



January 22, 2024

Dear Representatives:

As Congress continues to work on the reauthorization of the farm bill prior to the new September expiration date, your Illinois agricultural associations are collectively writing to express our strong support for addressing California's Proposition 12. The significant threat this mandate could inflict specifically on Illinois' rural and urban communities, the 57,000 + jobs currently supported through pork production, feed, equipment and processing, and the nation's food supply posed by a 50-state compliance network is the reason we are urging you to support a farm bill that includes protection from this threat.

In May 2023, the U.S. Supreme Court ruled against pork producers and the Biden Administration in *National Pork Producers Council ET AL v. Ross*, leaving in place California's Proposition 12. A serious risk to the future of Illinois family farms, Proposition 12 bans the sale of pork that does not meet the measure's arbitrary production requirements.

As you may recall from our recent "We are the '96 Campaign," we are proud of the fact that 96% of all Illinois farms are still family owned. According to multiple studies from economists at North Carolina State University, Iowa State University, and the University of Minnesota, Proposition 12 is consolidatory in nature by imposing significant compliance costs, estimated at \$3,600 to \$4,500 per sow for new construction plus higher operating costs.^{1 2} Small and medium-sized independent producers may have difficulty undertaking such a significant capital investment. These family-owned farms may inevitably be acquired by larger operations, forced to close their doors, and limit the number of next generation farmers that will be able to continue to support their families on the income they currently earn working in the livestock industry.

The risks do not end at the consolidation of the pork industry; they also extend to all agriculture – from livestock to crops. In Illinois alone, according to the most recent USDA NASS census data, hogs consume over 210 million bushels of corn per year and 63 million bushels of soybeans. Hog manure also provides a valuable natural fertilizer and an alternative for many farmers to offset commercial fertilizer on thousands of crop acres across the state.

¹ <https://nppc.org/wp-content/uploads/2023/11/Goodwin-Prop-12-Final.pdf>

² <https://npbresearchfile.s3.amazonaws.com/Schulz-Hadrich-An-Updated-Economic-Assessment-of-New-Swine-Gestation-Facility-Investment-Submitted-09292023.pdf>

Additionally, many states, including Illinois, mandate certain requirements on agricultural practices within their own borders, without infringing upon another state's sovereignty. However, Proposition 12 is designed to leverage California economy, which accounts for 13-15% of pork consumption – but less than 1% of production – to impose its will over Illinois, which is the 4th largest pork producing state. A precedent where other economically large states are allowed to enforce their whims on Illinois carries significant risks, and the constitution gave Congress the authority to resolve such conflicts.

In its decision, the Supreme Court made clear that despite the real problems posed by a law like Proposition 12, it's not the court's job to fix it. Rather it is up to Congress to take action and assert its authority to regulate the interstate commerce of pork.³ If Congress fails to address these problems in the wake of the Supreme Court's decision, we fear Proposition 12 will be the beginning of a complex patchwork of compliance requirements across all 50 states and agricultural sectors. Such requirements could impose even more compliance costs and drive significant consolidation toward larger farms and multinational companies.

Further, Proposition 12 undermines international trade agreements with long-standing trading partners and closest allies who negotiated market access with the federal government – not the state of California. Proposition 12 jeopardizes commitments made under these agreements on market access and harmonization of regulations. It also opens the U.S. to international trade disputes, retaliation and harms our ability to work alongside these trading partners to fight against non-science-based standards and arbitrary regulations.

In closing, we the undersigned organizations ask Congress to address Proposition 12 in the upcoming farm bill and urge you to ensure any farm bill reauthorization includes protection from a 50-state compliance network.

Illinois Pork Producers Association
Illinois Beef Association
Illinois Milk Producers Association
Illinois Corn Growers Association
Illinois Soybean Association
Illinois Farm Bureau
Illinois Association of Meat Processors
Grain and Feed Association of Illinois
Kaskaskia Watershed Association

³ [Justice Gorsuch, Opinion of the Court, National Pork Producers v Ross 598 US 356, p. 11](#)