



February 23, 2021

Submitted via electronic mail at AGOCommentsCh333@mass.gov

Office of the Attorney General  
ATTN: Chapter 333 Regulations  
1 Ashburton Place, 20th Floor  
Boston, MA 02108

Re: **Comment on Implementation of Chapter 333 of the Acts of 2016  
(aka Question 3 An Act To Prevent Cruelty To Farm Animals)**

Dear Attorney General Healey:

On behalf of the National Pork Producers Council (NPPC), thank you for the opportunity to provide written comments to the virtual information session hosted by your office on the implementation of Chapter 333 of the Acts of 2016 (Question 3). NPPC is an association of 42 state pork producer organizations that serves as the global voice for the nation's pork producers. Over the last year, U.S. pork producers have faced myriad challenges related to the ongoing COVID-19 pandemic, but we remain committed to our role in ensuring the continuity of the nation's food supply while safeguarding the health of the essential workers across our supply chain.

The U.S. pork industry represents a significant value-added activity in the agriculture economy and the overall U.S. economy. Nationwide, more than 60,000 pork producers marketed more than 120 million hogs in 2017. Of these hogs, the overwhelming vast majority – over 99% - likely do not meet the standards intended by the proponents of Question 3 and will not likely meet those standards by the end of this year.

As your office continues to examine how to implement the requirements of Question 3, we strongly encourage efforts to bring in experts who understand modern livestock and pork production, an industry that resides almost entirely outside the borders of the Commonwealth. We also urge that the work be done in a collaborative process with the impacted stakeholders, not just farmers but throughout the entire supply chain, to develop final regulations. Clear guidance is critical in ensuring that the regulatory requirements being developed are feasible and will not disrupt the supply of pork to Massachusetts consumers. To that end, NPPC supports your effort to shift primary responsibility of promulgating regulatory requirements to the Massachusetts Department of Agricultural Resources (MDAR).

In addition, NPPC respectfully requests that the Attorney General's Office also seek to suspend the implementation of Question 3 to ensure that farmers, and Massachusetts consumers of pork, are afforded the full two-year window, between promulgation of final rules and regulations and the effective date of the Act, that was contemplated by voters when they passed Question 3. Meeting the requirements of Question 3 is difficult enough to do in normal conditions, requiring significant investments of labor and capital as farmers must convert to a compliant system to continue to meet Question 3's requirements. The time and cost of this challenge has been exacerbated over the last two years as the industry struggles to overcome the challenges – both to our workers and to the marketplaces for pigs and pork – caused by COVID-19.

Moreover, Question 3 already has a relatively short implementation period of 2 years – compared to other statutes requiring significant changes to agricultural production practices around the country – and the law requires prompt action by relevant regulators and affected businesses. Question 3 was passed with the express understanding that regulated parties would be taking such steps throughout the period upon the development of a clear and concise regulatory roadmap. Question 3's implementation requires an immediate and ongoing effort by both regulators and industry to ensure that the new regime is in place and parties are in compliance by January 1, 2022, which would be difficult to coordinate under the best of circumstances.

Regulatory compliance will require the pork industry to divert resources from maintaining a critical food supply and reallocate personnel to prepare for the compliance deadline. Businesses will need to rework operations and supply chains to comply with the forthcoming regulatory requirements. Farmers will need to expend substantial capital costs to build or retrofit housing, which is a decades-long investment. To undertake those significant operational costs before the issuance of final rules and guidance, would be impractical if not impossible. Further, during construction of new facilities, many farms may need to depopulate their entire sow barn, which would temporarily halt production. Especially for family farms, investing millions of dollars in new housing is not feasible, particularly given the financial burdens of this crisis.

Since the start of the COVID-19 pandemic pork producers have had to spend substantial amounts of time and money addressing pandemic-related challenges in order to maintain the food supply. At the same time, farmers have seen significant markets for their pork collapse and have had to navigate catastrophic financial upheaval. These efforts have crowded out producers' capacity to reasonably address other issues, including Question 3.

It is important to note, Massachusetts is not alone in wrestling with the complexity of implementing regulations under the statutory requirements of Question 3. As you might know, the proponents who pushed this ballot initiative also worked to enact a ballot initiative in California – Proposition 12 – that is in many ways similar to Question 3. And like Massachusetts, California even with the appropriate state regulatory agencies at the helm, have also struggled to develop and propose regulations. Proposition 12 required the state of California to promulgate final regulations by September 1, 2019, 3 months prior to the January 1, 2020 date in Question 3. As of today California has yet to produce a proposed rule. The fault for this lay entirely with the proponents, whose interests ultimately are in eliminating meat from the marketplace and not with ensuring the ability of residents of California and Massachusetts to maintain access to adequate supplies of safe, affordable and nutritious pork.

Thank you again for the opportunity to submit these comments. We welcome the opportunity to work closely with your office, or any other branch of the Commonwealth as this process moves forward. If you have questions about these comments or anything else regarding Question 3 please do not hesitate to contact me at [formicam@nppc.org](mailto:formicam@nppc.org) or by phone at 202-347-3600.

Respectfully submitted,



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National Pork Producers Council