

# What is California Proposition 12?



## NPPC's Position

- Livestock farmers, veterinarians, and animal scientists work hard to follow industry best practices to protect the welfare and health of animals in their care.
- Proposition 12 is not based on science and fails to consider all aspects of animal welfare; it was a choice made by Californians with a limited understanding of pork production.
- Proposition 12 will cause market volatility with fluctuating pork prices and product availability for consumers in and outside California, forcing consolidation within the livestock sector and the loss of family farms.
- Proposition 12 is impacting long-standing relationships with foreign trading partners.
- NPPC supports a federal solution to the sweeping issues posed by the Supreme Court's decision and Proposition 12.

## Background

A 2018 California ballot initiative, Proposition 12, prohibits the sale of uncooked whole pork meat not produced according to the law's arbitrary housing dimensions. The ban applies to uncooked whole pork meat from the offspring of female pigs (sows) kept on farms that don't meet minimum square footage requirements (24 square feet per sow) or that confine sows in individual stalls smaller than prescribed dimensions.

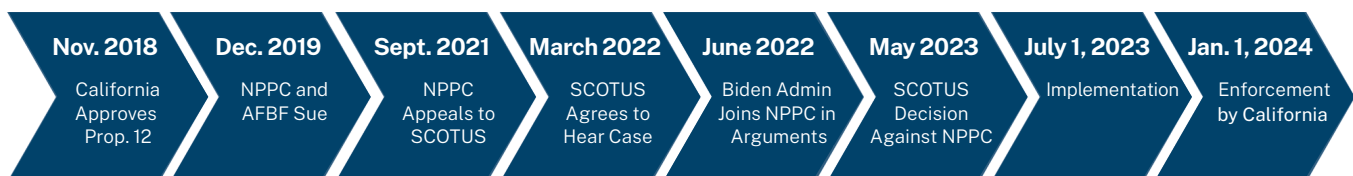
While Proposition 12 claims to mandate more space for sows, it also prohibits individualized breeding pens that help sows recover after delivering and nursing piglets and protect them while they are most vulnerable to aggression from other animals. If producers outside California choose to sell pork into California, the cost of compliance falls to producers.

The measure applies to any uncooked cuts of whole pork meat sold in California, whether raised in or outside the state. It specifically applies to uncooked bacon, ham, and other cuts of meat that have been cured, preserved, or flavored. It does not apply to combination products, such as those included in sandwiches, hot dogs, pizzas, or other prepared foods comprised of more than pork meat and seasonings.

The National Pork Producers Council (NPPC), the American Farm Bureau Federation, and the Biden administration fought this measure all the way to the U.S. Supreme Court. They argued California violated Congress' exclusive authority under the U.S. Constitution to regulate interstate commerce and laid out the dangers of such a precedent. The court released a fractured decision in May 2023, siding with California and disrupting decades of precedent on interstate commerce and state relationships. The Supreme Court's majority opinion stated that Congress, in addition to being better equipped to handle this issue, should exercise its authority to regulate the interstate trade of pork.

U.S. Agriculture Secretary Tom Vilsack testified before the House Agriculture Committee, **"If we don't take this issue seriously, we're going to have chaos in the marketplace."** (2/14/24)

## Timeline



We invite you to learn more about policy issues to support and strengthen America's pork producers at [NPPC.org](https://nppc.org).

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## The Facts

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### Not Science Based

Proposition 12 was developed without input from hog farmers, veterinarians, or other experts in animal care and food safety. Pigs establish a dominance order, often through violence. A central challenge for farmers is maximizing welfare and productivity while balancing benefits and burdens of different production methods. Ultimately, management decisions, including housing type, should be determined by the individual producer, and based on conditions and resources specific to each farm. Absent precautions, “alpha sows” get more food and thrive while weaker ones suffer. Research suggests hogs are highly vulnerable to fighting, stress, and injuries during the weeks after conceiving and weaning. Individual pens have historically been used to protect the less dominant sows during these high-risk periods.

According to the California Department of Food and Agriculture’s regulatory review, current housing standards (in place prior to Prop 12) pose no threat to human health. Under federal law, the Food Safety and Inspection Service also ensures all meat produced under current standards (in place prior to Prop 12) and sold commercially is safe for consumption, with multiple checkpoints to confirm only healthy hogs enter the food supply.

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### Risks of Food Inflation and Industry Consolidation

California, with nearly 40 million residents, represents approximately 12% to 15% of domestic pork consumption but produces less than 1% of supply. Becoming compliant with Proposition 12 housing standards will vary significantly depending on the type of farm. For some farmers, the costs to convert an existing farm may be minimal, while construction of new compliant housing is estimated to cost \$3,600 to \$4,000 per sow — about 25% more expensive than conventional group housing and 40% more expensive than a gestation stall barn for the same number of hogs. Many small and medium-sized farmers cannot bear the significant capital investment. Costs incurred because of Proposition 12 also will also fall on consumers. Retail prices in California have already increased by more than 20% for products impacted by Proposition 12 since its implementation, disproportionately harming not only lower-income households but also all families struggling with inflation and rapidly increasing food costs.

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### Creates Conflict With Trading Partners

Proposition 12 applies to the sale of pork products in California — no matter where it is produced. Decades of work to create an integrated supply chain with Canada and Mexico through the North American Free Trade Agreement (NAFTA) and subsequent United States-Mexico-Canada Agreement (USMCA) hangs in the balance as their producers are forced to spend millions converting farms and accept foreign auditors. Some countries also could impose their own production standards on the United States for any number of items. This sets a horrible precedent that raises constitutional questions related to the Import-Export Clause and could be viewed as a violation of sovereignty.

### Facts That Matter:

The cost of converting or renovating barns to become compliant can vary significantly depending on the current housing system on the farm. Construction of new compliant housing is estimated to cost \$3,600 to \$4,000 per sow.

Proposition 12 risks consolidation by forcing small and medium-sized producers to absorb significant compliance costs or be cut out of the California market.

The Supreme Court suggested that Congress should have input on this issue, and producers are counting on congressional action to provide certainty and relief from a 50-state patchwork of regulations.

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