



June 17, 2021

The Honorable Michael J. Rodrigues, Chairman
Senate Committee on Ways and Means
State House - Boston, MA 02133

Re: S.2470 - An Act to Upgrade Hen welfare and Establish Uniform Cage-free Standards

Dear Chairman Rodrigues:

On behalf of the National Pork Producers Council (NPPC), I am submitting these written comments regarding S.2470. 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.

S.2470 seeks to make substantive changes to Chapter 333 of the Acts of 2016, the voter approved ballot initiative commonly referred to as Question 3. It is important to note a version of this bill (H.4146) was filed last session by the proponents and was placed into a legislative study by the Environment, Natural Resources and Agriculture Committee. Since that time, the proponents have been more keenly focused on amending the very requirements that they placed in front of voters in Question 3 with respect to egg-laying hens. NPPC does not take a position on those changes in S.2470 as it is not germane to our industry, but it has created incredible confusion, delay, and uncertainty with respect to the overall implementation of Question 3.

In addition, S.2470 seeks to shift primary responsibility for promulgating regulatory requirements to the Massachusetts Department of Agricultural Resources (MDAR) while preserving an advisory role for the MA Attorney General. **NPPC strongly supports this provision, which has been put forth by the Attorney General.** The Attorney General's Office has been consistent in its message that they are not the "best suited government office to lead the regulatory effort" and it is confounding at best, onerous at worst as to why Question 3 proponents chose to exclude MDAR as part of the regulatory process. 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 and NPPC commends the Attorney General for seeking out MDAR authority to put forth regulations. MDAR's understanding of modern livestock and pork production, an industry that resides almost entirely outside the borders of the Commonwealth is critical. NPPC is hopeful that this collaboration will lead to a regulatory process that establishes substantive dialogue with the impacted stakeholders, not just farmers but throughout the entire supply chain, to develop final regulations.

In that light, given the significant delay that has transpired as Question 3 proponents have pursued substantive language changes over the last two legislative sessions amidst the compelling need to appropriately re-distribute regulatory authority, **NPPC respectfully requests that should the Committee pursue a favorable report on S.2470, that the legislation be amended in Section 6 by striking out the date: “January 1, 2022” and inserting in place the date: January 1, 2024.** This simple change affords the full two-year window, between promulgation of final rules and regulations and the effective date of the Act, that was contemplated by Question 3 proponents and the 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 in order 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.

Question 3 was passed with the express understanding that regulated parties would be taking such steps throughout the period upon the promulgation of a clear and concise regulatory roadmap. 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 costs now, before the issuance of final rules and guidance, would be impractical if not impossible. Due to these complexities, NPPC supports the shift in regulatory authority as contemplated in S.2470 and respectfully urges the Committee to amend the bill to accurately reflect the necessary lead time regarding implementation as envisioned by the proponents of Question 3.

Thank you again for the opportunity to provide these comments on S.2470. We welcome the opportunity to work closely with the Committee as you deliberate further on this legislation. Please do not hesitate to contact me at formicam@nppc.org or by phone at 202-347-3600.

Respectfully submitted,



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National Pork Producers Council