



HOUSE COMMITTEE ON AGRICULTURE

PROPOSITION 12

Background

In 2018, California voters passed Proposition 12 (Prop 12), which prohibits the sale of pork, veal, and egg products unless they are produced in compliance with the state's arbitrary and unscientific housing requirements. After an unfavorable ruling in the 9th circuit, the American Farm Bureau Federation and National Pork Producers Council filed a brief with the U.S. Supreme Court challenging the constitutionality of Prop 12, arguing the law violated the constitution's Commerce Clause. In May 2023, the Supreme Court upheld California's law in a 5-4 decision, **frequently stating that Congress alone can determine how states are allowed to interfere with interstate commerce.**

In the ruling, the Court assumed producers could choose whether to participate in the California Prop 12 market. Unfortunately, choosing whether to participate in a market that accounts for almost 15% of the national pork market is not a choice most producers have the luxury to make. Economists have [shown](#) that after the Supreme Court upheld Prop 12, retail pork prices in California have increased 18.7% year over year, compared to a 6.3% increase nationwide over the same period. Research also shows that low-income households in California reduced pork purchases by 22%, indicating price increases are affecting food access and affordability for economically vulnerable populations. The cost increases are not only on the consumer side – producers are facing upwards of \$4,500 per sow to construct facilities that are Prop 12 compliant. **Compliance costs disproportionately affect small and mid-sized producers, who face tighter margins and less access to capital.** As of the first quarter of 2025, 12% of small pork operations (defined as <500 sows) have exited the market or shifted production away from breeding, citing regulatory uncertainty and high transition costs. The enactment of an unscientific standard by one state has created a national dilemma where both consumers and producers are on the losing side.

Failure of Congress to address Prop 12 will adversely harm small and medium-sized U.S. producers, increase market concentration, reduce supply of affordable proteins, and increase costs for families nationwide.

Addressing Prop 12 in the Farm, Food, and National Security Act of 2026

The new farm bill clarifies that states and local governments cannot impose, directly or indirectly, as a condition for sale or consumption, a condition or standard on the production of covered livestock unless the livestock is physically located within such state or local government. **This provides clarity to national markets by ensuring producers must only comply with production standards imposed by their own state or local government and protects producers from having to comply with a patchwork of state-by-state regulations.** The Save Our Bacon fix also protects the rights of States and local governments to establish standards as they deem necessary, but only for those raising covered livestock within their own borders. Covered livestock is defined as any

domestic animal raised for the purpose of (1) slaughter for human consumption or (2) producing products manufactured for human consumption which are derived from the processing of milk, including fluid milk products. This definition does not include domestic animals raised for the primary purpose of egg production. Production is defined as the raising (including breeding) of covered livestock and does not include the movement, harvesting, or further processing of covered livestock.

PROPOSITION 12: MYTH V. FACT

Myth: Any fix to Prop 12 or similar state mandates will prohibit states and local governments from implementing standards related to production and animal welfare.

Fact: The 2026 farm bill protects the rights of states and local governments to establish standards of production as they deem necessary, but only for those raising covered livestock within their own borders. States and local governments can continue to govern their residents as they see fit, but they have no right to govern producers thousands of miles away.

Myth: A Prop 12 fix will give China access to our agricultural industry and markets.

Fact: While this is a convenient strawman during a time of increased scrutiny of China's involvement in American agriculture, the claim is baseless. The reality is that protein conglomerates with Chinese ownership have the resources to comply with such mandates, while small, American farms and ranches do not. Allowing Prop 12 to stand will undoubtedly result in further market concentration, including likely expansion of foreign-owned conglomerates.

Myth: Fixing Prop 12 will benefit large protein conglomerates and lead to consolidation.

Fact: As mentioned above, large (sometimes foreign-owned) protein conglomerates have the resources to comply with Prop 12's requirements. Further, they can segregate their animals to sell into California on one hand and continue producing for different markets on the other. Under Prop 12, small, family-owned American farms and ranches will suffer the most. Without a fix, many independent producers will face an unmanageable cost and will have to sell out or integrate—increasing consolidation.

Myth: Prop 12 was widely supported, and any solution is an assault on democracy itself.

Fact: While you'll hear that 60% of Californians voted for the Prop 12 ballot initiative, that only accounts for those who voted. In reality, less than 20% of Californians exercised their right to vote on Prop 12. That means less than 3% of Americans voted in favor of Prop 12. Yet, producers throughout the country – who had no opportunity to cast a vote on California's standard – live under the rules imposed by a few voters thousands of miles away. There is nothing democratic about that.

Myth: Addressing Prop 12 will inadvertently undo thousands of state laws that have nothing to do with agriculture.

Fact: The 2026 farm bill only covers livestock production (excluding domestic animals raised for the primary purpose of egg production) and does not include the movement, harvesting, or further processing of covered livestock. The solution is narrowly tailored to address the problem at hand (arbitrary production standards), and accusations that the fix will overturn local ordinances on things like public health and food safety are incorrect. The Save Our Bacon fix begins and ends at the farm gate.

Myth: The Supreme Court has ruled on this matter, leaving nothing for Congress to do.

Fact: The Supreme Court ruling stated many times that it is not the role of the Courts to balance what the majority sees as moral judgements and economic harms; rather, it is Congress' job to decide. Without clarity from Congress, we will continue to see a

patchwork of state mandates that will lead to higher costs for both producers and consumers.

Myth: Thousands of swine producers support Prop 12.

Fact: The largest farm organizations in the country, such as the American Farm Bureau Federation, oppose Prop 12 and support the Save Our Bacon fix. Unfortunately, interest groups backed by animal rights organizations have muddied the waters on what producers and veterinarians really think. Recent letters claiming that farmers “support” Prop 12 were found to largely be signed by vineyards, beekeepers, and even a goat yoga operator. While every individual has a right to express their opinion, it is important that Congress consider the producers who are actually being regulated by California’s Prop 12. Over 900 federal and state organizations representing these producers [wrote](#) in support of the Save Our Bacon fix.

Myth: The Save Our Bacon provision will undermine producers who have already converted to Prop 12 compliance standards.

Fact: The decision to become Prop 12 compliant should have always been a choice for producers, dictated by free market demand. Unfortunately, California made it a mandate. While some producers have already converted to Prop 12, it remains imperative that they are never forced into such a position again. Moreover, the Save Our Bacon fix does not wholly overturn Prop 12—it simply clarifies that it can only be fully enforced on those raising covered livestock within California’s borders. If California’s consumers truly demand Prop 12-compliant pork, the free market (and the producers who have already converted) will step in to fill the demand.

Myth: The Save Our Bacon provision will interfere with state laws on animal health.

Fact: The text only covers production and does not cover the movement, harvesting, or further processing of covered livestock. State animal health laws that restrict the movement and/or importation of animals into their state due to animal health concerns will not be impacted by this provision since we make exclusions for movement.