



UNITED VOICES

December 12, 2019

d/b/a Egg Farmers of America

Jury's Decision – Total Vindication for UEP and Egg Industry!

United Egg Producers (UEP) and its farmer-members are pleased with today's jury verdict in favor of UEP and all other defendants in the Egg antitrust trial in Philadelphia. The jury's decision is a total vindication for the egg industry. It recognizes that UEP's development and implementation of the UEP Certified program was to assure the care of egg-laying flocks, to meet the needs of egg-purchaser customers which were under pressure to adopt new supplier policies, and to align with changing consumer expectations. Our UEP Certified program, which was developed from recommendations by an independent national Scientific Advisory Committee comprised of experts in animal welfare and avian health, provides guidelines for how hens should be housed in modern egg-laying operations. As representatives of the large majority of U.S. egg production, UEP has made hen health, animal care and egg safety a top priority. That will not change.

Merry Christmas from the UEP Staff



Front L to R: Sherry Shedd, Chad Gregory, Audrey Wierson, Kathy Bryan
Back L to R: Jim Blizzard, Oscar Garrison, Dr. Larry Sadler

UEP 2020 Events

January 27-28

Committee and Board Meetings

May 20-22

Legislative Board Meeting

August 17-26

Area Meetings

October 13-16

Annual Meeting and Executive Conference

USDA Outlines Key Sanitation Expectations



Jeff Hendricks and Oscar Garrison respond to questions during webinar.

Jeff Hendricks, assistant national supervisor for shell eggs for USDA Agriculture Marketing Services (AMS), presented comprehensive information about the agency's sanitation requirements and changes to the pre-operational sanitation report in a webinar on December 10.

Webinar sponsors, UEP and the U.S. Poultry & Egg Association, worked closely with the National Shell Egg Team at AMS to bring this important information to shell egg plants that pack eggs under the AMS grade shield. "It was our hope that attendees could utilize this industry outreach to bring together key employees and supervisors in processing and sanitation, so everyone has a more comprehensive understanding of these sanitation changes," said Oscar Garrison, UEP's SVP of Food Safety Regulatory Affairs.

The changes to the pre-operational sanitation report are effective January 1, 2020. The well-attended webinar had over 250 participants who asked numerous questions. The last 45 minutes of the two-hour webinar were reserved for an extensive Q&A session with AMS personnel providing additional industry guidance and responses to over 50 questions.

UEP thanks Jeff Hendricks, Victor Barajas, and Mark Perigen of the AMS National Shell Egg Program for gathering and presenting the materials during the webinar; Dr. Denise Heard, Rafael Rivera, and Gwen Venable for their technical work; and Dr. Deana Jones, from USDA Agricultural Research Service, and Dr. Darrin Karcher, from Purdue University, for providing photography and support for the program.

UEP January Meeting Schedule

The UEP Committee Briefings and Board Meeting will take place on January 27 and 28 at the Westin Peachtree Plaza in Atlanta before the [International Production & Processing Expo](#) (IPPE). The UEP room block is closed. Hotel registration confirmations will be emailed in mid to late January.

Monday, January 27

- 10:00 am – 1:00 pm Registration – Chastain Level
- 10:00 am – 1:30 pm Executive Committee Meeting (Lunch Included) – Chastain C
- 2:00 pm – 4:00 pm Animal Welfare Issues Briefing and Committee Meeting – Chastain FGH
- 2:00 pm – 4:00 pm Food Safety Issues Briefing and Committee Meeting – Chastain DE
- 4:00 pm – 4:30 pm Break
- 4:30 pm – 6:00 pm Government Relations Issues Briefing and Committee Meeting – Chastain FGH
- 4:30 pm – 5:15 pm Animal Health & Biosecurity Issues Briefing and Committee Meeting- Chastain DE
- 5:15 pm – 6:00 pm Environment Issues Briefing and Committee Meeting – Chastain DE
- 6:00 pm – 7:00 pm Palomar Insurance Hosted Reception – Chastain Overlook

Tuesday, January 28

- 7:00 am – 8:00 am Breakfast - Chastain DE
- 8:00 am – 11:00 am Board Meeting – **Open to UEP Members Only** - Chastain FG

**Briefings are open to ALL ATTENDEES unless noted otherwise*

The following meetings are also taking place:

- UEA Further Processors Meeting Tuesday 12:00 pm – 2:00 pm (Lunch Included) – Chastain H
- Joint SAC/Producer Meeting Wednesday 9:00 am – 3:00 pm (Lunch Included) – Chastain H

Animal Welfare Updates

Prop 12 Challenged by NAMI and National Pork Board

On November 22, U.S. District Judge Christina Snyder indicated she will not issue a preliminary injunction against California's Proposition 12 as requested by the North American Meat Institute's



(NAMI) legal challenge to the law. According to an [MSN report](#), the judge noted the measure applies evenly no matter where production takes place and found no serious argument that it substantially burdened interstate commerce, even if it denied the trade group the “preferred, more profitable method of operating in a retail market.”

On December 5, the National Pork Board and American Farm Federation filed a lawsuit on behalf of the pork industry challenging Proposition 12, largely citing the Commerce Clause. The lawsuit states that California does not produce enough pork for the entire state and thus impacts pork production in other states. The lawsuit also targets the ballot initiative process stating “Because Proposition 12 was a ballot initiative, it was passed without any semblance of meaningful legislative deliberation, let alone inclusive input and

inquiry into the impacts of its requirements on national commerce in pork, on the pork production industry, or even the welfare of sows.” Read more in [“Pork Industry Sues Over California Law on Animal Confinement,”](#) from *The New York Times*.

Iowa's Newest Ag Gag Law Challenged

On December 2, a federal judge issued an injunction against Iowa's Agricultural Production Facility Trespass Law, commonly called the “Ag Gag” law. The updated law was passed by the Iowa legislature a few months after an [injunction against the original law](#). According to [the Des Moines Register](#), the legal challenges to the two laws will move through the courts separately.

Cruelty to Animals a Federal Crime

President Trump signed a [bipartisan initiative](#) that makes it a federal crime to purposely engage in “intentional crushing, burning, drowning, suffocating, impalement of or other serious harm to living non-human mammals, birds, reptiles or amphibians.” The law is an expansion of the federal law banning “animal crush videos.” The law also notes, in general, it does not apply to customary animal agricultural practices, hunting, slaughter or euthanasia.

USMCA Deal Announced



Speaker Nancy Pelosi (D-CA) and other House leaders announced they had reached agreement with the Trump administration on the U.S.-Mexico-Canada Agreement on December 10. The trade pact, which UEP and nearly all other U.S. farm groups support, updates the North American Free Trade Agreement and should come to a vote in the House within days. It is widely expected to pass by a large margin with Senate approval soon afterward.

The latest agreement, involving stepped-up enforcement of labor rights in Mexico, is being claimed as a victory by Republicans and Democrats alike. The agreement comes as the other major source of trade uncertainty – the complex U.S. disputes with China – remain unsettled. Chinese pledges to purchase \$40 billion-\$50 billion in U.S. farm goods have not yet come to pass.

Farm Workforce Modernization Act

Last month, Zoe Lofgren (D-CA) introduced a bipartisan guestworker/H-2A reform bill, the [Farm Workforce Modernization Act](#). On November 21, the bill was approved by the House Judiciary Committee on an 18-12 party-line vote. The Rules Committee held a meeting on December 10, and the bill is expected to be sent to the House floor for a vote on December 12. UEP has expressed support for the bill and worked closely with Congress to ensure egg producers' priorities were preserved.



The bill provides significant improvements to the H-2A program by simplifying the application process, modernizing recruitment, stabilizing the agricultural workforce, and providing Certified Agricultural Workers (CAW) the opportunity to apply for a green card. The bill includes language defining the applicable workers as those involved in all branches of farming, like dairying, growing, raising livestock and poultry, and any practices performed by a farm or farmer related to such farming operations. The bill also extends the definition to cover workers in processing and market preparation.

In addition to modernizing the H-2A program, the bill would also establish a program for agricultural workers to earn legal status through continued agricultural employment and contribution to the U.S. agricultural economy.

While much of the bill supports UEP's position on workforce modernization, the bill does contain a concerning provision that establishes a mandatory, nationwide E-Verify system. The system would only be made mandatory for the agricultural sector and would include a phase-in and guaranteed due process for authorized workers that may be incorrectly rejected, while protecting employers who are inadvertently harmed while implementing the new system.

The PFAS Contamination Crisis

A Story Perfect for the Movies

The family of chemicals known as PFAS (per- and polyfluoroalkyl substances) has about 1,500 different members that are in manufactured products and substances that touch almost every aspect of our lives. PFAS bioaccumulates, causing serious concerns raised by public health advocates, consumer groups and environmentalists. Animals that ingest tainted feed or water can accumulate PFAS in their tissue and PFAS has also been found in eggs.

Used since the 1940s, they are found in all types of food packaging, stain-resistant household materials and furnishings, sprayable stain protectors, non-stick cookware, water repellent gear, aerospace, medical, and automotive devices and applications. They are a key ingredient in firefighting foams, waxes and many other industrial applications. PFAS are remarkably durable and mobile. Once released the chemicals move into and persist in the soil, water and the biological organisms in which they come into contact. What PFAS contamination means for animal and human health remains unclear.

According to the FDA, “the science surrounding potential health effects of PFAS is developing” but the “current evidence suggests that the bioaccumulation of certain PFAS may cause serious health



conditions” (emphasis added). This kind of uncertainty can lead to profound fears for consumers and disaster in the marketplace. A 4,000-head New Mexico dairy farmer, whose operation is near an Air Force base where PFAS firefighting foam was used for decades, is preparing to cull and dispose of his entire herd and is dumping the farm’s milk due to PFAS in the farm’s drinking water. The milk and cows are unsellable, as are any crops grown in his contaminated soil. The farmer is suing the firefighting foam manufacturers and the Department of Defense for damages.

Congress sought to address this general PFAS matter in 2019, with about 20 bills being introduced, but the issue is proving too controversial, with too many unknowns (including the potential costs), for legislators to work out an acceptable deal. One of the key questions is how to treat PFAS-contaminated products and waste materials when released into the environment; are they toxic substances or pollutants that merit Superfund treatment?

A new movie, “Dark Waters”, was released this fall into this combustible situation with considerable success (currently 6th in US box office receipts). The movie stars Mark Ruffalo and tells a story about an industry lawyer who decides to take on Dupont, one of PFAS’ first and biggest manufacturers, after 170 dairy cows were said to have died from drinking highly PFAS contaminated water. UEP will continue to monitor these developments and assist the U.S. egg industry in responding appropriately.

Real Eggs Seal Available for Menus, Packaging

[REAL Eggs certification seals](#), created by the American Egg Board, are available for restaurants and foodservice outlets to use on menus and for promotional efforts, as well as for food manufacturers to use on food packaging. There are three main requirements for using the seals: no imitations, no substitutes, and made in the U.S.A.

The requirements support U.S. egg producers, ensuring eggs and egg ingredients are produced under U.S. government food safety protocols versus imported eggs and egg ingredients, which are not.

The use of the seals is free but [registration is required](#) to download the logos.



2020 Industry Events

2020 Midwest Poultry Federation Convention

March 17-19 at the Minneapolis Convention Center, Minneapolis, Minnesota

Click here for [Registration and hotel reservations](#).

Egg Forum 2020, sponsored by the Egg Industry Center

April 14-15 at the Sheraton West, Des Moines, Iowa

More details will be available when the Forum 2020 website goes live at the end of January.

The Shell Egg Academy (SEA)

April 20-23 at the Marriott Courtyard, Lafayette, Indiana

Topics covered are relevant to the challenges facing the table egg industry, and attendees will earn a Competency Certificate upon passing a written exam. Registration opens December 16.

The 2020 National Egg Quality School (NEQS)

May 18-21 at the Crowne Plaza, Harrisburg, Pennsylvania

The [27th Annual National Egg Quality School](#) continues the tradition of a curriculum that is designed for participants to learn as much as possible about egg quality and safety, etc. in a comprehensive four days. The school uses a combination of lectures, individualized instruction, and hands-on egg candling in a laboratory. Attendees will earn Certificates of Proficiency upon passing a written and egg candling examination. [Click here to register](#).

Industry News

[“Center for Food Safety petitions for more accurate drug residue testing,”](#) in meat, poultry, and egg products, from *Food Safety News*.



[“Gillibrand bill empowers FDA to chase down sources of food borne illnesses to wherever they go,”](#) discusses U.S. Senator Kirsten Gillibrand’s, D-NY, proposed Expanded Food Safety Inspection Act, which allows FDA to collect samples from CAFOs.

The Senate Committee on Health, Education, Labor, and Pensions approved Dr. Stephen Hahn’s appointment with the Senate likely to vote by the end of the year in [“Senate ready for confirmation vote on Hahn as next FDA commissioner,”](#) from *Food Safety News*.

[“What role for the dual-purpose chicken?”](#) summarizes the research in Germany on chickens bred to be used for egg production with the males used for meat production from *Poultry World*.

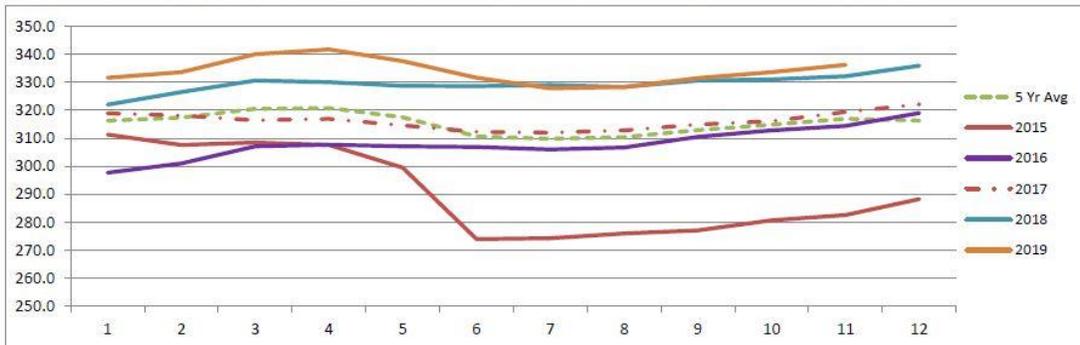
The commentary [“Where animal welfare fails,”](#) talks about today’s zero tolerance zone and emphasizes the importance of animal welfare training combined with direct observation from *Feedstuffs*.

[“S&R Egg Farm plans to build new layer farm,”](#) was published in *WattAg*.

Hen Inventory

Monthly Hen Inventory 12/10/2019 8:47 (Million Hens First Day Of Month) Source: USDA Chicken & Egg Report

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Avg.
5 Yr Avg	316.3	317.4	320.5	320.8	317.5	310.7	309.8	310.4	312.9	314.8	316.9	316.3	315.4
2013	298.6	298.8	300.6	300.2	296.0	297.2	296.7	298.0	300.9	299.3	303.0	306.1	305.2
2014	308.2	306.2	307.1	308.3	308.2	306.9	307.1	309.3	309.9	310.8	310.7	314.7	309.0
2015	311.3	307.6	308.5	307.6	299.5	274.0	274.3	276.0	277.1	280.7	282.6	288.3	290.6
2016	297.7	301.0	307.1	307.7	307.1	306.9	306.0	306.7	310.5	312.8	314.4	319.0	308.1
2017	318.9	318.1	316.4	316.9	314.6	312.3	312.0	312.8	314.9	316.1	319.4	322.1	316.2
2018	322.0	326.5	330.6	330.0	328.7	328.6	329.0	328.3	330.6	331.0	332.1	335.9	329.4
2019	331.6	333.6	340.0	341.7	337.5	331.6	327.8	328.3	331.5	333.6	336.2		333.9



Source: The monthly hen inventory is released by the USDA National Agricultural Statistics Service (NASS) as the "Chicken and Egg" report. UEP uses the information from NASS and creates this report so that there is a resource for comparison of previous months and years.

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