

United States Senate

April 15, 2022

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack:

We write to urge you to support California's Proposition 12 before the Supreme Court, and to support all states' authority to protect the well-being of their citizens and animal welfare. As you know, on March 28, 2022, the Supreme Court agreed to hear *National Pork Producers Council v. Ross*, the National Pork Producers Council's (NPPC) challenge to California's Proposition 12 that sets humane standards for farm animal products sold in California. This law is intended to prevent animal cruelty, protect the health and safety of California consumers, and decrease the risk of foodborne illness by phasing out extreme methods of farm animal confinement. California's Proposition 12 only regulates in-state sales of certain pork products at issue in this case (as well as in-state sales of certain egg and veal products) and does not regulate out-of-state producers.


We believe that the previous Administration's position on California's Proposition 12 was based on a misconception of the law. As is stated in the ballot measure text itself, the purpose of 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." Given the impacts of the law, we urge your Department to support California and other states that restrict sales of a product with the intent of protecting the health and safety of consumers within their state. States should not be stripped of their authority to mitigate the harm that inhumane farm animal confinement poses to animals, people, and the environment.

Further, overturning this popular California law would conflict with longstanding judicial precedent and jeopardize established health, safety, environmental protection, and animal welfare regulations in dozens of states. In our federal system, states have significant autonomy in the establishment of social


and economic policy in a range of areas, from climate change (*e.g.*, use of renewable energy), to labor, to pollution (*e.g.*, mandatory recycled-content laws). Expanding the Dormant Commerce Clause as NPPC seeks to do in this case would have ramifications far beyond the pork, chicken, and veal industries.

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


Sincerely,



Dianne Feinstein
United States Senator



Alex Padilla
United States Senator



Cory Booker
United States Senator



Debbie Stabenow
United States Senator