs. other food prices (6-Month Moving Average, 2018=100)



Sources: [https://www.bls.gov/regions/mid-atlantic/data/averageretailfoodandenergyprices\\_usandmidwest\\_table.htm](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>

The percentage change was twice as high for beef and chicken than for pork.

## Comparison of pork prices with other food prices (Pre- and Post-July 2023)

Item	Jan 2018 - June 2023 (pre-Prop 12)	July 2023 – May 2025 (post-Prop 12)	% change in price
Food (CPI 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%
All ham*	\$3.56	\$4.53	27.06%

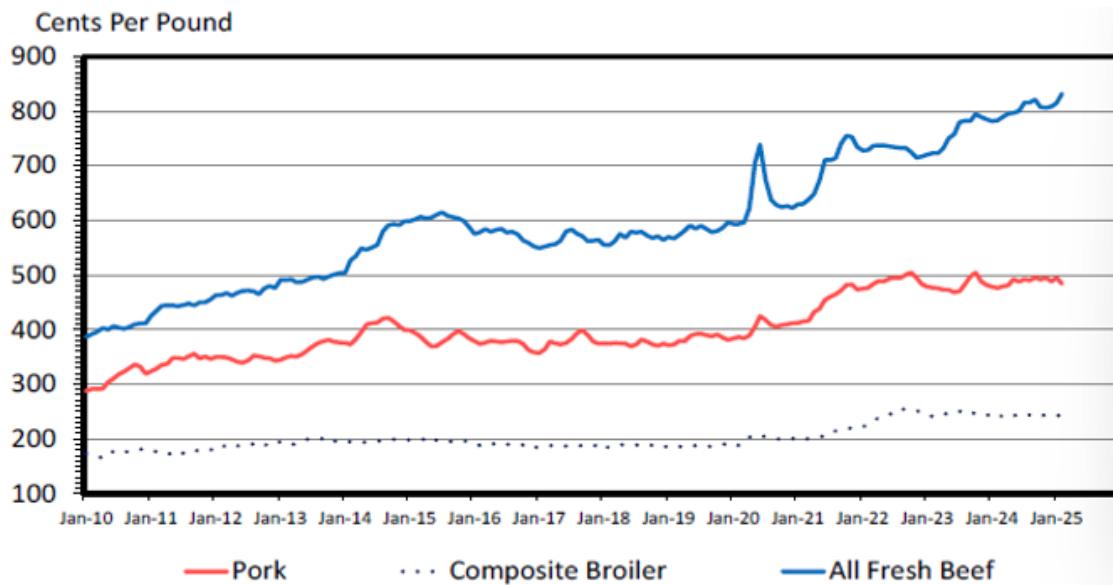
*Note* (\*): Includes products not covered by Prop 12

- If *CPI Food Index = 300*, then food prices *tripled* vs. average prices in the 1982–84 base years.
- Prices are per pound;

Sources: [https://www.bls.gov/regions/mid-atlantic/data/averageretailfoodandenergyprices\\_usandmidwest\\_table.htm](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>

## Retail Price Comparison

### Monthly

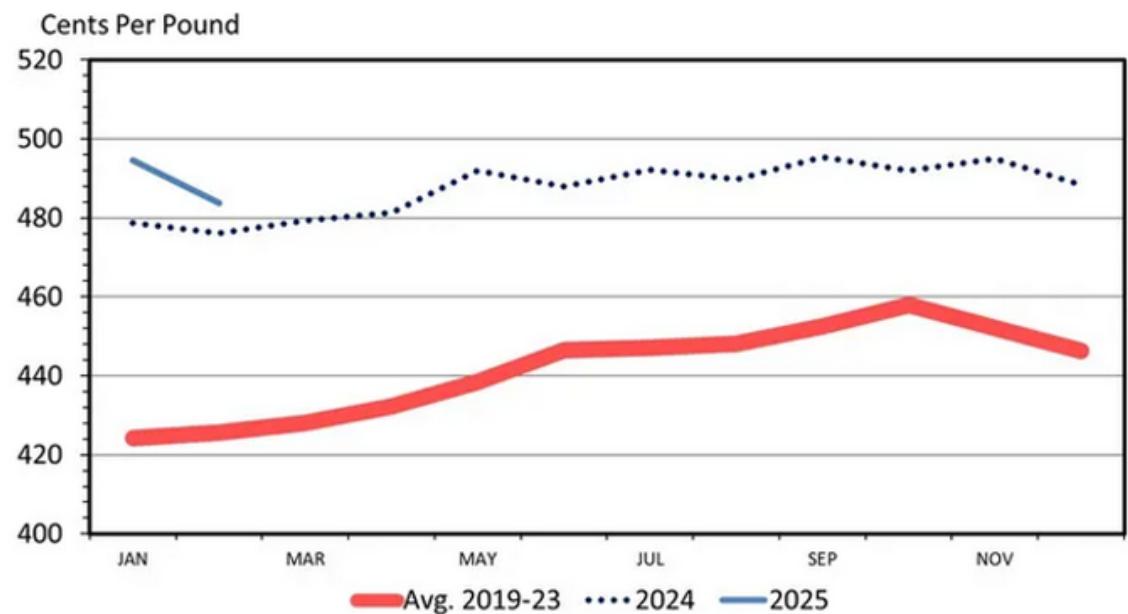


Data Source: Bureau of Labor Statistics & USDA-ERS

Source: Livestock Marketing Information Center. (2025). Retail price comparison: Monthly pork, broiler, and beef prices. Data from the U.S. Bureau of Labor Statistics & USDA-ERS. <https://www.lmic.info>

## Retail Pork Price

### Monthly



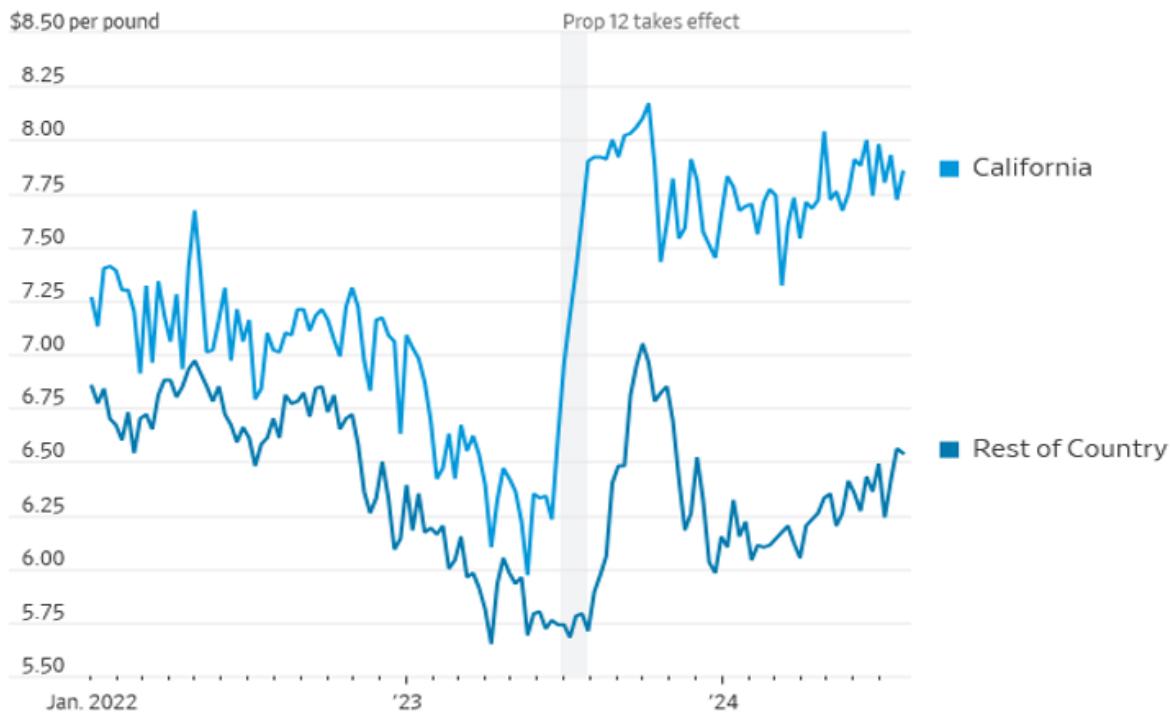
Data Source: Bureau of Labor Statistics & USDA-ERS

Source: Livestock Marketing Information Center. (2025). Retail pork price: Monthly trend char (nationwide). Data sourced from U.S. Bureau of Labor Statistics & USDA Economic Research Service. <https://www.lmic.info>

Price increases in California have been less severe than predicted. Research from UC Davis estimates that pork prices in California are now **7-10%** higher than they would have been without Prop 12, a modest figure compared to the **30-40%** nationwide pork price surge during the pandemic and the **50-60%**

**predicted by NPPC and its backers.** And even as late as May 2025, price trends are challenging to evaluate. Economists and industry experts point out that **macro-level forces**, such as feed costs, energy prices, animal disease outbreaks, and international trade, affect pork price volatility far more than individual state policies.

## Bacon Prices in California and the Rest of the Country



Source: <https://www.wsj.com/articles/the-bacon-apocalypse-that-wasnt-2e957fda>

“Small family farmers will be crushed,” **portended the NPPC**. But Prop 12 has had the opposite effect, with small family farms finding new market opportunities. Some smaller producers are actually benefiting from the **premium prices paid for Prop 12-compliant pork** which range from \$2 to \$15 per carcass hundred weight. Companies like Niman Ranch, which works with independent family farms, have **increased their hog numbers by 15%** with further growth expected.

Pro-EATS politicians it seems are guilty of the most erroneous and baseless statements. “Prop 12 allows radical activists in California — who don't know the first thing about farming or raising animals — to regulate how farmers do their job, devastating small family farms,” **said Rep. Ashley Hinson**, R-Iowa, and lead author of the EATS Act I in the House. For those producers who have been in the business for years and that transitioned to become Prop 12-compliant,

actual compliance costs were much lower than claimed by NPPC. “The big problem I have with NPPC is the misinformation they spread and the lack of transparency,” said Brent Hershey, a pig producer with Hershey Ag in Pennsylvania. “They try to say it costs \$3,500 a sow to convert. Not true. I did it for \$800... They keep diverting attention away from the issue. The gestation crate system.”

Major pork processors are also **thriving**, not suffering. Companies like Smithfield reported about a billion dollars in operating profits in 2024, nearly four times its 2023 profit. Tyson, while operating its pork segment at a loss, reduced that loss by about \$100 million. Seaboard, which initially announced it would shift away from California sales to avoid compliance, is now a certified distributor and reported increased income from “**higher margins on pork products.**”

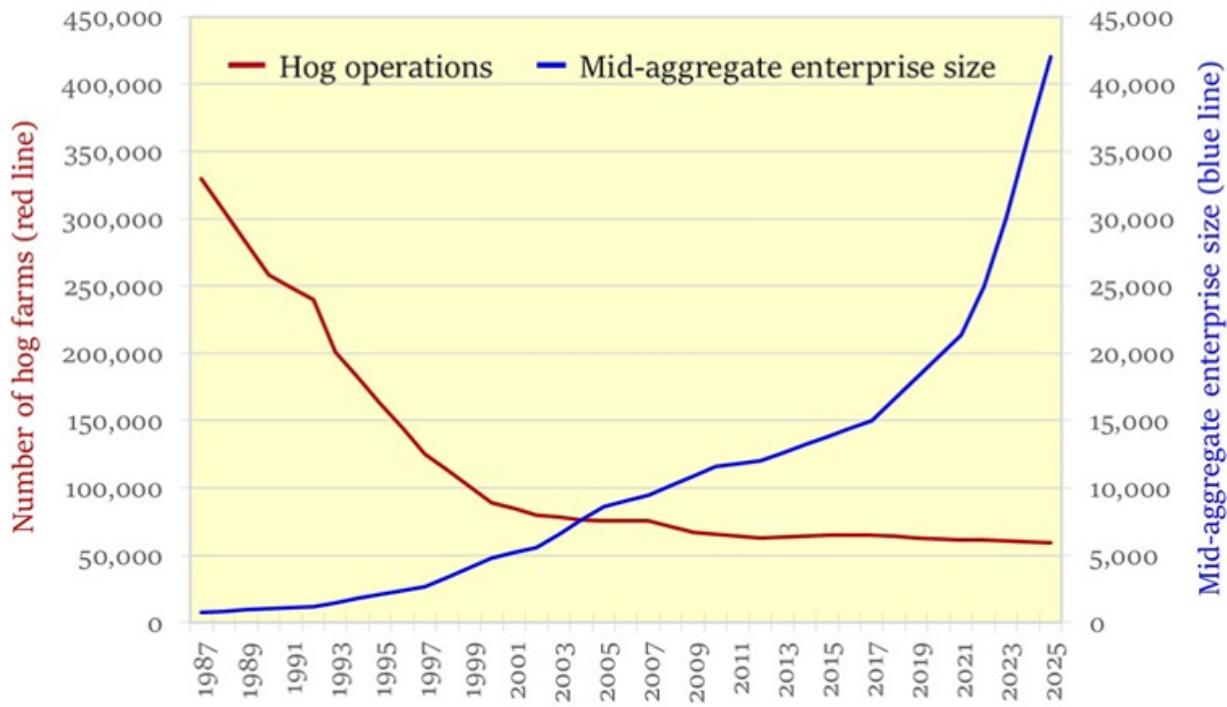
## VI. The EATS Act will accelerate consolidation in American agriculture

Hog production has changed dramatically in the United States in the last **40 years**. Pig farms have gone from being small to medium, family-run operations that performed all phases of production to large corporate operations specializing in a single phase of production. The consolidation of the industry has decimated family-scale pig farming. The number of hog operations has **declined by approximately 77%** since the late 1980s and more than 90% since **1970**, while total production has increased **dramatically** resulting in large capital-intense facilities — in fact, pig farmers are **disappearing at a higher rate** than other farmers. Now, over **98%** of pigs in the U.S. are raised in factory farms.

The U.S. pork industry today is characterized by vertical integration — approximately **75%** of the U.S. hog inventory is on farms with 5,000 or more hogs and the top 25 pig producers own **65%** of the total sow population, with independent family farms continuing to **disappear** at alarming rates. This may represent the most precarious moment in the history of American family pig farming, with further consolidation likely if federal legislation overrides state animal welfare standards. “Isn’t it sad that we have to tell people how to raise livestock? Well, that’s because farmers don’t do it anymore. Factories do it. Big corporations do it,” said Mike Callicrate, pig farmer from Kansas, on the disappearance of traditional animal husbandry.

### *No. of hog farms vs. mid-aggregate enterprise size, 1987-2025*

*Dramatic consolidation of the U.S. swine industry over past 38 years*



- The “mid-aggregate enterprise size” is a metric used by the USDA’s Economic Research Service to measure the concentration of production in the swine industry.
- This metric is defined as the farm size at which half of the total U.S. hog and pig inventory is held by farms of that size or larger, and the other half is held by farms of that size or smaller.

Sources: USDA NASS Quick Stats; Fry et al, 2014

Large pork processing companies often exert significant market power over primary producers, leading to unfavorable economic conditions for independent farmers. In major pork producing states such as Iowa, almost all pork sold at the supermarket is produced by one of these **Big Four** pig processors — Smithfield, JBS, Tyson, Hormel. State measures like Prop 12 create crucial markets that shield independent producers from cheap industrial (“commodity”) pork and prevent further consolidation. Prop 12-compliant farmers need the California market to survive. “My Prop 12 contract has a provision to cancel if EATS Act passes and then everything would reset,” said Brent Hershey. “It would be a blow to me after I converted based on a Supreme Court ruling.”

Corporate consolidation of the pork industry has already led to reduced competition and a lack of fair prices for farmers. Nationally, farmers earn **\$2 less per pound** of pork than in 1982. Only **2%** of hog

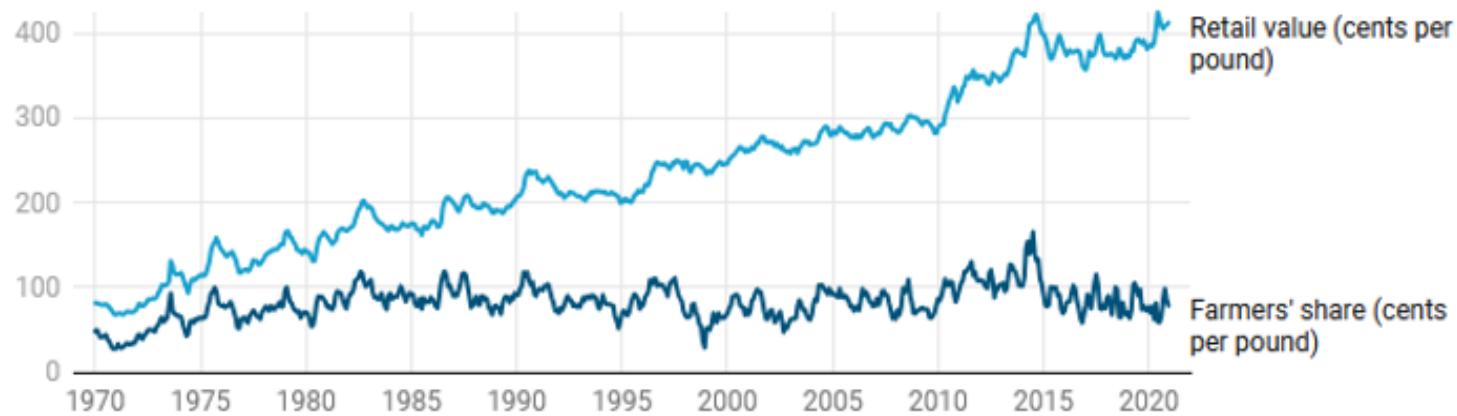
transactions (bought and sold) in the U.S. happen through a negotiated transaction (spot market). The rest are raised and sold under contract with giant processors such as Chinese-owned Smithfield.

Farmers who sell pigs under contract have almost no bargaining power because they often only have one buyer to sell to.

Prices go up for the consumer, but **pig farmer earnings** do not. Currently, the farm share for pork is **22%** of the retail price consumers pay. Beef farm share stands at **52.5%**, 2.39 times more than pork farmers’ share of the retail price. The National Farmers Union estimated in 2020 that farmers were actually losing **53 cents per pound** of pork. Where do the profits go? To the mega pork processors controlling the market, including **Chinese-owned** Smithfield. Additionally, **nearly half** of hog farmers in the U.S. carry debt, and many small to medium-sized farms earn **less than \$10,000** a year.

### ***U.S. Hog Farmers’ Earnings Did Not Rise With Consumers’ Prices Per Pound of Pork***

***From 1970 to 2020, hog prices paid to farmers stayed even, but the price of pork paid at the grocery store went up.***



*Consumers spent \$4.03 per pound of pork at the grocery store in 2020. Only 74.5 cents per pound went to farmers that year.*

Chart: Hemi Kim • Source: [Economic Research Service, U.S. Department of Agriculture](#) • [Get the data](#) • Created with Datawrapper

Source: <https://sentientmedia.org/pig-farmer/>

Market concentration **will accelerate**, giving foreign corporations an edge over American farmers through one weak standard — minimal animal welfare rules and unrestricted use of gestation crates. The EATS Act threatens to create a **regulatory void**, leaving industry practices unregulated. “Clearly [it’s] all about market access by a Chinese owned pork industry [Smithfield],” observed Mike Schultz, vice president of the Organization for Competitive Markets. “This EATS Act was not a push by USA pork producers at all. I used to be one and got out due to consolidation and concentration issues in being able to market hogs.”

Finally, upholding Prop 12 (and Question 3 in Massachusetts) does not create a patchwork of regulations for pork producers to accommodate, as claimed by EATS Act proponents. “If we are going to have a patchwork of 50 different rules,

that is going to make it very difficult … to produce livestock efficiently in this country,” **said Jack Irvin**, vice president of public policy for the Ohio Farm Bureau. However, California and Massachusetts required ballot measures to pass Prop 12 and Q3; this ballot initiative system is not available to citizens of the top five pork-producing states (Iowa, North Carolina, Minnesota, Indiana, and Illinois). In short, the prediction of 50 different state standards has no factual basis. There has not been a single farm animal ballot measure advanced since Prop 12, and there are no measures circulating for the 2026 election cycle.

That said, the creation of additional markets for farmers can be “**beneficial**,” as explained by Professor Hale, “because small and medium farmers can find an opportunity to sell at a higher price in order to recoup their higher cost of production.”



*Photo: Jo-Anne McArthur / We Animals Media*

## VII. The Fictional “Patchwork” of State Pork Sales Standards

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When former two-time U.S. Agriculture Secretary Tom Vilsack weighed in on California’s Prop 12 and Massachusetts’ Question 3, he repeated a canard from the NPPC and China’s Smithfield Foods that controls such an enormous portion of domestic pork production. “The reality is that when each state has the ability to define for itself and for its consumers exactly what farming techniques or practices are appropriate,” he warned, “it does create the possibility of 50 different sets of rules and regulations, which obviously creates serious concerns for producers because they have no stability and they have no certainty.”

That argument has become something of a shibboleth for the NPPC and other long-time boosters of extreme-confinement agriculture, including the foreign-owned conglomerates that control such an enormous chunk of the pork industry. At a recent House Agriculture Committee hearing against Prop 12, Ohio pork producer Pat Hord, a vice president of the NPPC, hewed to that same message, warning that “a patchwork of conflicting, Prop 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.”

The truth is, the lawmakers who are spearheading the Save Our Bacon Act and the Food Security and Farm Protection Act are repeating this narrative without any facts to support it. One Iowa lawmaker parroted the refrain and even argued that the patchwork is not prospective, but made the outlandish and strange claim that this alleged “patchwork” is already in place: “California’s Prop 12, along with Massachusetts’ Question 3, are based on arbitrary, nonsensical standards and have resulted in a harmful patchwork of regulations across the 50 states, and risk pushing smaller hog producers out of business.”

The repetition of this political talking point shows message discipline, but it does not confer validity

on an unfounded, undocumented, and impractical scenario. Now more than seven years since voters passed the latter of the two ballot measures (Prop 12 in 2018), there is no patchwork of 50 state laws providing any humane standards on pork sales. There aren’t five or 10 or 25 or 50 sales standards. There are just the laws in California and Massachusetts. And those two states have consistent standards.

And it’s important to establish that the California laws don’t mark steps one and two of a patchwork. The measures in California are fundamentally aligned. In 2016, Question 3, which had both a production standard and a sales standard, established an animal-welfare performance metric built with precisely the same language established eight years earlier in California’s Prop 2: Sows, along with veal calves and laying hens, should have the opportunity to “stand up, lie down, turn around, and freely extend their limbs.” That performance, or behavioral standard, was grounded in the premise that animals raised for food should be humanely treated — that they should be allowed to move.

Two years after voters in Massachusetts passed the first sales standard for pork, Prop 12 built on that notion with perfect consistency. In adding a sales standard for pork on top of its existing in-state production standard, Prop 12 built on the performance standard by layering on an engineering standard — that each sow should have a minimum amount of square footage to move around.

Any pork product that is Prop 12-compliant by definition also passes muster in Massachusetts. They are aligned policies, though they are not identical. California law and Massachusetts each stipulate that sows should be able to “stand up, lie down, turn around, and freely extend their limbs,” but California, to provide certainty and guidance for farmers, identifies precisely how much space each sow should get.

With no “patchwork” evident — and just two state policies, perfectly aligned — it’s clear that the NPPC had no basis for suggesting a patchwork was in place in any form.

Now we take up the matter of the prospective case: Is there a movement in motion to create that patchwork? The conclusion, based on surveys in the states and a review of ballot initiative capacity and activity, is that there is no movement at all to add other sales standards in the states. What’s more, it would be exceedingly difficult for any meaningful policy like that to be adopted in any state.

The states where most pigs are raised — Iowa, North Carolina, and Minnesota, in order of annual production — do not allow citizen-led ballot initiatives at all. Policy in those states is controlled by state legislators, and not one of the states has ever seen a bill introduced to restrict gestation crates, never mind a sales standard.

But even more relevant, the nation’s most populous states — Texas, New York, Pennsylvania, and Illinois — also lack a citizen initiative process. In other words, there is no mechanism in these states for voters to even consider a Prop 12-style measure. And Florida, the nation’s third-most-populous state, already banned gestation crates back in 2002 through a ballot measure, making it extremely unlikely voters would revisit the issue just to layer on a sales standard; in fact, Florida’s ballot measure process is perhaps the nation’s most expensive for qualifying an initiative, and it also has a supermajority threshold of 60%. In short, no organization has intimated that such a campaign would be undertaken, and the groups with a history of ballot initiative work have said they would never undertake a ballot measure in Florida.

As a corollary, it would make no sense for animal welfare advocates to pick small states, with relatively few consumers, to adopt sales standards. It would



*Photo: Jo-Anne McArthur / We Animals Media*

have little value, in a nation with 330 million consumers, to conduct a ballot measure in states with less than 1% of consumers, such as Alaska, Maine, North Dakota, South Dakota, Utah, and Wyoming. The market effect would be minimal, and the effort required to qualify and pass a ballot measure would not justify the investment. Again, not a single ballot initiative state has any stirrings of a ballot measure campaign, and not a single ballot title has been submitted in any state since Prop 12 was passed seven years ago. Similarly, there are no serious efforts at work in any state legislature in the nation to establish a pork sales standard. The argument is a fiction, disconnected from any practical action by animal welfare groups.

Taken together, these arguments authoritatively undercut any “patchwork” narrative. There’s no patchwork now, contradicting the argument of an Iowa senator, and no practical action to develop that patchwork in the foreseeable future.

The states that have banned gestation crates — Colorado, Michigan, New Jersey, Ohio, Oregon, Rhode Island, and Washington state — specifically passed their legislation without a sales standard by an act of state law makers or state agriculture commissions. So, the idea of them revisiting these

measures without upgrading policies to update the sales standard is highly unlikely. Again, no such legislation has been introduced in any of these states.

If anything, the action has moved away from statehouses and ballot boxes and into the boardrooms of America's largest food retailers. Rather than waiting for new state mandates, nearly every major grocer, restaurant chain, and food distributor in the country has adopted its own corporate animal welfare commitments. McDonald's, Costco, Walmart, Kroger, Target, and dozens of others — collectively representing more than 90% of pork sales — have pledged to phase out pork sourced from producers using gestation crates, not because they are legally required to, but because their customers are demanding those standards.

The reality is, two states set minimum sales standards and food companies selling in those markets have readily adapted their procurement and distribution strategies to meet that demand. Some of the companies are now selling only gestation-crate-free pork on a national scale. There's no evidence of chaos—only resourcefulness and market adaptation.

California and Massachusetts are providing an on-ramp for producers raising pigs for slaughter in housing systems that do not immobilize the sows. Producers have willingly invested to comply because they understand that is the future of production in North America. And for those farmers who never chose intensive confinement methods these two states affirm the value of their original animal husbandry strategies.

Limited state action, combined with sequential movement by companies, is the way to responsibly and methodically conduct a national transition to a crate-free future. This gradualist and segmented market approach minimizes market disruptions and gives shelf space to humane-minded producers when the new public and corporate policies are phased in and then put into operation. And that's how the industry has transitioned from a very small percentage of crate-free production for its six million sows to

more than 2.5 million (perhaps 45%) of sows outside of gestation crates for the majority of their pregnancy.

The effort to repeal or override Prop 12 and Question 3, now repackaged under the misleading banner of the Save Our Bacon Act or the Food Security and Farm Protection Act (formerly the EATS Act), are built on these false premises. The dire warnings from agribusiness lobbyists about 50 conflicting regulatory regimes are nothing more than political theater. They are attempting to manufacture a crisis, invoking the terms "chaos" and "patchwork" and portending "coercion" when none exists.

The NPPC and its allies made grand claims before the federal courts that Prop 12 and, by implication, Question 3 were unconstitutional. The courts disagreed in every case brought before them, with the U.S. Supreme Court punctuating the rejection letter with an opinion written by conservative Justice Neil Gorsuch.

They have made their patchwork argument now to Congress, but there is no evidence of any patchwork, nor any prospect for it. The second of the two ballot measures (Prop 12) was written to provide more certainty, and that's precisely why over 1,250 producers around the nation have become compliant and are supplying animal products to California. What we now have is a stable set-up in the states, with two states providing markets for crate-free pork, and one by one, more companies that sell pork to consumers are getting on board.

Prop 12, Question 3, and the dozens of corporate policies do not reflect a chaotic patchwork but a consistent, commonsense expectation that markets are transitioning away from extreme confinement. Animals used in food production should not be immobilized in cages so small they cannot turn around or extend their limbs. When the false narratives are stripped away, it is clear that the opponents of Prop 12 and Question 3 are not fighting a patchwork problem — they are fighting progress.

## VIII. No other sector of animal agriculture, or any other form of agriculture, is clamoring for something like the EATS Act

Unlike the pork industry's resistance to state animal welfare laws, other sectors of animal agriculture have largely chosen adaptation over litigation or legislative overrides. The egg industry, despite facing similar California requirements under Prop 12, has not mounted a coordinated legal challenge or lobbied for federal pre-emption through legislation like the EATS Act. Instead, egg producers oppose the EATS Act and have **steadily transitioned** to cage-free systems in response to both regulatory requirements and market demand.

Animal welfare trends are accelerating in the U.S., with cage-free eggs leading a broader transformation in livestock housing practices —more than **45%** of all hens are now in cage-free production. That's an increase from only 8% 15 years ago. According to USDA's Agricultural Marketing Service, approximately **76%** of U.S. hens must be in cage-free production by 2026 to meet projected demand, indicating continued rapid growth. The egg industry actively embraced the growing consumer and regulatory trends towards cage-free production because it does want to undercut the producers who have invested in humane housing.

Similarly, the dairy industry has worked within existing frameworks to meet evolving welfare standards, such as by banning the practice of tail docking. The poultry industry's approach to antibiotic restrictions provides another example — when states began limiting antibiotic use, **producers adapted their practices** rather than seeking to invalidate state authority. "Chicken producers have proactively and voluntarily taken steps toward finding alternative ways to control disease while reducing antibiotic use; phasing out those that are most critical to human medicine," the National Chicken Council said in a **statement**.

Since the NPPC began its congressional campaign to bar states from imposing sales standards that codify humane housing standards, there are now glaring disagreements within the sector, including some of the biggest producers and thousands of family farmers. This split has accelerated since Prop 12's provisions took full effect in January 2024, with virtually every major pork producer in America supplying California with Prop 12-compliant pork directly or through their distribution networks. Many of these companies once denounced Prop 12, but they're now knee-deep in its implementation and cogs in California's pork supply chain.

The Oklahoma-based Seaboard Foods appears on the **registry of companies** supplying Prop 12-compliant pork and **reports increased profits** from "higher margins on pork products." Tyson Foods' CEO **Donnie King acknowledged** the company's ability to supply Prop 12-compliant pork, stating, "we can align suppliers, and we can certainly provide the raw material to service our customers in that way." Triumph Foods, which has led multiple lawsuits against Prop 12 — and just lost a challenge to Question 3 in Massachusetts in a unanimous ruling of the U.S. Court of Appeals for the First Circuit — maintains active California distribution.

Other industrial-scale pork companies are in more open revolt against the NPPC. Iowa Select Brands and even the Brazil-based giant JBS appear to be actively opposing the NPPC on this campaign to overturn Prop 12 and may no longer be members of the trade association.

Brad Clemens, president of Clemens Food Group, also a top-10 national producer, says the Save Our Bacon (SOB) Act and its precursor measures undermine years of work the company has put in

to prepare for Prop 12 and other similar animal welfare laws. “We’ve given our producers choice,” **he says**. “This is their choice to be able to make this conversion, and a lot of them have. It’s given them choice, and it will absolutely take away a choice they have if the EATS Act [now the SOB Act] were to pass.”

What’s more, hundreds of smaller, independent producers and distributors have found profitable niches in the Prop 12 market. “Our farmers have invested millions to become compliant with Proposition 12. The EATS Act threatens the livelihoods of our farmers and the future of our business,” **said Phil Gatto**, co-founder and CEO of True Story Foods. And Russ Kremer, head of Farm Partnerships, **added recently**: “Voters made their voices heard, and we agree with them that animals deserve space to move. Prop 12 gives small farms like ours the opportunity to survive during a time when agriculture is heavily consolidated and independent farmers are being pushed out.”

“Consumer interest in animal welfare continues to accelerate with no signs of slowing down, and undermining Prop 12 punishes the producers who stepped up and the consumers who voted in favor of farming practices they believe in,” **said Mike Salguero**, founder and CEO of ButcherBox.

In October 2025, **more than 200 farmers** — with 40 farmers from Minnesota alone — traveled to Washington, D.C., to urge Congress not to pass the SOB Act or its Senate counterpart, the Food Security and Farm Protection Act.

“Opponents of Proposition 12 claim that the law hurts small family farms, and I’m here to tell you that’s just not true,” **said Trisha Zachman**, a Minnesota farmer who markets her hogs to Niman Ranch. She explained that Prop 12 protects the market for crate-free pork so farms that invested in humane housing can “continue to compete.” Other farmers reported tangible benefits after converting — healthier, longer-lived sows — and warned that gutting these laws now would destabilize their businesses (and likely bankrupt them).

The pork industry is not only divided internally on the EATS Act, but it stands alone among commodity groups in actively pushing for the congressional legislation. Thus far, the industry is facing unanimous opposition from Democrats in Congress, and it is contending with strong divisions within Republican ranks over the EATS Act. The votes are simply not there, and as every day passes, and more farmers depend on the market access provided by Prop 12 and Question 3, the pig industry is choosing to pick corporate winners over family farm losers. Its past failures in the federal courts and in Congress are very unlikely to turn around, especially as its false claims are laid bare by economists, scientists, and other key stakeholders making measured judgments about the smooth implementation of Prop 12 and Question 3.

*Photo: Jo-Anne McArthur / We Animals Media*



# BIOS

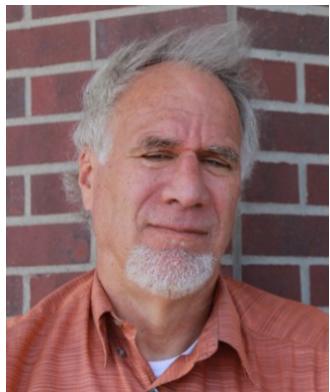
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## ***Dr. Svetlana Feigin Ph.D.***



Dr. Feigin completed her PhD in Psychology at the University of Auckland, New Zealand, focusing on social and health psychology. She has served as assistant editor of Neuroepidemiology medical journal and is currently serving as director of academic research at the Center for a Humane Economy. Dr. Feigin resides in Queenstown, New Zealand.

## ***Dr. Jim Keen D.V.M., Ph.D.***



Dr. Keen has been an agricultural veterinarian for 35 years and also has a doctorate in infectious disease epidemiology. He was a career livestock infectious and zoonotic disease researcher with the USDA's Agricultural Research Service in Nebraska and a longtime faculty member at the University of Nebraska School of Veterinary Medicine. He is currently director of veterinary sciences at the Center for a Humane Economy. Dr. Keen resides in Mitchell, South Dakota, on his family farm and ranch, which has been in his family since the 1880s.

## ***Dr. Thomas Pool D.V.M., M.P.H., Dipl. ACVPM***



Dr. Pool has been an agricultural veterinary medicine professional for over 30 years, earning his doctor of veterinary medicine degree from Oklahoma State University and Masters in Public Health from Harvard University. He served as commander of the U.S. Army Veterinary Command and later as Territorial Veterinarian for Guam for 17 years, overseeing agricultural animal health and food safety programs. He is currently with Animal Wellness Action and the Center for a Humane Economy, focusing on agricultural policy and animal welfare standards. Dr. Pool resides in Norman, Oklahoma, where his family continues to operate their century-old cattle ranch.

## — Addendum A —

### ***Hog wash vs hog facts: Rebuttals to fictitious, exaggerated, and fearmongering claims made by Prop 12 opponents and re-branded EATS Act proponents***

- The many doomsday predictions made for hog farmers, pork companies, and consumers by the NPPC and its allies have not come to pass either since the Prop 12 ballot measure passed in November 2018 nor after the full implementation of Prop 12 on Jan 1, 2024.
- The realistic anti-EATS facts vs. the exaggerated pro-EATS fictions listed below collectively paint a picture of Prop 12 not as an existential threat to the pork value chain, but as a catalyst for positive change, driven by evolving consumer expectations and a growing emphasis on the well-being and welfare of animals reared for our food.
- The pork industry has demonstrated a capacity to adapt and even thrive in the new higher animal welfare environments in California under Prop 12 and Massachusetts under Question 3.

HOG WASH	HOG FACTS
“California’s Proposition 12 is going to hurt the economy of Iowa, which is number one in pork production. Because we farm differently than the eggheads of California think we ought to run our animal agriculture, we can’t sell our product there.” (Senator Chuck Grassley, Iowa, June 2023)	“Initially, when California passed Prop 12 (in 2018), there was an effect in the market, because we didn’t really know how it was going to affect Iowa producers. Since then, over the past year, <a href="#">there’s been enough production change to meet Prop 12 demand</a> that it really truly doesn’t affect a producer that doesn’t want to adjust operations to comply with the California law.” (Matt Gent, Iowa Pork Producers Association president, July 2024)
“Radicals in liberal states like California shouldn’t be allowed to punish hardworking farmers and producers in Iowa with overreaching and unconstitutional policies like Proposition 12.” (Senator Joni Ernst, Iowa, January 2022)	“It is a win-win situation for us and producers. We’re a values-driven company. This is a decision that has fit with our core values for a very long time. <a href="#">The people have voted for what they want. Leave the federal government out of it. The market has spoken.</a> ” (Brad Clemens, President of Clemens Food Group, 5 <sup>th</sup> largest pork processor & top 10 in U.S. for no. of sows, September 2023).
“So our animals can’t turn around for the 2.5 years that they are in the (gestation) stalls producing piglets. I don’t know who asked the sow if she wanted to turn around.” (Dave Warner, former NPCC spokesperson, October 2014)	“The frequency of turning movements... almost <a href="#">200 times per 24 hours</a> . When given a choice, <a href="#">sows prefer a crate width that enables them to turn around.</a> ” (Drs. Knut Bøe, Greg Cronin, Inger Andersen in “ <a href="#">Turning around by pregnant sows</a> ,” <i>Applied Animal Behavior Science</i> , September 2011)
“Midwest farmers should not be hamstrung by coastal activist agendas that dictate production standards from hundreds of miles away.” (Senator Roger Marshall, Kansas, April 2025)	“California’s standards help farms like ours compete on a more level playing field against these <a href="#">foreign conglomerates</a> .” (Neil Dudley, president of Pederson’s Hog Farms, Texas, January 2024)

<p>“California’s Proposition 12 will cause higher food prices for everyone by forcing pig farmers far outside the state to comply.” (Bryan Humphreys Chief Executive Officer, NPPC, July 2023)</p>	<p>“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.” (Dr. Bailey Norwood, agricultural economist, Oklahoma State University)</p>
<p>“This regulation [Prop 12] extends far beyond California’s borders, affecting farmers in other states... harming family farmers across the country by forcing pork producers to comply with one state’s arbitrary production standards that limit market access, induce consolidation.” (Lori Stevermer, NPPC President, Minnesota hog producer, April 2025)</p>	<p>“Proposition 12 will align the quality of pork products demanded by California consumers with the subset of producers who have an economic incentive to provide these products. For participating producers, meeting California demand will create profitable business opportunities. Smaller farms are especially likely to benefit from these opportunities because of the flexibility of their operating model. Critically, no one outside California is required to comply with Proposition 12.” (Galina Hale, Economics Professor, Univ of California-Sant Cruz, 2022)</p>
<p>“There is no doubt that it’s [Prop 12] not just affecting California; it’s affecting... our hog family farms.” (Brooke Rollins, Secretary of Agriculture, January 2025)</p>	<p>“By overriding Prop 12 and similar state laws, this provision [EATS Act] would not only trample voter-approved initiatives, it would also undercut family farmers who have invested in more humane practices. Instead, it rewards massive conglomerates — like Smithfield Foods, which is owned by a Chinese corporation — that want to impose one-size-fits-all rules favoring industrialized systems over community-based agriculture.” (former Iowa Senator Tom Harkin, June 2025)</p>
<p>“I’m proud to be leading the charge to strike down this harmful measure and will keep fighting to make sure the voices of the farmers and experts who know best – not liberal California activists – are heard.” (Senator Joni Ernst, Iowa, April 2025)</p>	<p>“As Oklahoma ranchers, my family would never want people from California to tell us how to raise animals, but that is not what Prop 12 is about. We raise our animals humanely, and we would not want to be forced to eat animals that had been tortured. We do not require Muslims, Jews, and Vegans to eat pork, and we shouldn’t force people to eat pork from mistreated animals. We are not telling people how to farm; we are asking them not to tell us what we have to eat.” (Dr. Thomas Pool, Oklahoma veterinarian and livestock owner, personal communication)</p>
<p>“Many farm families are contemplating whether they can pass along their farm to the next generation.” (Duane Stateler, National Pork Producers Council President and Ohio pork producer, April 2025)</p>	<p>“If the EATS Act passes, we lose the chance for any meaningful reform in our food system. Prop 12 was supposed to level the playing field and reward better practices. Instead, we risk losing the right to set food standards at the local and state levels altogether. It’s a direct threat to real farmers and ranchers nationwide.” (Samuel R. Santry, pig farmer and chief operations officer, Sweet Water Farm &amp; Ranch Co., California, personal communication)</p>

<p>“Congress shouldn’t allow any one state to single-handedly upend the country’s agricultural economy.” (Senator Roger Marshall, Kansas, June 2025)</p>	<p>“I think it’s a win-win by not doing the EATS Act, by allowing it to stay the way it is, because the <a href="#">small producers now have a market all to themselves</a>. They have California. Those people voted for it. They know they’re going to pay more for the product... it’s going to help the small farmers.” (Nick Schutt, third-generation pig farmer, Hardin County, Iowa, 2025, personal communication)</p>
<p>“Look, these are radical animal rights activists that are leading this charge against us. We do not want California telling Kansas or Iowa farmers how to raise pigs. This is Kansas. We’re going to do it the way Kansans have done this for centuries.” (Senator Roger Marshall, Kansas, August 2023)</p>	<p>“We need to bring back family farmers to raise pigs not factories. I think Prop 12 goes a long way to help make that happen. You don’t have to push very hard to get a whole lot of pushback from the industrial guys because <a href="#">they’re making a lot of money abusing animals.</a>” (Mike Callicrate, pig farmer and founder of Ranch Foods Direct, Kansas, 2025, personal communication)</p>
<p>“As with humans, food goes in one end and comes out the other. A sow that turns around will likely foul her food and water troughs. Pigs that manage to turn around can also forget how to turn back. Either way, they could end up going hours without nourishment or hydration.” (Elizabeth Wagstrom, NPPC Chief Veterinarian, December 2022)</p>	<p><a href="#">“Gestation crates are the equivalent of a prison cell...</a> Our sows are outside year-round with shelter. That’s where pigs should be, that’s where they used to be. They didn’t live in a crate, stuck in a crate, where they couldn’t stand up and sit down. Pigs in extreme confinement are clinically depressed.” (Greg Gunthorp, pig farmer, Gunthorp Farms, LaGrange, Indiana, personal communication.)</p>
<p>“Livestock production practices should be left to those who are most informed about animal care — farmers — and not animal rights activists.” (Jim Monroe, NPPC spokesperson, November 2020)</p>	<p>“The question that Prop 12 addressed was – <a href="#">animals should have enough space to be able to move around, turn around, and lie down and sit down</a>. And I’m like – that should be a given. Like, we should never be even putting that up for discussion... It’s kind of shocking.” (Jordan Green, pig farmer and owner of J&amp;L Green Farm, Virginia, personal communication)</p>
<p>“Under a proper system of government, we don’t have states telling our producers how they can raise their livestock.” (Brooke Rollins, Secretary of Agriculture, January 2025)</p>	<p>“My perspective on the EATS Act is that it is a <a href="#">clear attempt by the Big Meat Packers and other Big Ag companies to take total control of food production in this country and thereby enhance their ability to manipulate ag markets worldwide</a>. Big Ag’s ability to dictate everything from seed to table is already huge and they would like to make it even bigger.” (Mike Weaver, retired livestock farmer, West Virginia, past president of Organization for Competitive Markets and Contract Poultry Growers Association of the Virginias, personal communication)</p>

<p>“Who made this [Prop 12] Decision? In my mind, it was people who are not associated with the industry ... and don’t understand what the animal needs. That should be left, in my mind, to the caretaker such as myself.” (<a href="#">Randy Spronk, former NPPC president, Minnesota hog producer, 2019</a>)</p>	<p>“Despite his strong initial opposition to Prop 12, <a href="#">Randy Spronk</a> ultimately found it economically viable to adapt his operations for the California market and <a href="#">transformed a portion of his farm to offer Prop 12-compliant pork</a>, illustrating how business realities can override ideological reflexes.” (<a href="#">Minnesota, 2021</a>)</p>
<p>“The cost of compliance (for Prop 12) will shrink the national hog herd and cause additional consolidation of pork producing farms – because small/medium pig farms will be forced to sell to large farms.” (<a href="#">Pam Lewison, Center for Agriculture, November 2023</a>)</p>	<p>“The enacting of Proposition 12 opened up large markets for my pork... I saw an uptick in demand... I stand to lose so much more than a market share if EATS or whatever they are calling it now passes. The Federal government overreaching its authority and stomping on states right is wrong.” (anonymous Iowa pig farmer, 2025, personal communication)</p>
<p>“Small pen size also helps avoid piglet mortality by allowing a sow to lie down without crushing or stepping on her offspring. By demanding a penning footprint nearly twice the size of current industry standard, Proposition 12 puts the life of piglets in danger from their own mother and puts the lives of mothers in danger from other pigs in the herd.” (<a href="#">Pam Lewison, Center for Agriculture, November 2023</a>)</p>	<p>Note: This statement is a common factual mistake by Prop 12 opponents. Prop 12 only bans gestation crates (during pregnancy). It does not ban farrowing crates, used after piglets are born. <a href="#">No piglets will be crushed due to Prop 12 compliance since there are never any piglets in a gestation crate</a>.</p>
<p>“Under [EATS Act], California can continue to require its farmers to comply with Prop 12, and the other 49 states can regulate the farmers within their borders as they see fit. The bottom line is that California activists shouldn’t tell Iowa farmers how to do their jobs.” (<a href="#">Rep. Ashley Hinson, Iowa, March 2024</a>)</p>	<p><a href="#">“No one outside California is required to comply with Proposition 12</a>. Because Proposition 12 applies only to sales within California, producers may choose to offer compliant products if they decide that doing so would be profitable. In other words, they will do so if they conclude that gaining access to the California market is worth the costs. Arguments that Proposition 12 will impose significant burdens on the national pork industry are inconsistent with basic economic principles.”</p> <p>(<a href="#">Galina Hale, Economics Professor, Univ of California-Sant Cruz, 2022</a>)</p>
<p>“In the end, it’s really going to hurt the economy of Iowa, number one in pork production.” (<a href="#">Iowa Senator Chuck Grassley, 2024</a>)</p>	
<p>“The Supreme Court’s decision to uphold Proposition 12 was disappointing, and I think it ought to be corrected by Congress. I plan to support legislative measures to prevent states from instituting laws that discriminate against agriculture production.” (<a href="#">Sen Chuck Grassley, Iowa, 2023</a>)</p>	<p><a href="#">“The pork industry has for decades blocked any rules at the federal level to promote the humane treatment of farm animals and this [Supreme Court case against Prop 12] was their attempt to gut state rules, too.</a> [The 2023 Supreme Court ruling in favor of Prop 12] is a loss for hog factory farmers and a win for the vast majority of Americans who want to know that animals raised for food were not immobilized and otherwise tormented in production.”</p> <p>(<a href="#">Wayne Pacelle, President, Center for a Humane Economy, 2023</a>)</p>

<p>“Without the crates, farmers have no way of measuring how much food each individual pig eats. The dominant sows will get too much feed, and the weaker sows will not eat enough. So we know we won’t be able to take as good care of our animals.” (Chad Leman, pig farmer and president of Illinois Pork Producers Association, 2024)</p>	<p>“I don’t think anyone needs to be a rocket scientist to understand that having space to lie down and stretch your legs is necessary for mental and physical well-being. <a href="#">Living in a gestation crate is like having a human live in a telephone booth.</a>” (Allison Molinaro, Compassion in World Farming, 2025)</p>
<p>“Proposition 12 will increase on-farm production costs by more than 9%, leading to higher pork prices and a shrinking supply of affordable protein for families throughout the country while also forcing industry consolidation – hitting small and medium-sized farms the hardest.” (NPPC, date unknown)</p>	<p><a href="#">“In the last 50 years, we’ve lost 92% of our independent hog farmers with the rise of industrial ag.</a> It’s made it difficult for hog farmers to remain in business, and they basically need to find a niche market. If you want to be a hog farmer, you almost have to resort to operating a CAFO (confined animal feeding operation). The way the market is set up, there’s not much choice.” (Diane Rosenberg, Iowa hog farmer, 2022)</p>
<p>“The threat to producers [from Prop 12] goes way beyond NPPC and the pork industry. States like California must be held accountable. They cannot be allowed to enact mandates that dictate production standards to producers outside of their borders.” (Rep. G.T. Thompson, Pennsylvania, May 2025)</p>	<p><a href="#">“While I don’t agree with Proposition 12, I’ll defend to my dying day California’s right to self-determination,</a> and any state’s ability to use its constitutional authority as that state’s citizens best see fit.” (Sid Miller, Texas Agriculture Commissioner, April 2025)</p>
<p>“If Congress doesn’t act, we’re going to have chaos in the marketplace (due to Prop 12)” (Former USDA Secretary Tom Vilsack, 2024)</p> <p>“The challenges U.S. hog farmers face from Proposition 12 are daunting...if left unchecked, [Prop 12] will result in a loss of 2.5 percent of national pork harvest capacity, handing pork packers more market power at the expenses (sic) of hog farmers, especially smaller producers.” (Jen Sorenson, Past President of the National Pork Producers Council, 2022)</p>	<p><a href="#">“California seems to have aligned with their suppliers in a way where the balance between what’s coming in the pipeline for Prop 12 product seems to be aligning relatively well with what the demand is.</a> As you’ve seen some people convert facilities and supply and demand start falling into place, I’d say there’s not as much of a unified voice against [Prop. 12] maybe as there was two years ago. It’s a little more mixed today, because there are people that have made investments, and they’re capitalizing on the market opportunity as well.” (Gary Malenke, senior vice president of pork operations, Perdue Premium Meat Company, Iowa, May 2025)</p>

## — Addendum B —

Agribusiness interests and their allies have suffered at least 19 defeats and counting in federal courts in their attempts to overturn Prop 2 in California, A.B. 1437 (requiring egg sales in California to comply with Prop 2 standards), Prop 12 in California, and Question 3 in Massachusetts. The SCOTUS decision marks the exhaustion of the legal attacks by agribusiness on these state laws. In the preceding series of challenges to Prop 12, the 9th Circuit rejected a challenge to California's Prop 12 in October 2020 by the North American Meat Institute, the 9th Circuit in July 2021 turned away the NPPC/AFBF challenge (that's the case that went to SCOTUS), and U.S. District Court for the Northern District of Iowa rejected a similar challenge from the Iowa Pork Producers Association. Here is a roster of cases brought in the wake of Prop 2, A.B.1437, and Prop 12, with all decisions favoring the state of California and adverse to the plaintiffs.

### Roster of cases filed against Prop 2, Prop 12, and Question 3

#### California's Prop 2

*Cramer v. Harris et al.* — egg producer lawsuit against Prop 2

Oct. 2, 2014 — **District Court** dismisses the case for lack of standing. *Cramer v. Harris*, No. CV 12-3130-JFW, 2012 WL 13059699 (C.D. Cal. Sept. 12, 2012).

Feb. 4, 2015 — United States **Court of Appeals for the 9th Circuit** upholds dismissal. No. CV 12-3130-JFW, 2012 WL 13059699 (C.D. Cal. Sept. 12, 2012), aff'd sub. nom. *Cramer v. Harris*, 591 Fed. App'x. 634 (9th Cir. 2015).

*Missouri v. Harris* - six states challenged AB 1437

June 30, 2014 — **District Court** dismisses the case for lack of standing. *State of Missouri v. Harris*, No. 2:14-cv-00341-KJM-KJN (E.D. Cal. Jun. 30, 2014).

Jan. 17, 2016 — United States **Court of Appeals for the 9th Circuit** upholds dismissal. *State of Missouri ex rel. Koster v. Harris*, No. 14-17111 (9th Cir. 2016).

May 30, 2017 — **Supreme Court** denies cert. 847 F.3d 646 (9th Cir. 2017), cert denied sub. nom., *Missouri ex rel. v. Becerra*, 137 S. Ct. 2188 (2017).

*Missouri v. California* – similar coalition of states as in the *Missouri v. Harris*

Oct. 2, 2014 — **District Court** dismisses the case for lack of standing. *State of Missouri, et al. v. Harris, et al.*, No. 2:14-cv-00341-KJM-KJN (E.D. Cal. Oct. 2, 2014).

Nov. 17, 2016 — United States **Court of Appeals for the 9th Circuit** upholds dismissal. *State of Missouri v. Harris*, No. 14-17111 (9<sup>th</sup> Cir. Nov. 11, 2016).

Jan. 7, 2019 — **Supreme Court** denies cert. 139 S. Ct. 859 (2019).

#### California's Prop 12

*North American Meat Institute v. Becerra* — meat industry challenge to Proposition 12

Nov. 22, 2019 — **District Court** denied NAMI's request for preliminary injunction. N. Am. Meat Inst. v. Becerra, 420 F. Supp. 3d 1014 (C.D. Cal. 2019).

Oct. 15, 2020 — United States **Court of Appeals for the 9th Circuit** affirms denial. *N. Am. Meat Inst. v. Becerra*, No. 19-56408 D.C. No. 2:19-cv-08569-CAS-FFM (9th Cir. Oct. 15, 2020).

June 28, 2021 — **Supreme Court** declined to review the denial of NAMI's requested preliminary injunction. *825 F. App'x 518* (9th Cir. 2020).

*Natl. Pork Producers Council v. Ross* — pork industry challenge to Proposition 12

April 27, 2020 — **District Court** for the Southern District of California dismisses plaintiffs' claims. *456 F. Supp. 3d 1201* (S.D. Cal. 2020).

July 28, 2020 — United States **Court of Appeals for the 9th Circuit** affirms lower court dismissal. *Nat'l Pork Producers Council v. Ross*, 2021 WL 3179247 (9th Cir. July 28, 2021).

May 11, 2023 — Supreme Court upholds dismissal of the Prop 12 challenge. *Nat'l Pork Producers Council v. Ross*, 598 U.S. 356 (2023).

*Iowa Pork Producers Association v. Bonta* — Iowa pork industry challenge to Proposition 12, filed in May 2021

Aug. 23, 2021 — **District Court** of the Northern District of Iowa dismisses complaint. *Iowa Pork Producers Association v. Bonta* No. 21-CV-3018-CJW-MAR (N.D. IA. Aug. 23, 2021).

June 25, 2024 — United States Court of Appeals for the 9<sup>th</sup> Circuit affirms lower court dismissal (9<sup>th</sup> Cir. 2024).

June 30, 2025 — Supreme Court denies cert.

### **Massachusetts's Question 3**

*Massachusetts Restaurant Association v. Healey* — pork industry challenge to Question 3

Aug. 10, 2022 — parties agree to stay action pending outcome of NPPC v. Ross. Only remaining issue is “Transshipped Whole Pork Meat” which is pending state amendment of regulations. Civil Action No. 4:22-cv-11245-MRG.

*Triumph Foods, LLC v. Campbell* — pork industry challenge to Question 3 claiming pre-emption under the FMIA

July 22, 2024 — District Court grants summary judgement to the state upholding Q.3 742 F Supp 3d 63 (D Mass 2024) Appeal pending.

### **States restricting gestation crates (2002 to 2023)**

Eleven states restrict the use of gestation crates.

## — Addendum C —

- Four states via ballot initiatives (Florida, Arizona, California, and Massachusetts)
- Six states via the legislative process (Oregon, Colorado, Maine, Michigan, Rhode Island, and New Jersey)
- One state via regulation, through the Ohio Livestock Board.

*The two tables below summarize the ballot initiatives, legislation, and regulations enacted between 2002 and 2023 which ban swine gestation crates in these 11 states*

### **Voting Results of Four Swine Gestation Crate Bans Via Ballot Initiative**

No.	State	Year	Ballot measure	Yes votes	% Yes	No votes	% No
1	Florida	2002	Amendment 10	2,609,994	54.75	2,155,911	42.25
2	Arizona	2006	Proposition 204	926,913	61.96	569,190	38.04
3A	California	2008	Proposition 2	8,203,769	63.42	4,731,738	36.58
3B	California	2018	Proposition 12	7,516,095	62.65	4,481,267	37.35
4	Massachusetts	2016	Question 3	2,530,143	77.64	728,654	22.36
<b>Totals out of 34,453,674 votes cast</b>				<b>21,786,914</b>	<b>63.23</b>	<b>12,666,760</b>	<b>37.76</b>

*Methods, timelines and hog production in 11 states that banned use of gestation crates for pregnant sows*

*Hog production (lbs) = live weight of hogs marketed or slaughtered during a given year*

No.	State	Bill or ballot initiative name	Passed	Takes effect	Passed via ballot initiative?	Estimated Hog production 2025 (lb)	State hog production rank
1	Florida	<a href="#">Amendment 10</a>	2002	2008	Yes	2 M	50th
2	Arizona	<a href="#">Proposition 204</a>	2006	2012	Yes	72.5 M	26th
3	Oregon	<a href="#">Senate Bill 694</a>	2007	2012	No - legislation	3.2 M	36th
4	California	<a href="#">Proposition 2</a>	2008	2015	Yes	25.4 M	31st
		<a href="#">Proposition 12</a>	2018	2023	Yes		
5	Colorado	<a href="#">Senate Bill 08-201</a>	2008	2018	No - legislation	186 M	18th
6	Maine	<a href="#">LD 1021</a>	2009	2011	No - legislation	2.1 M	37th
7	Michigan	<a href="#">Public Act 117 of 2009</a>	2009	2020	No - legislation	700 M	12th
8	Ohio	<a href="#">Ohio Admin. Code §901:12-8</a>	2010	2026	No - regulation	1,400 M	8th
9	Rhode Island	<a href="#">2012 -- S 2191</a>	2012	2013	No - legislation	0.817 M	47th
10	Massachusetts	<a href="#">Question 3</a>	2016	2022	Yes	3.7 M	35th
11	New Jersey	<a href="#">Bill A1970</a>	2023	2026	No - legislation	0.534 M	46th
<b>Totals</b>	<b>Eleven states</b>		<b>2002 to 2023</b>	<b>2008 to 2026</b>	<b>• Five by ballot • Six by legislation • One by regulation</b>	<b>2,442 M lb out of 27,800 M lb total US hog production (8.8%)</b>	<b>8th to 50th</b>



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