



## Support Legislation to Promote U.S. Egg Industry and Advance Animal Welfare

Congress has a unique opportunity to enact legislation that will advance animal welfare and is strongly supported by both the nation's egg industry and animal advocacy groups. The United Egg Producers, which represents more than 80% of the nation's egg industry, and The Humane Society of the United States, the nation's largest animal welfare organization, have traditionally been adversaries on some issues related to the treatment of egg-laying hens. But both groups recognize the need to move forward with science-based animal welfare guidelines, and are jointly recommending a pathway to provide a stable future for egg farmers and improve the treatment of egg-laying hens.

The **Egg Products Inspection Act Amendments of 2011** would:

- require conventional cages to be replaced during an ample phase-in period with new, enriched colony housing systems that provide all egg-laying hens nearly double the amount of current space;
- require that, after a phase-in period, all egg-laying hens be provided with environmental enrichments, such as perches, nesting boxes, and scratching areas, that will allow hens to express natural behaviors;
- mandate labeling on all egg cartons nationwide to inform consumers of the method used to produce the eggs – “eggs from caged hens,” “eggs from hens in enriched cages,” “eggs from cage-free hens,” and “eggs from free-range hens”;
- prohibit feed- or water-withdrawal molting to extend the laying cycle, a practice already prohibited by the United Egg Producers Certified program;
- require standards approved by the American Veterinary Medical Association for euthanasia of egg-laying hens;
- prohibit excessive ammonia levels in henhouses; and
- prohibit the transport and sale of eggs and egg products nationwide that don't meet these requirements.

If enacted, the proposal would require egg producers to increase space per hen in a tiered phase-in, with the amount of space hens are given increasing, in intervals, over the next 15 to 18 years. (Phase-in schedules are more rapid in California, consistent with a ballot initiative approved earlier by that state's voters.) Currently, the majority of hens are each provided 67 square inches of space, with roughly 50 million receiving just 48 square inches. The proposed phase-in would culminate with a minimum of 124 square inches of space for white hens and 144 for brown hens nationwide.

**Industry-Driven and Feasible:** The UEP has been seeking to shift to enriched colony cages, similar to those adopted by the European egg industry. However, only through government action can a uniform, mandatory national standard be achieved. This proposal would provide farmers with ample time to make investments in improved housing systems over the next 15 to 18 years, with the assurances that all will face the same requirements by the end of the phase-in period and that the new equipment will

be recognized as adequate under federal law. For some facilities, the transition can be accomplished during the normal course of replacing aged equipment.

**Science-Based and Beneficial for Productivity:** Scientific research shows that increasing the amount of space per hen and providing the hens with environmental enrichments (e.g., nesting boxes and perches) improves their welfare, which is advantageous for hens and producers alike. The UEP already disallows feed-withdrawal molting among UEP Certified members, as science shows that it is detrimental to hens' welfare. And high ammonia rates in poultry houses can lead to respiratory infection in hens and people, so controlling ammonia levels is important for the health of hens and producers.

**No Cost to Government:** The legislation is not expected to create any new government programs or add substantial costs to the federal government. The Egg Products Inspection Act of 1970 already regulates the sale of eggs and egg products in interstate commerce, and this legislation would amend that four-decades-old federal statute. The egg industry would be responsible for financing the investments in new housing structures for its egg-laying hens, spending an anticipated \$4 billion of its own capital over the next 15 to 18 years. USDA would conduct a survey to determine whether the changes are being implemented, but would not have substantial costs for administration or enforcement.

**Complements Industry Standards:** The UEP plans to incorporate these proposed standards into its own UEP Certified guidelines, but those standards are voluntary for producers. Federal legislation is the only way to ensure a uniform baseline for laying hen standards within the U.S. egg industry that will cover both the egg producers who are UEP members and the small number who are not.

**Patchwork State Legislation is Not the Solution:** Egg producers need a level playing field nationwide, and need certainty about what standards are going to be required in the coming years so they can make the necessary investments in their businesses. It's a hardship on farmers to have different standards in different states, especially since many egg producers sell across the country to different markets in different regions. Federal legislation is the only way to ensure a level playing field for all producers, and provide stability for the U.S. egg market.

**Consistent with Vision of the U.S. Constitution:** The framers of the Constitution understood that varying state laws could create trade barriers that would preclude a viable national economy. So they adopted the Commerce Clause to enable Congress to establish federal laws preventing undue barriers to interstate commerce among states, as can occur with patchwork state legislation.

**Other Sectors of Animal Agriculture have Long Enjoyed Uniform Federal Standards:** For decades, the meat and poultry industries have insisted on strict preemption of state laws under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act, and other laws such as the Nutrition Labeling and Education Act. The egg industry should have the same benefits as other agriculture sectors. The preemption language in the proposed legislation mirrors that in the FMIA.

**No Impact on Other Agriculture:** This proposal deals only with egg-laying hens, and has no impact on others in animal agriculture. It amends the Egg Products Inspection Act, a federal statute that already regulates the sale of eggs and does not reach into other agricultural products. The leaders of the egg industry know what's right for their businesses and for the future of their product.

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