

February 7, 2024

The Honorable Debbie Stabenow  
Chairwoman  
U.S. Senate Committee on Agriculture,  
Nutrition and Forestry  
328 Russell Senate Office Building  
Washington, DC 20510

The Honorable GT Thompson  
Chairman  
U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

The Honorable John Boozman  
Ranking Member  
U.S. Senate Committee on Agriculture,  
Nutrition and Forestry  
328 Russell Senate Office Building  
Washington, DC 20510

The Honorable David Scott  
Ranking Member  
U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Stabenow, Chairman Thompson, Ranking Member Boozman, and Ranking Member Scott:

We write to you today to discuss the pressing attack on common-sense animal welfare regulations.

Currently, a small group of Congressmembers is attempting to push a piece of legislation into the 2023 Farm Bill called the Ending Agricultural Trade Suppression (EATS) Act ([S.2019](#), [H.R.4417](#)), as well as slightly altered versions of it such as [S.3382](#).

If passed, the EATS Act would eliminate virtually all state and local legislative powers to impose standards or conditions on the “pre-harvest” production of agricultural products entering their own borders. This includes regulations related to food safety, disease and pest control, and government procurement.<sup>1</sup> In doing so, the EATS Act would overturn California’s Proposition 12 and Massachusetts Question 3, two state laws that require farm animals to be raised without cruelty and ban the sale of pork that doesn’t comply with certain animal welfare laws.

The provisions in the EATS Act of 2023 are not new: In fact, similar versions of this bill have been introduced 3+ times—and met with uproar and strong opposition from a diverse set of more than 170 groups, including the American public, farmers, consumers, and businesses<sup>2</sup>.

This attempt should be treated similarly: **We, the undersigned companies, strongly urge you to oppose inclusion of the EATS Act and any of its iterations (such as [S.3382](#))** in the 2023 Farm Bill for the following reasons:

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<sup>1</sup> <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>

<sup>2</sup> <https://thehumaneleague.org/article/eats-act>

## 1. The EATS Act Counters Consumer Demand for Common-Sense Production Standards

- California’s Proposition 12 and Massachusetts’ Q3 were passed overwhelmingly by voters in the 2018 and 2016 elections. Specifically, 63% of California residents voted in favor of Prop 12 and 78% of residents voted in favor of Massachusetts’ Q3<sup>3</sup>.
- These state ballot measure results are just one example of the growing consumer demand for products made with common sense animal welfare standards more aligned with their expectations and values. A recent study revealed that 80% of Americans are concerned about the negative impacts of industrial animal agriculture on animal welfare, second only to their concern about its effect on public and community health<sup>4</sup>.

## 2. The EATS Act Would Reverse Progress and Investments in Animal Welfare

- The EATS Act is a direct response to recent legal and legislative success in the animal welfare industry. If passed, the EATS Act would **overturn** laws that require veal calves, breeding pigs, and egg-laying hens to be housed according to specific standards for freedom of movement, cage-free design, and minimum floor space, and that prohibit a farm owner or operator from knowingly confining specific animals in a cruel manner<sup>5</sup>.
- Under the ruse of “protecting farmers from costly regulations,” the EATS Act would reverse major progress in humane farming practices with which many farmers have already taken steps and made investments in order to comply. For example, the egg industry is now ~40% cage-free,<sup>6</sup> and more than 1,250 pork producers and distributors are Prop-12 compliant.<sup>7</sup>

## 3. The EATS Act Threatens the Balance of Power in US Government

- The EATS Act aims to erode the long-standing ability for state and local authorities to set agricultural regulations within their borders and threatens to undermine states’ ability to pass laws and ballot measures related to food safety, disease and pest control, and other public health and welfare matters<sup>8</sup>.
- In 2023, the [Supreme Court](#) held that the regulatory structure outlined in California's Proposition 12 was constitutional. The court ruled that the state could establish its own rules on meat sold in the state, even if that means that products produced outside of the state must comply with the law. The EATS Act—if passed—would thus not only overturn voter-affirmed laws in multiple states but would also run afoul of US Supreme Court precedent.<sup>9</sup>

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<sup>3</sup> <https://www.mercurynews.com/2023/11/18/opinion-dont-let-congress-overturn-californias-animal-welfare-law/>

<sup>4</sup> [https://www.aspc.org/sites/default/files/2023\\_industrial\\_ag\\_survey\\_results\\_report\\_052523\\_1.pdf](https://www.aspc.org/sites/default/files/2023_industrial_ag_survey_results_report_052523_1.pdf)

<sup>5</sup> <https://www.cde.ca.gov/ls/nu/fd/mb-fdp-03-2022-a.asp>

<sup>6</sup> <https://www.fooddive.com/news/why-cage-free-eggs-could-be-on-shaky-ground/641459/#:~:text=Currently%20cage%2Dfree%20eggs%20make,by%20the%20egg%20industry%20outlet.>

<sup>7</sup> <https://www.hoosieragtoday.com/2024/01/04/over-1250-producers-compliant-prop-12/>

<sup>8</sup> <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>

<sup>9</sup> <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf>

While some companies remain silent in the name of cheaper production costs, we believe it is our responsibility to amplify the concerns of our customers and business partners through our platforms. As organizations with a direct impact on the US food system, we must never prioritize profit over the people, animals, and planet who produce our food.

We, the undersigned companies, are proud to join forces with [legal experts](#) and our brave [colleagues](#) in [farming](#) in calling for Congress to reject the EATS Act, including any narrowed versions of it like the newly introduced Protecting Interstate Commerce for Livestock Producers Act ([S.3382](#)). We hope that you will listen to the voice of the American public and avoid reversing animal welfare advancements and disrupting the state-federal equilibrium of the US government.

Thank you for your time and consideration, and we welcome the opportunity to collaborate with you on this important issue.

Sincerely,

**Mike Salguero, Founder & CEO**

**ButcherBox**

Watertown, MA

**Actual Veggies**

Miami, FL

**Applegate**

Bedminster, NJ

**Bon Appetit Management Company**

Redwood Shores, CA

**Campfire Treats**

Rocklin, CA

**DuBreton**

Claremont, NH

**Earth Animal**

Westport, CT; Westminster, MD

**Grebing Farms LLC**

Frohna, MO

**Handsome Brook Farms**

New York, NY

**Hungryroot**

New York, NY

**Kettle Cuisine**

Lynn, MA

**Kipster**

North Manchester, IN

**Mission Driven Meat and Seafood**

Houston, TX

**Natural Grocers**

Lakewood, CO

**Niman Ranch**

Westminster, CO

**North Country Smokehouse**

Claremont, NH

**Pederson's Natural Farms**

Hamilton, TX

**Perdue Foods**

Salisbury, MD

**RoliRoti**

Oakland, CA

**Sundays for Dogs, Inc**

Cleveland, OH

**Thrive Market**

Los Angeles, CA

**True Story Foods**

Fairfield, CA

**Walden Local Meat**  
Tewksbury, MA

**Whole30**  
Salt Lake City, UT

**Whole Foods Market**  
Austin, TX