

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

FEBRUARY 5, 2021
1:00 P.M.
VIA VIDEOCONFERENCE

SENATE BILL NO. 346
RELATING TO FARM ANIMALS

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 346, that requires egg-laying hens be confined in accordance with the standards established in the measure and prohibits selling shell eggs or egg products produced by egg-laying hens confined in manner not in compliance with those standards.

The Department does not support this bill and provides comments. Local egg producers have been a part of our community for more than 100 years. These family-owned and operated egg farms have made significant contributions to the increase in local food production from 2010 – 2019. Local eggs are one of the select agricultural commodities the Department is monitoring for food security purposes. Requiring local egg producers to be 100% cage free by 2025 increases production costs and the consumer will ultimately bear those cost increases. Achieving compliance by that date will be difficult, costly, and challenging for our kamaaina egg producers.

Further, the Department has grave concerns that this bill criminalizes the confinement of laying hens that deviates from specifications contained in the measure. The term “confined in a cruel manner” is overly broad and includes any deviation from the practices prescribed by the measure. Farming practices constantly evolve to accommodate and adapt to advances in science and the industry. This measure unreasonably restricts this important industry from incorporating innovative and

compassionate egg farming practices as they may occur in the future.

The Department is actively engaged in regulating animal movement, mitigating the entry of, surveilling, and investigating diseases of animal and public health concerns. Currently, departmental resources to perform those important functions are very limited and to compound those responsibilities with the additional enforcement obligations at this time would be ill-advised and challenging. Moreover, the Department believes it is neither fair nor prudent to impose additional regulations on our kamaaina egg producers that include an unattainable and mandatory compliance deadline.

Thank you for the opportunity to testify on this bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Agriculture and Environment
Friday, February 5, 2021 at 1:00 p.m.

By
Nicholas Comerford, Dean
College of Tropical Agriculture and Human Resources
University of Hawai'i at Mānoa

SB 346 – RELATING TO FARM ANIMALS

Chair Gabbard, Vice Chair Nishihara, and members of the Senate Committee on Agriculture and Environment:

Thank you for the opportunity to testify with comments on SB 346 relating to the raising of poultry for egg production. We support the intent of this bill and offer the following comments and suggested amendments.

The College of Tropical Agriculture and Human Resources (CTAHR) engages in research on poultry as well as provides Extension-based training to anyone interested in poultry and egg production.

At least 7 states have passed similar legislation. Of the four remaining poultry layer farms in Hawai'i, to which this bill would apply, there is already a movement to divert part of their flock to a cage-free environment.

We suggest the following changes:

1. It is not clear what authority is used to define the term “cage-free” as well as the designation of “confinement in a cruel manner”. We suggest that the authority for these criteria be presented and allow authorities familiar with the Hawaiian condition to evaluate their validity.
2. The bill does not distinguish between eggs produced in Hawai'i versus outside of Hawai'i. Is the intent to hold producers of eggs outside the state responsible for this bill? If so, that needs to be more clearly stated.
3. Given that the movement within the state is toward what the bill calls “cage-free”, making it against the law and subject to a fine seems premature. This bill does not go into effect for 4 years. It would be better to promote cage-free; and re-evaluate in 3 years the need for such a bill.
4. It is also not clear as to what constitutes an infraction subject to a fine so that subsequent infractions can be determined.

Thank you for the opportunity to submit testimony in support of the intent of SB 346 with comments and suggested amendments.



Chloë Waterman
Program Manager, Food & Agriculture Program
cwaterman@foe.org
202-222-0704

Date: Friday, February 5, 2021

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

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

Submitted by: Bianca Ngala, Friends of the Earth, Food Policy Intern

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

On behalf of Friends of the Earth and our more than 7,500 supporters in Hawaii, we respectfully ask for your support of SB 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.

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.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

1255 23rd Street, NW
Suite 450
Washington, DC 20037
P 202-452-1100
F 202-778-6132
humanesociety.org

Susan Atherton
Co-Chair

Thomas J. Sabatino
Co-Chair

Kitty Block
*President and CEO and
Chief International Officer*

G. Thomas Waite III
*Treasurer
Chief Financial Officer and
Acting Chief Operating Officer*

Katherine L. Karl
*General Counsel and
Chief Legal Officer*

Michaelen Barsness
*Controller and
Deputy Treasurer*

Johanie V. Parra
Secretary

DIRECTORS

Jeffrey J. Arciniaco
Susan Atherton
Eric L. Bernthal, Esq.
Georgina Bloomberg
J. Elizabeth Bradham
Jerry Cesak
Neil B. Fang, Esq., CPA
Caren M. Fleit
Spencer B. Haber
Cathy Kangas
Paula A. Kislak, D.V.M.
Charles A. Laue
Kathleen M. Linehan, Esq.
Mary I. Max
C. Thomas McMillen
Judy Ney
Sharon Lee Patrick
Marsha R. Perelman
Jonathan M. Ratner
Thomas J. Sabatino, Jr.
Walter J. Stewart, Esq.
Jason Weiss
David O. Wiebers, M.D.

Hearing date: Friday, February 5, 2021

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

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

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

RE: Testimony in strong SUPPORT of SB 346: Relating to Farm Animals

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

Thank you for the opportunity to testify on behalf of the Humane Society of the United States in favor of SB 346.

Your committee has a strong record when it comes to supporting improvements in the lives of animals. As you may recall, nearly identical legislation to SB 346 passed out of your committee unanimously just last year, and then also unanimously throughout the entire Senate. (The Covid-19 government shutdowns prevented it from passing in the House.)

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.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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

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

Sincerely,

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



Date: Friday, February 5, 2021

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

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

Submitted by: Sujatha Bergen, Health Campaigns Director, Natural Resources Defense Council, 323 309 6120

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

On behalf of the Natural Resources Defense Council (NRDC) and our supporters across Hawaii, I'm writing to respectfully ask for your support of SB 346.

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

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

Passing SB 346 would be a positive development for sustainable agriculture in Hawaii and beyond. Thank you for considering NRDC's opinion.

NATURAL RESOURCES DEFENSE COUNCIL

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



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Feb. 2, 2021

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

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 346: Relating to Farm Animals
Friday, Feb. 5, 2021, 1 p.m., Via Videoconference

Aloha Chair Gabbard, Vice Chair Nishihara and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 346, which requires farm owner or operators to confine egg-laying hens in accordance with the standards established in this measure. Effective 12/31/25, 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 Humane supports the enforcement and strengthening of current laws and the implementation of humane standards for animals in every phase of animal-based food production. Hawaiian Humane opposes factory farming or any other practice that results in animals being viewed as and treated as machines. The provisions of this bill represent reasonable progress in protecting egg-laying hens from cruel forms of confinement.

We also want to acknowledge the effort that the Humane Society of the United States has put into this measure over the years. It has worked with stakeholders to improve animal welfare in ways that our local farmers can implement. That kind of collaboration makes for good legislation and we ask the committee to pass SB 346.

Mahalo for your consideration.



Date: Friday, February 5, 2021

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

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

Submitted by: Cameron Harsh, Farming Campaign Manager, World Animal Protection, 646-783-2213

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

On behalf of World Animal Protection and our supporters in Hawaii and throughout the United States, we urge you to pass SB 346 Relating to Farm Animals and stand against the cruelty and suffering laying hens endure in intensive confinement systems in the state and across the US.

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

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

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

Cage-free housing for laying hens with enrichments such as litter and perches, for example, has been shown to improve mobility, reduce leg weaknesses, improve skeletal development, and enhance immune function, which is

great for the animals and for business. This stands in stark contrast to current common practice in which multiple hens are crammed together in a battery cage, unable to move freely and spread their wings without touching the other hens or to engage in natural behaviors that enhance their health. In these battery cages, stress and anxiety lead to aggressive behaviors such as feather pecking that can severely wound or even kill the birds. In this environment, hens are highly susceptible to disease.

This is no way to treat an animal. 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 protections for farmed animals.

Please help us ensure that all farmed animals have a life worth living.

Sincerely,



Cameron Harsh
Farming Campaign Manager
World Animal Protection US

www.worldanimalprotection.us

535 8th Avenue, 3rd Floor, New York, NY 10018

T: 1.800.883.9772 F: 1.646.781.9224 E: info@worldanimalprotection.us





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

Hearing date: Friday, February 5, 2020

Time & Location: 1:00pm, Virtual Conference

To: Chair Mike Gabbard

Vice Chair Clarence K. Nishihara

Members of the Senate Committee on Agriculture and Environment

Submitted by: Marie Camino, Policy Advisor

Re: Testimony in strong SUPPORT of SB 346

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

Mercy For Animals, a global nonprofit organization 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.

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. Veal calves in cruel confinement are subjected to increased stress and instances of disease.¹ Additionally, more than a dozen studies have found that salmonella is more prevalent in cage egg production than in cage-free, and pigs confined in crates have constant contact with excrement, increasing their chance of disease.²

¹ Friend TH and Dellmeier GR. 1988. Common practices and problems related to artificially rearing calves: an ethological analysis. *Applied Animal Behaviour Science* 20(1/2):47-62.

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



8033 Sunset Blvd, Ste 864
Los Angeles, CA 90046
866.632.6446
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



**THE HUMANE SOCIETY
OF THE UNITED STATES**

1255 23rd Street, NW
Suite 450
Washington, DC 20037
P 202-452-1100
F 202-778-6132
humanesociety.org

Susan Atherton
Co-Chair

Thomas J. Sabatino
Co-Chair

Kitty Block
*President and CEO and
Chief International Officer*

G. Thomas Waite III
*Treasurer
Chief Financial Officer and
Acting Chief Operating Officer*

Katherine L. Karl
*General Counsel and
Chief Legal Officer*

Michaelen Barsness
*Controller and
Deputy Treasurer*

Johanie V. Parra
Secretary

DIRECTORS

Jeffrey J. Arciniaco
Susan Atherton
Eric L. Bernthal, Esq.
Georgina Bloomberg
J. Elizabeth Bradham
Jerry Cesak
Neil B. Fang, Esq., CPA
Caren M. Fleit

Spencer B. Haber
Cathy Kangas
Paula A. Kislak, D.V.M.
Charles A. Laue
Kathleen M. Linehan, Esq.
Mary I. Max
C. Thomas McMillen
Judy Ney

Sharon Lee Patrick
Marsha R. Perelman
Jonathan M. Ratner
Thomas J. Sabatino, Jr.
Walter J. Stewart, Esq.
Jason Weiss
David O. Wiebers, M.D.

Hearing date : Friday, February 5, 2021

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

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

Submitted by : Lindsay Vierheilig, Hawaii State Director, the Humane Society of the United States

RE: Testimony in strong SUPPORT of SB 346: Relating to Farm Animals

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

Thank you very much for considering my testimony today.

The Humane Society of the United States (HSUS), on behalf of our thousands of supporters across Hawaii, thanks Senators Gabbard, Lee, Rhoads, Riviere, Shimabukuro and Chang for introducing SB 346. We wholeheartedly support the passage of this measure, which provides important protections for egg-laying hens while creating market certainty for egg producers.

All of Hawaii's main egg producers—including 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.

Due to an emergency, Villa Rose's representative was unable to provide testimony for this hearing. But the company has stated if SB 346 passes, it will be able to move forward with fulfilling their \$100M investment and the construction of 24 additional cage-free barns in Hawaii.

In addition, if passed, SB 346 allows Villa Rose to move forward with plans to build a feed mill on their grounds which will create a new, local economy for feed production. **SB 346 will not only strengthen our food supply, but it will help achieve Hawaii's goals of sustainability and self-sufficiency.**

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



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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, by the end of 2025, 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. 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,

Lindsay Vierheilig
Hawaii State Director
The Humane Society of the United States
lvierheilig@humanesociety.org



Date: Friday, February 5, 2021

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

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

Submitted by: Kara Shannon, Senior Manager, Farm Animal Welfare, ASPCA
Kevin O'Neill, Vice President, State Affairs, ASPCA

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

On behalf of the 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. 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 12 other states who have banned cruel confinement in some form, including the most recent law passed in California in 2018 which similarly banned the sale of

products from confinement systems. It 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.



Kara Shannon

Senior Manager, Farm Animal Welfare



Kevin O'Neill

Vice President, State Affairs



HUMANE SOCIETY INTERNATIONAL

Celebrating Animals | Confronting Cruelty
Worldwide

Date: Friday, February 5, 2021

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

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

Submitted by: Dr. Sara Shields, Senior Scientist for Humane Society International

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

Thank you for the opportunity to provide testimony regarding SB 346. I am an ethologist, a specialist in animal behavior and I completed my doctoral work at the University of California at Davis. I am the Director of Farm Animal Welfare Science for Humane Society International, and I work with farmers to implement higher-welfare housing systems around the world. I respectfully request your support for SB 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. 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 the battery-cage environment.^{4,5,6} Cages are simply not acceptable housing environments.

To better accommodate the welfare of hens, modern cage-free housing systems have been developed, widely tested and implemented on farms around the world. In these systems, hens have access to nesting boxes, perches and loose litter. These features are designed around the natural behavior of the hens, working with, rather than suppressing, normal hen activity. Hens

make good use of the nest boxes, because they prefer to lay their eggs in a darkened, enclosed space. The eggs gently roll out of the back of the nests onto an egg belt, which in an automated system carries them to an egg processing station at the end of the barn. When well-managed, floor eggs (those laid outside of the nests) are rare (less than 1%).

Given the trend toward cage-free housing, 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. Cage-free egg producers are subject to the same food safety regulations that cage-egg producers must follow. Systematic comparisons of cages to cage-free systems have shown that there may even be food safety benefits to installing new, cage-free systems.⁷ Cage-free egg production is safe, economical, and efficient.

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 of agriculture. There was little understanding 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 just feed, water and shelter. The application of the new science to improved animal housing designs has resulted in modern, viable, economic animal housing systems that provide more space and key resources. Modern cage-free systems for egg-laying hens are widely and successfully used around the world. In the United States, cage-free egg production has grown from about 4% of the total egg market in 2009 to over 28% 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.

Like any other business, farms must keep up with market shifts and changing social norms. Producers want clarity, with feasible timelines, 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.

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

Director, Farm Animal Welfare Science
Humane Society International

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

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).

⁷ An HSUS Report: Food Safety and Cage Egg Production. 2011.

www.humanesociety.org/sites/default/files/docs/report-food-safety-eggs.pdf. Accessed February 3, 2021.

animaleQUALITY

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

Hearing Date: Friday, February 5, 2021

Time & Location: 1:00 p.m. via Videoconference

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

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

RE: Testimony in SUPPORT of Senate Bill 346 (Relating to Farm Animals)

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

I write on behalf of Animal Equality’s Hawaii members to ask for your support of SB 346. As a farm animal protection nonprofit, Animal Equality has long worked to improve conditions for animals used in agriculture – particularly hens in the egg industry, who are the subject of this legislation – and we have extensive scientific and legal expertise on the topic. Therefore, in addition to conveying our members’ strong message of support for this bill, we offer our knowledge and expertise on the matter, as described below.

The introduction of SB 346 makes Hawaii the latest state to take up the mantle of farm animal welfare – a bipartisan issue that continues to grow in importance across all demographics. This growing interest is borne out of an increasing public concern over the way farm animals are treated. For many, it is a deeply moral issue; for others, it is matter of food safety and public health, prompted by the scientifically proven connection between animal welfare and zoonotic disease, giving the issue an added dimension of significance in light of the COVID-19 pandemic. SB 346 addresses all of these interrelated concerns.

Most of the eggs currently sold in Hawaii come from industrial factory farms that confine hens in extraordinarily 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, and Colorado. Similar protections are also the subject of bills pending in Arizona, Utah, and several other western states. 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

Hearing Date: Friday, February 5, 2021

Time & Location: 1:00pm via video conference

To:

Senator Mike Gabbard, Chair

Senator Clarence Nishihara, Vice Chair

Members of the Senate Committee on Agriculture and Environment

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

RE: Testimony in strong support of SB 346: Relating to farmed animals

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

On behalf of Animal Outlook, I respectfully submit the following testimony to strongly **urge you to vote “Yes” on SB 346** which is currently scheduled for hearing on February 5, 2021 before the Senate Committee on Agriculture and Environment.

Founded in 1995, Animal Outlook (formerly Compassion Over Killing) 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 farmed animals. SB 346 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 our Minnesota investigation.



By establishing bare-minimum standards for animal welfare, SB 346 would significantly reduce the unfathomable suffering of countless animals due to these cruel confinement practices. In passing SB 346, 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 SB 346. 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.

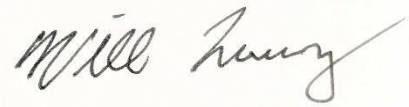
¹ ANIMAL OUTLOOK, *Video Exposes Cruelty at Dunkin Donuts Supplier*, <https://animaloutlook.org/press/press-releases/cruelty-dunkin-donuts-eggs/>

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 SB 346 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 on a light yellow background. The signature reads "Will Lowrey" in a cursive script.

Will Lowrey
Counsel
Animal Outlook



farmsanctuary
rescue • education • advocacy

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

www.farmsanctuary.org

Hearing Date: Friday, February 5, 2021

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

To: Sen. Mike Gabbard, Chair

Sen. Clarence K. Nishihara, Vice Chair

and Members of the Senate Committee on Agriculture & Environment

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

RE: Testimony in Support of SB 346: Relating to Farm Animals

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

I am writing on behalf of Farm Sanctuary and our more than 1.6 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.

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, twelve states (Arizona, California, Colorado, Florida, Kentucky, Maine, Massachusetts, Michigan, Ohio, Oregon, Rhode Island, 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,

Gene Baur
President & Co-Founder
Farm Sanctuary

Hearing Date: Friday, February 5, 2021

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

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

Submitted by: Wendy Watts, Vice President, Legal and General Counsel
The Humane League
704-507-2260

RE: Testimony in STRONG SUPPORT of SB 346: Relating to Farm Animals

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

The Humane League, a global nonprofit organization dedicated to repairing our broken food system, commends the Hawaii legislature for its consideration of SB 346 and, on behalf of our nearly 1,000 Hawaii supporters, we write to voice our strong support of this bill.

With SB 346, the great state of Hawaii has an opportunity to end a cruel and outdated intensive confinement farming practice and dramatically improve animal welfare for egg-laying hens, mitigate the risk of disease and ill effects on human health and create a safer food supply for Hawaii families, and create market and regulatory certainty and consistency.

Hawaii currently has no law in place regarding confinement standards for egg-laying hens. Absent such a law, the vast majority of these animals are confined in a barren wire cage with 6-7 other hens without the space to lie down, stand up, fully extend their limbs, or turn around freely without touching another animal or a wire cage, causing a wide array of debilitating physical conditions. In addition, these birds have no opportunity to engage in natural behaviors such as nesting, scratching, foraging, and dustbathing, causing immense psychological stress and manifesting in stress-induced behavior and weakened immune systems.

Such intensive confinement also leads to an increased incidence of disease for these animals, requiring elevated antibiotic administration and contributing to antibiotic resistance, one of the greatest health threats facing humanity on a global scale, and elevates risks to the food supply and human health, including E. coli, Salmonella, and avian influenza.

With the passage of SB 346, Hawaii would join eight other states that have enacted legislation to ban cruel cages for egg-laying hens. In addition, as every major restaurant chain, food-service company, food manufacturer, and food retailer has made a public commitment to their customers and stakeholders to phase out the use of cages for egg-laying hens in their U.S. supply chains, enacting SB 346 would also support market and regulatory certainty with a reasonable timeline for compliance.

The Humane League supports this essential step in increasing the welfare of egg-laying hens, protecting public health, and joining the country's shift to cage-free farming. We respectfully urge this Committee to vote yes on SB 346.

Sincerely,



Wendy Watts
Vice President, Legal and General Counsel
wwatts@thehumaneleague.org
704-507-2260



Date: Friday, February 5, 2021

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

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

Submitted by: Rachel Dreskin, Executive Director, Compassion in World Farming USA, 678-902-2493

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

We at Compassion in World Farming USA, an international animal protection and environmental organization, write today to express our strong support of SB 346: Relating to Animal Cruelty. Currently, Hawaii has no law in place regarding confinement standards for egg laying hens. This oversight must be remedied immediately with the passing of SB 346 which will establish modest- yet meaningful standards clarifying that egg-laying hens must be able to lie down, stand up, fully extend their limbs, and turn around freely.

The confinement of animals in cages so small they are unable to move threatens the intersection of both animal and human health. SB 346 will result in safer food for families in Hawaii by instating improved welfare standards for farmed animals. The vast majority of eggs sold in Hawaii come from factory farms. These hens are crammed into tiny, wire cages called “battery cages” with 4-9 other birds, a practice that the American public increasingly rejects year after year.

With virtually no freedom of movement, hens cannot express their natural behaviors, engage in crucial social interactions, or simply exercise. These restrictions have been proven to result in cognitive and emotional deprivation, aggression, and illness. In an effort to move away from these systemic problems, SB 346 addresses them by requiring Hawaiian farms meet basic animal welfare standards, including: barring extreme cage confinement, setting explicit space requirements, and guaranteeing enrichments for hens, such as perches and nest boxes, that allow for expression of species-important, natural behavior in a feasible timeline for transition and compliance.

Further, SB 346 ensures all the whole eggs (and egg products), sold in Hawaii meet those same standards by banning the sale of non-compliant products. This maintains a more compassionate food supply for the public, and protects in-state producers by keeping locally produced eggs competitive with out-of-state operations.

Science stands behind SB 346 as well. Extensive research shows that extreme animal confinement is associated with higher risk of animal disease and food-borne illness, in particular: caged egg-laying hens

and Salmonella. Therefore, a move away from cruel cage confinement will result in safer food, with lower rates of bacterial contamination, for Hawaiian consumers. An effort that only doubles in importance as the island currently battles the Covid-19 pandemic. This not only benefits public health in general but could result in a significant reduction in healthcare expenses for individuals, businesses, and the state.

Finally, SB 346 assists Hawaii's transition to cage-free eggs that is already underway, with more than 200 restaurant and retail chains—including Foodland, Safeway, Whole Foods, Subway, and McDonald's—committed to sourcing and selling exclusively cage-free eggs by 2025. This legislation would have the Islands of Hawaii leading the pack when it comes to the move toward a safer, sustainable, and more compassionate food system.

For these reasons, Compassion in World Farming USA urges you to vote YES on SB 346 at the upcoming Senate Agriculture and Environment committee hearing.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Rachel Dreskin". The signature is written in a cursive, flowing style.

Rachel Dreskin
US Executive Director
Compassion in Wrld Farming USA



525 East Cotati Avenue
Cotati, California 94931

T 707.795.2533
F 707.795.7280

info@aldf.org
aldf.org

February 4, 2021

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Senate Committee on Agriculture and Environment
Hawaii State Legislature
415 South Beretania St.
Honolulu, HI 96813

Re: Testimony in support of *An Act Relating to Farm Animals (SB 346)*

Chairman Gabbard, Vice Chairman Nishihara, and honorable members of the Senate Committee on Agriculture and Environment,

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 *An Act Relating to Farm Animals (SB 346)*. We thank Chairman Mike Gabbard for introducing this important legislation and Senators Chris Lee, Karl Rhoads, Gil Riviere, Maile Shimabukuro, and Stanley Chang 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 and shell eggs and egg products sold in Hawaii.

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

SB 346 would end the 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 egg-laying 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 hideously 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 “Confined in a cruel manner” is clearly defined as any non-cage-free enclosure or less than 1 square foot of usable floor space per hen for aviary-type barns or less than 1.5 square feet of usable floor space per 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, Oregon, 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 *An Act Relating to Farm Animals* (SB 346) out of committee to help make Hawaii the next state to go cage-free.

Thank you for your time and consideration. Mahalo nui.

Sincerely,

Stephanie Harris

--

Stephanie J. Harris | Senior Legislative Affairs Manager
Animal Legal Defense Fund | aldf.org
sharris@aldf.org | 617-955-7500

SB-346

Submitted on: 2/4/2021 12:51:26 PM

Testimony for AEN on 2/5/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hunter Heavilin	Testifying for Supersistene	Support	No

Comments:

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee on Agriculture and Environment,

The relationship between animal husbandry and public health emergencies is long and persistent, but only in modern times has it scaled to concerning proportions with the advent of confined animal feeding operations. **I strongly support SB346 as a means of preserving environmental, animal, and public health.**

As author and evolutionary biologist Dr. Rob Wallace (<https://farmingpathogens.wordpress.com/>) has well documented in his book Big Farms Make Big Flu (<https://nyupress.org/9781583675892/big-farms-make-big-flu/>) the relationship between industrial animal agriculture and infectious disease should not be ignored. Furthermore, such operations post considerable risk to environmental health through the potent density of manures produced. Lastly, it should be noted that the inhumane treatment of animals is by no means inherent to animal husbandry and should not be allowed to persist. Please support SB346 to further our statewide goals towards public and environmental health.

Mahalo for the opportunity to testify.

-Hunter Heavilin



HAWAIIAN EGG COMPANY

DBA Mikilua Poultry Farm

Date: Friday, February 5, 2021

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

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

RE: Testimony to Oppose SB 346: Relating to Farm Animals

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

I'm writing to oppose SB 346. We are a 73-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.

First, pointing to the stated purpose... There didn't appear to be any evidence on how the proposed changes will lead to the stated outcomes.

Conversely, there is evidence and data that Conventional Systems provide the best means to control animal health.

Second, on the inference that there is a 'lack of effective regulation of egg production and sales', I strongly disagree with this. We are a USDA Plant and have a USDA inspector in our facility when we process our eggs. Those same inspectors inspect local farms and retailers to make sure all eggs (including mainland) meet the strict USDA standards. Our farm and our processing facility

are Certified Organic, which involves annual audits and inspections (by 3rd party independent certifier), adding additional recordkeeping, regulations and guidelines. We are also subject to FDA regulations and 'surprise' inspections. There is no 'lack of effective regulation'.

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 also consider the following:

- Let the consumer, the market and us, as business owners, dictate when and at what pace to convert
- The cost to convert is substantial. We would have to borrow money to comply, which will increase the already large financial challenge to produce local eggs and stay competitive with mainland eggs. FYI, only 10% of eggs sold in Hawaii are local. The other 90% is mainland. Cost is reason.
- In my opinion, the timeline is not reasonable.

Please do not pass this Bill.

Sincerely,



Iris Shimabukuro
Vice President



Date: Friday, February 5, 2021

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

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

Submitted By: Jennifer Molidor, Ph.D., Senior Food Campaigner, Center for Biological Diversity,
(707) 888-9261

RE: Testimony in strong support of SB 346: Relating to Farm Animals

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

Thank you for considering the testimony of the Center for Biological Diversity re: **SB 346**.

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 in order 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.



By the Center for Biological Diversity

Flooded CAFO and manure field by Rick Dove
Waterkeeper Alliance

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

Gestation crates by Humane Society of the United States



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-us-greenhouse-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-us-greenhouse-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>.

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

⁸Overview 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>.

⁹Pew 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.

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

¹¹ *Id.*

¹²See 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).

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

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

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); see 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.)

¹⁹See, 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).

²⁰See, 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**).

²²*Id.* NRCS AWMFs specifically suggest producers plan for such considerations.

²³**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.

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

²⁵EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017. <https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissions-and-sinks-1990-2017>

²⁶Proposed CAFO Reporting Rule, 76 Fed. Reg. at 65436.

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

Personal Testimony in OPPOSITION to SB 346
RELATING TO FARM ANIMALS

by
Jenee S. Odani, DVM, DACVP

Senate Committee on Agriculture and Environment
Friday, February 5, 2021, 1:00 pm
Room Number: Video

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

My name is Jenee Odani, and I am the Extension Veterinarian with the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources. I am grateful for the opportunity to provide personal testimony in **OPPOSITION to SB 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 numbering more than 10,000. The bill says that the purpose of this is 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

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.

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. As currently written, this bill applies the same standards to the sale of imported shell eggs or egg products in the state. If this bill continues to move forward, it is imperative that both prohibitions (a) concerning farm owners and (b) concerning business owners be passed. Otherwise, this bill would effectively unfairly target local egg producers.

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 §	Poor	Poor	Poor
Mortality from feather pecking and cannibalism	Good	Medium	Medium	Medium	Poor	Poor	Medium
Bone strength and fractures	†	*	*	*	‡	‡	‡
Exposure to disease vectors (e.g., wild birds)	Good	Good	Good	Good	Medium	Medium	Poor
Internal parasites (e.g., coccidia, roundworms)	Good	Good	Good	Good	Poor	Poor	Poor
External parasites	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Bumblefoot	Good	Medium	Medium	Medium	Poor	Poor	Poor
Feather loss	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Hen hysteria and piling/smothering	Good	Good	Good	Good	Poor	Poor	Medium
Risk of predation	Good	Good	Good	Good	Good	Good	Poor
Level of egg production and cleanliness	Good	Good	Good	Good	Medium	Medium	Poor
Use of nest boxes	Poor	Medium	Medium	Medium	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

§ = 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
------	--------	------	-------------

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->

LATE

SB-346

Submitted on: 2/5/2021 11:39:52 AM

Testimony for AEN on 2/5/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Peterson	Individual	Oppose	No

Comments:

Dear Chair Mike Gabbard, Vice Chair Clarence Nishihara, and members of the committee:

I am Chris Peterson writing on behalf of Petersons' Upland Farm LLC and Hawaii Egg producers.

We have supported the bill's purpose but have had mixed feelings on implementation. I offered testimony in support of a nearly identical bill last year. Last year's bill resulted with our farm being supported by all parties involved and so we are very grateful to all parties. However I know it weighed heavily on other members of the industry. And I don't feel it is proper to ask other farms to agree to terms which may be very detrimental to them for our sake.

The result of a thoughtful dialogue between egg producers and other stakeholders was to buy extra time for producers as the original bill called for a one year deadline. We all understand animal health and well being is a priority and do wish to support that cause and already work at improving conditions on our farms. While the timeline was lengthened to give us more time, we felt stuck in between a hard spot last year and ended up doing a plea bargain in a sense to try to get more time. Last year was also exacerbated due to the onset of covid-19 decreasing our ability to forecast future market conditions.

The main points of contention

1) The arbitrary timeline does cause difficulties for farms that have to speed the process up and take large amounts of debt to facilitate the transition. While most have already started the timeline would leave the industry further leveraged and in poor financial health. If something were to happen that jeopardizes the market for us it could lead to farms being insolvent. This financial difficulty is huge to me personally as I don't know if all farms are stronger or weaker now compared to this time last year. Further there is much more uncertainty now; if one farm were to get hit with covid and be forced to shut down to a minimal operation it could be extremely costly and hard to recover from.

2) Another big issue is uncertainty due to jurisdictions. If our farms were to invest in systems that then became insufficient on the federal level what would happen? A

federal bill could feasibly shorten the time to transition or perhaps more likely give more time but make stricter cage policies which would make some of our new investment obsolete unless Hawaii congress comes back to make a new bill to save us from the federal bill. This would be very scary for producers just as the one year timeframe was last year.

I am unaware of other producers' desire to ship eggs out of the state but possibly having exemptions for on farm, processing facility, or other farm owned location sales having an exemption to federal requirements would alleviate the fears of this and guarantee current investments would not be wasted.

3) The rigors of science haven't fully played out and studies over time will better show pros, cons, and confounding factors in the earlier studies and housing systems. Dr. Odani's testimony focuses on this so I won't add anything to that. But again if the studies change such that furnished cages, aviaries preventing contact with any litter, or any other system become the best solution we would be pivoting again but this time from an accelerated change that doesn't necessarily align with our business cycle creating more disadvantages.

I want to thank everyone involved for the effort and thought put into this issue as it is a large one that will continue to be a topic of discussion and thought going forward. I also want to thank everyone for being open to said discussions. Knowing everyone is coming and working together through disagreements and different perspectives to ensure a path forward which is better for consumers, farmers, and animals is the key here. Housing systems are long term investments and we want to make sure that said investments will be fruitful over the lifespan of them. This is also why local producers are already switching new investments into cage free systems. As such I believe that further dialogue is currently the best option.

Thank you for taking your time to read my thoughts on the issue!

Sincerely,
Chris Peterson