

## Animal-Rights Issue Complicates Farm Bill

By Ben Terris

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Pigs don't lay eggs.

But given how closely lobbyists for pork, cattle, and sheep farmers will be watching Thursday's Senate hearing on the Eggs Products Inspection Act Amendments of 2012, it would be easy to assume a sudden change in reproductive biology.

The real explanation is less science fiction. These producers are concerned that the bill creating a national standard for cage sizes for egg-laying hens (among other things) could set a precedent.

The National Pork Producers Council, for example, worries that if chickens are given the right to more space in their cages, then so too will pigs.

"So our animals can't turn around for the 2.5 years that they are in the stalls producing piglets," said Dave Warner, a spokesman for NPPC. "I don't know who asked the sow if she wanted to turn around.... The only real measure of their well-being we have is the number of piglets per birth, and that's at an all-time high."

It's a sentiment that puts them in direct opposition to legislation from Sen. **Dianne Feinstein**, D-Calif.

Her bill enjoys underlying support from an odd couple—The Humane Society of the United States and the United Egg Producers. The Humane Society fighting to double cage sizes and provide "environmental enrichments," such as perches and scratching areas for chickens, is a given. But its working hand-in-hand with egg producers is more unexpected.

"The country could learn from this partnership," said Humane Society President Wayne Pacelle. "Can you imagine if Exxon and Chevron were to sit down and work together with the [Natural Resources Defense Council] and the Sierra Club? Even the bitterest of rivals can sit down and find a way forward together."

The relationship was not always copasetic. In 2008, the groups fought bitterly over California's ballot measure that laid the groundwork for Feinstein's bill. The Prevention of Farm Animal Cruelty Act banned, among other things, tiny cages for hens.

After getting walloped, egg producers quickly found a way to work with animal-rights groups: outlaw the importation of eggs that weren't laid under conditions that fit with California's new henhouse standards. That way, the state's egg producers (many of whom are members of the United Egg Producers) would not be undercut by states with more-lenient standards.

Feinstein wants to take the law national. Right now, she points out, egg-producing states such as Indiana, Iowa, Michigan, and Ohio cannot ship their eggs to California, and five states other than California have their own henhouse standards.

“Without this amendment, the livelihood of the egg producers nationwide will be compromised by the confusing tapestry of state laws,” she said after the Senate did not include her amendment in its farm bill.

Proponents hope to work the legislation into the farm bill’s conference report. But with the House looking unlikely to bring its version to the floor anytime soon, even getting to conference may be a long shot.

Relying on the Constitution’s commerce clause giving Congress the right to dictate interstate commerce, Rep. **Steve King**, R-Iowa, recently took the debate in another direction.

The House Agriculture Committee adopted his amendment that would make California’s ban on the importation of noncompliant eggs and others like it illegal. If his amendment becomes law, California could still force its producers to house their chickens in larger cages, but it wouldn’t be able to influence how eggs are produced in Iowa or elsewhere.

“This is our chance now to protect the responsible means of production of meat,” King said. “If we don’t defend this language now, there will not be another opportunity, and we will be divided and conquered by the vegetarian agenda ... before we even get to the next farm bill.”

King’s broadly written amendment could stamp out California’s foie gras ban too, as well as having unintended consequences on other agricultural commodities.

“If he wanted to deal with hen cages and gestation cages, he should have been explicit,” said the Pew Environment Group’s Karen Steuer. “I’d be quite surprised if he wanted to affect the firewood that is brought into the speaker’s state”—meaning House Speaker **John Boehner**’s native Ohio—“where they have a requirement to treat firewood and get invasive bugs out.”

House Agriculture Committee Chairman **Frank Lucas**, R-Okla., said he understands King’s point and agrees that California’s law “should not be codified in other states.” But he said he also sees Pew’s perspective.

“Both sides have legitimate points,” Lucas said. “But that’s what happens when you have bad policy. It sets it off in both directions. And California was bad policy.”