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State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

MARCH 16, 2022
10:00 A.M.
VIA VIDEOCONFERENCE

SENATE BILL NO. 346 SD2
RELATING TO FARM ANIMALS

Chairperson Hashem and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 346 SD2, 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 measure and provides comments.

This measure imposes significantly increased production costs to local egg producers. Most commercial producers and retailers will be adversely affected by this measure because it applies to productions with greater than 10,000 layers. Compliance with this measure by June 30, 2027, will compel producers to incur prohibitive costs over a short time period for necessary improvements to their operations which in turn will require producers to significantly increase the price of their product and which will ultimately be borne by the consumer.

Further, this measure imposes liability and monetary fines pursuant to Chapter 481A, Hawaii Revised Statutes, for confinement of laying hens, and the sale of eggs from 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-346-SD-2

Submitted on: 3/15/2022 10:43:13 AM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
isaac maeda	Dept. of Ag.	Comments	Remotely Via Zoom

Comments:

Available for questions

SB-346-SD-2

Submitted on: 3/14/2022 10:52:37 AM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Support	In Person

Comments:



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Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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 346: Relating to Egg-Laying Hens

Chair Hashem, Chair Perruso and Members of the Committee:

Thank you for the opportunity to testify. The Humane Society of the United States strongly supports SB 346 with the amendment Sen. Gabbard made to the virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm size exemption to 75,000 hens.

SB 346 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 346 provides all of that. In fact, the standards used in the bill were crafted by the egg industry itself. Regarding how SB 346 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.

It's for these commonsense reasons why states like California, Oregon, Washington, Colorado, Michigan, Utah, Massachusetts, and Rhode Island have



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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—this farmer and animal-friendly legislation.

Sincerely,

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



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rescue • education • advocacy

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Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso 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 346, which seeks to prevent the inhumane confinement of hens exploited in egg production on factory farms. We support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

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 346. 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 346. Thank you very much for your time and thoughtful consideration.

Sincerely,

A handwritten signature in black ink that reads "Gene Baur". The signature is written in a cursive style with a large, looped "G" and a long, sweeping "B".

Gene Baur
President & Co-Founder
Farm Sanctuary



Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Chair Perruso 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 support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

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

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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 346, 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,

A handwritten signature in cursive script that reads "Maha Bazzi".

Maha Bazzi
Farming Campaign Manager
World Animal Protection US



Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair

Rep. Amy A. Perruso, Vice Chair

and Members of the House Committee on Agriculture

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

RE: Testimony in support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso and Members of the Committee:

Thank you for the opportunity to testify on bill SB 346. 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, CIWF supports SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens. SB 346 would: 1) improve the lives of both egg-laying hens in Hawaii and those across the nation who contribute to 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.¹ 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.²

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.³ 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 346 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,

¹ 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](#)

² 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

³ 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

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, since their bones are weaker due to lack of exercise.⁴ 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.⁵ 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.⁶ 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 346 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

⁴ 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.

⁵ 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](#)

⁶ 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](#)

laying flock today.⁷ 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, 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 2026.⁸ In one industry survey, 37 producers estimated that over 70% of their hens will be housed in cage-free systems by 2030.⁹

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.¹⁰

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%.¹¹ 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.

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

⁸ See USDA (2021) *Livestock, Dairy, and Poultry Outlook: December 2021*. [Livestock, Dairy, and Poultry Outlook: December 2021 \(usda.gov\)](#)

⁹ See Watt Poultry (2022) *Egg Industry: January 2022* 127:1. [Egg Industry - January 2022 - page 10 \(eggindustry-digital.com\)](#).

¹⁰ See Compassion in World Farming (2021) *EggTrack 2021 Report*. [EggTrack 2021 Report](#)

¹¹ See Compassion in World Farming (2021) *EggTrack 2021 Report*. [EggTrack Report 2021](#).

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 disease outbreaks. The CDC estimates that 75% of new or emerging infectious diseases come from animals.¹² 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.¹³ 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-

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

¹³ 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 \(ciwf.org.uk\)](#)

free eggs in Hawaii was less than that of conventional eggs by as much as \$0.42.¹⁴ Thus, our findings indicate that the bill will not impose a financial burden on consumers.

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

¹⁴ 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 \(cornell.edu\)](#)

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) or Allie Molinaro, Campaigns Coordinator of CIWF

(Allison.Molinaro@ciwf.org) with any questions.



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Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso and Members of the Committee:

Thank you very much for considering my testimony today.

On behalf of the Humane Society of the United States (HSUS) and of our thousands of supporters across Hawaii, we wholeheartedly support the passage of SB 346 with the amendment Sen. Gabbard made to the virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm size exemption to 75,000 hens.

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 such as Villa Rose, which will soon be the largest egg facility in Hawaii, support SB 346. 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 Hawaiian Airlines, 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 346 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 order for Villa Rose - and Hawaii's other egg producers - to move forward with their enormous investments, they need regulatory certainty. SB 346 ensures



that, with the amendment for a January 1st, 2025 phase-in date, eggs produced and sold in Hawaii come from housing systems that meet the egg industry's own cage-free guidelines. Passing SB 346 and codifying this cage-free standard and timeline into law provides the assurance egg producers need for their investments to be made.

SB 346 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, Utah, Massachusetts, and Rhode Island. Hawaii has consistently been a leader in protecting animals from abuse and in promoting ethical business practices, and SB 346 fits perfectly with that tradition.

For the foregoing reasons, we kindly urge you to vote yes on SB 346.

Sincerely,

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

animaleQUALITY

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

Hearing Date: Wednesday, March 16, 2022

Time & Location: 10:00am (CR 325 and via Videoconference)

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in SUPPORT of Senate Bill 346 (Relating to Egg Laying Hens)

Chair Hashem, Vice Chair Perruso, and Members of the Committee:

I write on behalf of Animal Equality’s Hawaii members to ask for your support of SB 346. In particular, we support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22, which moved the effective date to January 1, 2025 and set the farm exemption to 75,000 hens.

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.

Passage of SB 346 would make Hawaii the latest state to embrace the future 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 346 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 346 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 346 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 346 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 346.**

Sarah K. Hanneken, Esq.
Animal Equality



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March 16, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 346, SD2
RELATING TO FARM ANIMALS

Room 325 & Videoconference
10:00 AM

Aloha Chair Hashem, Vice-Chair Perruso, and Members of the Committee:

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

The Hawai'i Farm Bureau opposes SB 346, SD2. We are opposed to animal cruelty and believe 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 Hawai'i 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 Hawai'i 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 Hawai'i's agricultural community.



Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso and Members of the Committee:

Thank you for considering the testimony of the Center for Biological Diversity. We support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

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 346 will do, and we respectfully encourage you to vote yes.

Thank you again for your consideration of this important legislation.

Jennifer Molidor, Ph.D.

Center for Biological Diversity

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

Environmental Impacts of Extreme Animal Confinement

Animal 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.¹ 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.² Methane and nitrous oxide have as much as 36 and 298 times greater global warming potential, respectively, of CO₂ over a 100-year period.³

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.⁴

Along with the rise of CAFOs, emissions related to manure management have increased by 66 percent since 1990.⁵ Factory farms produced an estimated 13 times as much waste as the entire U.S. population in 2012.⁶ 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.⁷

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).⁸ This shift toward more concentrated facilities has resulted in increases in water and air contamination and environmental impairment.⁹
- 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.¹⁰ State records show 800 manure spills between 1996 and 2012, and 750 out of 1,378 tested waterways were found to be impaired.¹¹

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.¹² 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.¹³ 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 1997.¹⁴
- 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,¹⁵ poultry waste is particularly high in toxic nutrients, and yet is usually untreated, and stored and land-applied.^{16,17} Over 90 percent of poultry waste is disposed of through land applications.¹⁸ Erosion, non-agronomic waste applications, and rain can cause it to reach surface and groundwaters.¹⁹
- Release of these pollutants may result from intentional discharge, operation, maintenance, management and/or operation design problems.²⁰ Waste-management systems can have spills, leaks, accidental discharges and reach surface water and/or groundwater.²¹
- 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.²²

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.²³
- 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.²⁴

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.²⁵

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.”²⁶

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.²⁷ 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

¹ APHIS, USDA. Overview of U.S. Livestock, Poultry and Aquaculture Production in 2015.

https://www.aphis.usda.gov/animal_health/nahms/downloads/Demographics2015.pdf

² 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>

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

Accessed 4/3/2019.

⁴ EPA Literature Review, at 1-3.

⁵ 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>

⁶ 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>.

⁷ EPA, 2000 National Water Quality Inventory Report to Congress. <https://www.epa.gov/waterdata/national-water-quality-inventoryreport-congress>

⁸ 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>.

⁹ 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.

¹⁰ Brian Bienkowski, “My number one concern is water,” Environmental Health News (Nov. 14, 2017), <http://www.ehn.org/waterpollution-hog-farming-2504466831.html>.

¹¹ *Id.*

¹² 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).

¹³ USDA, National Agricultural Statistics Service. 2018. <https://quickstats.nass.usda.gov/>

¹⁴ Food and Water Watch. *Factory Farm Nation: 2015 Edition*. <https://www.foodandwaterwatch.org/insight/factory-farm-nation-2015edition>

¹⁵ **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); also **Exhibit 4** - 68 Fed. Reg. at 7235-36.

¹⁶ **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).

¹⁷ **Exhibit 4** – EPA 2003 Final Rule at 7235-36.

¹⁸ **Exhibit 55** - Pew Commission on Farm Animal Production, *Antimicrobial Resistance and Human Health* 31 (2008) (citations to USDA resources omitted.)

¹⁹ 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).

²⁰ 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**).

²¹ *Id.* NRCS AWMFs specifically suggest producers plan for such considerations.

²² **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.

²⁴ EPA, “Non-water Quality Impact Estimates for Animal Feeding Operations.” (December 2002).

²⁵ 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>

²⁶ Proposed CAFO Reporting Rule, 76 Fed. Reg. at 65436. ²⁷ National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, Withdrawal, 77 Fed. Reg. 42679 (Jul. 20, 2012).



Friends of the Earth

Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso 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 346, 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. We support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

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 346 would continue that momentum. We hope Hawaii will pass SB 346 into law and further create a safer, more sustainable food system.

Thank you for your consideration of our position.



8033 Sunset Blvd, Ste 864
Los Angeles, CA 90046
866.632.6446
MercyForAnimals.org

Hearing date: Wednesday, March 16th, 2022

Time & Location: 10:00AM HST, House conference room 325 Via Videoconference

To: Chair Mark Hashem
Vice Chair Amy Perruso
Members of the House Committee on Agriculture

Submitted by: Marie Camino, Policy Advisor

Re: Testimony in strong SUPPORT of SB 346

Dear Chair Hashem, Vice Chair Perruso, and Esteemed Members of the House Committee on Agriculture,

Mercy For Animals, a global nonprofit organization with approximately 700 Hawaii supporters dedicated to creating a more compassionate food system, commends the Hawaii legislature for their consideration of SB 346 and writes in support of this bill. Mercy For Animals supports SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens

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 346 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. Additionally, 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.¹

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



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MercyForAnimals.org

Supporting Family Farms

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 346 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
239.218.8754



**HUMANE SOCIETY
INTERNATIONAL**

Wednesday, March 16, 2022

*Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture*

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso and Members of the Committee:

Thank you for the opportunity to provide testimony regarding SB 346. Humane Society International strongly supports SB 346 with the amendment Sen. Gabbard made to the virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025, and the farm size exemption to 75,000 hens.

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 around the world to implement higher-welfare housing systems. I respectfully request your support for SB 346, 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,^{1,2,3} 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.^{4,5,6} 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.



**HUMANE SOCIETY
INTERNATIONAL**

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% in 2021. Given the recent advances in legislation, and corporate commitments to purchase only cage-free eggs, this 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 346 sets industry-supported production guidelines and a reasonable timeline for producers to transition to cage-free housing.

Please enact SB 346 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,

Sara Shields, PhD.

¹ Shipov A, Sharir A, Zelzer E, Milgram J, Monsonego-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.

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

³ 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.

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

⁵ 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.

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

SB-346-SD-2

Submitted on: 3/15/2022 8:59:30 AM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cameron Harsh	World Animal Protection US	Support	Remotely Via Zoom

Comments:

World Animal Protection US's written testimony expressing our support for SB346, with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens, was submitted separately by Maha Bazzi, Farming Campaign Manager, World Animal Protection US. I am happy to provide a copy of that written testimony in addition to my planned verbal testimony during the hearing via Zoom upon request.

Best,

Cameron Harsh

Programs Director

World Animal Protection US

Hearing Date: March 15, 2022

Time & Location:

Wednesday, March 16, 2022 at 10:00am HST
House Committee on Agriculture

To:

House Committee on Agriculture

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

RE: Testimony in support of SB 346 with the amendment made on SB 2977 by Senator Gabbard on February 14, 2022.

On behalf of Animal Outlook, I respectfully submit the following testimony to **urge you to vote “Yes” on SB 346**. We support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

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 346 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.¹ 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.² 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.

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

² UNITED STATES DEPARTMENT OF AGRICULTURE, *Chicken and Eggs – 2017 Summary*, https://www.nass.usda.gov/Publications/Todays_Reports/reports/ckegan18.pdf.

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 346** and establish the most basic and minimum protections for egg-laying hens in Hawaii.

Sincerely,

A handwritten signature in black ink that reads "Will Lowrey". The signature is written in a cursive, flowing style.

Will Lowrey
Counsel
Animal Outlook



**HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION.**

Hearing Date: Wednesday, March 16, 2022

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Derry, NH

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

Submitted by: Pam Runquist, MS, Executive Director, Humane Society Veterinary Medical Association

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens:

Chair Hashem, Vice Chair Perruso and Members of the Committee:

The Humane Society Veterinary Medical Association (HSVMA), a national professional veterinary organization with a focus on animal health and welfare, submits this statement on behalf of our more than 45 Hawaii veterinary professional members in supporting a phasing out of cruel cage-confinement for egg-laying hens.

HSVMA enthusiastically supports the passage of SB 346 with the amendment Sen. Gabbard made to the virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm size exemption to 75,000 hens.

It is commonsense that animals be allowed to engage in basic movements and postural adjustments. This intuitive perspective is validated by an abundance of scientific evidence demonstrating that intensive confinement systems are detrimental to the physical and psychological welfare of farm animals and that they create public health concerns.

To cite just one notable example, the prestigious Pew Commission on Industrial Farm Animal Production—a panel of experts including a former veterinary school dean and a Secretary of the USDA—concluded “...that the most intensive confinement systems, such as. . . battery cages for poultry...prevent the animal from a normal range of movement and constitute inhumane treatment.” The Commission recommended a phase-out of the most intensive and inhumane production practices, including battery cages.

Modern replacements for this extreme confinement method already exist, are in widespread commercial use, and are economically viable. Cage-free systems allow



HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION.

hens to move freely through their environment and to engage in natural behaviors –such as dust bathing, nesting and perching – which are thwarted by battery-cage confinement.

We respectfully encourage the House Agriculture committee to support SB 346 to protect egg laying hens by eliminating the use of cruel cage confinement in the state and requiring that all eggs sold in Hawaii come cage-free hens. SB 346 will ensure a more humane, safer, and sustainable food system.



525 East Cotati Avenue
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info@aldf.org
aldf.org

Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Representative Mark J. Hashem, Chair
Representative Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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 346)

Chair Hashem, Vice Chair Perruso, and honorable members of the Committees,

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 346). 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 346, 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.

This legislation 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 confinement¹, 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 346 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.

¹ 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 346 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 346 aligns with the morals of Hawaii.

Please advance the *An Act Relating to Egg-Laying Hens* (SB 346) out of your 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
sharris@aldf.org | 617-955-7500

Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair

Rep. Amy A. Perruso, Vice Chair

and Members of the House Committee on Agriculture

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

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Chair Perruso, 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 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens. This bill will ensure that hens aren't raised in cruel cages and 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 the bill 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, this bill 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.

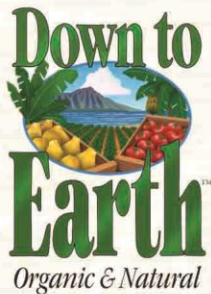
As a result of this demand, 9 states have cage-free hen housing laws on the books and more than 200 of the country's largest food companies have committed to switching to a 100% cage-free egg supply. The list includes Foodland, Safeway, Costco, and McDonald's.

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

Sincerely,

Hannah Truxell

Love Life!



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SB 346 SD2 RELATING TO FARM ANIMALS
House Committee on Agriculture
March 16, 2022, 10:00am State Capitol

Aloha Rep. Mark J. Hashem, Chair, Rep. Amy A. Perruso, and Committee Members.

Down to Earth Organic and Natural testifies in support of SB 346 SD2.

Down to Earth Organic and Natural has six locations on Oahu and Maui. Since we opened in 1977, we have supported healthy lifestyles and preservation of the environment by selling local, fresh, organic and natural products, and by promoting a healthy, plant-based and vegetarian lifestyle.

We are strongly in support of SB 346 SD2. We support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm exemption to 75,000 hens.

Down to Earth has been an all-vegetarian store since we first opened over 40 years ago. We have become a hub for many Hawaii residents that are compassionate to all animals. We appreciate this opportunity to testify on behalf of our community members in support of this bill.

Did you know that each caged laying hen is afforded only 67 square inches of cage space—less space than the size of the paper this testimony is printed on—to live her entire life, unable even to spread her wings?

Although cage-free does not necessarily mean cruelty-free, cage-free hens generally have significantly better lives than those confined in battery cages, with the ability to lay their eggs in nests and run and spread their wings. Cage-free egg production is a positive step in the right direction for the egg industry, moving Hawaii closer to being a place of aloha for all living beings.

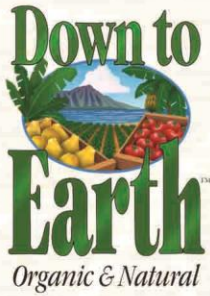
Thank you for the opportunity to comment on this bill.

Alison Riggs
Public Policy & Government Relations Manager
Down to Earth

2525 S. King St., Suite 309
Honolulu, HI 96826

Phone (808) 824-3240
Fax (808) 951-8283

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SB-346-SD-2

Submitted on: 3/15/2022 9:48:53 AM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kekoa McClellan	The McClellan Group on behalf of The Humane Society of The United States	Support	Remotely Via Zoom

Comments:

Mahalo for your support of this measure.



Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

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 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso, 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 346. We specifically support SB 346 with the amendment Sen. Gabbard made to a virtually identical bill (SB 2977) at the Senate AEN hearing on Feb. 14, 2022, which moved the effective date to Jan. 1, 2025, and the farm exemption to 75,000 hens. 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 346 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 346 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 346 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 346 when it comes before you in committee.



Kara Shannon
Director of Farm Animal Welfare Policy
kara.shannon@aspca.org



Angelique Reynoso
Senior Manager, State Affairs
angelique.reynoso@aspca.org



HAWAIIAN EGG COMPANY

DBA Mikilua Poultry Farm

Date: Wednesday, March 16, 2022

Time: 10:00 a.m. via video conference

To: Representative Mark Hashem, Chair
Representative Amy Perruso, Vice Chair
Members of the House Committee on Agriculture & Environment

RE: Testimony to OPPOSE SB346: Relating to Farm Animals

Chair Hashem, Vice Chair Perruso, and Members of the Committee:

I'm writing to oppose SB346. 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 3rd 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



HOUSE COMMITTEE ON AGRICULTURE
Representative Mark Hashem, Chair
Representative Amy Perruso, Vice Chair

TESTIMONY IN SUPPORT
Senate Bill 346 SD2, Relating to Farm Animals
Wednesday, March 16, 2022, 10 a.m.
Conference Room 325 & Videoconference

Aloha Chair Hashem, Vice Chair Perruso, and Members of the House Committee on Agriculture:

Thank you for the opportunity to provide testimony on SB346 SD2, which requires farm owner or operators to confine egg-laying hens in accordance with the standards established in this measure and effective 6/30/27, prohibits a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a cruel manner.

Hawaiian Airlines is grateful to the elected officials and key stakeholders who have come together to push forward this important legislation. If enacted, this bill will shine a positive light on our state as a leader in animal welfare and will help usher in a food system that is more humane and sustainable. This legislation aligns with our company's commitment to responsible and humane sourcing.

Thank you for the opportunity to provide testimony in support for SB346 SD2.

Testimony of Petersons' Upland Farm
Before the House Committee on Agriculture
March 16, 2022
2:00 p.m. via Videoconference
RE: Senate Bill No. 346 Relating to Farm Animals

Aloha Chair Hashem and committee members;

My name is Marcia Peterson and I am testifying on behalf of our family farm, Petersons' Upland Farm. Although our farm has just under 10,000 laying hens and would be barely exempt from SB 346 S.D.2, we are concerned that this bill is going to be the final nail in the coffin for our smaller local farms that have been operating for decades.

If we were required to convert our housing in 5 years, we would go out of business. A complete housing conversion of this magnitude would require enormous amounts of capital, time, and labor which we could not achieve or afford in 5 years' time.

There has been a lot of testimony from mainland organizations in favor of cage-free housing, but none of them have addressed the large monetary requirements needed by farmers to completely change their existing feeding, watering, and manure systems. This would add a huge debt burden to the smaller farmers.

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 believe 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.

We anticipate that the cost of conversion of our farm to cage-free housing would require a mid-seven figure dollar amount. We strongly suspect that the other small poultry farmers in the state would go out of business too, due to the large capital requirements needed.

Our local poultry farmers would likely need some State financial assistance to make a complete switch to cage-free housing. A conversion timeline of 5 years is way too short and needs to be at least 10-15 years in order for our farmers to tackle a complete conversion of their farms.

We do not have \$100 million dollars to invest in a new housing system like the mainland business syndicate that has built and is expanding a factory farm on O'ahu. With the passage of this bill and the anticipation that all the other small to medium egg producers will go out of business, our state will be left with the one large factory farm and no local competition for island fresh eggs. This bill is not in the best interest of our local consumers nor our local egg producers.

SB-346-SD-2

Submitted on: 3/14/2022 11:02:34 PM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB346 SD2 as a means of preserving environmental, animal, and public health. Please pass this measure. Mahalo.

Personal Testimony in OPPOSITION to SB 346
RELATING TO EGG-LAYING HENS

by
Jenee S. Odani, DVM, DACVP

House Committee on Agriculture
March 16, 2022, 10:00 am
Room Number: Video

Aloha Chair Hashem, Vice Chair Perruso, 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 346**. 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."¹

The AVMA also provides a comparison of different indicators of welfare among different housing systems.² 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 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.

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

² 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.

With these facts in mind, I oppose Senate Bill 346. 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 S	Poor	Poor	Poor
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	Medium	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	Medium	Medium	Medium	Good	Good	Good
Air quality (e.g., dust, ammonia)	Good	¥	¥	¥	Poor	Poor	Good

S = 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:

Good	Medium	Poor	Insuff Data
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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->

SB-346-SD-2

Submitted on: 3/14/2022 7:56:21 PM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Idiots Should not Have any say on this because thay no notting about raiseing Chickens.

I at lest have more than 50+ years raiseing Chickens witch is more then all of you put together!!

SB-346-SD-2

Submitted on: 3/15/2022 10:17:15 AM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sujatha bergen	Individual	Support	Written Testimony Only

Comments:

Date: Wednesday, March 16, 2022

Time & Location: 10:00am, via Videoconference & Conference Room 325

To: Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair
and Members of the House Committee on Agriculture

Submitted by: Jon Kato, Villa Rose

RE: Testimony in strong support of SB 346: Relating to Egg-Laying Hens

Chair Hashem, Vice Chair Perruso 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 346. We support SB 346 with the amendment Sen. Gabbard made to the virtually identical bill (SB 2977) at the Senate AEN hearing on 2/14/22 which moved the effective date to Jan. 1, 2025 and the farm size exemption to 75,000 hens.

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

Personal Testimony Presented before the
HOUSE COMMITTEE ON AGRICULTURE

March 16, 2022, 10:00 a.m.
Room 325 & Videoconference

by
Halina M. Zaleski, Ph.D.

SB 346, SD2 RELATING TO FARM ANIMALS
Testimony in OPPOSITION

Chair Mark J. Hashem, Vice Chair Amy A. Perruso 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 346, SD2. This testimony does not represent the position of the University of Hawai'i or CTAHR.

I OPPOSE SB 346, SD2 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 system. 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-346-SD-2

Submitted on: 3/15/2022 3:15:34 PM

Testimony for AGR on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support SB346.

I know many people who won't buy eggs unless they have the humanely raised certification. To raise livestock humanely is to make us more competitive in the poultry marketplace.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui