Dear Senator/Representative:

The undersigned groups write to express strong opposition to a provision offered by Representative Steve King, Amendment #71 adopted during the House Agriculture Committee’s markup of H.R. 1947 (the Federal Agriculture Reform and Risk Management Act of 2013), and now part of the Farm Bill passed by the House on July 11th (Sec. 11312 of H.R. 2642). We urge you to do all you can to ensure that neither this language nor anything like it is included in final House-Senate legislation. Rep. King’s amendment aims to block state laws protecting farm animals. The provision is so broad and overreaching that it could also preempt a wide swath of state laws covering everything from child labor to dangerous pesticides to labeling of farm-raised fish to alcohol and tobacco products.

November 7, 2013
It seeks to negate most state and local laws regarding the production or manufacture of agriculture products, directing:

“[T]he government of a State or locality therein shall not impose a standard or condition on the production or manufacture of any agricultural product sold or offered for sale in interstate commerce if (1) such production or manufacture occurs in another State; and (2) the standard or condition is in addition to the standards and conditions applicable to such production or manufacture pursuant to (A) Federal law; and (B) the laws of the State and locality in which such production or manufacture occurs.”

Agricultural products are defined as in 7 U.S.C. 1626, which includes “agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured product thereof.”

UNPRECEDENTED ASSAULT ON HISTORIC POWER OF STATES TO PROTECT HEALTH AND WELFARE OF THEIR OWN CITIZENS:
The King amendment tries to force states to authorize the purely local sale and consumption of “any agricultural product” – no matter how dangerous, unethical, environmentally destructive, or otherwise of concern. In other words, if any one state in the union tolerates the production or sale of a particular agricultural product, under the King amendment the other 49 must do so as well. This violates the Tenth Amendment’s guarantee that the states’ sovereign rights cannot be abridged by Congress, and tries to eliminate states’ historic police powers within their borders and destroy the fundamental principles of federalism that have guided our nation since its founding. The King amendment seeks to trigger a race to the bottom, forcing states to allow commerce in products they have banned. As the Supreme Court has made clear, the Commerce Clause allows Congress to regulate commerce; it doesn't give Congress the authority to mandate its creation, nor to require citizens to participate in commerce they find objectionable. The King amendment is so vaguely worded, it could stop states from regulating strictly in-state producers, as long as the agricultural product is sold into the interstate commerce stream at some point by someone in another state. Interpretation of this amendment would likely be litigated for years, creating uncertainty that stifles business and limits economic growth.

STATE LAWS UNDER THE KING AMENDMENT AX:
Rep. King’s amendment takes aim at state laws approved overwhelmingly by voters through ballot initiatives or by state legislatures. The King amendment could negate a wide range of measures regarding animal welfare, food safety, labeling, environmental requirements, fire safety, labor standards, and other issues. It is standard practice for states to impose conditions relating to the production or manufacture of agriculture products in order to safeguard their citizens. Some examples include state laws regarding use of dangerous pesticides on crops; arsenic in poultry feed; rules on raw milk, milk fat, and milk solids; standards on alcohol production such as additives, container sterilization, and age limits for manufacturer employees; tobacco laws, including laws requiring cigarettes to meet fire safety standards; labeling of farm-raised fish, artificial sweeteners, maple syrup, alcohol, distiller’s grains, and other products; rules on firewood transported into the state in order to protect against invasive pests and damage to local forests; shipment of Christmas trees; labeling requirements and germination standards for seeds; listing of chemicals known to cause cancer, birth defects, or other reproductive harm, and notification of significant amounts of chemicals in products; state pollution standards, such as bans on spraying sewage on crops directly before they are fed to people, and requirements for lagoon siting, wastewater discharge, and use of licensed sludge applicators; agricultural employment, including child labor laws, standards for inspections and certifications, and health and safety standards for agricultural employees involving use of dangerous farm machinery, field sanitation, exposure to pesticides, respiratory hazards, heat-illness, and hearing loss prevention; and animal welfare laws restricting practices such as intensive confinement of animals on large farms, horse slaughter, the killing of sharks for their fins, and the sale of dog and cat meat. States require disclosure of certain ingredients, restrict the sale of products that citizens and state legislators have determined have a negative impact on the environment or population, protect against public nuisance, require certain certifications – the sweeping language of Amendment #71 could brush away countless laws adopted by states with regard to agriculture.
We urge Congress to reject the King amendment or any similar radical assault on duly-enacted state and local laws. We appreciate your consideration.

Sincerely,

Ethel Giles
Coordinator
Alabama State Association of Cooperatives

Gretchen DuBeau
Executive Director
Alliance for Natural Health USA

Judy Carman
President
Animal Outreach of Kansas

Stephen Wells
Executive Director
Animal Legal Defense Fund

Matthew Bershadker
President and CEO
ASPCA (American Society for the Prevention of Cruelty to Animals)

Tom Hammerberg, SET, CFPS
President/Executive Director
Automatic Fire Alarm Association

Mark Schacht,
Legislative Director,
California Rural Legal Assistance Foundation (CRLAF)

William Snape
Senior Counsel
Center for Biological Diversity

Diane Eggerman
Coordinator of Government Relations
Center for Campus Fire Safety

Michael Green
Executive Director
Center for Environmental Health

Andrew Kimbrell
Executive Director
Center for Food Safety
Peter Schey
President
Center for Human Rights and Constitutional Law

David Plunkett, J.M., J.D.
Senior Food Safety Attorney
Center for Science in the Public Interest

Lisa Riggiola
Executive Director
Citizens For A Clean Pompton Lakes (NJ)

Conrad Schneider
Advocacy Director
Clean Air Task Force

Elias D. Burgos
Executive Director
Colorado Interfaith Power & Light

Parendi Birdie
President
Compassion for All Animals (student organization at University of Kansas)

Karen Coyne
President and CEO
The Compassion In Action Club (Newport Beach, CA)

Leah Garces
USA Director
Compassion in World Farming

Erica Meier
Executive Director
Compassion Over Killing

Lori Brown
Executive Director
Connecticut League of Conservation Voters

Paul Austin
Executive Director
Conservation Minnesota

Chris Waldrop
Director, The Food Policy Institute
Consumer Federation of America

Jean Halloran
Director, Food Policy Initiatives
Consumers Union
Mary Beth Beetham  
Director of Legislative Affairs  
**Defenders of Wildlife**

Rev. Peter Sawtell  
Executive Director  
**Eco-Justice Ministries**

Robert Spiegel  
Executive Director  
**Edison Wetlands Association (NJ)**

Anna Aurilio  
Director, Washington DC Office  
**Environment America**

Scott Faber  
Vice President of Government Affairs  
**Environmental Working Group**

Ben Goldsmith  
Executive Director  
**Farm Forward**

Judith McGeary  
Executive Director  
**Farm and Ranch Freedom Alliance**

Bruce Friedrich  
Senior Director for Advocacy  
**Farm Sanctuary**

Bruce Goldstein  
President  
**Farmworker Justice**

John Zippert  
Director of Program Operations  
**Federation of Southern Cooperatives/Land Assistance Fund**

Richard R. Wood  
Executive Director  
**Food Animal Concerns Trust (FACT)**

Dave Murphy  
Founder and Executive Director  
**Food Democracy Now!**

Wenonah Hauter  
Executive Director  
**Food and Water Watch**
Lisa Archer
Director, Food and Technology Program
Friends of the Earth U.S.

Ivan Maluski
Policy Director
Friends of Family Farmers

Rev. Alexis Chase
Executive Director
Georgia Interfaith Power and Light

Michael Wall
Director of Programs
Georgia Organics

Amanda Hitt
Director, Food Integrity Campaign
Government Accountability Project

Carol Misseldine
Executive Director
Green Cities California

Carol and John Zippert
Co-Publishers
Greene County Democrat (Eutaw, AL newspaper)

Kyle Ash
Senior Legislative Representative
Greenpeace USA

Michael Markarian
President
Humane Society Legislative Fund

Wayne Pacelle
President and CEO
The Humane Society of the United States

Barry Kellogg, V.M.D.
Senior Veterinary Advisor
Humane Society Veterinary Medical Association

Danielle Diamond
Attorney
Illinois Citizens for Clean Air & Water

Jennifer Walling
Executive Director
Illinois Environmental Council
Jim Harkness  
President  
**Institute for Agriculture and Trade Policy**

David Karmol  
Vice President for Federal and External Affairs  
**International Code Council**

Hugh Espey  
Executive Director  
**Iowa Citizens for Community Improvement**

Dr. Robert Lawrence  
Director  
**Johns Hopkins Center for a Livable Future**

Karen Everhart  
President  
**Kansas Horse Education Advocacy Resource Team (KHEART)**

Tiernan Sittenfeld  
Senior Vice President of Government Affairs  
**LCV (League of Conservation Voters)**

Jennifer Ryan  
Board Member  
**Massachusetts League of Conservation Voters**

Nathan Runkle  
Executive Director  
**Mercy For Animals**

Glenn Hill  
Executive Director  
**Minnesota Food Association**

Karen F. Deppa  
Director of External Relations  
**National Association of State Fire Marshals**

Sally Greenberg  
Executive Director  
**National Consumers League**

Ronald J. Siarniki  
Executive Director  
**National Fallen Firefighters Foundation**

Liana Hoodes  
Executive Director  
**National Organic Coalition**
Ferd Hoefner
Policy Director
National Sustainable Agriculture Coalition

Franz A. Matzner
Associate Director of Government Affairs
Natural Resources Defense Council

Jeff Tittel
Director
New Jersey Sierra Club

Jack Kittredge
NOFA/Mass Policy Director
Northeast Organic Farming Association (NOFA)/Massachusetts

Dave Rogers
Policy Advisor
Northeast Organic Farming Association (NOFA)/Vermont

Sharon Harmon
Executive Director
Oregon Humane Society

Doug Moore
Executive Director
Oregon League of Conservation Voters

Ronnie Cummins
Executive Director
Organic Consumers Association

Courtney Thomas
President
PACK (Pet Animal Coalition of Kansas)

Linda A. DeStefano
President
People for Animal Rights of Central New York

Margaret Reeves
Senior Scientist
Pesticide Action Network

Seth Horstmeyer
Director, Reforming Industrial Animal Agriculture
The Pew Charitable Trusts

Neal D. Barnard, M.D.
President
Physicians Committee for Responsible Medicine
Carrie Fulghum
General Manager
**PLBA Housing Development Corporation (Gainesville, AL)**

Lisa Gilbert
Director
**Public Citizen’s Congress Watch**

Lorette Picciano
Executive Director
**Rural Coalition**

Hugh Moore
Treasurer
**San Diego County Green Party**

Debbie Sease
National Campaigns Director
**Sierra Club**

Kendra Kimbirauskas
CEO
**Socially Responsible Agricultural Project**

Dennis Rosatti
Executive Director
**Sonoma County Conservation Action**

David Weinberg
Executive Director
**Texas League of Conservation Voters**
**Texas League of Conservation Voters Educational Fund**

Brendon McCampbell
Chairperson
**Union for Humans, Animals and the Environment (student organization at Fort Hays State University)**

Andrew Rosenberg, Ph.D.
Director, Center for Science and Democracy
**Union of Concerned Scientists**

Anne Feingold
Director
**The Urban Cat Project**

Kelly Hunter Foster
Senior Attorney
**Waterkeeper Alliance**

Anne Lieberman
Executive Director
**World Society for the Protection of Animals**