

# Farm Bill 2.0 and California Prop. 12



## NPPC's Position

- Prop. 12 is forcing industry consolidation, as small family farms are being hit the hardest.
- The American Veterinary Medical Association says Prop. 12 does “not objectively improve animal welfare and may unintentionally cause harm.”
- Prop. 12 has caused raised consumer pork prices – by an average of 24% across covered products – and led to lower purchase volumes.
- America's pork producers and rural America need Congress to pass the Farm Bill 2.0 that provides a fix to a chaotic 50-state patchwork of laws, like Prop. 12, that couldn't be included in the reconciliation bill.

## The Situation

America's 60,000+ pork producers have faced significant headwinds since the 2018 Farm Bill. Producers and rural America need a federal solution in the Farm Bill 2.0 to an impending patchwork of state laws, spurred by California Proposition 12, to provide producers with the certainty to help pass down our farms to the next generation.

## Prop. 12 Opposition is Bipartisan

Opposition to Prop. 12 transcends administrations and political parties. Bipartisan support for averting a web of contradictory state laws continues to grow, with support from **President Donald Trump**, former **President Joe Biden**, and their respective Agriculture Secretaries, **Brooke Rollins** and **Tom Vilsack**.

U.S. Ag Secretary Brooke Rollins: 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.”

Former U.S. Ag Secretary Tom Vilsack: “If we don't take this issue seriously, we're going to have chaos in the marketplace.”

President Donald Trump: “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.”

## Prop. 12 Ballot Initiative

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 – regardless of if 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.

## 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 against producers and the Biden administration, disrupting decades of precedent on interstate commerce and state relationships. The 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

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### Prop. 12 is Not Rooted in Science or Animal Welfare

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, management decisions should be determined by the individual producer and based on conditions and resources specific to each farm – not by Californians thousands of miles away.

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### Prop. 12 Increases Food Prices 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**. For some farmers, construction of new Prop. 12-compliant housing is estimated to cost **25-40% more per sow than other housing styles**. Many small and medium-sized farmers cannot bear the significant capital investment.

Costs incurred because of Prop. 12 also will fall on consumers, with **higher retail pork prices** in California and elsewhere, disproportionately **harming lower-income households**. New USDA data shows increased retail prices in California are **still more than 20% higher** than before Prop. 12 took effect. In the first quarter of 2025, 12% of small pork operations (<500 sows) exited the market or shifted production away from breeding due to **compliance costs** and **uncertainty**, according to USDA.

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### Prop. 12 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 NAFTA/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 items, setting 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:

Prop. 12 and measures like it pose the greatest risk to small farmers, as they are less likely to be able to absorb significant compliance costs.

Construction of new Prop. 12-compliant barns is estimated to cost producers 25 to 40% more per sow than other housing styles.

The Supreme Court ruled that Prop. 12 is an issue for Congress to fix. Producers need certainty 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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