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State AG sues California over new animal welfare law

Missouri AG Koster says Proposition 2 can't trump federal commerce law

by Sustainable Food News
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Missouri's Attorney General filed a lawsuit earlier this week against the state of California for allegedly violating federal law by requiring other states to comply with looming regulations prohibiting egg producers from using cages for egg-laying hens that prohibit them from freely turning around.

In 2008, California voters approved ballot initiative [Proposition 2](#), which prohibits producers from using veal crates, poultry battery cages, and sow gestation crates in a manner that does not allow the animals to lie down, stand up, fully extend their limbs and turn around freely. The new law, called the Prevention of Farm Animal Cruelty Act, [goes into force Jan. 1, 2015](#).

But California egg producers argued, at the time, the increased cost of production to comply with the law would put them at a competitive disadvantage, opening their markets to cheaper, out-of-state competition. So, in 2010,

the California State Assembly passed legislation requiring egg producers outside its borders to comply with Prop. 2 in order to access California markets.

Missouri's seven million egg-laying hens produce about 1.7 billion eggs per year, about a third of that total is sold to California consumers. Koster contends Missouri's egg producers face an estimated \$120 million in capital improvements costs, plus a 20 percent increase in ongoing production costs, if they have to comply with California's law.

But, if they get priced out of the California market, Missouri's egg producers will face a surplus of more than a half billion eggs, potentially depressing prices in local markets and force some Missouri farmers out of business, Koster believes.

"This case is not merely about farming practices," said Missouri AG Chris Koster. "At stake is whether elected officials in one state may regulate the practices of another state's citizens who cannot vote them out of office. When California passes legislation that imposes new requirements or limits on Missouri businesses, it is my job to fight against it."

Koster filed the suit in the U.S. District Court for the Eastern District of California, asking it to rule California's legislation violates the [Commerce Clause of the U.S. Constitution](#), which prohibits any state from enacting legislation that regulates conduct "wholly outside its borders, protects its own citizens from out-of-state competition, or places undue burdens on interstate commerce."

"California has placed restrictions on the sale or transfer of a commodity based on production methods that have nothing to do with the health or safety of California consumers," Koster said. "If California legislators are permitted to mandate the size of chicken coops on Missouri farms, they may just as easily demand that Missouri soybeans be harvested by hand or that Missouri corn be transported by solar-powered trucks."

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