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February 9, 2009

Re: Raised House Bill 5811, An Act Concerning Battery Cages and Egg Laying Hens

Chairman Meyer, Chairman Roy, and Members of the Joint Committee on the Environment, my name is Kevin Haley. I am a partner at Brann & Isaacson, in Lewiston, Maine and am here today on behalf of United Egg Producers ("UEP"), which Brann & Isaacson has served as general counsel since the early 1970's. And I submit this testimony on behalf of my client in opposition to Raised H.B. No. 5811.

UEP is an agricultural cooperative that represents the producers of over 90% of all chicken shell eggs produced in the U.S. A membership-based organization, UEP facilitates intra-industry cooperation and education, and coordinates the study and implementation of improved egg farming practices intended to assure egg safety and laying hen welfare. UEP has been a pioneer in fostering improved living conditions for laying hens through developing science-based guidelines for laying hens addressing issues such as cage-space, molting, and beak-trimming. It has worked with independent scientists and veterinarians, as well as the U. S. Department of Agriculture, to encourage widespread adoption of improved animal husbandry standards. As a result, the egg industry is a leader among animal agriculturalists regarding animal welfare.

HB 5811, which prohibits the confinement of any caged egg-laying hen to a living space that does not allow the hen sufficient room to fully extend its wings, would have the practical effect of banning caged-egg production in Connecticut. UEP strongly opposes a requirement that all eggs be raised in cage-free or free-range conditions.

1. CONSUMER CHOICE. The central mission of the family farmers that comprise the egg industry is to provide consumers with a wide variety of safe, healthy, and affordable food choices for their families. Although animal rights activists have done a good job seizing the apparent moral high ground on this issue, their analysis ignores the economic realities of feeding a family in difficult times. Extrapolated on a national scale, passage of a cage ban would convert eggs from a high-value, high protein staple food to a luxury item, available only to well-heeled yuppies. Currently, free-range and cage-free eggs are significantly more expensive than conventionally-produced eggs. A cage ban would severely increase the price to be paid by consumers for eggs. In truth, the situation could be substantially more dire even than that. As the activists openly acknowledge, it is simply not possible to supply the nation's need

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for eggs from cage-free operations. Accordingly, a widespread ban on caged eggs would result in a disastrous shortage of eggs, and even higher prices than those described by the USDA. Alternatively, widespread enactment of legislation of this sort would result in Americans eating eggs raised in China, the world's fastest growing egg producer, where animal welfare standards of any sort are a curiosity at most.

Under our existing system, consumers wishing to support eggs raised in a free-range or cage-free manner may do so, shelling out for the additional cost and thus voting with their wallets. A ban on caged production would rob consumers of this choice--even those who cannot afford to have it taken from them.

“So what?” you may say. As nutrition experts now unanimously acknowledge, eggs are good for you—really good for you. They are an inexpensive source of high-quality protein that is low in saturated fat. Even the most cursory examination of the objective scientific literature demonstrates that eggs are good for children, pregnant moms, nursing moms, and the elderly. And they do all of this at a cost of \$.66 per pound. Ounce for ounce, they provide higher nutritional value than beef, chicken, milk, and even fish. In a nation and culture where fast food restaurants dominate our landscape and menus, diminishing the availability of this important food source is simply disastrous food policy.

2. ANIMAL WELFARE. It is a myth that free-range or cage-free production systems are the only humane methods of raising laying hens. In the United States, the only group of independent, qualified experts to examine the question (the Scientific Advisory Panel that authored UEP's widely-observed Animal Husbandry Guidelines) has concluded that caged hens raised under appropriate conditions experience a quality of life at least commensurate with those raised in cage-free environments. This finding is independently verified in perhaps the most thorough analysis comparing shell egg production methods to date – the *Opinion of the Scientific Panel on Animal Health and Welfare* (“AHW Panel”), published by the European Food Safety Authority (“EFSA”) in *The EFSA Journal*, volume 197 (2004). EFSA was tasked by the European Union Commission to assess the welfare of laying hens in various egg production systems employed in the European Union. The AHW Panel focused upon the opportunities of hens, in the various housing systems, “to show species specific behaviors such as foraging, dust-bathing, perching and building or selecting a suitable nest.” *Id.* The AHW Panel concluded that the balancing of species behaviors with the goals of egg safety, and the protection of the hens from other species behaviors such as pecking, was best accomplished in “conventional cages” similar to those employed by most United States producers of caged eggs.

The AHW Panel found that injurious pecking is “especially difficult to control in large group furnished cages and in non-cage systems.” Indeed, caged chickens – raised under appropriate animal husbandry conditions such as those practiced by most US producers – actually suffer lower rates of mortality, less disease, and less cannibalism and pecking than barn-raised or free range birds.

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3. **FOOD SAFETY.** The same panel also provided food for thought, so to speak, on the question of food safety. It concluded that, in general, the level of bacterial eggshell contamination is higher on eggs laid in large group cages than in conventional cages, and higher still in cage-free systems. Furthermore, the Panel hypothesized that the risk of contamination with *Salmonella* spp. and particularly with *Salmonella Enteritidis* might be higher when eggs are produced in some non-cage systems, because of the greater exposure of layer hens and their eggs to environmental contamination. Simply put, caged eggs have lower levels of bacterial and parasitic infestation than their non-caged counterparts, because they are not laid in manure. This conversation would be incomplete without at least a passing reference to the threat of Avian influenza as well. The AHW panel concluded that birds kept outdoors present a risk of exposure to a greater range of infectious agents when compared with birds housed indoors. The significant threat of an avian flu pandemic has placed the poultry industry in the international limelight. And internationally, countries dealing with the threat of avian flu have responded by bringing their free range birds indoors in order to prevent contact with migratory wild birds that may be carrying the disease, and to better manage the spread of the disease if it arises. This is not to say that cage free eggs are unsafe—many of our members have large cage-free operations. The point is that the issue is more nuanced than the activists would have you believe, and that it does not involve ethical absolutes.

4. **ENVIRONMENTAL CONSIDERATIONS.** It is worth wondering aloud, as you contemplate this issue, the question of the environmental effects of a widespread cage ban. Without caged-egg production, the environmental footprint of the egg industry would need to expand vastly in order to meet US egg needs. By way of example, in the United Kingdom, in order to bear the designation “organic,” free-range flocks must be given one acre of land for each 400 birds. Extrapolating from this, a similar system in the United States would require 740,000 acres, an area larger than the state of Rhode Island. Add land needed for feed storage, access roads and other areas not available to the hens, and the area required is closer to the size of the state of Delaware. While no one can know for sure what a future without caged-egg production would look like, it is worth considering whether this would be a good use of our resources.

There are further potential environmental impacts as well. While caged egg production provides for centralized management of manure and emissions, free-range production presents more complicated challenges. Switching to free-range production would increase nonpoint source pollution from manure and potentially degrade soil and water quality.

6. **A FINAL WORD.** The question might fairly be asked: “If this bill is such a horrible idea, why has it been brought forward not just in Connecticut, but also in Vermont, New Hampshire, Washington State, Arizona, and California, with more states sure to follow?” The answer is two-fold. First, there are well-meaning but incompletely informed persons who genuinely are mistaken about the condition of the nations’ laying hens. Hearings like this one are part of the process so that such persons can have the benefit of a free and frank discussion.

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Secondly, and more ominously, it is because a cadre of radical animal-rights activists, including the Humane Society of the United States, PETA, and others, want to take your food choices away from you. They believe that animals are the ethical equivalent of people, and that animals and animal products should not be used for food. This is not a mainstream view, and is not likely one that is shared by any person on the Committee, and by few residents of the State of Connecticut. It is certainly not consistent with the agricultural tradition of Connecticut. These are the same groups that oppose the use of lab animals for medical research that saves people's lives. Their leadership is on record as calling for the elimination of animal agriculture entirely, and the poultry industry in particular. While we do not dispute their right to have these views, we object to their efforts to force them on the rest of us.

Recognizing the fundamental gulf between their most basic beliefs and those of mainstream Americans, the activists have chosen a cynical path towards their objective—if they can make eggs so rare, and so expensive, that only a few people can afford to eat them, they will have come close to accomplishing their goal. That is the unspoken agenda that leads them to support HB 5811 and similar efforts in other states.

Thank you for the opportunity to share the views of United Egg Producers.

Very truly yours,

BRANN & ISAACSON

s/KRH

Kevin R. Haley