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IOWA DEPARTMENT OF JUSTICE
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August 9, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20515

Re: ***Support for Federal Legislation to Fix Proposition 12 after
National Pork Producers Council v. Ross***

August 9, 2023

Dear Speaker McCarthy, Leader Schumer, Leader Jeffries, and Leader
McConnell,

We are Attorneys General representing sixteen States writing in support of the Ending Agricultural Trade Suppression (“EATS”) Act. Our States are disappointed by the United States Supreme Court’s decision in *National Pork Producers Council v. Ross*, No. 21-468 (U.S. May 11, 2023). That opinion upheld California’s Proposition 12, rejecting the challengers’ arguments that Prop 12 upsets the balance of power between the States in violation of the Constitution. Eleven Governors recently sent a letter calling for action. We too think Congress should exercise its power and fix this problem. The EATS Act prevents states like California from regulating farmers and ranchers nationwide, by preserving the right of states and local government to regulate agriculture within their jurisdictions.

Twenty States signed a Supreme Court brief explaining why allowing activists in California to dictate to farmers and ranchers how to raise hogs will cause problems. But this does not stop at hogs. California can throw its weight

around to regulate farmers and ranchers around the country—and how they raise their crops and livestock. California’s radical climate change agenda does not account for farmers’ basic needs.

Solving the problems Prop 12 creates requires understanding what went so wrong. California’s unscientific approach to raising pork follows from the fact that Californians barely raise any pork themselves. A State can always try to lead by example—passing laws to regulate agricultural production within its borders. But that is not what California did. Instead, Californians voted to impose their radical agenda on out-of-state farmers and ranchers—and in doing so raise food costs for Americans across the country. Their approach is an attack on States’ authority. As a result, many small- and medium-sized pork producers may go out of business. All in support of California’s out-of-touch activist agenda.

American farmers and ranchers raise massive amounts of animal protein as affordably and humanely as possible. American farmers’ techniques have developed over generations to constitute global best practices. No other country produces pork as delicious and high-quality as ours. California’s radical and unscientific standards show the world that they do not get what it takes to raise hogs.

California’s radical-drafted requirements for farmers are hog wild. Justice Kavanaugh recognized that California’s requirements might even worsen animal health and welfare. And because California buys about 13 percent of the nation’s pork, it is prohibitively expensive for farmers to separate out California-approved pork from the rest. California’s burdensome regulations will put small, medium, and possibly even large pork producers out of business. And American consumers won’t be able to afford bacon for breakfast.

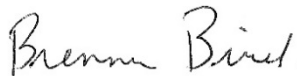
America’s pork production is nationwide and relies on coordination across the country. One state, or even a few states, should not upend that system. And California is learning the wrong lesson—that it can dictate, and that the nation must follow. Given the direct impact California’s Prop 12 has on interstate commerce, Congress should pass the EATS Act.

As Attorneys General, we have expertise in defending our States’ laws. The EATS Act gives States the tools they need to protect farmers and ranchers. By explicitly authorizing courts to issue a preliminary injunction while a case is pending, the EATS Act ensures that food markets will not be disrupted while a court figures out whether a State’s new regulation is lawful.

Our States support letting individuals buy the animal products they want and to allow States to lawfully regulate livestock production within their own borders. But when a state decides to regulate outside its borders, and to try to impose its agenda on other states, that goes too far. Regulations like California's Prop 12 will disrupt farmers' ability to feed the nation. At a minimum, Prop 12 will force high food prices on the American people. Congress should make clear that a State can regulate how livestock is produced within its borders but not in other States.

Please join us in supporting the Ending Agricultural Trade Suppression Act co-sponsored in the Senate (S. 2019) by Senators Chuck Grassley (R-IA), Joni Ernst (R-IA), Roger Marshall (R-KS), Ted Budd (R-NC), John Cornyn (R-TX), Tom Cotton (R-AR), Kevin Cramer (R-ND), Deb Fischer (R-NE), Bill Hagerty (R-TN), Pete Ricketts (R-NE), Eric Schmitt (R-MO), and Thomas Tillis (R-NC); and co-sponsored in the House (H.R. 4417) by Representatives Ashley Hinson (R-IA-02), Mariannette Miller-Meeks (R-IA-01), Zachary Nunn (R-IA-03), Randy Feenstra (R-IA-04), and 24 other members of the house.

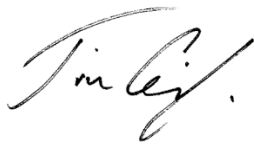
Sincerely,



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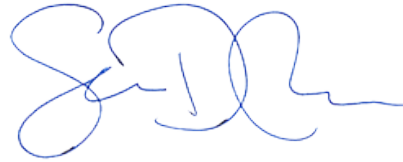
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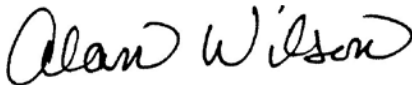
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