



## **PANEL: ANIMAL AGRIBUSINESS EXPOSED**

***Chewing the cud on proposed  
federal legislation***

**Joyce Tischler, Professor of Practice,  
Center for Animal Law Studies at Lewis  
& Clark Law School**

**31<sup>ST</sup> ANNUAL ANIMAL LAW CONFERENCE**



# Sen. Cory Booker's package of bills:

## Industrial Agriculture Accountability Act of 2023, S.272 and H.R.805

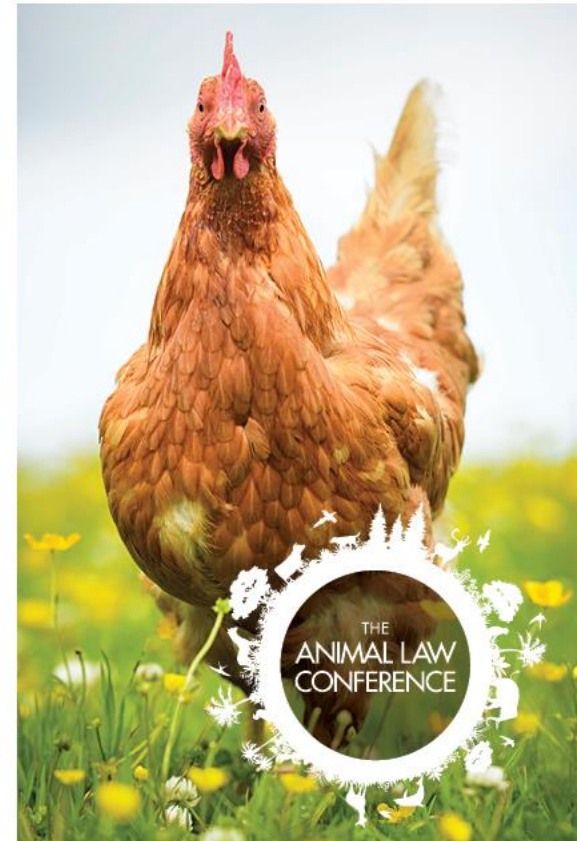
- *Requires disaster preparedness plans for CAFOs;*
- *End line-speed increases and self-inspection programs for slaughterhouses;*
- *Require USDA to promulgate rules to ban the slaughter of all downed animals;*
- *If depopulation is necessary, mandates that the most humane practices are used; and*
- *Require more humane treatment of livestock during transport.*



## Sen. Cory Booker's bills (cont.):

### Farm System Reform Act Of 2023, S.271 and H.R.797

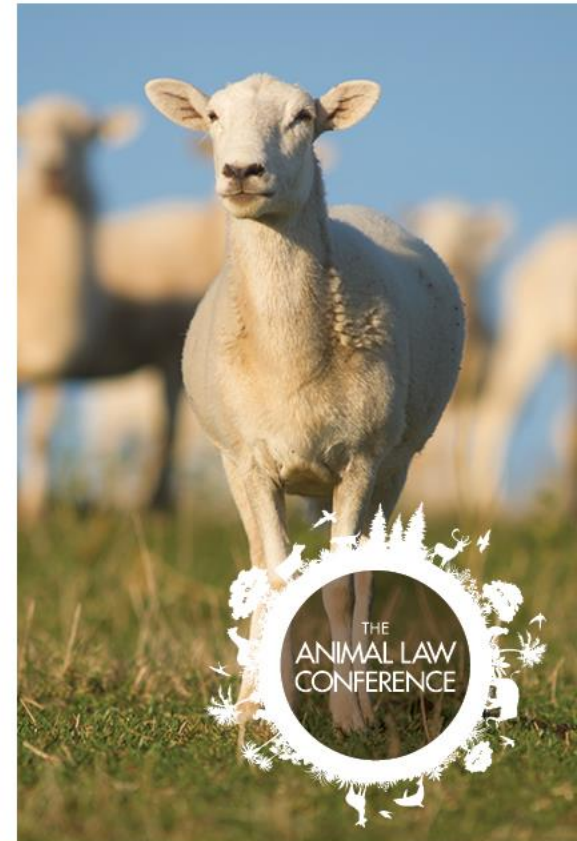
- Place a moratorium on large concentrated animal feeding operations (CAFOs);
- Strengthen the Packers and Stockyards Act,;
- Restore mandatory country-of-origin labeling on beef, pork, and dairy products.



## Sen. Cory Booker's bills (cont.):

### Protecting America's Meatpacking Workers Act of 2023, S.270 and H.R.798

- Provides protections for workers in slaughterhouses;
- Improves workplace conditions and safety in slaughterhouses; and
- Creates funding through FY2029 to hire additional OSHA inspectors.







**John Boyd, Founder and President, National Black Farmers Association,**  
<https://www.blackfarmers.org/>

## **Sen. Cory Booker's bills (cont.):**

### **Justice for Black Farmers Act of 2023, S.96 and H.R.1167**

*"The Justice for Black Farmers Act will enact policies to end discrimination within the USDA, protect remaining Black farmers from losing their land, provide land grants to encourage a new generation of Black farmers and restore the land base that has been lost, and implement systemic reforms to help family farmers across the United States."*

# CALIFORNIA PROP 12

SECTION 25990 - 25994 OF THE CALIFORNIA HEALTH AND SAFETY CODE WERE AMENDED:

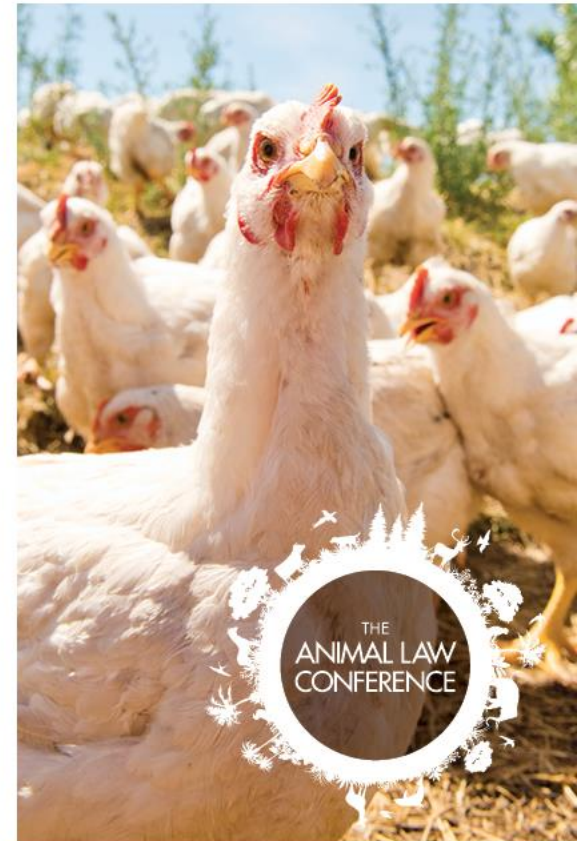
Starting in 2020:

- Egg-laying hens are required to have one square foot of floor space.
- Each calf raised for veal would be required to have 43 square feet of floor space.

Starting in 2022:

- Egg-laying hens must be in cage-free housing.
- Breeding pigs (sows) are required to have 24 square feet of floor space per pig.

In addition to providing specific area requirements for animals covered by the act, Proposition 12 makes it illegal for businesses to knowingly sell eggs, liquid eggs, uncooked pork, or veal that come from animals housed in ways that do not meet the new requirements. This ban applies to products from both California and from out-of-state. Violation is a misdemeanor (up to \$1,000 fine and 180 days imprisonment).

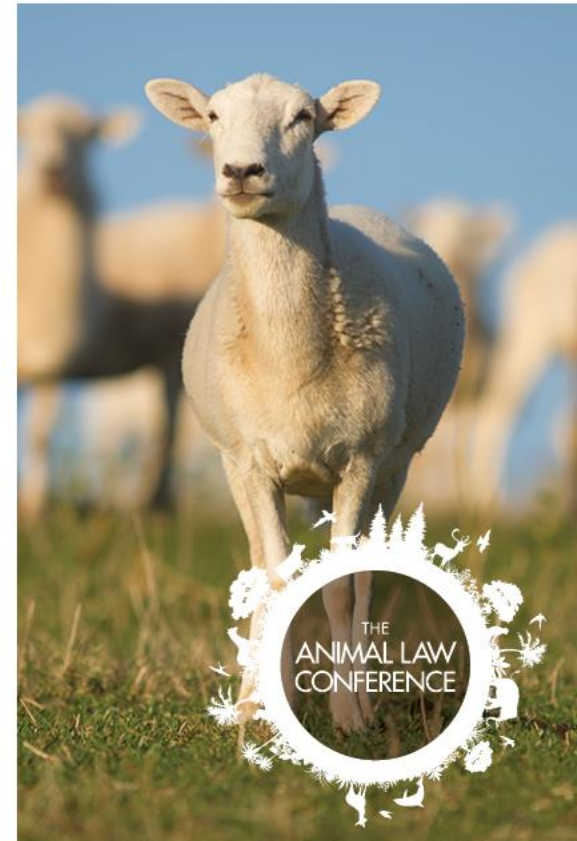


***National Pork Producers Council v. Ross***  
**U.S. Supreme Court, 598 U.S. 356 (2023)**

National Pork Producers Council sued the State of California, arguing that Prop 12 violates the Dormant Commerce Clause and precedents set by SCOTUS, because it unconstitutionally interferes with their preferred way of doing business, to wit, housing sows in crates for life.

Held: The judgment of the Ninth Circuit is affirmed.

Prop. 12 stands.



## Ending Agricultural Trade Suppression (EATS) Act, S.2019 and H.R.4417

“(b) PROHIBITION.—The government of a State or a unit of local government within a State shall not impose a standard or condition on the preharvest production of any agricultural products sold or offered for sale in interstate commerce if—

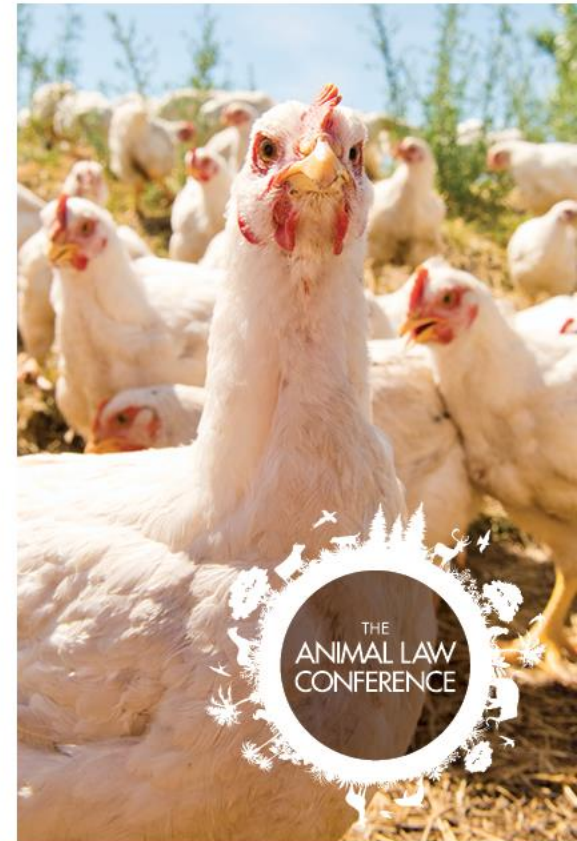
- (1) the production occurs in another State; and
- (2) subject to subsection (c), the standard or condition is in addition to the standards and conditions applicable to the production pursuant to—
  - (A) Federal law; and
  - (B) the laws of the State and unit of local government in which the production occurs.”





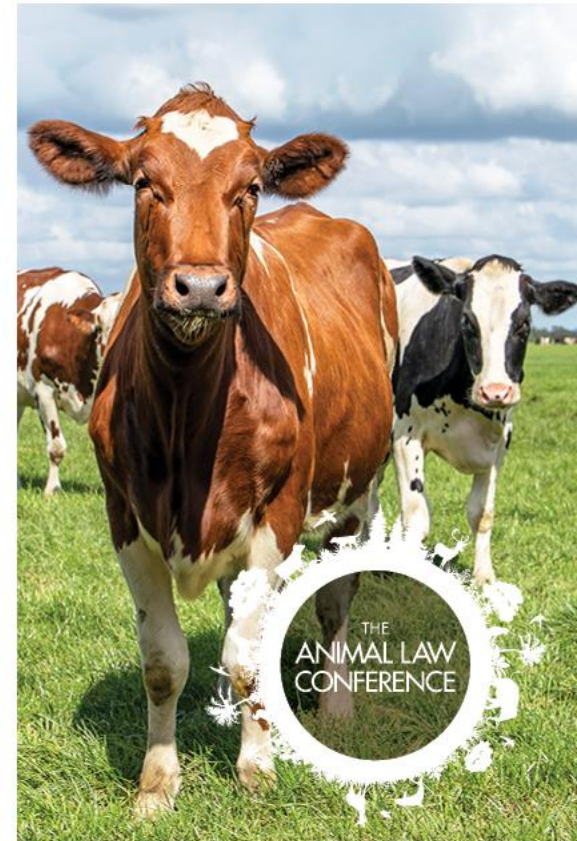
# Opposition to the EATS Act

- **Humane Society of the U.S.:** “The pork industry is pushing for this destructive bill despite the fact that many food producers have signaled their willingness and ability to move away from [immobilizing pig crates](#), including [Hormel](#), [Perdue’s Niman Ranch](#) brand and [Tyson](#).”
- **Mercy for Animals:** “The Ending Agricultural Trade Suppression (EATS) Act is a dangerous piece of legislation. Its goal is to wipe out state laws that ban the sale of eggs or meat from animals kept in extreme confinement.”
- **PETA:** “This is beyond sickening: Federal lawmakers are considering the Exposing Agricultural Trade Suppression (EATS) Act—*which would prevent states from passing laws to protect animals and undo existing animal rights legislation, including bans on foie gras sales in California and New York City and bans on gestation crates for mother pigs in several states.*”



# Opposition to the EATS Act

- **ALDF:** “If this dangerous bill were to become law, years’ worth of legislative victories for farmed animals at the state level could be imperiled. The bill’s broad language could also jeopardize state laws that, for example, are designed to protect dogs from the cruelty of puppy mills, promote food and food packaging safety, protect rural communities, and preserve our environment.”
- **ASPCA:** “We cannot roll back progress and allow animals to suffer—help us defeat the EATS Act.” Oppose Attack on Animal-Protection Laws
- “...171 members of the House -- the majority of the Democratic caucus and five Republicans -- wrote a letter to the chair and ranking member opposing the "Ending Agricultural Trade Suppression" or EATS Act.







# Thank you!

[jtischler@lclark.edu](mailto:jtischler@lclark.edu)

CenterforAnimalLawStudies.org

31<sup>ST</sup> ANNUAL ANIMAL LAW CONFERENCE

