

What is California Proposition 12?



NPPC's Position

- Farmers, veterinarians, and animal scientists work hard to protect the welfare and health of their animals.
- California 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.
- Prop. 12 has already caused market volatility with fluctuating pork prices and availability for consumers in and outside California, forcing consolidation within the livestock sector and the loss of family farms.
- Prop. 12 is risking long-standing relationships with foreign trading partners.
- NPPC supports a federal solution to the sweeping issues caused by Prop. 12.

Background

The issues caused by Proposition 12 transcend administrations and political parties.

U.S. Ag Secretary Brooke Rollins testified before Congress that Prop. 12 “...is not just affecting California. It’s affecting **multitudes of other states**, multitudes of other parts of the ag community, including our hog family farms.” (1/23/25)

Former U.S. Ag Secretary Tom Vilsack testified before Congress, “If we don’t take this issue seriously, we’re going to have **chaos in the marketplace.**” (2/14/24)

President Trump replied to an American Farm Bureau questionnaire: “I will use all authority under the Constitution and U.S. law to stop efforts by California – or other states – that hurt American farmers in other states. I will also direct the Department of Justice and the Department of Agriculture to actively monitor – and strongly oppose – any further efforts to limit the ability of American farmers to sell their products anywhere in this great country.” (9/14/24)

The Facts

A 2018 California ballot initiative, Prop. 12, prohibits the sale of uncooked whole pork meat not produced according to the law’s **arbitrary housing dimensions** - whether the pigs were raised in or outside California. The ban applies to meat from the offspring of female pigs (sows) on farms that don’t meet arbitrary requirements or that confine sows in individual stalls smaller than prescribed dimensions.

Prop. 12 also prohibits individualized breeding pens that help sows recover after delivering and nursing piglets and protect them while most vulnerable to aggression from other animals. If producers outside California choose to sell pork into California, the cost of compliance falls to producers. Also, **producers thousands of miles away from California are forced to pay for outside regulators** to audit their farms.

Prop. 12 applies to any uncooked cuts of whole pork meat sold in California. **Prop. 12 is inconsistent – deeming cooked bacon legal and uncooked bacon illegal, despite both coming from the same pig.**

The Fight and States' Rights

NPPC, the American Farm Bureau Federation, and the Biden administration fought Prop. 12 all the way to the U.S. Supreme Court, arguing California violated Congress’ exclusive constitutional authority to regulate interstate commerce. The Court’s fractured decision sided with California, **disrupting decades of precedent on interstate commerce** and state relationships. The Court’s majority opinion stated **Congress should exercise its authority** to regulate the interstate trade of pork.

Congressional action to fix the chaos caused by Prop. 12 is rooted in the Congress’s power under the Commerce Clause of the Constitution: “The Congress shall have the power ... To regulate commerce ... among the several states” - *U.S. Constitution, Article 1, Section 8, Clause 3*

Fixing Prop. 12 protects the rights of states by allowing each the exclusive right to regulate how livestock are produced within their borders, free from interference and intrusion by others.

The Facts

Not Science Based

Prop. 12 was developed without input from pork producers, veterinarians, or other experts in animal care and is opposed by both the American Veterinary Medical Association and the Association of American Swine Veterinarians. 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, these management decisions 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 California's own 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 pigs enter the food supply.

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 Prop. 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 Prop. 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.

Studies by USDA economists have already shown pork price increases as high as 41% in California.

Creates Conflict With Trading Partners

Prop. 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:

Construction of new Prop. 12-compliant barns is estimated to cost pork producers \$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 has said Prop. 12 is an issue for Congress to fix. Producers are counting on Congress to provide certainty and relief from a 50-state patchwork of regulations.

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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