California Proposition 12 - Myth vs. Fact

National Pork Producers Council

Setting the Record Straight on California Proposition 12

Proposition 12 is a California ballot initiative prohibiting the sale of pork not produced according to the state's arbitrary production standards. These standards, which were developed without input from hog farmers, veterinarians or experts in animal care or food safety, hurt farmers and consumers throughout the country, while disproportionately affecting low-income households. The facts surrounding this misguided measure must be considered as lawmakers develop a federal solution.

Myth	Fact
Proposition 12 is needed to ensure animal health and welfare.	Taking proper care of one's animals is understood to be an ethical responsibility by those in the swine industry. Producers, veterinarians and animal scientists have placed a specific emphasis in recent decades on swine welfare, which is evident by the development of the Pork Quality Assurance Plus program, highly regarded by packers, consumers and trading partners. Proposition 12 reverses decades of progress by ignoring established facts about animal husbandry and scientific research.
Mother hogs (sows) benefit from larger housing.	Larger housing space does not equate to better health and welfare for sows. Sows will establish a hierarchy when grouped, asserting aggressive behavior to determine the order of dominance. Sows are highly vulnerable to fighting, stress and injury in the weeks after weaning and conception (high-risk period). During this time, individual stalls that provide protection can be critical for sow safety and welfare.
California's new housing standards will protect human health.	Current, non-Proposition 12, housing standards do not pose a threat to human health. Under federal law, the U.S. Department of Agriculture's Food Safety Inspection Service ensures all meat harvested and produced for sale is commercially safe for consumption with multiple checkpoints to confirm only healthy hogs enter the food supply. Further, California's own review of scientific literature found no conclusive evidence that animal housing is related to increased foodborne illness.
Consumers will not be harmed by Proposition 12.	Proposition 12 will increase on-farm production costs by more than 9%, leading to higher pork prices and a shrinking supply of affordable protein for families throughout the country while also forcing industry consolidation – hitting small and medium-sized farms the hardest.
Proposition 12 only affects the state of California.	While Proposition 12 applies to the sale of uncooked whole pork meat in California, it places the cost and compliance burden on hog farmers – 98% of whom are located outside of the state. California, by leveraging its economic power, is dictating how pork is produced in other states and by foreign trading partners who will also need to comply with regulations that differ from those negotiated with the U.S. and international organizations.

We invite you to learn more about policy issues to support and strengthen America's pork producers at **NPPC.org**.

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Myth	Fact
Proposition 12 is about states' rights.	Despite claims that Proposition 12 is a states' rights issue, the measure focuses on activities occurring almost completely outside of California. A number of other states have laws governing production housing within their state, without attempting to force a regulatory regime on other states. Even longstanding international trading partners have voiced concerns about the implications Proposition 12 will have on market access they have negotiated with the federal government.
There has been a delay in Proposition 12.	A California court signed an order that modified the implementation schedule for Proposition 12. Under the Court's order, the sale of pork already in the supply chain as of July 1, 2023, can continue to be sold in California until December 31, 2023. The order did not delay Proposition 12, and any pork introduced into the supply chain after July 1 must be compliant to be sold in California.
Proposition 12 favors independent hog farmers and disadvantages multinational companies.	Family farms comprise 96% of all U.S. hog farms and 81% of hog inventories. It is estimated that constructing Proposition 12-compliant facilities will cost farmers between $3,400 and $4,000 per sow. For an average producer seeking to convert their farm to Proposition 12 standards, this translates into a cost of 10 million dollars or more. Small and medium-sized farms with limited access to capital and credit will be hit the hardest at a time of record inflation, and many may be forced into closing operations or will lose access to the California market.
Congress does not have the constitutional authority to legislate this issue.	Congress has the sole authority to regulate interstate commerce under Article 1, Section 8 of the Constitution – a fact acknowledged in the Supreme Court's majority opinion upholding Proposition 12. It is therefore time that Congress exercises its authority to protect the interstate trade of pork and to preempt conflicting state laws.
Passing the PIGS Act (H.R. 2939), or codifying Proposition 12, provides certainty to farmers and protects investments that have already been made.	Hog producers need certainty, and any serious legislative proposal must protect farmer investments by preventing a 50-state patchwork of regulations. The PIGS Act's fails producers by specifically enabling a financially devastating state-by-state patchwork.

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