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State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE  
BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

FEBRUARY 9, 2022  
1:00 P.M.  
VIA VIDEOCONFERENCE

SENATE BILL NO. 2977  
RELATING TO EGG-LAYING HENS

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2977, that requires egg-laying hens be confined in accordance with the standards established in the measure and prohibits selling shell eggs or egg products produced by egg-laying hens confined in manner not in compliance with those standards.

The Department does not support this bill and provides comments. This measure imposes significantly increased production costs to local egg producers. In order to comply with this measure by June 30, 2027, producers will need to increase the price of their product and the consumer will ultimately bear the burden of that increase. Further, the language in this bill further proposes to impose monetary fines and liability under chapter 481A, HRS, for confinement of laying hens that deviates from specifications contained in the bill. The Department is concerned that the definition and use of the phrase "confined in a cruel manner" and the standards for establishing a violation are vague and ambiguous and may lead to inappropriate allegations based on subjective or speculative interpretations of the term "cruel." The Department respectfully suggests that the appropriate standard for treatment of



animals for any proposed regulation of the animal and livestock industries should be the policies and guidelines of the American Veterinary Medical Association.

The Department uses its severely limited resources to actively regulate the animal and livestock industry by mitigating the entry of, surveilling, and investigating diseases of animal and public health concerns. The Department lacks adequate and sufficient staffing and resources to implement the measure.

Thank you for the opportunity to testify on this bill.

**SB-2977**

Submitted on: 2/9/2022 7:29:03 AM

Testimony for AEN on 2/9/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kekoa McClellan	Testifying for The McClellan Group / The Humane Society of the United States	Support	No

Comments:

Support



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

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**Hearing date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Josh Balk, Vice President of Farm Animal Protection, Humane Society of the United States, 202-213-1865

**RE: Testimony in strong SUPPORT of SB 2977: Relating to Egg-Laying Hens**

Dear Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Humane Society of the United States in favor of SB 2977.

Your committee has a strong record when it comes to supporting improvements in the lives of animals. As you may recall, nearly identical legislation to SB 2977 passed out of your committee unanimously the last two years, and then also unanimously throughout the entire Senate.

SB 2977 is the result of Hawaii's egg producers and humane advocates coming together for a more economically viable and humane future. In a time of bitter political divisions, this legislation is a testament to stakeholders listening, providing insights, and finding common ground for the betterment of farmers and animals alike.

In short, millions of egg-laying chickens in the U.S. are still confined in cages the industry terms "battery cages." Each chicken is provided roughly 67 square inches of space to live her entire life; that's smaller than the dimensions of a sheet of paper.

To egg producers' credit, they acknowledge that the future of their industry is cage-free. This is due to public concern for animal welfare, food companies' demand for cage-free products, and legislative momentum across the U.S.

We support the producers' desire to have regulatory certainty as they invest in cage-free housing. They want standards that are already familiar to egg producers and timelines that are economically feasible. SB 2977 provides all of that. In fact, the standards used in the bill were crafted by the egg industry itself. Regarding how SB 2977 would affect chickens, it's a tremendous step forward. Unlike in cages, chickens will be able to engage in critical natural behaviors such as perching, scratching, dust bathing, and laying eggs in nesting areas.



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It's for these commonsense reasons why states like California, Oregon, Washington, Colorado, Michigan, Nevada, and Massachusetts have passed similar laws, and numerous other states have nearly identical bills pending in their legislatures in 2021.

Thank you again for considering—and hopefully supporting again—this farmer and animal-friendly legislation.

Sincerely,

Josh Balk  
Vice President, Farm Animal Protection  
Humane Society of the United States



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TO: Committee on Agriculture and Environment  
Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: February 9, 2022  
TIME: 1pm  
PLACE: Via Videoconference

RE: SB2977 Relating to Egg-Laying Hens

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Our local farmers and ranchers maintain high standards for animal care and welfare. This measure does not provide any indication or evidence that this is not the case.

This mandate and ban would create an entirely new category of limitations on Hawaii's food supply. The state has set ambitious goals to increase local food production and measures like this are not the answer. This bill also creates a substantial and unprecedented new responsibility for retailers, which may be impossible for them to effectively manage. Food supply chains are complex, and retailers may simply not have access to the information required in this bill.

Finally, we have concerns about whether or not the prohibition on the sale of certain products would apply to only local products, or those from the mainland as well. Either interpretation has a range of inherent problems. For these reasons we ask that this measure be held. We believe that the State should look for ways to work with farmers and the Department of Agriculture to continue to ensure the welfare of farm animals in Hawaii, rather than imposing prohibitions on retailers and banning food.



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Jason Weiss  
David O. Wiebers, M.D.

**February 9, 2022:**

**1:00 pm – Conference Room 224 & Videoconference:**

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Susan Rhee, Hawaii State Director, the Humane Society of the United States

**RE:** Testimony in strong SUPPORT of SB 2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

Thank you very much for considering my testimony today.

The Humane Society of the United States (HSUS), on behalf of our thousands of supporters across Hawaii, thanks Senators Gabbard, Acasio and Misalucha for introducing SB 2977. We wholeheartedly support the passage of this measure, which provides important protections for egg-laying hens while creating market certainty for egg producers.

I want to also thank the Senate Agriculture and Environment committee for its strong record on protecting animals. Last year, this committee unanimously passed legislation nearly identical to SB 2977, which unfortunately did not move forward.

As the Hawaii State Director, it is my honor to work with Hawaii lawmakers, advocates, and businesses to find consensus on ways we can help animals.

This measure is a prime example of diverse stakeholders coming together to craft legislation that will accomplish multiple important goals. Hawaii egg producers—including Villa Rose, which will soon be the largest egg facility in Hawaii—support SB 2977. They support the bill because it adopts the egg industry's own guidelines for cage-free standards and bolsters the reputation of agribusiness.

As well, because many of the largest food companies in the country—including those in Hawaii—are switching to exclusively selling cage-free eggs. That includes McDonald's, IHOP, Denny's, Burger King, Walmart, Costco, and virtually every other top food company.

Notably, egg producer Villa Rose confirmed that if SB 2977 becomes law, it will be able to move forward with fulfilling their \$100M investment and the construction of 24 additional cage-free barns in Hawaii.



In addition, if passed, SB 2977 will allow Villa Rose to move forward with plans to build a feed mill on their grounds which will create a new, local economy for feed production. **SB 2977 will not only strengthen our food supply, but it will help achieve Hawaii's goals of sustainability and self-sufficiency.**

Villa Rose's investment will also lead to hundreds of jobs for solar power and construction workers, electricians, excavators, engineers, and farm workers, as well as jobs in human resources, water management, shipping, packing and processing. It will increase business for transportation firms (feed, cartons, chicks, egg distribution) and ports (feed and cartons coming into the Island), while increasing access to organic fertilizer (chicken manure).

In order for Villa Rose - and Hawaii's other egg producers - to move forward with their enormous investments, they need regulatory certainty. SB 2977 ensures that, by mid-2027, eggs produced and sold in Hawaii come from housing systems that meet the egg industry's own cage-free guidelines. Passing SB 2977 and codifying this cage-free standard and timeline into law provides the assurance egg producers need for their investments to be made.

SB 2977 takes commonsense steps to improve animal welfare and the future of sustainable agriculture. In fact, numerous other states have passed virtually identical legislation including California, Oregon, Washington, Nevada, Colorado, Michigan, and Massachusetts. Hawaii has consistently been a leader in protecting animals from abuse and in promoting ethical business practices, and SB 2977 fits perfectly with that tradition.

For the foregoing reasons, we kindly urge you to vote yes on SB 2977.

Sincerely,

Susan Rhee  
Hawaii State Director  
The Humane Society of the United States





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**OF THE UNITED STATES**



# HAWAIIAN EGG COMPANY

## DBA Mikilua Poultry Farm

**Date:** Wednesday, February 9, 2022

**Time:** 1:00 p.m. via video conference

**To:** Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Members of the Senate Committee on Agriculture & Environment

**RE:** Testimony to Oppose SB2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I'm writing to oppose SB2977. We are a 74-year-old farm started by my grandfather (a first generation immigrant from Okinawa), my father, and my three uncles. My family worked hard to build a life here and become a part of our Hawaii Ohana.

We are serious about quality and taking care of our hens. We are a USDA Plant and have a USDA inspector in our facility when we process our eggs. Our facility is Certified Organic. We have a Certified Organic egg farm, which involves annual audits and inspections (by 3<sup>rd</sup> party independent certifier). We are also subject to FDA regulations and 'surprise' inspections.

Having said this, it is our goal to 'include' production of cage-free eggs. We have already made a small start to convert.

We respectfully request that you consider the following:

- Let the consumer, the market and us, as business owners, dictate when and at what pace to convert
- It would be a huge financial burden. The cost to convert is substantial. We would have to borrow money to comply.
- The timeline is not reasonable.

If you pass this Bill, it will put us out of business.

Sincerely,



Iris Shimabukuro  
Vice President



**HUMANE SOCIETY  
INTERNATIONAL**

Wednesday, February 9

Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

Submitted by: Dr. Sara Shields, Director of Farm Animal Welfare Science, Humane Society International

RE: Testimony in strong support of SB 2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

Thank you for the opportunity to provide testimony regarding SB 2977. I am an ethologist, a specialist in animal behavior, and I completed my doctoral work at the University of California at Davis. I am the Director of Farm Animal Welfare Science for Humane Society International, and I work with farmers to implement higher-welfare housing systems around the world. I respectfully request your support for SB 2977, a bill that would require modest protections for egg-laying hens.

The confinement of animals in intensive agricultural production systems is an important issue. Consumers and food companies are increasingly concerned about how food is produced. It is well documented in scientific literature that certain aspects of intensive animal production are detrimental to the welfare of farm animals. This is particularly true for egg-laying hens confined to wire “battery cages,” which are so small the birds cannot even spread their wings. These systems prevent the expression of important natural behavior and have real physical consequences on the health and well-being of the animals. For example, the lack of normal movement and exercise is a prime cause of skeletal weakness in hens,<sup>1,2,3</sup> birds already prone to osteoporosis due to genetic selection for egg production, which requires significant calcium metabolism. Hens in cages are unable to roost at preferred heights, dustbathe, forage or express other forms of highly motivated natural behavior, each with a particular biological function. Comfort behavior, such as stretching, wing-flapping, and preening, are also reduced or prevented in battery-cages.<sup>4,5,6</sup> A cage is simply not an acceptable housing environment.

Battery cages were widely introduced after World War II, at a time when we knew much less about the behavioral needs of animals. Confinement systems were promoted as part of a trend toward the mechanization and automation of agriculture. There was little understanding of the depth of animals’ ability to experience emotional suffering. Since then, the concept of animal welfare has evolved and become much more widely recognized, parallel to the published scientific research in animal behavior and cognition. This research has confirmed that hens are intelligent, active, inquisitive, social animals with complex needs beyond simply feed, water, and shelter.

The application of the new science to improved animal housing designs has resulted in modern, viable, cage-free housing systems that provide more space and key resources, including nesting boxes, perches and loose litter. These features are designed around the biology of the hens, working with, rather than suppressing, their natural behavior. Modern cage-free systems are widely and successfully used around the world. In the United States alone, cage-free egg production has grown from a modest 4% of the total egg market in 2009 to 34% today. Given the recent advances in legislation, and corporate commitments to purchase only cage-free eggs, this



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percentage is expected to continue to grow until the entire industry is cage-free. There is now a large body of advice and guidelines from universities, genetics companies, animal welfare certifiers and equipment manufacturers to assist egg producers in managing cage-free systems well. Growing experience has revealed that cage-free hens are healthy and productive, laying eggs at the same rate, quality, and safety as those from cage systems.

Like any other business, farms must keep up with market shifts and changing social norms. Producers want clarity in order to plan for the new requirements and meet the expectations of their buyers. SB 2977 sets industry-supported production guidelines and a reasonable timeline for producers to transition to cage-free housing.

Please enact SB 2977 and bring Hawaii's animal production in line with the science, and with modern expectations regarding how farm animals should be housed.

Thank you very much for your time and consideration of this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Sara Shields".

Sara Shields, PhD.

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<sup>1</sup> Shipov A, Sharir A, Zelzer E, Milgram J, Monsonogo-Ornan E, and Shahar R. 2010. The influence of severe prolonged exercise restriction on the mechanical and structural properties of bone in an avian model. *The Veterinary Journal* 183:153–60.

<sup>2</sup> Knowles TG and Broom DG. 1990. Limb bone strength and movement in laying hens from different housing systems. *Veterinary Record* 126:354-6.

<sup>3</sup> Norgaard-Nielsen G. 1990. Bone strength of laying hens kept in an alternative system compared with hens in cages and on deep-litter. *British Poultry Science* 31(1):81-9.

<sup>4</sup> Nicol CJ. 1987. Effect of cage height and area on the behaviour of hens housed in battery cages. *British Poultry Science* 28:327-35.

<sup>5</sup> Hughes BO and Black AJ. 1974. The effect of environmental factors on activity, selected behaviour patterns and "fear" of fowls in cages and pens. *British Poultry Science* 15:375-80.

<sup>6</sup> Appleby MC, Mench JA, and Hughes BO. 2004. *Poultry Behaviour and Welfare* (Wallingford, U.K.: CABI Publishing).

**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Jon Kato, Villa Rose

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of Villa Rose, an egg company building cage-free housing operations in Hawaii, I'm writing enthusiastically in favor of SB 2977.

Currently, Villa Rose has built 4 cage-free barns in Hawaii. If the bill is passed, we can confidently move forward with fulfilling our *\$100M investment* and the construction of *24 additional cage-free barns in Hawaii*.

Our investment will lead to hundreds of jobs for solar power and construction workers, electricians, excavators, engineers, and farm workers, as well as jobs in human resources, water management, shipping, packing and processing. It will increase business for transportation firms (feed, cartons, chicks, egg distribution) and ports (feed and cartons coming into the Island), while increasing access to organic fertilizer (chicken manure).

In addition to the 24 additional barns, this bill will also allow us to move forward with plans to build a feed mill on our grounds which will create a new, local economy for feed production - something that is desperately needed in Hawaii. This bill will strengthen Hawaii's food security and help achieve Hawaii's goal of being a leader on sustainable production.

However, in order to move forward with our \$100M investment we need certainty.

This bill provides that certainty by creating a business-friendly regulatory framework—using a standard supported by my industry, including Hawaii farmers—that is needed to invest in upgraded production facilities. We need to know that if we make this enormous investment, there will be a market for the higher quality, safer, fresh eggs, which this bill would ensure would happen. Without this bill passing, there's no market certainty for our (and other cage-free producers') eggs.

If passed, it would give us the regulatory framework to *increase our egg production by 700%*. This bill is good for famers, and Hawaii's economy and its residents, who will have increased access to safer, higher quality, fresher eggs.

Thank you,

Jon Kato

# animaleQUALITY

8581 Santa Monica Blvd., Suite 350, Los Angeles, CA 90069

**Hearing Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00 p.m. (CR 224 and via Videoconference)

**To:** Chair Mike Gabbard  
Vice Chair Clarence K. Nishihara  
and Members of the Senate Committee on Agriculture and Environment

**Submitted by:** Sarah Hanneken, Legal Advocacy Counsel, Animal Equality, 414-405-1970

**RE:** Testimony in SUPPORT of Senate Bill 2977 (Relating to Egg Laying Hens)

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Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

**I write on behalf of Animal Equality’s Hawaii members to ask for your support of SB 2977.** As a farm animal protection nonprofit, Animal Equality has long worked to improve conditions for animals used in agriculture – particularly hens in the egg industry, who are the subject of this legislation – and we have extensive scientific and legal expertise on the topic. Therefore, in addition to conveying our members’ strong message of support for this bill, we offer our knowledge and expertise on the matter, as described below.

The introduction of SB 2977 makes Hawaii the latest state to take up the mantle of farm animal welfare – a bipartisan issue that continues to grow in importance across all demographics. This growing interest is borne out of an increasing public concern over the way farm animals are treated. For many, it is a deeply moral issue; for others, it is matter of food safety and public health, prompted by the scientifically proven connection between animal welfare and zoonotic disease, giving the issue an added dimension of significance in light of the COVID-19 pandemic. SB 2977 addresses all of these interrelated concerns.

Most of the eggs currently sold in Hawaii come from industrial factory farms that confine hens in extremely small spaces, often in barren wire cages. A hen confined in such a manner suffers from extreme pain, psychological stress from overcrowding, and even cannibalism. The practice of confining hens in such abysmal conditions is motivated by profit, not animal welfare.

SB 2977 would implement critical minimum standards for housing these sensitive, emotionally complex animals. Specifically, the bill would prohibit confining an egg-laying hen in an area smaller than 1 to 1.5 square feet per hen (depending on housing structure) and outlaws the use of cruel cages. The bill also contains a sales provision to ensure that eggs sold in Hawaii come from operations that meet these modest standards, no matter where they are produced.



Hens raised in battery cages (i.e., the vast majority of hens in the egg industry presently) live their entire lives in a space no larger than the surface of an iPad; they are unable to engage in any natural behaviors like flapping their wings, walking, perching, dustbathing, or laying eggs in nest boxes. The physical and psychological torment caused by these conditions is obvious to anyone, and many animal behaviorists agree.

Numerous other states have already enacted the critical protections SB 2977 would provide for hens in Hawaii. Those states include California, Massachusetts, Oregon, Washington, Michigan, Colorado, Utah, and Nevada. What's more, hundreds of food companies have publicly pledged to source *only* from producers who adhere to these minimum hen welfare standards, and that roster of companies continues to grow by the day.

In short, the standards established by SB 2977 will soon become the norm in the egg industry, and Hawaii is wise to join the growing ranks of states that have already legislated in recognition of this trend.

We thank you for considering this testimony, which is submitted on behalf of Animal Equality's members in Hawaii. **We hope you will vote YES on SB 2977.**

Sarah K. Hanneken, Esq.  
Animal Equality



February 9, 2022

**To:** Sen. Mike Gabbard, Chair

Sen. Clarence K. Nishihara, Vice Chair

and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Allie Molinaro, Campaigns Coordinator, Compassion in World Farming USA

**RE:** Testimony in support of SB 2977, Confinement Standard for Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

Thank you for the opportunity to testify on bill SB 2977. My name is Allie Molinaro, and I am writing on behalf of Compassion in World Farming (CIWF) USA and our Hawaiian supporters. CIWF is an international non-profit organization active on a wide range of factory farming issues that impact animal welfare, the environment, community justice, and public health. Our goal is to transform our global food system from one that is exploitative and profit-driven to one that is equitable, sustainable, and compassionate for all living beings. CIWF is heartened to see the Hawaii legislature's continued interest in eliminating inhumane practices from its economy. As discussed below, SB 2977 would: 1) improve the lives of both egg-laying hens in Hawaii and those across the nation who contribute to the Hawaii's egg supply, 2) support the industry's shift to cage-free, 3) safeguard public health, and 4) benefit producers in both the short and long term.

### 1. Animal Welfare

**Cage-free housing ensures baseline welfare standards for egg-laying hens.** Current federal legislation and regulations do not provide any welfare protection for hens. About two-thirds of the nation's egg-laying hens spend their entire adult lives confined in battery cages, where each bird is allotted space no larger than an A4 sheet of paper. In these systems, the hens cannot walk, run, fly, or even spread their wings, thereby restricting any form of exercise. As a result, the

birds suffer a greater incidence of osteoporosis and broken bones.<sup>1</sup> About 74% of hens raised in battery cages die from fatty liver hemorrhagic syndrome, as compared to only 0 – 5% of hens in cage-free systems.<sup>2</sup>

In addition to exercise, hens in caged systems are unable to express any of their natural behaviors, such as dustbathing, perching, and foraging, and lack any privacy or secluded space to nest. Hens are instinctually compelled to perform these behaviors and become physically and psychologically distressed when they are unable to do so. Hens who lack access to forage material are more likely to peck at other birds in their cage out of frustration, which can lead to feather loss, injury, and in severe cases, death.<sup>3</sup> Some hens in battery cages also perform what is called “sham dustbathing,” where they attempt to dustbathe by rubbing their feathers against the bars of the cage, which also causes feather loss. Without their feathers for insulation, the hens are unable to thermoregulate, and they may eat more feed to desperately try to stay warm. Finally, hens in battery cages who are sick or injured tend to suffer for unnecessarily prolonged periods because they are difficult for workers to spot. Some die in their cage and are left unnoticed until their cage-mates are gathered for slaughter.

In contrast, hens in cage-free systems with enrichments like the ones required in SB 2977 can both exercise and engage in natural behaviors, resulting in less disease, feather pecking, stress, and exceptionally better lives for the hens. Cage-free systems have the potential, unlike caged systems, to provide for the behavioral needs of hens. However, all systems have welfare risks that must be managed properly to reduce harm. Some reluctant producers cite keel bone injuries, which can occur in cage-free systems, as a reason to continue using battery cages. However, the incidence of keel bone fracture is greatly reduced when hens are reared as pullets in the same type of housing system they will live in as adults, so they learn how to navigate the aviary while they are young. In addition, caged hens are at greater risk for bone fractures during depopulation,

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<sup>1</sup> See C.C. Whitehead and R.H Fleming. *Osteoporosis in Cage Layers*, Poultry Science, Vol. 79, Is. 7, pp. 1033 - 1041 (2000). [Osteoporosis in Cage Layers - ScienceDirect](#)

<sup>2</sup> See A. Shini, S. Shini & W. L. Bryden (2019) *Fatty liver hemorrhagic syndrome occurrence in laying hens: impact of production system*, Avian Pathology, 48:1, 25-34, DOI: 10.1080/03079457.2018.1538550

<sup>3</sup> See H.J. Blokhuis, P.R. Wiepkema (1998) *Studies of feather pecking in poultry*, Veterinary Quarterly, 20:1, 6-9, DOI: 10.1080/01652176.1998.9694825

since their bones are weaker due to lack of exercise.<sup>4</sup> Proponents of caged systems also cite injurious feather pecking and the resulting mortalities as potential risks of cage-free housing, however, studies show that caged systems also present these risks. Stressed, bored, or hungry hens will often peck each other, and research has shown the inability to forage results in pecking outbreaks—especially during stressful periods, such as during transport to the hen house when they start to lay. Using the available research, the University of Bristol’s Featherwel guide outlines 46 potential management strategies for reducing injurious pecking, including matching pullet rearing, improved genetics, high perching spaces, continuous access to littered floor, and even good human-animal relationships, which have a compounding impact when used together.<sup>5</sup> In essence, the more that exposure to stressors is reduced and the greater the hens’ welfare, the less likely they are to peck at other birds.<sup>6</sup> Sick or injured hens are also more likely to be identified and treated in a timely manner in cage-free systems, reducing prolonged suffering.

Ultimately, laying hens cannot have good welfare in a cage. Cages are inherently incapable of meeting the behavioral needs of laying hens no matter how well it is managed. Compassion in World Farming estimates that SB 2977 could save over 1.3 million hens from living in cages each year.

## 2. Industry Landscape

**The production landscape is transitioning rapidly to cage-free due to consumer demand, state legislation, and retailer commitments.** The proportion of cage-free hens has more than tripled since 2016, up from 10% of the nation’s total egg-laying flock to over 33% of the total laying flock today.<sup>7</sup> Nine states—California, Colorado, Massachusetts, Utah, Nevada, Washington, Oregon, Rhode Island, and Michigan—have already banned the production and/or sale of eggs from caged systems. One of the latest state bans to go into effect was in California,

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<sup>4</sup> See C.M. Sherwin, G.J. Richards, and C.J. Nicol (2010) *Comparison of the welfare of layer hens in 4 housing systems in the UK*. *British Poultry Science*, 51(4), pp.488-499.

<sup>5</sup> See S.L. Lambton et. al. (2013) *A bespoke management package can reduce levels of injurious pecking in loose-housed laying hen flocks*. *Veterinary Record* 172:16. [A bespoke management package can reduce levels of injurious pecking in loose-housed laying hen flocks - Lambton - 2013 - Veterinary Record - Wiley Online Library](#)

<sup>6</sup> See Mullan, S. M., Szmargd, C., Wrathall, J. H. M., Cooper, M., Jamieson, J., Bond, A., ... Main, D. (2016). *Animal welfare initiatives improve feather cover of cage-free laying hens in the UK*. *Animal Welfare*, 25(2), 243-253. DOI: 10.7120/09627286.25.2.243. [Animal welfare initiatives improve feather cover of cage-free lay...: Ingenta Connect](#)

<sup>7</sup> See Compassion in World Farming (2021) *EggTrack 2021 Report*. [2021 EggTrack Report](#).

which represents the fifth largest economy in the world. The total number of cage-free hens increased by 18% last year alone, largely in preparation for the California ban, and is expected to continue to rise as more state bans go into effect now through 2026.<sup>8</sup> In one industry survey, 37 producers estimated that over 70% of their hens will be housed in cage-free systems by 2030.<sup>9</sup>

Cage-free egg sourcing has also become a pillar of corporate social responsibility. Major retailers, including Target, Walmart, and Kroger, have committed to no longer sell eggs from hens in caged systems by 2025, and Whole Foods has been exclusively selling cage-free eggs since 2004. Other grocers, including Fresh Thyme Market and Sprouts, are close to meeting their 100% cage-free commitments this year. Dozens of other food manufacturers, restaurants, and hospitality services, including McDonald's, Subway, Barilla, Danone, Sodexo, and Disney, have either achieved or made significant progress toward achieving 100% cage-free sourcing, adding more pressure on the industry to increase cage-free production.<sup>10</sup>

Despite this progress, the United States is far behind Europe regarding farmed animal welfare standards, demonstrating that much more can be done. Battery cages for laying hens have been banned in the European Union since 2012, although “enriched” cages are still permitted and in use. Animals are now legally recognized across Europe as “sentient,” capable of feeling joy, pain, and suffering, and the United Kingdom recently introduced a similar bill. In addition, the European Commission made a landmark decision in June 2021 to phase out the use of all cages in animal farming by 2027. Currently, 52% of the EU's egg-laying flock is cage-free compared to the US's 33%.<sup>11</sup> Europe's progress proves that not only is farmed animal welfare a growing concern among consumers but that higher welfare systems are achievable and should be expected to become the standard by the end of the decade.

### 3. Public Health

**High stocking densities, coupled with poor ventilation and the stressful living conditions of intensive livestock production—including egg production—can create prime conditions for**

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<sup>8</sup> See USDA (2021) *Livestock, Dairy, and Poultry Outlook: December 2021*. [Livestock, Dairy, and Poultry Outlook: December 2021 \(usda.gov\)](https://www.ams.usda.gov/livestock-dairy-and-poultry-outlook-december-2021)

<sup>9</sup> See Watt Poultry (2022) *Egg Industry: January 2022* 127:1. [Egg Industry - January 2022 - page 10 \(eggindustry-digital.com\)](https://www.eggindustry-digital.com).

<sup>10</sup> See Compassion in World Farming (2021) *EggTrack 2021 Report*. [EggTrack 2021 Report](https://www.ciwf.org.uk/eggtrack-2021-report)

<sup>11</sup> See Compassion in World Farming (2021) *EggTrack 2021 Report*. [EggTrack Report 2021](https://www.ciwf.org.uk/eggtrack-2021-report).

**disease outbreaks.** The CDC estimates that 75% of new or emerging infectious diseases come from animals.<sup>12</sup> The risk of disease transmission is greater when humans come into close contact with animals kept in crowded conditions. Therefore, any legislation regarding animal agriculture must encourage less stressful, crowded, and unsanitary practices.

The most common diseases associated with egg production are avian influenza, Salmonella, and Campylobacter. While experts are still debating the existing data on risk factors for disease transmission, housing type does not significantly increase or decrease public health risks so long as appropriate medical measures, such as vaccines, proper ventilation, and adequate surveillance are taken. CIWF's review of existing research concludes that, on balance, production systems with higher welfare do not increase the risk of Salmonella infection and are likely to lower the risk of infection.<sup>13</sup> A greater ability to monitor hens in cage-free systems could enable operators to identify and contain diseases that pose public health risks earlier, especially those that can present symptoms in birds such as avian influenza.

#### 4. Cost Considerations

**The cost considerations regarding cage-free eggs are negligible for both consumers and existing cage-free producers, and producers who transition from caged to cage-free systems will likely see positive returns on investment.** The United States Department of Agriculture's (USDA) data on retail egg prices in Hawaii is incomplete due to a lack of publicly available sources. However, we have roughly estimated the average price of one dozen cage-free, large, Grade A brown eggs to be \$3.05 over the last eight months and the average price of one dozen conventional, large, Grade A white eggs to be \$2.94. In some cases, the average price of cage-free eggs in Hawaii was less than that of conventional eggs by as much as \$0.42.<sup>14</sup> Thus, our findings indicate that the bill will not impose a financial burden on consumers.

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<sup>12</sup> See Center for Disease Control, *Zoonotic Diseases*. [Zoonotic Diseases | One Health | CDC](#).

<sup>13</sup> See Compassion in World Farming (2013) *Zoonotic Disease, Human Health, and Farm Animal Welfare*. [Zoonotic-diseases-human-health-and-farm-animal-welfare-16-page-report.pdf \(ciwf.org.uk\)](#)

<sup>14</sup> See USDA Economics, Statistics and Market Information System, *Shell Eggs: USDA Weekly Retail Shell Egg and Egg Products Feature Activity Report*, Jan 28, 2022 – June 4, 2021. [Publication | Shell Eggs: USDA Weekly Retail Shell Egg and Egg Products Feature Activity Report \(Fri\) | ID: q237hr94j | USDA Economics, Statistics and Market Information System \(cornell.edu\)](#)

CIWF is committed to ensuring that economic status is not a barrier to accessing higher welfare food options. Hawaii's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) approved cage-free eggs for purchase through the program in November 2021, meaning that low-income families on WIC would not be impacted by this bill. In our communications with Hawaii WIC, the agency stated that the price of cage-free eggs in the state is comparable to conventional eggs. So, the addition of cage-free eggs did not significantly impact their food expenditures, further confirming that consumers will not be negatively impacted. Retail mark-up is also expected to decrease as cage-free eggs would no longer be considered a specialty item, further reducing the price of cage-free eggs for Hawaii's consumers in the long term. In addition, existing cage-free producers will likely benefit from this bill as competition from conventional producers will be reduced or eliminated.

The largest cost consideration associated with this bill will be for producers using caged systems who choose to convert to cage-free. Typically, this can be done by gutting the existing facility and replacing the cages with one of the compliant systems (multi-tiered aviary, partially slatted system, or single-level all-litter floor system). Renovation costs may initially be passed on to consumers, causing a temporary cost increase, although this may be offset for consumers by decreased retail mark-up as mentioned earlier). However, once this cost is recovered, producers can expect to see a positive return on their investment in the long term as the demand for conventional eggs declines and market opportunities shrink. Operators can also achieve an improved working environment for employees as an added benefit, as workers will be less subject to witnessing horrific animal suffering.

CIWF has assisted over one thousand producers and retailers worldwide transition to higher welfare standards, and my team would be happy to assist Hawaii's food businesses to ensure a smooth changeover to cage-free. We are counting on the Hawaii Senate to support this crucial step toward a more compassionate food system.

\*\*\*\*\*

Thank you for your consideration of this testimony and for your attention to this issue. Please feel free to contact Ben Williamson, US Executive Director of CIWF

([Ben.Williamson@ciwf.org](mailto:Ben.Williamson@ciwf.org)) or Allie Molinaro, Campaigns Coordinator of CIWF

([Allison.Molinaro@ciwf.org](mailto:Allison.Molinaro@ciwf.org)) with any questions.



**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair

Sen. Clarence K. Nishihara, Vice Chair

and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Hannah Truxell, Senior Policy Counsel, The Humane League,  
htruxell@thehumaneleague.org

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens

**Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:**

I write on behalf of The Humane League and our supporters in Hawaii. The Humane League is a global nonprofit organization dedicated to ending the abuse of animals raised for food.

Our organization strongly supports SB 2977 which will ensure that hens aren't raised in cruel cages. SB1977 would end cage confinement for hens, set clear spatial standards, require basic enrichments, and require eggs produced or sold in Hawaii to meet these modest welfare standards. Chickens are inquisitive, sensitive animals, and it's important that the critical welfare upgrades and enrichments set forth in SB 2977 be implemented. The enrichments required —like scratching, perching, dustbathing, and nesting areas—will ensure that egg-laying hens can engage in the behaviors that come naturally to them. Millions of chickens per year would never know the suffering of life in a cage.

Confining animals in cages so small they can barely move threatens human health. By ensuring better welfare standards for farm animals, SB 2977 will result in safer food for Hawaii families.

Finally, consumer demand for eggs that come from hens raised in cage-free housing systems continues to soar. Further, legislation and regulations that require cage-free housing systems are extremely popular among voters. The American public clamors for such changes - changes that will positively influence the future of the egg industry. The inclusion of a reasonable timeline for compliance will assist with creating market and regulatory certainty - a current point of stress for consumers and grocers alike.

As a result of this demand, 9 states have cage-free hen housing laws on the books and more than 200 of the country's largest food companies have committed to switching to a 100% cage-free egg supply. The list includes Foodland, Safeway, Costco, and McDonald's.

Hawaii currently has no law in place regarding confinement standards for egg-laying hens. With SB2977, Hawaii has the opportunity to protect its consumers and take a stand for egg-laying hens. We urge you to support SB 2977. Thank you for your consideration of this important matter.

Sincerely,

Hannah Truxell



8033 Sunset Blvd, Ste 864  
Los Angeles, CA 90046  
866.632.6446  
[MercyForAnimals.org](http://MercyForAnimals.org)

**Hearing date:** Wednesday, February 9th, 2022

**Time & Location:** 1:00 PM HST, CR 224 & Videoconference

**To:** Chair Gabbard

Vice Chair Nishihara

Esteemed Members of The Senate Agriculture and Environment Committee

**Submitted by:** Marie Camino, Policy Advisor

**Re:** Testimony in strong SUPPORT of SB 2977

Dear Chair Gabbard, Vice Chair Nishihara, and Esteemed Members of the Committee,

Mercy For Animals, a global nonprofit organization with approximately 600 Hawaii supporters dedicated to creating a more compassionate food system, commends the Hawaii legislature for their consideration of SB 2977 and writes in support of this bill.

The adoption of this anti-confinement legislation that allows egg-laying hens space to exhibit natural behaviors will position Hawaii as a leader in animal welfare while also protecting consumer safety, and supporting local, family farmers who have made the switch to more humane farming methods.

#### *Joining States Leading the Fight on Farm Animal Welfare*

SB 2977 would be one of the most comprehensive farmed animal protection initiatives to date, and one that would promote the growth of small businesses. If enacted, Hawaii would join states like California, Washington, Michigan, Oregon, and Massachusetts in creating a more compassionate food system for egg-laying hens, consumers, and family farms.

#### *Consumer Safety*

Confining egg-laying hens in cages puts Hawaii's families at risk. More than a dozen studies have found that salmonella is more prevalent in cage egg production than in cage-free, increasing their chance of disease.<sup>1</sup>

#### *Supporting Family Farms*

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<sup>1</sup> Madec F. 1984. Urinary disorders in intensive pig herds. Pig News and Information 5(2):89-93.



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866.632.6446  
[MercyForAnimals.org](http://MercyForAnimals.org)

Science confirms what common sense already tells us: that locking an animal in a cage so small she can barely move causes her to suffer greatly. It's morally wrong, and numerous successful Hawaii family farms that eschew such cruelty have shown that it's completely unnecessary. The cage-free conditions outlined in SB 2977 support responsible local farmers who are making the switch to more humane farming methods.

Mercy for Animals supports this important step forward in animal welfare, public health, and family farming. Thank you for considering the above comments.

Sincerely,  
Mercy For Animals

Marie Camino  
Policy Advisor  
[MarieC@mercyforanimals.org](mailto:MarieC@mercyforanimals.org)  
239.218.8754



**Date:** Wednesday, February 9, 2022

**Time and Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
Members of the Senate Committee on Agriculture and Environment

**Submitted by:** Kara Shannon, Director of Farm Animal Welfare Policy, ASPCA  
Angelique Reynoso, Senior Manager, State Affairs, ASPCA

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), the nearly 6,000 Hawaii citizens we represent and more than 2 million supporters nationwide, we write to voice our strong support of SB 2977. This bill would improve the lives of millions of farm animals by ensuring they aren't raised in cruel confinement and that Hawaii isn't supporting inhumane practices by allowing the sale of products from confinement systems in the state.

Farm animals are often subject to a variety of cruel practices and living conditions, none so severe as the systems used to confine egg-laying hens. Laying hens suffer immensely, with multiple birds confined in so-called battery cages, each afforded space smaller than a sheet of printer paper. Hens raised in these cages are unable to move comfortably or fully extend their wings and this severe restriction of movement causes foot injuries, osteoporosis and extreme frustration. Battery cages provide no perches, no nests for laying eggs, no dustbathing material, no environment to forage or materials to forage for, and no ground to scratch, making it impossible for birds to perform necessary natural behaviors like nesting, perching, and dustbathing.

These practices are not only inherently inhumane, but they also lead to increased risk of food safety issues like *Salmonella* and *E Coli*. Cramming tens of thousands of birds into cages in poorly ventilated barns, left to stand in their own waste and the waste of others, creates a breeding ground for disease. This in turn endangers the health and safety of those who consume products from these farms. SB 2977 would ensure that egg-laying hens raised in Hawaii are not confined in cruel battery cages and ensure that shell eggs sold in Hawaii meet this modest standard. The bill additionally sets clear space and enrichment requirements for laying hens to ensure that cage-free environments allow them to carry out natural behaviors, meeting their physical and emotional needs. There are a variety of more humane farming systems that don't rely on confining hens in spaces so small that can't move or carry out their natural behaviors and the ASPCA encourages the Committee to support farmers as they transition to these more humane systems.

SB 2977 would bring Hawaii in line with 14 other states who have banned cruel confinement in some form. This includes the recent laws passed in California, Washington, Colorado, and Nevada, which similarly ban the in-state sale of products from confinement systems. SB 2977 supports Hawaii and the country's shift to cage-free farming, illustrated by the more than 200 companies who have already committed to transition to cage-free systems. Included among those commitments are companies like McDonald's, Costco, and Walmart, representing a huge portion of the marketplace that is changing to meet the demands of welfare-conscious consumers.

Public surveys have shown time and time again that people are concerned about the welfare of farm animals and don't want them to suffer on farms. Banning cruel confinement systems improves the lives of farm animals, reduces the risk of food-borne disease and puts Hawaii at the forefront of the movement to build a more humane farm system. For these reasons, we respectfully urge you to vote in support of SB 2977 when it comes before you in committee.



Kara Shannon  
Director of Farm Animal Welfare Policy



Angelique Reynoso  
Senior Manager, State Affairs

**SB-2977**

Submitted on: 2/4/2022 8:54:15 PM

Testimony for AEN on 2/9/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

Cut the Bull Shit who is paying you off . This is not the right way to do things everyone should be equil.



## Friends of the Earth

**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Chloe Waterman, Senior Program Manager at Friends of the Earth, 202-222-0704

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens  
Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

**RE:** Testimony in strong support of SB 2977: Relating to Farm Animals

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of Friends of the Earth and our more than 7,500 supporters in Hawaii, we respectfully ask for your support of SB 2977, which addresses the extreme confinement of farm animals by ensuring cage-free conditions. Not only will this create more humane living conditions for these animals, it will also help facilitate a more sustainable farming system.

Shifting to cage-free systems where animals have more space is a critical step away from the factory farming model that is contributing to the climate crisis, pollution, foodborne illness, unsafe communities and working conditions, and inhumane treatment of animals. Factory farms that confine millions of animals inside windowless warehouses produce a massive amount of waste that pollutes our land, water and air.

Communities with factory farms often experience noxious smells, deal with unsafe drinking water, and suffer from respiratory health impacts. Typically, it's lower-income families and communities of color that are harmed the most.

Shifting to cage-free systems has long been favored by organizations supporting family farms, sustainability, and rural communities. Many states have already passed similar laws; SB 2977 would continue that momentum. We hope Hawaii will pass SB 2977 into law and further create a safer, more sustainable food system.

Thank you for your consideration of our position.



# AnimalOutlook.org

*Changing the World for Animals*

info@animaloutlook.org | 301-891-2458  
PO Box 9773 | Washington DC 20016

**Hearing Date:** February 9, 2022

**Time & Location:**

Wednesday, February 9, 2022 at 1:00pm HST  
Senate Agriculture and Environment Committee

**To:**

Chair Mike Gabbard  
Vice Chair Clarence Nishihara  
Senator Laura Acasio  
Senator Karl Rhoads  
Senator Kurt Fevella

**Submitted by:** Will Lowrey, Legal Counsel, Animal Outlook, 804-307-4102

**RE:** Testimony in strong support of SB 2977: Relating to farmed animals

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Dear Chair Gabbard, Vice Chair Nishihara, and Senators Acasio, Rhoads, and Fevella,

On behalf of Animal Outlook, I respectfully submit the following testimony to strongly **urge you to vote “Yes” on SB 2977** which is currently scheduled for hearing on Wednesday, February 9, 2022 before the Senate Agriculture and Environment Committee.

Founded in 1995, Animal Outlook is a national 501(c)(3) organization dedicated to exposing truth and inspiring change. Every day, Animal Outlook advocates against government policies that encourage or allow cruelty to farmed animals, conducts public education on the realities of industrialized animal agriculture, coordinates public campaigns to encourage the adoption of vegan diets, and conducts undercover investigations to expose cruelty at industrialized factory farms.

SB 2977 is essential to the welfare of animals in the state of Hawaii. Today, Hawaii has no law governing confinement standards for egg laying hens. This bill will change this and allow chickens, turkeys, ducks, geese, or guinea fowl kept for the purpose of commercial egg production the most basic and fundamental dignities—to lie down, stand up, fully extend their limbs, and turn around freely. This bill will effectively ensure that thousands of egg-laying hens in Hawaii are not destined to spend their entire existence confined to tiny, cruel cages. Importantly, this law will also require that all eggs sold in Hawaii come from operations that meet this rudimentary animal welfare standard.

Animal Outlook has witnessed firsthand the cruelty of hens kept in tiny battery cages. In a Minnesota egg factory farm, we documented thousands of suffering hens crammed in tiny wire cages packed six levels high. Our investigator recorded hens trapped and immobilized in the wires of their cages, unable to access food and water, “mummified” corpses of hens left to rot in cramped cages, and countless birds suffering broken bones, abrasions, and feather loss due to being packed together so tightly.<sup>1</sup> The image below is taken from this investigation.



By establishing bare-minimum standards for animal welfare, this bill would significantly reduce the unfathomable suffering of countless animals due to these cruel confinement practices. In passing this bill, Hawaii would align itself with numerous other states that have recently taken a stand against animal cruelty and passed identical laws, including California, Massachusetts, Washington, Oregon, and Michigan.

Many of the states that have already passed similar laws have factory farm confinement operations dramatically larger than Hawaii’s and have nonetheless recognized the benefits of more humane practices. For example, a 2017 USDA report observed that there were 13 million egg-laying hens in California and 14 million in Michigan, each of which has already passed a law similar to this bill. In contrast, the combined total of 14 other states that elected not to report individually, including Hawaii, totaled only 18 million egg laying hens across all 14 states.<sup>2</sup>

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<sup>1</sup> ANIMAL OUTLOOK, *Video Exposes Cruelty at Dunkin Donuts Supplier*, <https://animaloutlook.org/press/press-releases/cruelty-dunkin-donuts-eggs/>

<sup>2</sup> UNITED STATES DEPARTMENT OF AGRICULTURE, *Chicken and Eggs – 2017 Summary*, [https://www.nass.usda.gov/Publications/Todays\\_Reports/reports/ckegan18.pdf](https://www.nass.usda.gov/Publications/Todays_Reports/reports/ckegan18.pdf).

Accordingly, Hawaii's confinement operations and the alleged "burden" of this law pale in magnitude compared to some of the other states that have already passed similar measures.

The recognition that animals deserve *at least* the very basic protections provided in this bill is not unique to state legislatures—more than 200 leading restaurant and grocery corporations have also recognized the cruelty inherent to these factory farm confinement practices and are requiring suppliers to switch to cage-free systems, including Foodland, Safeway, Costco, and McDonald's.

Having documented firsthand the abject suffering of birds housed in cruelly cramped cages, Animal Outlook **strongly and respectfully urges you to pass SB 2977** and establish the most basic and minimum protections for egg-laying hens in Hawaii.

Sincerely,

A handwritten signature in cursive script that reads "Will Lowrey". The signature is written in black ink on a light-colored background.

Will Lowrey  
Counsel  
Animal Outlook



525 East Cotati Avenue  
Cotati, California 94931

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info@aldf.org  
aldf.org

**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00 PM, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Stephanie Harris, Senior Legislative Affairs Manager, Animal Legal Defense Fund, 617-955-7500

**RE:** Testimony in strong support of *An Act Relating to Egg-Laying Hens* (SB 2977)

Chair Gabbard, Vice Chair Nishihara, and honorable members of the Committee,

On behalf of the Animal Legal Defense Fund (ALDF) and our supporters in Hawaii, thank you for this opportunity to submit testimony in strong support of the *An Act Relating to Egg-Laying Hens* (SB 2977, companion to HB 1868). We thank Senator Mike Gabbard for introducing this important legislation and Senators Laura Acasio and Bennette Misalucha for their support.

We respectfully urge the Committee's support for SB 2977, which would establish a vital animal welfare and food safety standard for egg-laying hens raised in and eggs sold in Hawaii.

ALDF is the nation's preeminent legal advocacy organization for animals. The organization's mission is to protect the lives and advance the interests of animals through the legal system. We are working across the country to protect animals, including farmed animals, using multiple legal channels. All animals deserve humane treatment, including animals raised for food.

SB 2977 would phase out the factory farm practice of cramming egg-laying hens into cages so small they cannot turn around or extend their limbs. Specifically, it prevents cruelty to egg-laying hens by requiring that hens have enough space to turn around and extend their limbs and that eggs sold in Hawaii meet this modest animal protection and food safety requirement.

Cramming animals in tiny cages for months — or even years — on end is among the cruelest factory farm practices.

### **SB 346 would protect animal welfare.**

Everyone can agree that it would be wrong to confine a dog or a cat to a tiny cage for their entire life – so why is it ok to do this to a chicken? Current law allows factory farms to confine egg-laying hens in tiny spaces for virtually their entire lives.

**All our clients are innocent**

Printed on recycled paper

Most egg-laying hens are kept in battery cages for 18 months straight before slaughter. The severe limitation of physical movement can lead to metabolic disorders, including disuse osteoporosis and liver damage. Hens also commonly suffer from bone fractures because calcium is continually leached from their skeletal system to produce eggs, and in battery cages they do not get exercise that might otherwise increase their strength. Caged hens are denied almost all of their natural behaviors including nesting, perching, foraging, and dust-bathing, all important for hen welfare.

This legislation would prohibit cruel confinement<sup>1</sup>, requiring cage-free conditions for egg-laying hens. The cage-free conditions would apply to hens raised in Hawaii as well as to shell eggs and egg products sold in the state.

Cage-free hens have enough room to walk, turn around, spread their wings, and perform other natural behaviors including nesting, perching, foraging, and dust-bathing.

### **SB 2977 would improve food safety.**

The vast majority of eggs sold in Hawaii come from cruel and unsafe conditions. Hens kept in extreme confinement often live in their own waste and are pumped full of drugs. These cage conditions can be incubators for disease – increasing the risk of food safety problems, like *Salmonella*.

Numerous factors are likely to contribute to the higher rates of *Salmonella* in cage operations. When hens are crammed so tightly together, pathogens can quickly spread. Additionally, the constant stress and inability to exercise may weaken their immune systems.

*Salmonella* kills more Americans and sends more people to the hospital than any other foodborne pathogen. The U.S. Food and Drug Administration (FDA) estimates that 142,000 illnesses each year are caused by consuming eggs contaminated with *Salmonella*. The agency states “Egg-associated illness caused by *Salmonella* is a serious public health problem.”

More than a dozen scientific studies have found that cage operations are significantly more likely to harbor *Salmonella* than cage-free facilities. The European Food Safety Authority (EFSA) — using the best available data comparing *Salmonella* infection risk between different hen housing systems — found significantly higher *Salmonella* rates among caged hens. The egg industry itself acknowledges the problem, with one poultry trade journal admitting, “*Salmonella* thrives in cage housing.”

Because *Salmonella* can infect the ovaries of hens, eggs from infected birds can be laid with the bacteria already inside. *Salmonella* can survive various cooking methods, (from sunny-side-up, over-easy, to scrambled), according to research funded by the American Egg Board.

Prominent consumer advocacy organizations including the Consumer Federation of America and the Center for Science in the Public Interest have called on the egg industry to switch to cage-free production. Additionally, the Center for Food Safety has endorsed similar cage-free reforms.

The stressful, overcrowded, unhygienic, and unsafe conditions in which so many animals are forced to live are irresponsible and will be ameliorated by this legislation.

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<sup>1</sup> Such confinement is clearly defined as (1) any non-cage-free housing system or (2) less than 1 square foot of usable floor space per egg-laying hen for aviary-type barns or less than 1.5 square feet of usable floor space per egg-laying hen for floor-based barns.

**SB 2977 would create market and regulatory certainty.**

This legislation would bring Hawaii's egg-laying hen welfare and egg safety standards in line with major food companies and other states that are calling for cage-free conditions.

Egg producers that use cages externalize costs, with animals and consumers paying the price. The economic cost of these illnesses, in the form of medical bills and lost productivity, is significant.

Moreover, cage-free makes economic sense. Egg industry studies show that it costs only 1-2 cents more per egg to use cage-free methods.

More than 200 corporations are requiring their suppliers to switch to cage-free systems, including cost-conscious companies like Hawaii-based Foodland as well as McDonald's, Burger King, Hannaford, Shaw's, Walmart, Dollar Tree, IHOP, and Denny's. Several hotel chains have also announced their commitment to cage-free systems, such as Hilton Hotels, Hyatt Hotels, Marriott International, and Wyndam Worldwide.

Already, California, Colorado, Massachusetts, Michigan, Nevada, Oregon, Utah, and Washington State have passed similar laws. This legislation would streamline a transition to a cage-free egg supply for Hawaii with a reasonable timeline for compliance.

**SB 2977 aligns with the morals of Hawaii.**

Please advance the *An Act Relating to Egg-Laying Hens* (SB 2977) out of committee to help make Hawaii the next state to go cage-free.

Thank you for your time and consideration. Mahalo nui.

Sincerely,

Stephanie Harris

--

**Stephanie J. Harris** | Senior Legislative Affairs Manager  
Animal Legal Defense Fund | [aldf.org](http://aldf.org)  
[sharris@aldf.org](mailto:sharris@aldf.org) | 617-955-7500



**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Jennifer Molidor, Senior Food Campaigner, Center for Biological Diversity, (707) 888-9261

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens and Farm Animals

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

Thank you for considering the testimony of the Center for Biological Diversity in support of SB 2977.

It is well-documented that industrial animal agriculture is one of the leading causes of climate change, air and water pollution, habitat degradation, and other top environmental problems. One of the most environmentally harmful practices of industrial agriculture is the use of extreme confinement, specifically hens in battery cages. I have attached the Center for Biological Diversity's factsheet detailing why these devices should be banned to create a more sustainable agricultural system.

In short, facilities that cram large numbers of animals into exceedingly small spaces produce enormous quantities of concentrated animal waste. Much of the waste is contaminated with antibiotic residue, heavy metals, and other pollutants. These facilities typically produce far more waste than can be sustainably applied to nearby cropland. Instead, much of the waste is allowed to sit stagnant in lagoon pits, often emitting noxious gases into the air or leaching into groundwater and nearby waterways.

We know that most farmers care deeply about the environment, animal welfare and public safety. But the race-to-the-bottom spurred by corporate agribusiness over the past several decades has forced many of these farmers to adopt systems that run counter to these values. It is up to lawmakers to set modest, baseline standards—similar to what has already been done in many states—for all producers if we're going to create a sustainable agriculture system. That's exactly what SB 2977 will do, and we respectfully encourage you to vote yes.

Thank you again for your consideration of this important legislation.

Jennifer Molidor

Center for Biological Diversity

(attachment below: Environmental Impacts of Extreme Animal Confinement Factsheet)

## Environmental Impacts of Extreme Animal Confinement

**A**nimal agriculture has changed dramatically in recent decades. From the practice of concentrated animal confinement on factory farms to the massive land use required to produce feed crops for livestock and the pollution inherent in poorly regulated waste management and slaughterhouses, the current U.S. food system is unsustainable and a leading contributor to environmental degradation.

Most of the 9 billion farmed animals in the United States are confined in concentrated animal feeding operations (CAFOs), which churn out meat, poultry, egg and dairy products at an unmanageable rate. The most extreme confinement practices — battery cages, gestation crates and veal crates — have been outlawed in a dozen states. Yet they largely continue as standard practices and are linked with poor animal welfare, risks to food and worker safety, air and water pollution, greenhouse gas emissions and threats to endangered species.

### The Rise of Concentrated Animal Feeding Operations (CAFOs)

Since the 1950s U.S. meat and dairy production has more than doubled, while the number of operations has decreased by 80 percent.<sup>1</sup> As a result greenhouse gas emissions from the agricultural sector have rapidly increased, with carbon dioxide emissions increasing by 16.2 percent, methane emissions by 14.4 percent and nitrous oxide by 7.3 percent in the past 30 years.<sup>2</sup> Methane and nitrous oxide have as much as 36 and 298 times greater global warming potential, respectively, of CO<sub>2</sub> over a 100-year period.<sup>3</sup>

The most common environmental threats from these facilities include:

- Contamination of air, water, and land from nutrients, pathogens, heavy metals, pharmaceuticals, and ammonia;
- Overconsumption of groundwater resources;
- Harm to endangered or threatened species and habitats;
- Release of greenhouse gas emissions.<sup>4</sup>

Along with the rise of CAFOs, emissions related to manure management have increased by 66 percent since 1990.<sup>5</sup> Factory farms produced an estimated 13 times as much waste as the entire U.S. population in 2012.<sup>6</sup> Unlike human waste, livestock waste is typically untreated and poorly managed.



The EPA estimates that pollution from CAFOs impairs 40 percent of rivers and streams in the United States.<sup>7</sup>

### **Pigs and Gestation Crates**

- With more than 70 million pigs populating the United States, and 5.36 million breeding sows, factory farms have implemented the practices of extreme confinement of mother pigs in gestation crates. These tight stalls prevent sows from turning around and contain no bedding, just slatted flooring for waste disposal.
- In 2014, 93 percent of annual hog production was on operations with at least 5,000 head (compared to 27 percent in 1994).<sup>8</sup> This shift toward more concentrated facilities has resulted in increases in water and air contamination and environmental impairment.<sup>9</sup>
- The increased concentration of hogs and breeding sows creates huge cesspools of waste that are currently disposed of by spraying onto surrounding lands. The massive amounts of waste generated in limited geographic areas leads to intensive air and water pollution and related health risks to surrounding communities and wildlife.
- For example, in Iowa, more than 10 billion gallons of liquid manure are applied to fields per year from the state's more than 6,300 hog operations.<sup>10</sup> State records show 800 manure spills between 1996 and 2012, and 750 out of 1,378 tested waterways were found to be impaired.<sup>11</sup>

### **Chickens and Battery Cages**

- Most chickens spend their entire lives stocked in "battery cages," in such high densities that they cannot exert their natural behaviors of nesting, roosting or even flapping their wings. Many chickens will die from disease and stress related to overcrowded conditions. However, the concentration of factory farming continues to encourage the use of these facilities.
- The production of poultry has shifted over recent decades toward more concentrated facilities.<sup>12</sup> The production of eggs has seen a related boom: Since 2011 top states have produced an additional 11.2 billion eggs in CAFO operations, including California, Ohio, Indiana, Missouri, Michigan, North Carolina and Texas.<sup>13</sup> The number of egg-laying hens increased by nearly 25 percent between 1997 and 2012, and the size of egg operations has grown by nearly 75 percent since 1997.<sup>14</sup>
- Battery cage facilities produce high levels of air contamination from ammonia and hydrogen sulfide as well as volatile organic compounds and dust originating from chicken feathers, bedding and chicken manure. Pollutants spread from the chicken cages and fields to waterways, critical habitat areas, and local community houses, churches and schools.
- In addition to large amounts of pesticide and pharmaceutical residues, bacteria, viruses, pathogens, parasites, protozoa, heavy metals and other trace elements,<sup>15</sup> poultry waste is particularly high in toxic nutrients, and yet is usually untreated, and stored and land-applied.<sup>16,17</sup> Over 90 percent of poultry waste is disposed of through land applications.<sup>18</sup> Erosion, non-agronomic waste applications, and rain can cause it to reach surface and groundwaters.<sup>19</sup>

- Release of these pollutants may result from intentional discharge, operation, maintenance, management and/or operation design problems.<sup>20</sup> Waste-management systems can have spills, leaks, accidental discharges and reach surface water and/or groundwater.<sup>21</sup>
- The EPA has noted that rain falling on dry poultry manure left outside uncovered will likely transport pollutants into nearby soil, causing groundwater pollution and contaminating surface waters.<sup>22</sup>

### **Calves and Veal Crates**

- Calves are removed from their mothers to prevent suckling and chained in crates — 22 inches by 54 inches — without the ability to move or turn around. Preventing the animals from moving keeps their muscles anemic, and the calves are fed formula instead of mother’s milk.
- Calf waste is distributed either through deep pit storage or flush. The floor of the crate is composed of slats directly above a storage pit or flush alley. This flooring does not adequately allow feces and urine to pass through, and animals end up standing and sleeping in their own feces, leading to the contraction of parasites, a virus or harmful bacteria. Diarrhea from dehydration is common and sometimes fatal.<sup>23</sup>
- The majority of veal operations use large volumes of water to flush manure from storage pits to lagoons. The remaining operations store manure in a large pit beneath the shed, which uses less water but results in a higher concentration of nutrients.
- Calves are slaughtered between 4 to 5 months of age. But calves younger than 4 months are not included in greenhouse gas emission estimates, so the climate impact of veal production is unaccounted for.<sup>24</sup>

### **Lack of Environmental Protection**

Despite 40 years of Clean Water Act implementation, the EPA still lacks data about where the nation’s CAFOs are located and which facilities discharge pollutants into waterways without required permits.<sup>25</sup>

The EPA states 40 percent of CAFOs are regulated under National Pollutant Discharge Elimination Systems (NPDES) while 75 percent discharge as a result of “standard operational profiles.”<sup>26</sup>

Despite major gaps in information and regulation, the EPA abandoned its only effort in decades to fill these gaps by developing a national inventory, under CAFO industry pressure.<sup>27</sup> This failure by EPA to develop or maintain a CAFO inventory has meant that states must identify CAFOs and determine which are subject to regulation with little guidance or oversight from EPA.

The lack of federal oversight leaves communities bearing the burden of the environmental impacts of industrial livestock production. Lawmakers can take steps to protect air, water and wildlife by banning the most extreme forms of confinement and working to close regulatory loopholes at the state and federal levels.

### **References**

<sup>1</sup> APHIS, USDA. Overview of U.S. Livestock, Poultry and Aquaculture Production in 2015. [https://www.aphis.usda.gov/animal\\_health/nahms/downloads/Demographics2015.pdf](https://www.aphis.usda.gov/animal_health/nahms/downloads/Demographics2015.pdf)

<sup>2</sup> EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017. <https://www.epa.gov/ghgemissions/draft-inventory-usgreenhouse-gas-emissions-and-sinks-1990-2017>

<sup>3</sup> EPA, Understanding Global Warming Potentials. <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>.

Accessed 4/3/2019. <sup>4</sup> EPA Literature Review, at 1-3. <sup>5</sup> EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017. <https://www.epa.gov/ghgemissions/draft-inventory-usgreenhouse-gas-emissions-and-sinks-1990-2017>

<sup>6</sup> EPA, National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, Proposed Rule, 76 Fed. Reg. 65431, 65433 (Oct. 21, 2011); Food & Water Watch, *Factory Farm Nation 2015 Edition* 3 (2015), <http://www.foodandwaterwatch.org/sites/default/files/factory-farm-nation-report-may-2015.pdf>. <sup>7</sup> EPA, 2000 National Water Quality Inventory Report to Congress. <https://www.epa.gov/waterdata/national-water-quality-inventoryreport-congress>

<sup>8</sup> Overview of the United States Hog Industry, released October 29, 2015 by the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, USDA <http://usda.mannlib.cornell.edu/usda/current/hogview/hogview-10-29-2015.pdf>. <sup>9</sup> Pew Commission on Industrial Farm Animal Production, "Putting Meat on the Table: Industrial Farm Animal Production in America" (2008), [http://www.pcifapia.org/\\_images/PCIFAPFin.pdf](http://www.pcifapia.org/_images/PCIFAPFin.pdf). <sup>10</sup> Brian Bienkowski, "My number one concern is water," Environmental Health News (Nov. 14, 2017), <http://www.ehn.org/waterpollution-hog-farming-2504466831.html>.

<sup>11</sup> *Id.* <sup>12</sup> See generally Pew Charitable Trusts, *The Business of Broilers* (2013), available at <http://www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/businessofbroilersreportthepewcharitabletrustspdf.pdf> [hereinafter The Business of Broilers]; U.S. Environmental Protection Agency (EPA), Literature Review of Livestock and Poultry Manure, EPA 820-R-13-002, 1 (July 2013). <sup>13</sup> USDA, National Agricultural Statistics Service. 2018. <https://quickstats.nass.usda.gov/> <sup>14</sup> Food and Water Watch. *Factory Farm Nation: 2015 Edition*. <https://www.foodandwaterwatch.org/insight/factory-farm-nation-2015-edition>

<sup>15</sup> **Exhibit 7** - EPA, Detecting and Mitigating the Environmental Impacts of Fecal Pathogens Originating from Confined Animal Feeding operations: Review, EPA/600/R-06/021, 1-3 (Sept. 2005) (citations omitted); see also **Exhibit 4** - 68 Fed. Reg. at 7235-36. <sup>16</sup> **Exhibit 47** - J.A. Stingone & S. Wing, *Poultry litter incineration as a source of energy: reviewing the potential for impacts on environmental health and justice*, 1(1) *New Solutions* 27-47, 33 (2011) (referencing International Agency for Research on Cancer, Monographs on the Evaluation of Carcinogenic Risks to Humans: Some Drinking Water Disinfectants and Contaminants, Including Arsenic (2004); **Exhibit 48** - M. Vahter, *Health effects of early life exposure to arsenic*, 102 *Basic & Clinical Pharmacology & Toxicology* 204-211 (2008); **Exhibit 49** - C.D. Kozul et al., *Low-dose arsenic compromises the immune response to influenza A infection in vivo*, 117 *Environmental Health Perspectives* 1441-1447 (2009). <sup>17</sup> **Exhibit 4** - EPA 2003 Final Rule at 7235-36. <sup>18</sup> **Exhibit 55** - Pew Commission on Farm Animal Production, *Antimicrobial Resistance and Human Health* 31 (2008) (citations to USDA resources omitted.) <sup>19</sup> See, e.g., **Exhibit 8** - NRCS AWMFH Ch. 3 "Agricultural Wastes and Water, Air, and Animal Resource"; **Exhibit 56** - NRCS Conservation Practice Standard Code 590 "Nutrient Management" (Jan. 2012). <sup>20</sup> See, e.g., **Exhibit 51** to **54** - NRCS AWMFH Ch. 2 (Planning Considerations) (**Exhibit 51**); Ch. 7 (Geologic and Groundwater Considerations) (**Exhibit 52**); Ch. 8 (Siting Agricultural Waste Management Systems) (**Exhibit 53**); Ch. 9 (Agricultural Waste Management Systems) (**Exhibit 54**). <sup>21</sup> *Id.* NRCS AWMFs specifically suggest producers plan for such considerations. <sup>22</sup> **Exhibit 4** - EPA 2003 Final Rule at 7192; see also **Exhibit 8** - AWMFH Ch. 3 (Agricultural Wastes and Water, Air, and Animal Resources) at 3-17 (discussing pathways to pollution); **Exhibit 56** - NRCS AWMFH Ch. 9 (Agricultural Waste Management Systems) at 9-23. <sup>23</sup> EPA, "Non-water Quality Impact Estimates for Animal Feeding Operations." (December 2002). <sup>24</sup> EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017. <https://www.epa.gov/ghgemissions/draft-inventory-usgreenhouse-gas-emissions-and-sinks-1990-2017>

<sup>25</sup> Proposed CAFO Reporting Rule, 76 Fed. Reg. at 65436. <sup>26</sup> National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, Withdrawal, 77 Fed. Reg. 42679 (Jul. 20, 2012).



Date: Wednesday, February 9, 2022

Time & Location: 1:00 pm, via video conference

To: Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

Submitted by: Maha Bazzi, Farming Campaign Manager, World Animal Protection, 646-783-2207

RE: Testimony in strong support of SB 2977: Relating to Egg-Laying Hens

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of World Animal Protection and our supporters in Hawaii and throughout the United States, we urge you to pass SB 2977 Relating to Egg-Laying Hens and stand against the cruelty and suffering laying hens endure in intensive confinement systems in the state and across the US.

Prohibiting the production and sale of eggs from caged housing systems that severely restrict the movement and freedom of hens will improve the lives of millions of animals each year.

People in the US are demanding change and actively seeking out animal products from farms that treat animals well and provide more humane living conditions. World Animal Protection surveyed a sample of US shoppers and found that sixty-one percent indicated that concerns for animal welfare regularly come to mind when thinking about what products to buy.

Solutions to close-confinement practices are available, and producers in the US and globally have successfully implemented housing changes that allow for full movement and expression of natural behavior while maintaining or improving the economic sustainability of their businesses.

Cage-free housing for laying hens with enrichments such as litter and perches, for example, has been shown to improve mobility, reduce leg weaknesses, improve skeletal development, and enhance immune function, which is great for the animals, and for business. This stands in stark contrast to current common practice in which multiple hens are crammed into a battery cage, unable to move freely and spread their wings without touching other hens, or to engage in natural behaviors that enhance their health. In these battery cages, an environment that makes the birds highly susceptible to disease, stress and anxiety lead to aggressive behaviors such as feather pecking that can severely wound or even kill them.

Raising hens in cages is no way to treat animals. And it is no way to raise food for the people of Hawaii.

The time for ending caged egg production is long overdue. By passing SB 2977, Hawaii will be a leader in the protection of farmed animals.

Please help us ensure that all egg-laying hens have a life worth living.

Sincerely,



Maha Bazzi  
Farming Campaign Manager  
World Animal Protection US



[www.worldanimalprotection.us](http://www.worldanimalprotection.us)

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**SB-2977**

Submitted on: 2/7/2022 4:23:12 PM

Testimony for AEN on 2/9/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dante Carpenter	Testifying for Carpenter & Carpenter, Inc.	Support	No

Comments:

Sen. Gabbard' Chair; Sen. Nishimura, V-C; and Members of Senate AEN Committee:

I am Dante Carpenter, Consultant to the Waialua Egg Farm, a Farm-Fresh and Cage-Free Egg Production Facility, located in Waialua, O'ahu. Please be advised that this existing Egg-production facility is a "State-of-the-Art" enterprise with an eventual design capacity of One (1) million eggs per day for sale to residents within the State of Hawai'i. Indeed, this newly constructed and operating facility comports with the design and operational parameters to preclude hens from being "confined in a cruel manner."

The criteria incorporated in the construction of a "Cage-free housing system" includes: (1) multi-tiered aviaries; (2) partially-slatted systems; (3) single-level all-litter floor systems; and other systems in compliance with the most modern technological updates!

"Egg Products" - comport with the Bill's specifics including - "meaning eggs of an egg-laying hen broken from the shells and intended for human food, whether in liquid, solid, dried, or frozen form; whether raw or cooked; and with the yolks and whites in their natural proportions, or with the yolks and whites separated, mixed, or mixed and strained."

The Waialua Egg Farm design, construction and operations, meets or exceeds the requirements and stipulations in SB 2977. Over 200,000 young hens are presently beginning to produce eggs at this time. All sales of products from the Waialua Egg Farm are intended to be sold and consumed in Hawai'i.

Respectfully, submitted,

*Dante Carpenter, Consultant*



**farmsanctuary**  
rescue • education • advocacy

National Office - P.O. Box 150 - Watkins Glen, NY 14891 - 607-583-2225

[www.farmsanctuary.org](http://www.farmsanctuary.org)

**Hearing Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00 pm, via video conference

**To:** Sen. Mike Gabbard, Chair

Sen. Clarence K. Nishihara, Vice Chair

and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Gene Baur, President of Farm Sanctuary, phone: 607-227-5017

**RE:** Testimony in Support of SB 2977: Relating to Egg-Laying Hens

Dear Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am writing on behalf of Farm Sanctuary and our more than 1.2 million nationwide members and constituents in strong support of SB 2977, which seeks to prevent the inhumane confinement of hens exploited in egg production on factory farms.

Animals exploited for food in the U.S. are subjected to egregious cruelty and do not have adequate legal protection. Millions are confined in cages and crates so tightly that they can't walk, turn around, or even lie down comfortably. Consumers are appalled when they learn about this, and they are demanding reforms.

So far, fourteen states (Arizona, California, Colorado, Florida, Kentucky, Maine, Massachusetts, Michigan, Nevada, Ohio, Oregon, Rhode Island, Utah, and Washington) have enacted legislation to limit the inhumane confinement of farm animals, and we urge lawmakers in Hawaii to do so as well by enacting SB 2977. This common sense measure will help to prevent unnecessary animal suffering, and it will better align agricultural practices with societal values and consumer expectations.

Like all animals, farm animals have feelings, and they deserve to be protected from cruelty. As Mahatma Gandhi famously said, "The greatness of a nation and its moral progress can be judged by the way in which its animals are treated."

To help prevent the egregious suffering experienced by hens in the egg industry, we urge your support of SB 2977. Thank you very much for your time and thoughtful consideration.

Sincerely,



A handwritten signature in black ink, appearing to read "Gene Baur". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Gene Baur  
President & Co-Founder  
Farm Sanctuary

Personal Testimony in OPPOSITION to SB 2977  
RELATING TO EGG-LAYING HENS  
by  
Jenee S. Odani, DVM, DACVP

Senate Committee on Agriculture and Environment  
February 9, 2022, 1:00 pm  
Room Number: Video

Aloha Chair Gabbard, Vice Chair Nishihara, and members of the committee:

My name is Jenee Odani, and I am the Extension Veterinarian with the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources. I am grateful for the opportunity to provide personal testimony in **OPPOSITION to SB 2977**. This testimony does not represent the position of the University of Hawaii nor CTAHR.

This bill proposes to eliminate cage systems for housing flocks of laying hens to protect the health and welfare of consumers, promote food safety, and advance animal welfare, **without providing evidence for how the proposed changes will lead to the stated outcomes.**

Simply put, **there is no single ideal housing system for laying hens.** The American Veterinary Medical Association policy on layer hen housing systems simply states that such systems must "provide feed, water, light, air quality, space and sanitation that promote good health and welfare for the hens." It goes on to say that these systems "should provide for expression of important natural behaviors, protect the hens from disease, injury and predation, and promote food safety."<sup>1</sup>

The AVMA also provides a comparison of different indicators of welfare among different housing systems.<sup>2</sup> See Figure 1 on the next page for a chart illustrating the advantages (green) and disadvantages (red) of the different systems. Outdoor (free-range) systems fare the worst, with poor marks in categories suggesting that these birds are more likely to die from disease, predation, and cannibalism, or suffer from intestinal parasites, foot problems (bumblefoot), "hen hysteria," and decreased level of egg production and cleanliness. Indoor non-caged systems fared slightly better with better protection against predation and medium levels of egg production and cleanliness; however, air quality suffered in those systems. **Conventional caged systems provide the best means to control animal health.**

Forcing Hawaii's few remaining commercial egg producers to transition their farms to 100% cage-free will be costly and require more land than is currently utilized. The additional costs

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<sup>1</sup> AVMA: Layer Hen Housing Systems. <https://www.avma.org/resources-tools/avma-policies/layer-hen-housing-systems>. Accessed 2/1/2021.

<sup>2</sup> AVMA issues – A Comparison of Cage and Non-Cage Systems for Housing Laying Hens. <https://www.avma.org/resources/animal-health-welfare/avma-issues-comparison-cage-and-non-cage-systems-housing-laying-hens>. Accessed 2/1/2021.

associated with production will increase the consumer price for eggs and in today’s difficult economy, most working families will not be able to afford these locally-grown cage-free eggs.

With these facts in mind, I oppose Senate Bill 2977. Thank you for the opportunity to provide testimony on this matter.

Indicators	Conventional Cage	Furnished Cage			Non-cage (Barn)		Outdoor (Free-range)
		Small	Medium	Large	Single Level	Multiple Levels	
Mortality (%)	Good	Medium	Medium	Good §	Poor	Poor	Medium
Mortality from feather pecking and cannibalism	Good	Medium	Medium	Medium	Medium	Medium	Medium
Bone strength and fractures	†	*	*	*	‡	‡	‡
Exposure to disease vectors (e.g., wild birds)	Good	Good	Good	Good	Medium	Medium	Poor
Internal parasites (e.g., coccidia, roundworms)	Good	Good	Good	Good	Poor	Poor	Poor
External parasites	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Bumblefoot	Good	Medium	Medium	Medium	Poor	Poor	Poor
Feather loss	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Hen hysteria and piling/smothering	Good	Good	Good	Good	Poor	Poor	Medium
Risk of predation	Good	Good	Good	Good	Good	Good	Poor
Level of egg production and cleanliness	Good	Good	Good	Good	Medium	Medium	Poor
Use of nest boxes	Poor	Good	Good	Good	Good	Good	Insuff Data
Use of perches	Poor	Medium	Medium	Medium	Medium	Medium	Medium
Foraging behavior	Medium	Medium	Medium	Medium	Good	Good	Good
Dustbathing behavior	Poor	Good	Good	Good	Good	Good	Good
Air quality (e.g., dust, ammonia)	Good	¥	¥	¥	Poor	Poor	Good

§ = Recent unpublished data indicate lower mortality may be achievable in large furnished cages

† = Reduced bone strength, fractures when birds are caught

\* = bones stronger from perch use but increased incidence of deformation of the keel

‡ = More fractures during lay despite stronger bones

¥ = Variable, depending on whether loose litter is dispensed; litter presents challenges for maintaining air quality

How well welfare measures are met:



Figure 1: Welfare Tradeoffs Among Housing Systems for Laying Hens, adapted from the LayWel Project Final Report. <https://www.avma.org/resources/animal-health-welfare/avma-issues->

Personal Testimony Presented before the  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 9, 2022, 1:00 p.m.  
Room 224 & Videoconference

by  
Halina M. Zaleski, Ph.D.

**SB 2977 RELATING TO EGG-LAYING HENS**  
**Testimony in OPPOSITION**

Chair Mike Gabbard, Vice Chair Clarence K. Nishihara, and Members of the Committee:

My name is Halina M. Zaleski and I am a retired Extension Specialist with the University of Hawai'i at Mānoa's College of Tropical Agriculture and Human Resources (CTAHR). I am pleased to provide personal testimony on SB 2977. This testimony does not represent the position of the University of Hawai'i or CTAHR.

I OPPOSE SB 2977 because it conflicts with science-based evidence. According to the American Veterinary Medical Association, instead of providing better welfare, cage-free systems result in higher overall mortality of hens, higher incidence of internal parasites, and higher incidence of bumblefoot than cage housing systems. Details are available at <https://www.avma.org/resources/animal-health-welfare/avma-issues-comparison-cage-and-non-cage-systems-housing-laying-hens>.

Thank you for the opportunity to provide input into this process.

**SB-2977**

Submitted on: 2/8/2022 12:35:48 PM

Testimony for AEN on 2/9/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Bryan Kortis	Individual	Support	No

Comments:

I am a resident of Maui and support the advancement of SB2977. Hens are sentient creatures capable of complex thought and emotion. I have observed chickens perform complex tasks, recognize specific people, express gratitude, impatience and attachment and in general display far more intelligence than we give them credit for. Perpetually confining hens in tiny cages and treating them as nothing more than egg-laying machines is unspeakably cruel. Systemic animal abuse, inherent in factory farming, damages our society by impairing our ability to act with compassion and be sensitive to the needs of other living beings. Please help make Hawaii a more humane State and vote YES on SB2977.



P.O. Box 253, Kunia, Hawai'i 96759  
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e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 9, 2022

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 2977**  
RELATING TO EGG-LAYING HENS

Conference Room 224 & Videoconference  
1:00 PM

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau is opposed to animal cruelty and believes that those who raise animals have an obligation to look after their welfare. We offer the following comments in opposition to this measure and defer to the expertise of the UH CTAHR and the Hawaii DOA.

To ensure that evidence-based laws are enacted, HFB believes that the best research and data must be used to develop appropriate animal welfare standards. Otherwise, limitations on methods of housing and other criteria are likely to have unintended consequences, including impacts on the safety of our food and unaffordable costs to Hawaii consumers.

The modern cage hen-housing system has eliminated most diseases of the previous century, provided hens with protection against predators and the weather, and has improved food safety. Sanitation practices became much easier since housing hens in cages separated the bird from its own feces and eliminated many feces-related parasites and health problems, making eggs cleaner and safer for the consumer.

There are fewer farmers to produce eggs yet still strong demand so egg farmers must have ways to manage more birds in the most efficient manner, while using fewer land resources. This is where land grant colleges and universities come in to provide research and recommend appropriate poultry housing and husbandry practices. This research is continuously being updated so that credible, scientifically-based better production systems are available to egg farmers.

To avoid the loss of any of our local farms and the products they supply to our communities despite the very competitive free market system, we respectfully ask that you confer with the experts on the bill provisions before passing this measure.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawaii's agricultural community.



**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** [insert name, title, organization, and phone number]

**RE:** Testimony in strong support of SB 2977: Relating to Egg-Laying Hens  
Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

**RE:** Testimony in strong support of SB 2977: Relating to Farm Animals

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of the Natural Resources Defense Council (NRDC) and our supporters across Hawaii, I'm writing to respectfully ask for your support of SB 2977.

We at the NRDC have long been concerned with environmentally-destructive practices used in industrialized animal agriculture. One of the most concerning practices is the extreme confinement of farm animals in cages. While you are surely hearing about the animal welfare reasons to pass SB 346, there are strong environmental reasons to do so as well.

On Concentrated Animal Feeding Operations (CAFOs), far too much animal waste is produced for the land to absorb in a productive way. Because transporting this waste to fields in need of fertilizer is expensive, it's frequently stored in giant lagoons or applied in excess amounts to nearby land. The gases emitted from the waste increase the risk of asthma and other health problems in nearby communities. Large amounts of nitrogen and phosphorous end up in rivers and streams, causing algal blooms that wipe out fish and other aquatic life. While CAFOs of different varieties cause these problems, those that cage animals are among the worst because of the extreme concentration of animals.

SB 2977 would be a positive development for sustainable agriculture in Hawaii and beyond. Thank you for considering NRDC's opinion.

**NATURAL RESOURCES DEFENSE COUNCIL**

1152 15TH STREET NW | WASHINGTON, DC | 20005 | T 202.289.6868 | F 202.289.1060 | NRDC.ORG



# S.B.2977 RELATING TO EGG-LAYING HENS

State of Hawaii

Thirty-First Legislature, 2022

RE: Testimony on Senate Bill 2977

Aloha, my name is Marcia Peterson and I work for my family poultry farm that has been in operation in Wahiawa since 1910.

**Our family requests that HB 2977 relating to egg-laying hens be rejected.**

Section 1 of the bill, the purpose of the act, states that this bill will “protect the health and welfare of the consumers”. This bill does not explain how it will do that nor does it explain or discuss how the bill will “promote food safety”. Most questionably is the statement in Section 1 that states this bill will “protect against the negative fiscal effects on the State associated with the lack of effective regulation of egg production and sales”. There are numerous Federal and State laws and regulations pertaining to the production and sales of table eggs. Our farm is inspected at least every 12 weeks and can attest to the strictness of these state inspectors. So we are left with the purpose of this bill being to “advance animal welfare”. This bill only relates to the housing requirements of egg laying hens and the sale of their eggs.

This bill would create devastating economic hardships on our egg farmers as they would have to completely remove their current cage, feeding and watering systems and construct a new cage-free housing system which would require a massive capital investment. It would likely take 25-30 years for a farmer to recoup such a massive investment unless there were state/federal funds to assist our current farmers. Hawaii egg farmers operate on such small margins: it would be very risky financially to make such a change. We think it is highly unlikely that our banker would finance this change. Additionally, we fear that this bill is just one legislative session away from being amended to include all egg farmers, no matter how many hens they have.

Poultry farmers are particularly concerned about the welfare of their birds. The first thing that happens when a bird is stressed is that they stop laying eggs, whether that stress is from disease, overcrowding, or other factors. Once a hen drops in egg production due to any of these stress factors, they do not come back to their full egg producing potential. Therefore, farmers do all they can to reduce stress factors for their hens. And we love our birds. Farming is hard work! And you won't make it as a poultry farmer if you don't have your heart in farming and in your birds.

Poultry farmers long ago moved from range birds out in the open (hence, the term poultry ranch) to housing their birds, in order to reduce disease from wild birds and parasitic exposure from being on the ground. This greatly enhanced the health and welfare of the hens. A much better path to animal welfare concerns in Hawaii would be to gather our poultry farmers, avian veterinarians and housing experts to prepare regulations that would be beneficial to our hens while being feasible to the farmers in order to economically produce fresh, island grown table eggs for our island consumers.





**Date:** Wednesday, February 9, 2022

**Time & Location:** 1:00pm, via video conference

**To:** Sen. Mike Gabbard, Chair  
Sen. Clarence K. Nishihara, Vice Chair  
and Members of the Senate Committee on Agriculture & Environment

**Submitted by:** Donna Krudwig, President, Americans for Family Farmers

**RE:** Testimony in strong support of SB 2977: Relating to Farm Animals

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

On behalf of Americans for Family Farmers, I'd like to respectfully urge your support of SB 2977.

Hawaii has a long tradition of sustainable farming and responsible stewardship of animals. This legislation fits with these values well, ensuring that egg-laying hens are raised in a way that allows them—at minimum—to engage in basic behavior needs. That's the least we owe animals in our care.

Hens confined in cages are given less space than a sheet of paper on which to live for their entire life. They can't even spread their wings. Throughout entire human history, this cruel and inhumane confinement has only been used in commercial production for the past several decades, and fortunately, it's already on the way out.

Every major egg user and buyer in the country has pledged to be cage-free. That includes everyone from McDonald's to IHOP to Denny's to Foodland to Costco to Walmart and hundreds more. As well, cage-free legislation—stronger than the one being considered in Hawaii—has already passed into law in California, Oregon, Washington, Utah, Nevada, Colorado, Michigan, Massachusetts, and Rhode Island.

Due to the market and state laws, the USDA reported that roughly 75% of all egg-laying hens in the country will be cage-free in the next three years. Hawaii can and should be part of this national industry-wide movement for more responsible egg farming.

Another major reason why this legislation is so reasonable is that its guidelines are taken directly from *the egg industry's own cage-free standards*. These standards were created by the industry's scientists and farmers alike.

As an organization focused on supporting farming families, please allow me to be blunt. There's nothing pro-family farm about intensive, cage confinement of farm animals. It's an old, industrial model that's rightfully entering the dust bins of history.

Please consider supporting this responsible, mainstream legislation that promotes the humane dominion over the animals that reflects the best of family farming traditions. Thank you.

Sincerely,



Donna Krudwig

**SB-2977**

Submitted on: 2/9/2022 6:57:05 AM

Testimony for AEN on 2/9/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Minda Takaki	Individual	Oppose	No

Comments:

I STORNGLY OPPOSE THIS BILL.

It will do more harm to the poultry industry then good. It will force many farmers to shut down and this industry to be lost for good. We have already lost our cattle industry. What else are we willing to lose? We need to keep our island self-sufficient so that the next generation may have the opportunity to the same, farming and feeding their communtiy.

PLEASE DO NOT PASS THIS BILL.