



February 9, 2022

To: Sen. Mike Gabbard, Chair

Sen. Clarence K. Nishihara, Vice Chair

and Members of the Senate Committee on Agriculture & Environment

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

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

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

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

1. Animal Welfare

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

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

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

In contrast, hens in cage-free systems with enrichments like the ones required in SB 2977 can both exercise and engage in natural behaviors, resulting in less disease, feather pecking, stress, and exceptionally better lives for the hens. Cage-free systems have the potential, unlike caged systems, to provide for the behavioral needs of hens. However, all systems have welfare risks that must be managed properly to reduce harm. Some reluctant producers cite keel bone injuries, which can occur in cage-free systems, as a reason to continue using battery cages. However, the incidence of keel bone fracture is greatly reduced when hens are reared as pullets in the same type of housing system they will live in as adults, so they learn how to navigate the aviary while they are young. In addition, caged hens are at greater risk for bone fractures during depopulation, since their bones are weaker due to lack of exercise.⁴ Proponents of caged systems also cite

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

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

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

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

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

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

2. Industry Landscape

The production landscape is transitioning rapidly to cage-free due to consumer demand, state legislation, and retailer commitments. The proportion of cage-free hens has more than tripled since 2016, up from 10% of the nation’s total egg-laying flock to over 33% of the total laying flock today.⁷ Nine states—California, Colorado, Massachusetts, Utah, Nevada, Washington, Oregon, Rhode Island, and Michigan—have already banned the production and/or sale of eggs from caged systems. One of the latest state bans to go into effect was in California, which represents the fifth largest economy in the world. The total number of cage-free hens increased by 18% last year alone, largely in preparation for the California ban, and is expected to

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

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

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

continue to rise as more state bans go into effect now through 2026.⁸ In one industry survey, 37 producers estimated that over 70% of their hens will be housed in cage-free systems by 2030.⁹

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

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

3. Public Health

High stocking densities, coupled with poor ventilation and the stressful living conditions of intensive livestock production—including egg production—can create prime conditions for disease outbreaks. The CDC estimates that 75% of new or emerging infectious diseases come from animals.¹² The risk of disease transmission is greater when humans come into close contact

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

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

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

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

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

with animals kept in crowded conditions. Therefore, any legislation regarding animal agriculture must encourage less stressful, crowded, and unsanitary practices.

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

4. Cost Considerations

The cost considerations regarding cage-free eggs are negligible for both consumers and existing cage-free producers, and producers who transition from caged to cage-free systems will likely see positive returns on investment. The United States Department of Agriculture's (USDA) data on retail egg prices in Hawaii is incomplete due to a lack of publicly available sources. However, we have roughly estimated the average price of one dozen cage-free, large, Grade A brown eggs to be \$3.05 over the last eight months and the average price of one dozen conventional, large, Grade A white eggs to be \$2.94. In some cases, the average price of cage-free eggs in Hawaii was less than that of conventional eggs by as much as \$0.42.¹⁴ Thus, our findings indicate that the bill will not impose a financial burden on consumers.

CIWF is committed to ensuring that economic status is not a barrier to accessing higher welfare food options. Hawaii's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) approved cage-free eggs for purchase through the program in November 2021, meaning that low-income families on WIC would not be impacted by this bill. In our

¹³ See Compassion in World Farming (2013) *Zoonotic Disease, Human Health, and Farm Animal Welfare*. [Zoonotic-diseases-human-health-and-farm-animal-welfare-16-page-report.pdf](https://www.ciwf.org.uk/wp-content/uploads/2013/06/Zoonotic-diseases-human-health-and-farm-animal-welfare-16-page-report.pdf) (ciwf.org.uk)

¹⁴ See USDA Economics, Statistics and Market Information System, *Shell Eggs: USDA Weekly Retail Shell Egg and Egg Products Feature Activity Report*, Jan 28, 2022 – June 4, 2021. [Publication | Shell Eggs: USDA Weekly Retail Shell Egg and Egg Products Feature Activity Report \(Fri\) | ID: q237hr94j | USDA Economics, Statistics and Market Information System](https://www.ams.usda.gov/webdirectives/ShellEggs) (cornell.edu)

communications with Hawaii WIC, the agency stated that the price of cage-free eggs in the state is comparable to conventional eggs. So, the addition of cage-free eggs did not significantly impact their food expenditures, further confirming that consumers will not be negatively impacted. Retail mark-up is also expected to decrease as cage-free eggs would no longer be considered a specialty item, further reducing the price of cage-free eggs for Hawaii's consumers in the long term. In addition, existing cage-free producers will likely benefit from this bill as competition from conventional producers will be reduced or eliminated.

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

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

Thank you for your consideration of this testimony and for your attention to this issue. Please feel free to contact Ben Williamson, US Executive Director of CIWF (Ben.Williamson@ciwf.org) or Allie Molinaro, Campaigns Coordinator of CIWF (Allison.Molinaro@ciwf.org) with any questions.