

United States Senate

June 2, 2022

The Honorable Elizabeth B. Prelogar
Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Solicitor General Prelogar:

We write to urge you to support California's Proposition 12, which is intended to prevent animal cruelty, protect the health and safety of California consumers, and decrease the risk of foodborne illness, when it comes before the Supreme Court. As you know, on March 28, 2022, the Supreme Court agreed to hear *National Pork Producers Council v. Ross*, a challenge to California's Proposition 12 that sets humane standards for farm animal products sold in California.

We believe that the previous Administration's position on Proposition 12 was based on a misconception of the law. As is stated in the ballot measure text itself, the purpose of California's Proposition 12 was not only to improve animal welfare, but to "phase out extreme methods of farm animal confinement, which also threaten the health and safety of California consumers and increase the risk of foodborne illness and associated negative fiscal impacts on the State of California." Notably, although the basis for Proposition 12 is scientifically validated, existing case law (*Maine v. Taylor*, 477 U.S. 131, 148; 1986) also empowers states to address risks even though they "may ultimately prove to be negligible."

Expanding the Commerce Clause as the National Pork Producers Council (NPPC) seeks to do in this case would have ramifications far beyond the pork, egg and veal industries. Proposition 12 only regulates in-state sales of egg, pork, and veal products and does not regulate out-of-state producers, but the NPPC's argument claims a state law is unconstitutional any time it could indirectly cause businesses to adjust out-of-state operations. If adopted, this ruling could allow large, multi-state corporations to evade numerous state laws that focus on harms to their constituents, including those addressing wildlife trafficking, climate change, renewable energy, stolen property trafficking, and labor abuses.

Considering the serious and needless threats to animal welfare and states' authority to protect the well-being of their residents, we urge you to support California's authority and Proposition 12 before the Supreme Court. Thank you for your consideration of our request.

Sincerely,



Dianne Feinstein
United States Senator



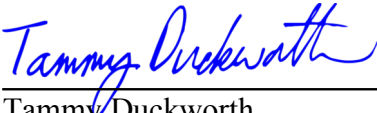
Alex Padilla
United States Senator



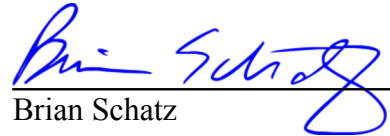
Cory A. Booker
United States Senator



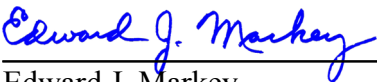
Debbie Stabenow
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Tammy Duckworth
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United States Senator



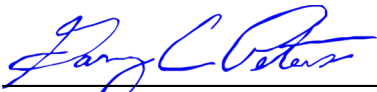
Richard Blumenthal
United States Senator



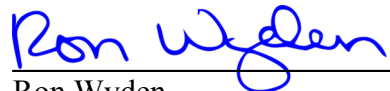
Elizabeth Warren
United States Senator



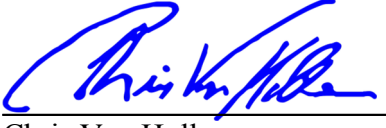
Bernard Sanders
United States Senator



Gary C. Peters
United States Senator



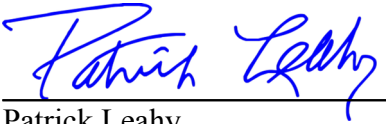
Ron Wyden
United States Senator



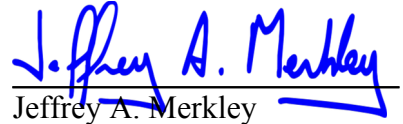
Chris Van Hollen
United States Senator



Robert Menendez
United States Senator



Patrick Leahy
United States Senator



Jeffrey A. Merkley
United States Senator