



FACT SHEET: Protecting Interstate Commerce for Livestock Producers Act, S.3382

Oppose the Protecting Interstate Commerce for Livestock Producers Act, S.3382

Introduced by Sen. Josh Hawley (R-MO), the Protecting Interstate Commerce for Livestock Producers (PICLP) Act, S.3382, would prohibit any state or local jurisdiction from passing laws that regulate livestock production if those livestock-derived goods are subject to interstate commerce. If passed, any state or local law that impacts how livestock is raised, produced, used, slaughtered, transported, distributed or sold could violate federal law.

The PICLP is a slightly narrower version of the widely opposed EATS Act (H.R.4417/S.2019), in that it focuses solely on livestock rather than on all agricultural products, but its adverse effect would be essentially the same: undermining states' rights which puts countless state-specific agricultural laws at risk. Like the EATS Act, PICLP was introduced to overturn California's Proposition 12, a 2018 ballot initiative prohibiting the sale and production of products made from mother pigs, egg-laying chickens, and veal calves that are confined in extreme conditions.

As of February 2024, the Protecting Interstate Commerce for Livestock Producers Act (S.3382) has zero cosponsors and there is no companion bill introduced in the U.S. House.

States' Rights and the 10th Amendment

In May of 2023, the Supreme Court of the United States upheld California's Proposition 12, specifically stating the state law is not in violation of the Dormant Commerce Clause. In affirming the constitutionality of states and their citizens passing laws like Prop 12, the Court wrote:

"Some out-of-state producers who choose to comply with Proposition 12 may incur new costs, while the law serves moral and health interests of some magnitude for in-state residents. In a functioning democracy, those sorts of policy choices—balancing competing, incommensurable goods—belong to the people and their elected representatives."

If PICLP is enacted, it would nullify or undermine countless laws across the country, threatening public health and safety and states' abilities to govern. Furthermore, the Act would shift the federalism balance away from state powers toward the federal government and its agencies. By stripping states and localities of their right to determine standards or conditions on laws that regulate livestock production, the bill aids foreign conglomerates who would no longer need to navigate and comply with various state agriculture laws. In short, PICLP would harm American farmers and ranchers, particularly multigenerational operations found throughout the USA.

PICLP Opposition

In September 2023 the National Governors Association (NGA), which represents the 55 states, territories and commonwealths, wrote a letter to Congressional leaders urging them to consider key Farm Bill priorities for the next reauthorization of the bill. The Governors emphasized the importance of avoiding preempting state level laws regarding agriculture production, writing that:

“States succeed when the federal government avoids granting a private right of action against states that maintain their own production or manufacturing standard on agricultural products.”

In addition to NGA, a vast and varied collection of federal legislators, agricultural officials, organizations, and associations have voiced their unyielding opposition to any federal legislation that aims to undermine Proposition 12. To this end, PICLP has little chance of gaining traction in the U.S. Senate.

Nationwide Compliance with Proposition 12

California’s Proposition 12 went into full effect on January 1, 2024. As required by the new law, the CA Department of Food and Agriculture has registered thousands of distributors and producers, and the list continues to grow. Major pork producers, restaurants and grocery stores in compliance with Prop 12 standards include: Albertsons, Kraft Heinz, Krogers, Chipotle, Niman Ranch, Hormel Foods, Clemens, Perdue, duBreton, and Tyson Foods.

Key Quotes

“While I don’t agree with Prop 12, I’ll defend to my dying day California’s right to self-determination and any state’s ability to use its constitutional authority as that state’s citizens best see fit.” **said Sid Miller, Agriculture Commissioner of Texas.** “We don’t need the federal government wreaking havoc on the Tenth Amendment and overriding good, functioning state agriculture laws already in place that affect the health and livelihood collectively of millions of Americans.”

“If the King Amendment or EATS act or anything like it is added to the farm bill it will be devastating for dairy producers like me across America,” **said Deborah Mills, former chair of the National Dairy Producers Organization, and a board member at the Organization for Competitive Markets.**

“Senator Hawley’s PICLP Act it is at odds with our foundational principles of states’ rights, national sovereignty, and fair competition.” **said Marty Irby, CEO and President of Competitive Markets Action.** “Both Chambers of Congress should resist any attempt to undermine state laws that intersect with agricultural commerce. SCOTUS upheld Proposition 12, reinforcing the importance of limited federal authority over our farmers, ranchers, and businesses across the nation.”