AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1947
OFFERED BY MR. DENHAM OF CALIFORNIA

Strike section 12314 and insert the following new section:

SEC. 12314. HEN HOUSING AND TREATMENT STANDARDS.

(a) DEFINITIONS.—Section 4 of the Egg Products Inspection Act (21 U.S.C. 1033) is amended—

(1) by redesignating subsection (a) as subsection (c);

(2) by redesignating subsections (b), (e), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), (j), and (k), respectively;

(3) by redesignating subsections (h) and (i) as subsections (n) and (o), respectively;

(4) by redesignating subsections (j), (k), and (l) as subsections (r), (s), and (t), respectively;

(5) by redesignating subsections (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z) as subsections (v), (w), (x), (y), (z), (aa), (bb), (ee), (dd), (ee), (ff), (gg), (hh), and (ii), respectively;
(6) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

“(a) The term ‘adequate environmental enrichments’ means adequate perch space, dust bathing or scratching areas, and nest space, as defined by the Secretary of Agriculture, based on the best available science, including the most recent studies available at the time that the Secretary defines the term.

“(b) The term ‘adequate housing-related labeling’ means a conspicuous, legible marking on the front or top of a package of eggs accurately indicating the type of housing that the egg-laying hens were provided during egg production, in one of the following formats:

“(1) ‘Eggs from free-range hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production—

“(A) not housed in caging devices; and

“(B) provided with outdoor access.

“(2) ‘Eggs from cage-free hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, not housed in caging devices.

“(3) ‘Eggs from enriched cages’ to indicate that the egg-laying hens from which the eggs or egg
products were derived were, during egg production, housed in caging devices that—

“(A) contain adequate environmental enrichments; and

“(B) provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.

“(4) ‘Eggs from caged hens’ to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that either—

“(A) do not contain adequate environmental enrichments; or

“(B) do not provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.”;

(7) by inserting after subsection (c), as redesignated by paragraph (1), the following new subsections:

“(d) The term ‘brown hen’ means a brown egg-laying hen used for commercial egg production.

“(e) The term ‘caging device’ means any cage, enclosure, or other device used for the housing of egg-laying
hens for the production of eggs in commerce, but does not
include an open barn or other fixed structure without in-
ternal caging devices.”;

(8) by inserting after subsection (k), as redesig-
nated by paragraph (2), the following new sub-
sections:

“(l) The term ‘egg-laying hen’ means any female do-
mesticated chicken, including white hens and brown hens,
used for the commercial production of eggs for human
consumption.

“(m) The term ‘existing caging device’ means any
caging device that was continuously in use for the produc-
tion of eggs in commerce on or before December 31,
2011.”;

(9) by inserting after subsection (o), as redesig-
nated by paragraph (3), the following new sub-
sections:

“(p) The term ‘feed-withdrawal molting’ means the
practice of preventing food intake for the purpose of in-
ducing egg-laying hens to molt.

“(q) The term ‘individual floor space’ means the
amount of total floor space in a caging device available
to each egg-laying hen in the device, which is calculated
by measuring the total floor space of the caging device
and dividing by the total number of egg-laying hens in
the device.”;

(10) by inserting after subsection (t), as redes-
ignated by paragraph (4), the following new sub-
section:

“(u) The term ‘new caging device’ means any caging
device that was not continuously in use for the production
of eggs in commerce on or before December 31, 2011.”;

and

(11) by inserting at the end the following new
subsections:

“(jj) The term ‘water-withdrawal molting’ means the
practice of preventing water intake for the purpose of in-
ducing egg-laying hens to molt.

“(kk) The term ‘white hen’ means a white egg-laying
hen used for commercial egg production.”.

(b) HOUSING AND TREATMENT OF EGG-LAYING
HENS.—The Egg Products Inspection Act (21 U.S.C.
1031 et seq.) is amended by inserting after section 7 (21
U.S.C. 1036) the following new sections:

“SEC. 7A. HOUSING AND TREATMENT OF EGG-LAYING
HENS.

“(a) ENVIRONMENTAL ENRICHMENTS.—

“(1) EXISTING CAGING DEVICES.—Beginning
on the date that is 15 years after the date of enact-
ment of the Federal Agriculture Reform and Risk Management Act of 2013, all existing caging devices shall provide egg-laying hens housed therein adequate environmental enrichments.

“(2) NEW CAGING DEVICES.—Beginning on the date that is 9 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, all new caging devices shall provide egg-laying hens housed therein adequate environmental enrichments.

“(3) CAGING DEVICES IN CALIFORNIA.—

“(A) NEW CAGING DEVICES.—All caging devices in California installed after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 shall provide egg-laying hens housed therein adequate environmental enrichments beginning on the date that is 90 days after that date of enactment.

“(B) EXISTING CAGING DEVICES.—All caging devices in California installed before the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 shall provide egg-laying hens housed therein
adequate environmental enrichments beginning on January 1, 2024.

“(b) FLOOR SPACE.—

“(1) EXISTING CAGING DEVICES.—All existing caging devices shall provide egg-laying hens housed therein—

“(A) beginning on the date that is 4 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and until the date that is 15 years after such date of enactment, a minimum of 76 square inches of individual floor space per brown hen and 67 square inches of individual floor space per white hen; and

“(B) beginning on the date that is 15 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(2) NEW CAGING DEVICES.—All new caging devices shall provide egg-laying hens housed therein—
“(A) beginning on the date that is 3 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and until the date that is 6 years after such date of enactment, a minimum of 90 square inches of individual floor space per brown hen and 78 square inches of individual floor space per white hen;

“(B) beginning on the date that is 6 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and until the date that is 9 years after such date of enactment, a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen;

“(C) beginning on the date that is 9 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and until the date that is 12 years after such date of enactment, a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen;
“(D) beginning on the date that is 12 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and until the date that is 15 years after such date of enactment, a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen; and

“(E) beginning on the date that is 15 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(3) CALIFORNIA CAGING DEVICES.—

“(A) EXISTING CAGING DEVICES.—All caging devices in California installed before the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 shall provide egg-laying hens housed therein—

“(i) beginning on January 1, 2015, and through December 31, 2023, a minimum of 134 square inches of individual floor space per brown hen and 116 square
inches of individual floor space per white hen; and

“(ii) beginning on January 1, 2024, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(B) NEW CAGING DEVICES.—All caging devices in California installed after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013 shall provide egg-laying hens housed therein—

“(i) beginning on the date that is 90 days after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, and through December 31, 2023, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

“(ii) beginning on January 1, 2024, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.
“(c) AIR QUALITY.—

“(1) IN GENERAL.—Beginning on the date that is 2 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, an egg handler shall provide all egg-laying hens under the ownership or control of such handler with acceptable air quality, which does not exceed more than 25 parts per million of ammonia during normal operations.

“(2) TEMPORARY EXCESS AMMONIA LEVELS ALLOWED.—Notwithstanding paragraph (1), an egg handler may provide egg-laying hens under the ownership or control of such handler with air quality containing more than 25 parts per million of ammonia for temporary periods as necessary because of extraordinary weather circumstances or other unusual circumstances.

“(d) FORCED MOLTING.—Beginning on the date that is 2 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, no egg handler may subject any egg-laying hen under the ownership or control of such handler to feed-withdrawal or water-withdrawal molting.

“(e) EUTHANASIA.—Beginning on the date that is 2 years after the date of enactment of the Federal Agri-
culture Reform and Risk Management Act of 2013, an egg handler shall provide, when necessary, all egg-laying hens under the ownership or control of such handler with euthanasia that is humane and uses a method deemed ‘Acceptable’ by the American Veterinary Medical Association.

“(f) PROHIBITION ON NEW UNENRICHABLE CAGES.—No person shall build, construct, implement, or place into operation any new caging device for the production of eggs to be sold in commerce unless the device—

“(1) provides the egg-laying hens to be contained therein a minimum of 76 square inches of individual floor space per brown hen or 67 square inches of individual floor space per white hen; and

“(2) is capable of being adapted to accommodate adequate environmental enrichments.

“(g) EXEMPTIONS.—

“(1) RECENTLY-INSTALLED EXISTING CAGING DEVICES.—The requirements under subsections (a)(1) and (b)(1)(B) shall not apply to any existing caging device that was first placed into operation between January 1, 2008, and December 31, 2011. This exemption shall expire on December 31, 2029, at which time the requirements contained in subsections (a)(1) and (b)(1)(B) shall apply to all existing caging devices.
“(2) **HENS ALREADY IN PRODUCTION.**—The requirements under subsections (a)(1), (a)(2), (b)(1)(B), and (b)(2) shall not apply to any caging device containing egg-laying hens who are already in egg production on the date that such requirement takes effect. This exemption shall expire on the date that such egg-laying hens are removed from egg production.

“(3) **SMALL PRODUCERS.**—This section shall not apply to an egg handler who buys, sells, handles, or processes eggs or egg products solely from 1 flock of not more than 3,000 egg-laying hens.

“(4) **EDUCATIONAL AND RESEARCH INSTITUTIONS.**—The provisions of this section related to housing, treatment, or housing-related labeling shall not apply to egg production at an accredited educational or research institution, or to the purchase, sale, handling, or processing of eggs or egg products in connection with such production.

“(5) **INDIVIDUAL ENCLOSURES.**—The environmental enrichment requirements under subsection (a) shall not apply to any caging device that contains only 1 egg-laying hen.

“(6) **OTHER LIVESTOCK OR POULTRY PRODUCTION.**—This section shall apply only to commercial
egg production. This section shall not apply to the
production of pork, beef, turkey, dairy, broiler chick-
en, veal, or other livestock or poultry.

“SEC. 7B. PHASE-IN CONVERSION REQUIREMENTS.

“(a) NATIONAL CONVERSION REQUIREMENTS.—

“(1) FIRST CONVERSION PHASE.—Beginning on
the date that is 6 years after the date of enactment
of the Federal Agriculture Reform and Risk Man-
agement Act of 2013, at least 25 percent of the egg-
laying hens in commercial egg production shall be
housed either in new caging devices or in existing
caging devices that provide the hens contained there-
in with a minimum of 102 square inches of indi-
vidual floor space per brown hen and 90 square
inches of individual floor space per white hen.

“(2) SECOND CONVERSION PHASE.—Beginning
on the date that is 12 years after the date of enact-
ment of the Federal Agriculture Reform and Risk
Management Act of 2013, at least 55 percent of the
egg-laying hens in commercial egg production shall
be housed either in new caging devices or in existing
caging devices that provide the hens contained there-
in with a minimum of 130 square inches of indi-
vidual floor space per brown hen and 113 square
inches of individual floor space per white hen.
“(3) Final Conversion Phase.—Beginning on December 31, 2029, all egg-laying hens confined in caging devices shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

“(b) California Conversion Requirements.—

“(1) First Conversion Phase.—Beginning on the date that is 2 years and 180 days after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, at least 25 percent of the egg-laying hens in commercial egg production in California shall be provided adequate environmental enrichments and a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen.

“(2) Second Conversion Phase.—Beginning on the date that is 5 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, at least 50 percent of the egg-laying hens in commercial egg production in California shall be provided adequate environmental enrichments and a minimum of 134 square inches of
individual floor space per brown hen and 116 square inches of individual floor space per white hen.

“(3) THIRD CONVERSION PHASE.—Beginning on the date that is 7 years and 180 days after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, at least 75 percent of the egg-laying hens in commercial egg production in California shall be provided adequate environmental enrichments and a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen.

“(4) FINAL CONVERSION PHASE.—Beginning on the date that is 10 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, all egg-laying hens in commercial egg production in California shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hens.

“(c) COMPLIANCE.—

“(1) IN GENERAL.—At the end of the 6-year period that begins on the date of enactment of the Federal Agriculture Reform and Risk Management
Act of 2013, the Secretary shall determine, after having reviewed and analyzed the results of an independent, national survey of caging devices, whether—

“(A) the requirements of subsection (a)(1) have been met; and

“(B) the requirements of subsection (b)(2) have been met.

“(2) NATIONAL CONVERSION REQUIREMENTS NOT MET.—If the Secretary finds that the requirements of subsection (a)(1) have not been met, beginning on January 1, 2020, the floor space requirements (regardless of the date on which such requirements expire) related to new caging devices under subsection (b)(2)(B) of section 7A shall apply to existing caging devices placed into operation prior to January 1, 1995.

“(3) CALIFORNIA CONVERSION REQUIREMENTS NOT MET.—If the Secretary finds that the requirements of subsection (b)(2) have not been met, beginning on the date that is 1 year after the date on which the Secretary makes such finding, the floor space and enrichments requirements (regardless of the date on which such requirements become effective) under subsection (a)(3)(A) and subsection
(b)(3)(B)(ii) of section 7A shall apply to all caging devices in California.

“(4) REPORT.—On the date that is 12 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, and on or after December 31, 2029, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the compliance with subsections (a) and (b).

“(5) RELATIONSHIP TO OTHER ENFORCEMENT PROVISION.—Notwithstanding section 12, the remedies provided in this subsection shall be the exclusive remedies for violations of this section.”.

(e) INSPECTIONS.—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended—

(1) in subsection (d), in the first sentence, by inserting “(other than requirements with respect to housing, treatment, and housing-related labeling)” after “as he deems appropriate to assure compliance with such requirements”; and

(2) in subsection (e)—

(A) in paragraph (1)—
(i) in subparagraph (A), by striking “and”;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) are derived from egg-laying hens housed and treated in compliance with section 7A; and”;

(iv) in subparagraph (C), as redesignated by clause (ii), by inserting “adequate housing-related labeling and” after “contain”;

(B) in paragraph (2), by striking “In the case of a shell egg packer” and inserting “In the case of an egg handler with a flock of more than 3,000 egg-laying hens or a shell egg packer”;

(C) in paragraph (3), by inserting “(other than requirements with respect to housing, treatment, and housing-related labeling)” after “to ensure compliance with the requirements of paragraph (1)”;

(D) in paragraph (4), by striking “with a flock of not more than 3,000 layers.” and in-
serting “who buys, sells, handles, or processes eggs or egg products solely from 1 flock of not more than 3,000 egg-laying hens.”.

(d) LABELING.—Section 7(a) of the Egg Products Inspection Act of 1970 (21 U.S.C. 1036(a)) is amended by inserting “adequate housing-related labeling,” after “plant where the products were processed,”.

(e) LIMITATION ON EXEMPTIONS BY SECRETARY.—Section 15(a) of the Egg Products Inspection Act of 1970 (21 U.S.C. 1044(a)) is amended in the matter preceding paragraph (1), by inserting “(not including subsection (c) of section 8)” after “exempt from specific provisions”.

(f) IMPORTS.—Section 17(a)(2) of the Egg Products Inspection Act of 1970 (21 U.S.C. 1046(a)(2)) is amended by striking “subdivision thereof and are labeled and packaged” and inserting “subdivision thereof; and no eggs or egg products capable of use as human food shall be imported into the United States unless they are produced, labeled, and packaged”.

(g) ENFORCEMENT OF HEN HOUSING AND TREATMENT STANDARDS.—Section 8 of the Egg Products Inspection Act (21 U.S.C. 1037) is amended—

(1) by redesignating subsections (e), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;
(2) by inserting after subsection (b) the following new subsection:

“(c)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens housed or treated in violation of any provision of section 7A.

“(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens unless the container or package, including any immediate container, of the eggs or egg products, beginning on the date that is 1 year after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, contains adequate housing-related labeling.

“(3) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce, in California, any eggs or egg products derived from egg-laying hens unless the egg-laying hens are provided floor space and enrichments equivalent to that required under subsections (a)(3) and (b)(3) of section 7A of this Act regardless of where the eggs are produced.”; and
(3) in subsection (e) (as redesignated by paragraph (1)), by inserting “7A,” after “section”.

(h) State and Local Authority.—Section 23 of the Egg Products Inspection Act (21 U.S.C. 1052) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection:

“(c) Prohibition Against Additional or Different Requirements Than Federal Requirements Related to Minimum Space Allocations for Housing Egg-Laying Hens in Commercial Egg Production.—Requirements within the scope of this Act with respect to minimum floor space allotments or enrichments for egg-laying hens housed in commercial egg production which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction. Otherwise the provisions of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.”; and

(3) by inserting after subsection (e) (as redesignated by paragraph (1)) the following new subsection:
“(f) Role of California Department of Food and Agriculture.—With respect to eggs produced, shipped, handled, transported, or received in California before the date that is 15 years after the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, the Secretary shall delegate to the California Department of Food and Agriculture the authority to enforce sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.”.

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