



## Egg Industry Reintroduces **Rotten Egg Bill**

After being defeated last year, the egg industry has now introduced a 2013 version of its infamous Rotten Egg Bill.

Although it wouldn't seem possible, this year's version is even *worse* than before – as a result of astounding capitulations by HSUS, which is now endorsing even *more* allowances for cruel and toxic conditions.

### **Desperate Measures**

In response to ever-growing public support for the *banning* of egg factory cages, the egg industry's trade association, the United Egg Producers (UEP), is seeking to shield itself from all cage-free ballot measures, state legislation, and *existing state laws* by asking Congress for special federal protection.

To accomplish this, UEP is pushing “The Egg Products Inspection Act Amendments of 2013” – H.R. 1731 in the U.S. House of Representatives and S. 820 in the U.S. Senate.

Widely referred to as the Rotten Egg Bill, this measure not only perpetuates animal suffering, it is also an unprecedented assault upon voters' rights. It would keep hens forever locked *in* cages – *regardless* of any state laws to the contrary.

In stark contrast to every anti-cruelty law in the nation, the Rotten Egg Bill contains *no criminal penalties* – while nullifying state laws which *do*. This egg industry power grab would shift all authority to the *industry-controlled* USDA – the absolute *last* agency that should oversee the treatment of farm animals.

### **| In Their Own Words: |**

“This is an exciting moment for us in egg production! **The alternative is we go cage free.**”

— United Egg Producers

## Movement-Wide Campaign to **STOP** the Rotten Egg Bill

In addition to the Humane Farming Association (HFA), opponents of the Rotten Egg Bill include Friends of Animals (FoA), United Poultry Concerns, People for the Ethical Treatment of Animals (PETA), Last Chance for Animals, Action for Animals, In Defense of Animals (IDA), Northwest Animal Rights Network, Defend Animals Coalition, Political Animals, Green Vegans, Georgia Animal Rights and Protection, Canadians for the Ethical Treatment of Food Animals, Action Volunteers for Animals, Vegan Society of Peace, Humane Farming Action Fund, Sunnyskies Bird and Animal Sanctuary, SAFE, Animals Unlimited, Massachusetts Animal Rights Coalition, Purpose Group International, Maple Farm Sanctuary, Chicken Run Rescue, Pasado Safe Haven, Associated Humane Societies, **and the vast majority of thoughtful and compassionate people nationwide.**

For decades, state law enforcement has been stymied because “USDA-inspected” slaughterhouses are largely beyond the reach of state animal cruelty laws due to *federal preemption*.

Now, just as states are responding to the will of the people and passing laws to combat factory farming – the industry is attempting to *evade* those laws by **extending federal preemption** into egg factory farms.

The egg industry hopes to advance this scheme by claiming that it represents “progress” for laying hens. In truth, the industry merely agreed to *slowly* (at the glacial pace of **16 years**) continue the *meager changes* in battery cage conditions that are **already occurring** due to state laws and public pressure.

Making matters worse, UEP has co-opted the CEO of the nation’s wealthiest animal organization, the Humane Society of the United States (HSUS).

“Our public relations people and HSUS’s public relations people are working together. Wayne Pacelle and I have become pretty good friends.”

– Gene Gregory  
United Egg Producers

In the most far-reaching betrayal in U.S. animal protection history, HSUS’s Wayne Pacelle is now actively lobbying in support of UEP’s legislation in exchange for being able to claim credit in the event that it passes.

Indeed, the most accurate account of this deal comes from the egg industry itself:

“The only way we can avoid ballot measures is through federal preemption. That is the reason why we need federal legislation. What HSUS is going to get out of this is the ability to say that they were partners....” – United Egg Producers

This alliance has already enabled the egg industry to accomplish its most immediate goals: HSUS has *killed* anti-cage ballot measures in Washington and Oregon.

Contradicting itself entirely, HSUS is now **endorsing cages as a national standard** – and has instructed staff *not* to investigate or otherwise hinder factory farms owned by members of the United Egg Producers.

Collaborating directly with the egg industry, **Pacelle is now attempting to smear activists who still oppose egg factory cages** – even though *this was his own position* prior to caving-in.

### Wayne Pacelle: The New Pitchman For Egg Factory Cages

Until recently, HSUS’s stated position was aligned with that of the Humane Farming Association and the majority of Americans who *oppose* egg factory cages.

California’s Proposition 2, in Pacelle’s own words, **“clearly bans cages for laying hens and requires cage-free conditions.”** Based on *that* understanding, the measure was overwhelmingly approved by voters.

## In Their Own Words:

*"We've spent a fortune trying to beat regulations on a state-by-state basis, but animal and environmental groups are killing us. This bill puts cages in place, puts them in law. **That's a huge cave in on HSUS' part. This legislation says that, yes, it's okay to have chickens in cages.**"*

— Joe Miller, Rose Acre Farms  
Nation's 2nd Largest Egg Corporation

## Barnyard Betrayal



***"California will be a cage-free state."***

— HSUS's Wayne Pacelle, claiming credit for "banning" cages.

After riding to fame on the backs of those working to outlaw egg factory cages, Pacelle is now endorsing the very cages he once claimed to oppose.



***We got HSUS to endorse these cages. And that's priceless!***

— United Egg Producers (UEP)

These cages provide an acceptable existence, according to Pacelle, who is now partnered with United Egg Producers (UEP) in attempting to **take away voters' rights** and **overturn state anti-cage laws**.

## The Battery Cage Sell-Out

### BEFORE:

So-called enriched battery cages are an **“inhumane confinement system.”**

– Wayne Pacelle, HSUS

### AFTER:

**“This deal saves cages....”**

– *Feedstuffs*, agribusiness newspaper

“We welcome the recognition by HSUS that the enriched cage system is a **safe and superior** hen habitat.”

**“HSUS has gotten behind this because they believe it has addressed all of their concerns....”**

– Association of California Egg Farmers

### BEFORE AND AFTER:

Cruelty is cruelty. No ethical organization would ever endorse these abusive systems – nor agree to *eliminate* the public’s right to outlaw battery cages.

– The Humane Farming Association

The egg industry panicked. Attempting to continue its inhumane use of cages despite Prop 2 or *any* state law, UEP embarked on a classic divide-and-conquer strategy.

Among UEP’s first steps following Prop 2’s passage was to ask an industry-aligned animal group (AHA) to publicly endorse the use of “enriched” battery cages.

Having not *yet* endorsed these cruel cages himself, HSUS’s Wayne Pacelle *urged animal activists to speak out in protest.*

Specifically, HSUS approached HFA and asked if we would distribute a statement highlighting our long-standing opposition to “enriched” battery cages.

This is the statement HSUS asked to be distributed *just weeks* prior to endorsing these cages themselves:

**“No humane organization worth its salt would ever endorse these abusive systems.** Like conventional battery cages, modified battery cages are extremely restrictive and inherently cruel. Modified cages are nothing more than an attempt by the egg industry to circumvent anti-cruelty laws and the will of voters....”

Simultaneously, HSUS issued this joint press release:

“The major animal protection organizations in the United States and Europe that focus on the treatment of farm animals are opposed to modified cages, sometimes referred to as furnished, or **so-called enriched cages....**

**“...these cages are unable to provide an acceptable level of welfare for hens.** The egg industry should **end the use of all cages** to confine laying hens.”

– Signed, HSUS, HFA, and others

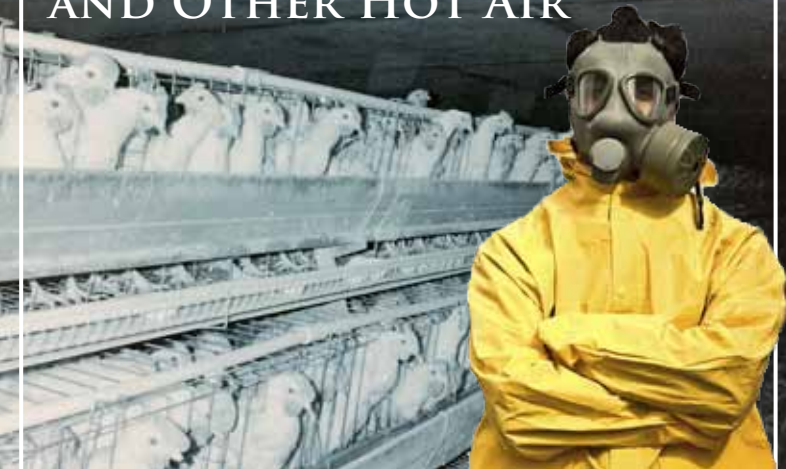
### In Their Own Words:



**“If we don’t pass this bill, I can absolutely guarantee you we will lose cages. We will leapfrog from conventional cages to cage-free.”**

— Chad Gregory, United Egg Producers

# AMMONIA FUMES – AND OTHER HOT AIR



To deflect from its central purpose (keeping hens *in* cages), the Rotten Egg Bill tacks on a few diversionary provisions. All of them fall apart under scrutiny.

**Ammonia Levels:** While claiming to improve air quality, the bill contains *nothing* that alters current ammonia levels in egg factories. It merely adopts UEP’s existing standards which *allow* toxic conditions.

“Ammonia levels as high as 25 ppm are defined in the bill as ‘acceptable’ for the hens, even though **ammonia gases have been known for decades to be toxic**. Chickens exposed to [the allowable] 20 ppm of ammonia are susceptible to respiratory illnesses, eye infections, immune system suppression, and severe vaccine reactions. **Allowing ammonia levels to reach 25 ppm merely codifies existing industry standards.**”

– Karen Davis, Ph.D., United Poultry Concerns

**Starvation:** Proponents also claim that the bill would stop the supposed “starvation” molting of “tens of millions” of hens. Remarkably, they provide no evidence that this is occurring – let alone that it would ever justify keeping hens locked in battery cages and preempting state laws. Far from changing anything, the bill once again merely adopts UEP’s *existing policy*.

**Fraudulent Labeling:** As far as labeling egg cartons, the bill *would* do that. For the very first time, the fraudulent and grossly misleading euphemism “enriched cages” would begin appearing on egg cartons nationwide – in order to *deflect public concern* and to **increase egg sales from caged hens**.

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Additionally, HSUS spawned a third-party website called “American *Inhumane*” which was devoted to opposing “enriched” battery cages and attacking another group’s partnership with United Egg Producers. This, of course, was *before* HSUS decided to do the exact same thing.

Once Pacelle himself joined with the egg industry, the anti-cage website suddenly disappeared. Along with it, any trace of HSUS credibility.

## Undefined, Unenforceable, Unethical

**Q:** The egg industry claims its bill would provide “**Adequate Environmental Enrichments**” for caged hens within *16 years*. But what does that mean? How is that term defined in the bill?

**A:** The industry intentionally did *NOT* define what that means. That way, it can paint whatever rosy picture it would like while promoting the bill to the unsuspecting.

**Q:** Who then *would* decide what constitutes an “adequately enriched” battery cage?

**A:** The egg industry *itself*, in conjunction with the *industry-controlled USDA*, would decide what that means. And not until years *after* the bill is passed. Rather than proposing standards which could be scrutinized before becoming the law of the land – proponents want the entire issue decided *after* the fact by some future USDA Secretary.

## A Fight We *Must* Win

As we go to press, the egg industry is attempting to have its Rotten Egg Bill inserted into the 2013 Farm Bill. And we are doing everything possible to ensure that that does *not* happen.

If you haven’t already done so, please visit [StopTheRottenEggBill.org](http://StopTheRottenEggBill.org) to email your federal legislators.

Your support at this crucial juncture will allow us to continue mobilizing public opposition to this insidious measure – and to **Stop** the Rotten Egg Bill from ever becoming law. *Thank you!*

# Los Angeles Times

## Egg Farms want a federal standard Legislation would override California's Proposition 2.

By Stuart Pfeifer, Los Angeles Times

ATWATER, Calif. — The gigantic chicken coop at the JS West farm here is big enough to hangar a Boeing 747, and the clucks from 150,000 egg-laying hens make it almost as noisy as one.

Jill Benson, whose family owns the place, is proud of the roomy cages, the clean, ventilated air and, yes, even the never-ending squawks from all those birds.

"They're singing because they're happy," she said.

The Central Valley company, which helped bankroll the campaign against Proposition 2, says it has spent more than \$7 million for two barns filled with the new 4-by-12-foot cages, each holding 60 birds.

Like most egg ranches, JS West opposed the measure.

"That was our livelihood that was being threatened, and we fought it to the

end," Benson said. "When we lost, we saw that California voters were asking for something different. We listened to what that vote said and tried to find a solution."

That solution may now be going national. In a rare alliance, the Humane Society of the United States (HSUS) and egg ranchers have joined forces to lobby for federal legislation that would set national standards for egg ranches similar to those implemented at JS West.

"No question about it: Proposition 2 was a major wake-up call to the entire U.S. egg industry," said Chad Gregory, senior vice president of United Egg Producers, a trade organization that represents most of the nation's egg farmers.

Not everyone favors the approach. If the federal legislation is signed

into law, it would create one national standard and invalidate state and local laws, such as Proposition 2. Some animal-rights groups believe California's law would be replaced by a weaker standard. The proposed federal legislation, HR 3798, does not carry the threat of jail time, as Proposition 2 does, and it would prohibit states from banning cages.

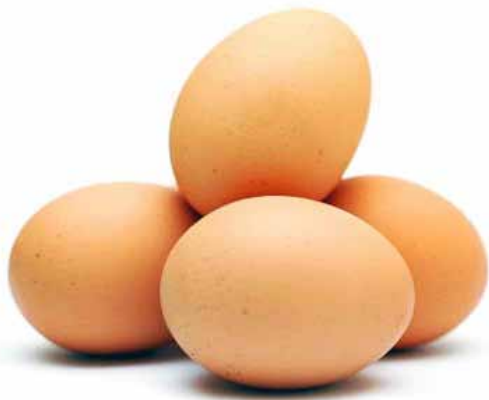
It also would give farmers up to 18 years to phase in the changes, which some animal-rights groups say is too long.

"HSUS is now trying to undo Proposition 2," said Bradley Miller, director of the Humane Farming Association. "They've switched sides. They've sold out. They're betraying not only California voters but millions of hens that are locked in horrific conditions."

**A Cage Is A Cage**

See it now at [HFA.org](http://HFA.org)

[Excerpts 5-27-12]



UEP's legislation would prohibit any state in the nation from outlawing battery cages.



Chad Gregory of United Egg Producers (UEP) and Wayne Pacelle of HSUS lobbying for egg factory cages as a national standard.

***This is 67 square inches.***

8.2" x 8.2"

If the Rotten Egg Bill is adopted by Congress, most egg factories could ***continue*** to keep hens in ***existing cages*** with this amount of floor space per hen for up to **16 years** after the bill is passed.

**All state laws** requiring cage-free conditions – or requiring more cage space than the federal bill stipulates – ***would be nullified.***

**A Betrayal by Any Measure**