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The farm bill doesn't need an amendment that helps let chickens be treated cruelly

By THE TIMES EDITORIAL BOARD JUL 07, 2018 | 4:05 AM



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Chickens, known as Rhode Island Reds, roam freely in an organic poultry house. (Los Angeles Times)

A decade ago, California passed an animal welfare ballot measure that outlawed a number of inhumane practices, most notably the penning of egg-laying hens in “battery cages” so minuscule the birds couldn’t even spread their wings. The measure required California farmers to provide housing that allowed hens at least to stand, turn around and extend their limbs. Two years later, the state passed a law barring the sale of eggs from any farmer, in or out of California, if the hens’ pens didn’t meet those standards. Ever since, the laws have been attacked repeatedly in the courts and Congress by opponents seeking to nullify their application to out-of-state farmers.

So far, these attempts have been rebuffed by judges and lawmakers, and rightfully so. That’s because the law on egg sales doesn’t favor California farmers over other states’ farmers. It merely subjects every egg produced for sale in the state to the same standards.

Nevertheless, 13 states are still trying to challenge the law directly in the U.S. Supreme Court; the justices have yet to say whether they will hear the lawsuit. In the meantime, U.S. Rep. Steve King (R-Iowa), whose district includes the most egg-laying hens in the country, is taking another shot at the egg law in Congress.

King attached an amendment to the House version of the farm bill that would prohibit any state from imposing a condition on the production or

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manufacture of an agricultural product sold in interstate commerce if the regulation is more stringent than federal law or standards set by other states. Dubbed the Protect Interstate Commerce Act of 2018, King's proposal is similar to a measure he persuaded the House to add to its version of the 2014 farm bill, only to be blocked by the Senate.

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There is a nationwide consumer-supported movement in favor of more humane treatment of farm animals in general and egg-laying hens in particular.

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It's bad enough that his proposal would prevent states from insuring the humane treatment of hens and other farm animals. But because there is a vast realm of items that could be considered "agricultural products" covered by this ridiculously broad provision, it might also nullify hundreds of state laws regulating food safety, the environment, public health and labor standards.

In California, it could affect requirements on manufacturers and importers of pesticides; laws prohibiting the sale or trade of dogs, cats and horses for human consumption; and the law banning the sale and trade of shark fins, to name a few. Other farm-related state regulations that could be affected, according to an analysis by

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Harvard's Animal Law and Policy Program, include those on cigarettes, commercial fishing and lumber sales. State labeling laws and safety regulations on such potential hazards as arsenic in citrus and expired infant formula could be affected. The Harvard analysis concluded that thousands of state regulations could be preempted.

King's real target, though, is the California law governing eggs from farmers outside the state. Or as he put it, Iowa should not be "held hostage to the demands of California's vegan lobby and California's regulatory agencies."

It's worth remembering that the initial California measure that banned battery cages, Proposition 2, was passed by 63.5% of the voters. It's unlikely they were all vegans. And California isn't alone on this issue. Currently, four states require eggs from out-of-state farmers to be produced according to the same humane standards they've imposed on eggs from their in-state farmers.

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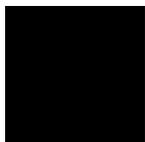
Beyond the laws, there is a nationwide consumer-supported movement in favor of more humane treatment of farm animals in general and egg-laying hens in particular. Responding to that, hospitals, university cafeterias and large-scale buyers of eggs — such as Costco, Burger King and Aramark — are shifting toward selling or using only cage-free eggs. In the U.S., Costco says it has

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increased its percentage of cage-free eggs sold from 2% in 2006 to 84% as of October. Burger King has pledged to go with only cage-free sources of eggs by 2025. In the U.S., Aramark has been serving only cage-free eggs since 2015; it plans to switch to cage-free sources for its liquid egg products by 2020. And Taco Bell uses only cage-free eggs.

As the demand grows for cage-free eggs, King and other advocates for big egg farmers would serve them better by encouraging them to transition to cage-free operations. Meanwhile, the House and Senate negotiators on the farm bill should get rid of this vague amendment and spare us all from a breathtaking array of unintended consequences.



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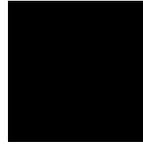
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