

Senator Dianne Feinstein Statement for the Record
Egg Products Inspection Act Amendments of 2012
June 19, 2012

Mr. President, I rise to express my deep disappointment that the Senate will not be considering amendment number 2252, the Egg Product Inspection Act Amendments of 2012.

Unanimous consent was required for this amendment to be voted on, but it is my understanding that there were objections to its consideration.

That is unfortunate because this was a bipartisan amendment cosponsored by Senators Blumenthal, Scott Brown, Cantwell, Collins, Kerry, Lieberman, Menendez, Merkley, Murray, Sanders, Vitter and Wyden.

The amendment was supported by the vast majority of the egg industry, and it was supported by the vast majority of animal welfare organizations.

The major opposition to this amendment came from groups wholly unaffected by it.

Mr. President, without Congressional action, the egg industry in California and the rest of this nation is very much in jeopardy. Individual state standards threaten to cripple the industry.

That is why I introduced this amendment—to give the industry a chance to survive.

The amendment would have set a national standard for the treatment of egg-laying hens and would have established standards for egg-labeling.

Let me briefly explain the specifics:

- The size of new and existing hen cages would have had to be increased over the next 18 years.
- The practice of depriving hens of food and water to increase egg production would have been outlawed.
- Minimum air quality standards would have been put in place for hen houses, protecting workers and birds.
- And clear requirements for egg labeling would have been created, so consumers know whether the eggs they buy come from hens that are caged, housed in enriched cages, cage-free or free-range.

As I said earlier, this bill is strongly supported by the nation's largest egg producer organization, the United Egg Producers. And it is supported by the largest animal welfare organization, the Humane Society of the United States.

After years of disagreement, the Humane Society and the egg producers decided to work together, and they were able to agree on a reasonable and practical compromise. The text of this amendment is the product their negotiations.

And Mr. President, the reason for the compromise is clear – the current laws governing the treatment of egg laying hens and the labeling of eggs vary from state to state. This makes it difficult for producers to do business in multiple states.

In 2008, California voters passed Proposition 2 with 64 percent of the vote. This initiative requires egg producers to increase cage size so that the birds can stand up and extend their wings.

Similar initiatives passed in Michigan, Arizona, Washington, Ohio and Oregon. And there may be more if federal legislation is not enacted.

The result of the varying state laws is that producers will not be able to ship eggs freely across state lines.

The amendment would have addressed this problem by setting a single national standard that is consistent with the existing state laws. And it would have given consumers peace of mind knowing that eggs were raised humanely. It should have been a win-win and an example of what can happen when groups decide to work together.

But instead, a group of unaffected parties decided to make this amendment a rallying cry, and they spread misinformation about what this amendment would really do and who it would really impact.

I understand that many of my colleagues have heard from these other industries. Even though this amendment will not come up, I still want to set the record straight.

Precedent

The first misconception is that this amendment will set precedent beyond egg producers, and impact other industries such as pork, beef or poultry.

Let me be clear: This amendment applies only to egg producers and is the result of careful negotiations between the only industry that is impacted and animal welfare groups.

Regulations governing eggs date back 30 years and have had no effect on other industries to date. For instance the FDA has on farm enforcement authority for egg farms but not for meat or poultry farms. This amendment will not change that.

Furthermore, the meat industry has insisted on preemption of state laws and emphasized the importance of national standards for decades. This legislation applies the same principle to the egg industry.

Small Producers

Another argument I hear is that this bill will hurt small producers.

But small producers, farmers with 3,000 birds or fewer, are exempt from the requirements under this amendment.

Even moderate-sized operations, with more than 3,000 birds, have built-in protections. Most notably the long phase-in period, up to 18 years.

Over such a long period, many producers would have replaced existing cages due to normal wear and tear. This amendment will just require producers to purchase slightly larger cages in the coming years.

Even the smallest companies can plan for an investment 18 years out.

This amendment will have positive effects for all producers by providing certainty about the rules with which they must comply.

All producers, regardless of size, face a disadvantage when there is a complicated web of different state regulations.

Science

A third misconception is that this amendment is not based on sound science. Nothing could be farther from the truth.

The amendment is endorsed by the American Veterinary Medical Association, the Association of Avian Veterinarians, the American Association of Avian Pathologists, the Center for Food Safety, and the Center for Science in the Public Interest.

Multiple studies demonstrate that larger, enriched colony cages result in decreased mortality, decreased contamination and increased egg production.

One survey from Feedstuffs magazine found that hen mortality in larger, enriched cages declined by 45 percent compared to conventional battery cages.

The survey also found that the number and quality of eggs per hen improved, from an average of 399 eggs to 421 in enriched cages.

The weight-per-case of eggs also increased, from 47.93 pounds to 49.4 pounds.

I ask my colleagues to look at the data before jumping to conclusions. This amendment is good for animals and good for the industry.

Egg Prices

Finally, I want to set the record straight with regard to consumers and egg prices. A new study released last week by the consulting firm Agralytica found that this amendment would not have a substantial effect on consumers.

- Between 2013 and 2030, egg prices are expected to increase only 1 percent as a result of this amendment.
- A 1 percent increase translates to about a penny and a half per dozen eggs, or one-eighth of one cent per egg.

The Agralytica study attributes the low impact to the long phase-in period, giving producers ample time to adjust to the new requirements.

The bill has been endorsed by the Consumer Federation of America and the National Consumers League.

And it is important to understand that this amendment captures what is already occurring with consumer demand.

Polls indicate broad support for the provisions in this amendment. The survey found that:

- Consumers support this bill by a 4-to-1 margin;
- Consumers prefer a federal standard over state standards by a 2-to-1 margin; and,
- 92 percent of consumers support the industry transitioning to enriched cages.

It's not often that we have the opportunity to enact legislation that helps industry, reflects consumer demand and is supported by a broad coalition of advocates on both sides of an issue. If you have any doubts about the support for this bill, take a look at the list of supporters—as of today it is 13 pages long.

Mr. President, we wouldn't have gotten this far if it weren't for the strong support and leadership of the United Egg Producers. Without this amendment, the livelihood of the egg producers nationwide will be compromised by the confusing tapestry of state laws.

We had the opportunity to fix this problem before more damage is done—so the fact that we're not even going to consider the amendment makes it all the more disappointing.

The egg industry was prepared to make these investments, and animal welfare advocates and consumers will approve of the end result.

This was a reasonable and widely supported solution to a costly problem.

I hope to work with my colleagues, on both sides of the issue, to have this legislation considered at a later date. The future of the industry is dependent it, and I am confident that we will be able to get there.

Thank you Mr. President, yield the floor.