

Representative Barbara Rachelson's Testimony on H. 186: A Short Form Bill Addressing the Sale of Shell Eggs

Madam Chair, and Committee Members, thank you for inviting me here today to talk about H. 186. I'd like to quickly cover what the issues are that this bill would address:

What is the Problem that this bill is addressing?

➤ *Animal Cruelty*

- While more and more states are instituting farm animal confinement bans, most chickens still live their lives in a space less than the area of a single sheet of paper.
- Laying hens are born in commercial hatcheries where they are hatched by the thousands in industrial incubators. Male chicks, unable to lay eggs and of a different strain than broiler chickens, are useless to the egg industry and are killed shortly after hatching. They are typically ground up alive, gassed, or thrown into dumpsters. Hundreds of millions of male chicks are killed by the egg industry annually.
Most of the surviving hens are beak-trimmed, a process deemed necessary by the egg industry to decrease cannibalism and other aggressive tendencies, and to reduce feed costs by preventing the flicking of food. The procedure, performed without anesthesia, involves slicing off the tip of young chicks' beaks with a hot blade or infrared.
- Not only is the procedure itself inhumane, but beak trimming also causes many physiological changes that prevent birds from expressing natural behaviors. A chicken's beak is a sensitive apparatus that provides important sensory feedback. Food and water intake and preening behaviors are commonly reduced in birds following this procedure, and chickens are often in chronic pain from the sustained damage to sensory receptors.
- The female chicks, called hens, spend their short lives (usually less than two years) confined in battery cages, in one 61-square-inch spot. They are unable to perform any natural behaviors, such as nesting, bathing, perching, or spreading their wings. On average, each hen lays 275-280 eggs per year.
- As the hens age, their egg production naturally slows. To increase production, the hens are forced to molt (shed their feathers) through starvation or the use of low-nutrient food, until 30 percent of their body fat is

lost. Hens are purposefully starved for up to two weeks; then, their original diet is reinstated to restore feather growth, and consequently, increase egg production.

- After their first or second laying-cycle, depending on the use of forced molting, hens are slaughtered. No federal law, including the Humane Methods of Slaughter Act or the Animal Welfare Act, currently sets any welfare standards for birds. Thus, chickens can legally be raised and slaughtered through any methods. Most producers opt not to slaughter the hens on-site, and they transport the hens to off-site slaughterhouses. If the hens survive the journey, they are often killed full consciousness.

➤ ***Health of people consuming the eggs:***

- Battery cages account for nearly 90% of the American egg supply but have been linked to higher salmonella rates than the use of larger "colony cages," the habitats that contain "free-range" chickens.
- Mash reports: "Moving past the humane issue, there are major safety concerns with eggs laid by chickens that are not cage-free. The European Food Safety Authority found that salmonella is five times more likely to be present in cage systems compared to free-range systems. The reason for the decreased risk with cage-free systems is most likely because of a combination of the cage-free systems being cleaner, having fewer rodents that could be carrying diseases, the systems themselves are easier to clean and disinfect, the hens have a more natural gut flora, and they are less stressed, making them less susceptible to illness. The eggs from these chickens also have lower levels of chemical residue from insecticides and a lower concentration of dioxin-like contaminants, as well as fewer insect infestations" (via The Poultry Site). Read More: https://www.mashed.com/221650/the-real-reason-you-should-be-eating-cage-free-eggs/?utm_campaign=clip

➤ ***Consumer protection and demand:***

- Help with assuring integrity of agricultural product labeling on behalf of consumers and producers.
- The ASPCA 2016 survey showed that despite their misconceptions:
 - Approximately three quarters of consumers surveyed are concerned about the welfare of animals raised for food and are paying more attention than they were 5 years ago to food labels that indicate how animals were raised.
 - Consumers are confused about how animal welfare is monitored on farms, and
 - Consumers are concerned that there is no independent inspection or oversight of animal welfare on most farms.

- Nationally, many grocery chains and companies are converting to cage free eggs due to increasing awareness and public demand for higher welfare standards.
- A 2014 consumer survey showed that nearly two-thirds of Americans routinely spend more to buy specialty eggs, but a new nationwide poll released in July 2016 by the ASPCA showed that consumers don't always get what they think they are paying for. When shopping for eggs the top three labels consumers looked for were as follows:
 - 50% of respondents said they look for the free-range label.
 - 48% percent look for a Cage-free label, and
 - 47% look for an organic label.
 - However, when asked to describe the terms “free range” or “cage free” most thought it meant hens were roaming freely in pastures.
- Cage-free-egg laws appear to be popular with consumers — at least the ones who voted for them. **Ballot measures were approved by wide margins in California, with 64 percent of the vote, and in Massachusetts, with 78 percent.** This happened despite consumers in both states overwhelmingly buying conventional eggs.

➤ Addressing the Problem: H.229

- Although the entire European Union banned battery cages in 2012, only a few U.S. states do so.
- Here are some of the state laws that have been enacted to change these practices:

2020:

- **Colorado** became the sixth state to require that all eggs sold in the state be from cage-free hens and **eliminates** cage confinement of egg-laying chickens. The bill requires all egg-laying hens to have at least 1 sq. ft. of space by Jan. 1, 2023, and to be in cage-free housing by Jan. 1, 2025.

2019:

- **Washington State** enacted the strongest protections for egg-laying hens ever passed in any state legislature. This historic win will benefit approximately eight million hens each year, freeing them from cage

confinement by the end of 2023. Washington's new law phases out the production and sale of eggs from caged hens, regardless of where the eggs were produced. In a typical cage facility, each bird has less space than the dimensions of an iPad on which to live her entire life. While cage-free does not equal cruelty-free, this measure will significantly reduce the birds' suffering. In addition to banning cages and requiring more space per bird, the law also mandates that hens be provided with vital enrichments, including scratch areas, perches, nesting and dust bathing areas. The measure builds upon our previous work in states like [California](#) and [Massachusetts](#) where voters have passed transformational ballot measures against the cage confinement of farm animals in recent years

- **Oregon** in 2019 passed SB 219, a new law that mandates that commercial farms with 3,000 or more chickens give their birds room to move around and stretch their wings. By 2024, all eggs produced or sold in the state must come from cage-free hens. The Humane Society of the United States called the new law a "monumental win for hens confined in tiny cages in the egg industry."
- **Michigan:** All eggs sold in Michigan will have to come from hens raised in cage-free conditions by December 2024, no non-cage free eggs will be legally allowed to be sold in Michigan. The bill bans battery cages and sets requirements for available space, enrichment, and bans the sale of products that don't reach their standards.

2018:

- **Rhode Island** passes a law that phases out the extreme confinement of egg-laying hens and mandates that the birds be housed in cage-free facilities.
- **California** strengthened its cage and crate-free standards for laying hens, mother pigs and veal calves, and expanded the in-state sales ban to also include pork and veal products.

2016:

- **Massachusetts** passed a ballot measure prohibiting egg-laying hens, breeding pigs, and veal calves from inhumane confinement.

2015

- **California** implemented Two new regulations. The first law, called Proposition 2, requires the space allocated for every egg-laying chicken in California to be increased by nearly 70%. The other regulation, AB 1437, bans the sale of eggs from chickens in small "battery cages" in California altogether.

2011:

- **Oregon and Washington** passed legislation to transition commercial egg farms to enriched colony systems.

2009:

- **Michigan's** legislature passed a ban on battery cages that included a 10-year phase out.
- **Ohio** placed a moratorium on permits for the construction of new battery cages as of June 2010.

2008:

- **California** overwhelmingly passed The Prevention of Farm Animal Cruelty Act. This Act phased out the use of battery cages, gestation crates, and veal crates in California farms.

Concluding Remarks:

- When California and Massachusetts enacted laws requiring that eggs produced and sold there be raised cage-free, 13 states including some of the nation's largest egg producers sued, saying the laws violated the commerce clause of the U.S. Constitution. They lost their case, and as seen above many states are now banning the sale of any eggs that don't meet their spelled-out state standards and/or requiring state producers of laying chickens to comply with these new state standards.
- When I first introduced this bill, the lawsuit had not yet been settled.
- Since the first time I introduced this bill, when California was the only state to have this type of law. Now, many states have it.
WHY DOESN'T VERMONT?

Thank you for the opportunity to testify before your committee.

Representative Barbara Rachelson