

# Ag groups urge Congress to reject HSUS-UEP deal

By ROD SMITH

**E**IGHT groups representing livestock and poultry producers have urged Congress to reject the agreement on hen housing reached by The Humane Society of the United States (HSUS) and the United Egg Producers (UEP).

In a letter to House Agriculture Committee chair Frank Lucas (R., Okla.) and ranking member Rep. Collin Peterson (D., Minn.), the groups said the agreement would impose “costly and unnecessary animal rights mandates” on the U.S. egg industry.

They said the agreement’s prescriptive nature would ensure that “Congress will be in the egg business for years to come” by requiring all egg producers to adopt specific hen housing standards.

The letter was also sent to all members of the House committee.

The agreement calls for egg producers to transition from conventional cage housing — in which 95% of all eggs

## Key Points

- Ag interests say implementation would cost egg industry \$10b.
- Groups say agreement could lead to additional government regulation.
- Groups include new egg farmer organization.

are produced today — to “enriched” colony cages by 2029, with the transition enforced by federal legislation in the form of an amendment to the U.S. Egg Products Inspection Act.

The amendment is to be jointly sought by HSUS and UEP.

In the agreement, egg producers would implement increased hen space and replace conventional cages with colonies over the phase-in period, and HSUS would cease campaigns to switch restaurants and supermarkets to cage-free eggs, would cease filming undercover videos and would cease bringing law-

suits against producers and UEP.

The agreement was announced last year (*Feedstuffs*, July 11 and Sept. 19, 2011) and immediately met with opposition from not only the livestock and other farm organizations but from a number of egg producers. The agreement is supported by the egg industry’s independent scientific advisory committee (*Feedstuffs*, Oct. 17, 2011).

## Leaching precedent

In the letter, the eight groups said implementation would cost the egg industry nearly \$10 billion, and the added costs would mean fewer jobs.

They also said the agreement would increase prices and limit choice for consumers.

The groups said legislatively mandated standards would be “an unconscionable federal overreach,” especially at a time when Congress



Photo: Agricultural Research Service

needs to “unshackle” the economy from government regulations. Moreover, they said, “our gravest concern” is that the legislation would be a precedent that “could leach into all corners of animal farming.”

They noted that the European Union’s experience with an industry-wide transition from conventional cages to colonies has caused decreased production and higher production costs and has “cost consumers and farmers alike.”

The agreement “would stifle the industry for years to come,” the groups said.

The letter was signed by Egg Farmers of America, American Farm Bureau Federation, National Farmers Union, American Sheep Industry Assn., National Cattlemen’s Beef Assn., National Milk Producers Federation, National Pork Producers Council and National Turkey Federation.

Egg Farmers of America was established by about a dozen egg producers to oppose the agreement. The group originally represented about 50 million to 60 million hens — about 20% of the national flock — but a number of its members are not active, and only two were involved in signing the letter to Congress, according to *Feedstuffs* sources.

Colonies provide additional animal welfare benefits for hens, including enrichments such as nesting boxes, perches, scratching pads and additional space, allowing the birds to better express natural behaviors but keeping them healthier and more productive than they would be in cage-free housing.

The HSUS-UEP agreement permits producers to have niche operations such as cage-free, free-range and organic production. ■

# Hearing on COOL ruling set

By IAN ELLIOTT

**T**HE World Trade Organization’s Dispute Settlement Body (DSB) will hear requests from the U.S., Canada and Mexico Jan. 5 to delay final ratification of a dispute panel’s ruling that went against the U.S. country-of-origin labeling (COOL) law on agricultural products.

The WTO panel ruled in November that the U.S. COOL law violated trade rules on restricting imports (i.e., the Technical Barriers to Trade Agreement). Now, litigants want a final decision advancing the ruling delayed until March. This suggests that the parties are trying to negotiate a settlement.

On Dec. 21, the Obama Administration and the governments of Mexico and Canada requested an extension from WTO to consider the next steps. Under the normal WTO process, the ruling would have been automatically considered at the January DSB meeting. Unless the U.S. appealed the ruling, it would have been accepted by WTO.

“The following communication, dated Dec. 21, 2011, from the delegation of Canada and the delegation of the U.S. to the chairperson of the Dispute Settlement Body, is circulated at the request

of those delegations,” WTO said in a note to its member governments. Mexico and the U.S. have a mirror request.

WTO reported that the U.S. and Canada have asked DSB to adopt a draft decision regarding the COOL dispute that the two governments believe “would provide greater flexibility in scheduling any possible appeal of the panel report in this dispute, which was circulated to WTO members on Nov. 18, 2011.”

A draft decision at the Jan. 5 DSB meeting would delay the final decision until March.

The requested motion states, “DSB agrees that, upon a request by Canada or the U.S., DSB shall, no later than March 23, 2012, adopt the report of the panel in the dispute ... unless (1) DSB decides by consensus not to do so or (2) either party to the dispute notifies DSB of its decision to appeal pursuant to Article 16.4 of the Understanding on Rules & Procedures Governing the Settlement of Disputes.”

The request by the three governments to WTO comes following a letter that a group of 18 U.S. senators sent to Agriculture Secretary Tom Vilsack and U.S. Trade Representative Ron Kirk asking them to appeal the WTO

ruling.

The lawmakers asked the Obama Administration to appeal the WTO panel decision and ensure that the COOL program “meets our international trade obligations while continuing to provide such information to consumers.”

“People want to know where the food on their tables comes from, and that makes (COOL) a no-brainer,” Sen. Chuck Grassley (R., Iowa), one of the signers of the request, said. “Nearly all products sold in the U.S. show where the product was made. In fact, other countries label where their meat originated. It’s completely legitimate for us to show if the meat we buy originated in the U.S.”

Other lawmakers signing the letter include Sens. Tim Johnson (D., S.D.), Mike Enzi (R., Wyo.), John Barrasso (R., Wyo.), Sherrod Brown (D., Ohio), Jon Tester (D., Mont.), Carl Levin (D., Mich.), Diane Feinstein (D., Cal.), Tom Udall (D., N.M.), Ron Wyden (D., Ore.), Jeff Merkley (D., Ore.), Kent Conrad (D., N.D.), John Hoeven (R., N.D.), Claire McCaskill (D., Mo.), Mary Landrieu (D., La.), Michael Bennet (D., Colo.), Tom Harkin (D., Iowa), Amy Klobuchar (D., Minn.) and John Thune (R., S.D.). ■

# Dairy board realigned to match production

**T**HE U.S. Department of Agriculture published a final rule on Dec. 23 that amends membership of the National Dairy Promotion & Research Order to better align with the nation’s geographic distribution of dairy production.

A USDA statement noted that the final rule adopts the dairy board’s proposal on changes to each of the regions with representatives.

The final rule will adjust representation from the board’s regions and will:

- Merge Region 8 (Alabama, Kentucky, Louisiana, Mississippi and Tennessee) and Region 10 (Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Virginia and Washington, D.C.);

- Merge Region 12 (New York) and Region 13 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont), and

- Idaho will become a separate region.

The changes were requested by the board, which has 36 domestic industry representatives and two members representing dairy importers.

The board was established under the Dairy Production Stabilization Act of 1983 to develop and administer a coordinated program of promotion, research and nutrition education, according to the USDA announcement.

The program is financed by a mandatory 15 cents/cwt. assessment on all milk marketed commercially and a 7.5 cents/cwt. assessment, or equivalent thereof, on milk and dairy products imported into the U.S.

The final rule is available at [www.regulations.gov](http://www.regulations.gov) and the USDA Agricultural Marketing Service’s website at [www.ams.usda.gov/dairy](http://www.ams.usda.gov/dairy). ■