



June 13, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC 20515

Dear Speaker McCarthy, Leader Schumer, Leader Jeffries, and Leader McConnell:

We are the Governors of 11 States. Collectively, our States represent over 54 percent of the country's pork production and 47 percent of its cattle production. We write to express our disappointment in the decision by the U.S. Supreme Court in *National Pork Producers Council v. Ross*, No. 21-468, 2023 WL 3356528 (U.S. May 11, 2023) ("*NPPC*"). The *NPPC* opinion upheld California's Proposition 12, rejecting the challengers' argument that California's law impermissibly burdens interstate commerce in violation of the U.S. Constitution.

Food security is national security. The United States has one of the safest and most sustainable domestic food industries in the world. Our livestock producers efficiently and humanely produce the massive amounts of animal protein necessary to affordably feed our country's population. Their resource stewardship is the result of decades of applying and refining science-based, tried-and-true production techniques.

Despite California's reliance on its fellow States for food, Proposition 12 threatens to disrupt the very system Californians depend on for their pork supply. Its strict, activist-drafted requirements for pig farming sharply depart from the practices which are lawful in our States. As Justice Kavanaugh observed, scientific literature suggests that California's requirements could actually *worsen* animal health and welfare. *See NPPC*, at *23 (Kavanaugh, J., concurring in part and dissenting in part). And due to California's market share, 13 percent of the pork market, it would be prohibitively expensive for producers to segregate their pork from sales to California as a market destination from those products destined elsewhere. Instead, to comply with California's onerous and unscientific requirements, pork producers will have to bear costs in

the hundreds of millions (if not billions) of dollars. These costs inevitably pass through the system onto consumers, producers, and workers.

America's pork production system is inherently interstate in its scope and integration. A single State, or handful of States, should not have the power to radically disrupt that system. Given the profound consequences of California's experiment—and cognizant that it should be the rare case where Congress exercises its Commerce Clause power to preempt state law—this is a situation where federal legislation is appropriate and necessary.

We support the right of individuals to choose how and what animal products they consume, and of each State to lawfully regulate livestock production within their respective borders. But the policy and moral preferences of voters in one State should not—and cannot—dictate how farmers raise their crops and livestock across the country. It is imperative that Congress act. Please join us in supporting the reintroduction of the Exposing Agricultural Trade Suppression Act (S. 2619) that had been introduced during the 117th Congress by Sen. Chuck Grassley (R-IA), Sen. Joni Ernst (R-IA), Sen. Roger Marshall (R-KS), Sen. John Cornyn (R-TX), and Sen. Cindy Hyde-Smith (R-MS).

Sincerely,



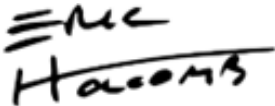
Governor Kim Reynolds
State of Iowa



Governor Jim Pillen
State of Nebraska



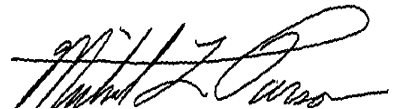
Governor Sarah Sanders
State of Arkansas



Governor Eric Holcomb
State of Indiana



Governor Tate Reeves
State of Mississippi



Governor Mike Parson
State of Missouri



Governor Greg Gianforte
State of Montana



Governor Joe Lombardo
State of Nevada



Governor Kevin Stitt
State of Oklahoma



Governor Greg Abbott
State of Texas



Governor Glenn Youngkin
Commonwealth of Virginia