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US Legislative Update: The King Amendment

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US Legislative Update: The King Amendment

Last Friday, the US House of Representatives voted down the farm bill, which contained an [amendment](#) to preempt all meaningful state farm animal welfare laws, including Massachusetts' [2016 ballot measure](#) and California's planned [2018 ballot measure](#). The amendment, named after its [odious](#) author Rep. Steve King (R-IA), won the support of farm state Republicans, who [voted](#) to insert it into the must-pass once-every-five-years farm bill. And although the farm bill was defeated last week — for [reasons](#) unrelated to King's amendment — the House is likely to reconsider it [by June 22](#).

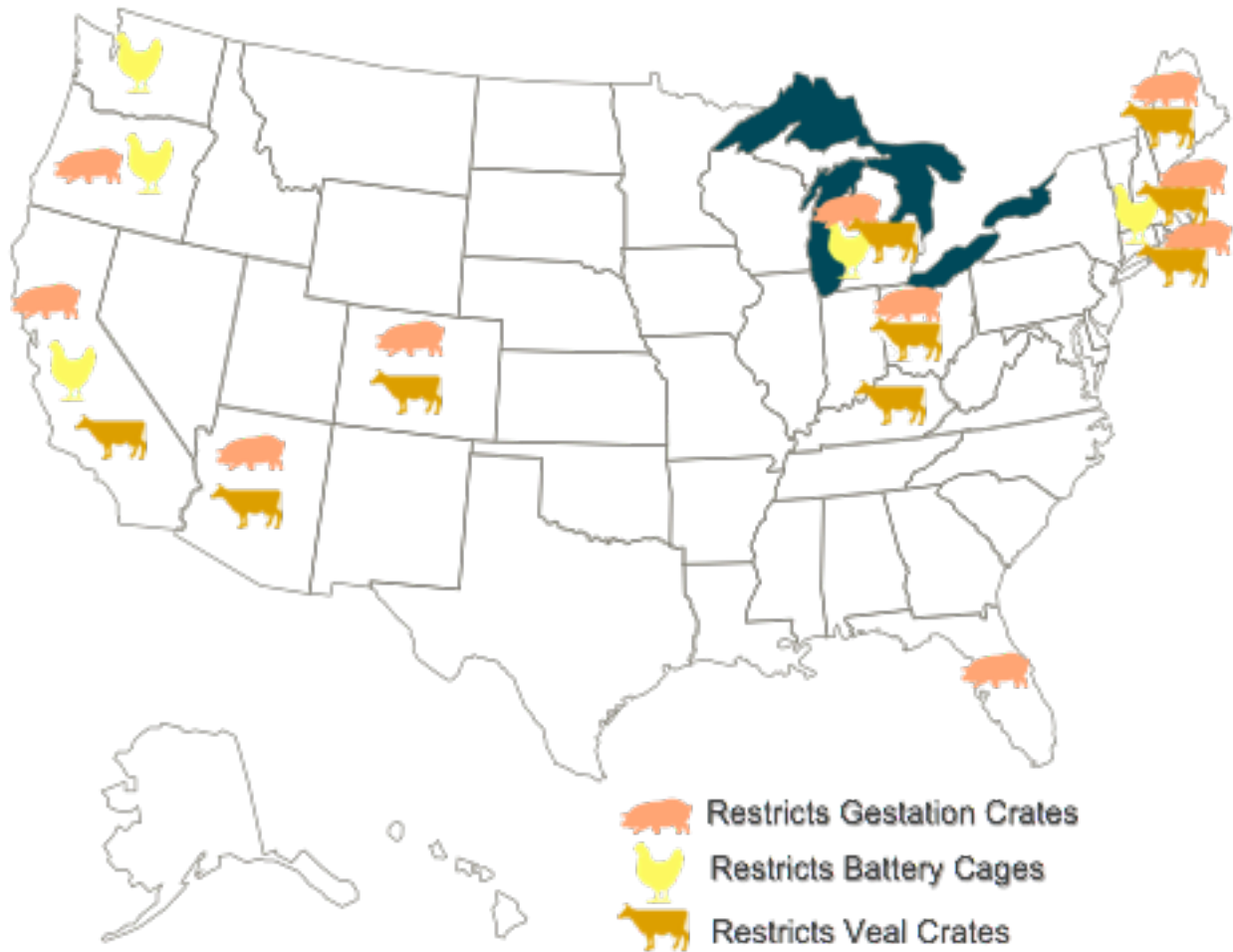
So what's going on and what can we do about it?

The Backstory: Advocates Make Progress

Since 2002, [advocates have helped enact](#) bans on gestation crates for pigs, veal crates for calves, or battery cages for hens in Florida (2002), Arizona (2006), California (2008), Colorado (2008), Maine (2009), Michigan (2009), Ohio (2010), Rhode Island (2012), and Massachusetts (2016). In most states the bans affected industries — typically veal or pork — that were barely present in the states. But in California and Michigan, the bans affected egg industries with [19M](#) and [15M](#) hens respectively, which now feared cheaper egg imports from states that lacked any standards.

That led the California egg industry in 2010 to push for a [law](#) extending the state's new ban on cramped cages to all shell eggs sold in the state, including imported ones. (California's 2008 measure, Prop 2, sought to ban battery cages entirely, but regulators interpreted its text to only require larger cages: [116 sq. inches](#) per bird, vs. the industry standard of [67 sq. inches](#); cage-free hens get [144-216 sq. inches](#) plus perches and nesting boxes.) This opened up a new strategy for advocates, who can more easily enact legislation in the liberal states that consume half of America's factory farmed meat and eggs than in the [mostly conservative states](#) that produce them.

In 2016 advocates took up the strategy in Massachusetts, advancing a ballot measure that barred the sale of eggs, pork, or veal from caged animals, including imported products. After [78%](#) of Bay Staters approved the measure, advocates moved back to California to enact a copycat measure. Last month, they finished collecting [600K signatures](#), more than enough to get on the November 2018 California ballot.



12 states have partial or full bans on battery cages, gestation crates, or veal crates in 12 US states. Some of these laws, like the partial bans on battery cages in OR and WA, were pushed by industry to undermine pushes for full bans. Most of the states with effective laws import most of their meat and eggs, creating the need for sales bans for the laws to be effective.

The Industry Fights Back

Enter Rep. Steve King, who represents America's most factory-farm-heavy congressional district — Iowa's 4th has [13M](#) pigs and [37M](#) layer hens to its 750K humans. In 2013, he put an amendment in the House farm bill barring any "state or locality" from "impos[ing] a standard or condition" on how an imported agricultural product is produced "in addition" to federal standards or those in the state where it was produced. Since neither the federal government nor major factory farming states have *any* farm animal welfare standards, under King's amendment any standards like California's would be "addition[al]" and thus void. (The Harvard Animal Law program prepared an excellent [report](#) on the many other state laws that King's amendment could accidentally preempt.)

In 2013, the conference committee reconciling the divergent Senate and House versions of the farm bill knocked out King's amendment. This was likely thanks to Sen. Debbie Stabenow (D-MI), then Chair of the Senate Agriculture Committee, and Sen. Dianne Feinstein (D-CA), both animal-friendly legislators whose states' egg industries opposed the amendment. Since then, the Senate has flipped and the less

sympathetic Sen. Pat Roberts (R-KS) now holds Stabenow's position.

Meanwhile, 13 factory farming states have [sued](#) California and Massachusetts, arguing their laws violate the Commerce and Supremacy Clauses of the US Constitution. An earlier lawsuit by six factory farm states was [dismissed](#) for lack of standing, but this time the 13 states are seeking to invoke the US Supreme Court's original jurisdiction. On April 16, the Court [asked](#) the Solicitor General for his opinion on whether to take up the cases; the Court will likely remand the cases to a lower court to resolve the facts before hearing the legal arguments on appeal.



A particularly flattering photo of Rep. King on Family Farm Action's [coalition website](#) opposing the King Amendment.

Round II: Defeating King's Amendment

So what can we do? The immediate priority is to prevent the Senate Agriculture Committee from adding King's amendment to their version of the farm bill, which is likely to be marked up in the [next three weeks](#). Animal advocates have little sway over whether the House will pass the farm bill, since this [depends mainly](#) on immigration. But they can ensure that if the House fails to pass this farm bill again, the next farm bill doesn't contain King's language.

To do that, advocates need to help mobilize Republican opposition to the amendment. Democrats have only 20 of the 46 seats in the House Agriculture Committee and 10 of the 21 seats in the Senate Agriculture Committee, so even if they all opposed the amendment ([they don't](#)) they couldn't defeat it alone. Thankfully, some Republicans do oppose the amendment, including the Koch-funded [FreedomWorks](#) and [17 Republican representatives](#) led by Rep. Jeff Denham (R-CA).

Longer-term, advocates need to build the bipartisan political power to effectively oppose such legislation — and ultimately to enact legal protections for farm animals. They could look to the examples of effective lobbies, like the American Israel Public Affairs Committee ([profile](#)), National Rifle Association ([profile](#)), or even the American Farm Bureau ([article](#)), all of which have coupled grassroots organizing in key congressional districts with targeted campaign contributions (in many cases pushing for policies we oppose). I hope to write more on this topic in future.

Your next newsletter will come from my new colleague, Amanda Hungerford, who will explore the current state of animal slaughter and what we can do to reform it.

Ps. Congress is also considering [language](#), which a House committee added to to the annual bill funding the USDA, that directs the agency to regulate the future sale of clean meat. Clean meat startups are [worried](#) this could undermine their nascent industry. I'm not sure, and don't want to write on this until I better understand their viewpoint. Either way, the Senate parallel bill does not contain similar language, so it will be to the conference committee whether the language becomes law. If you are worried about the language, the best option may be to advocate to those leaders: Reps. Rodney Frelingyhusen (R-NJ) and Nita Lowey (D-NY) and Sens. Richard Shelby (R-AL) and Patrick Leahy (D-VT).

Pps. Have a great long weekend!