

**Testimony of
Greg Herbruck
Herbruck's Poultry Ranch
Before the
Committee on Agriculture, Nutrition, and Forestry
United States Senate
July 26, 2012**

Thank you for the opportunity to testify today. My name is Greg Herbruck, and my two brothers and I own and manage our egg business in Michigan. Four generations of our family have been in the egg business, and we struggle with the same challenges as all other egg farmers and other livestock and poultry producers.

For example, more than half of the cost of producing eggs is feed, and in the current drought, we have seen our costs go through the roof. As projected yields have fallen over much of the nation, grain prices have soared. The vast majority of our feed cost is corn and soybean meal. And yet in some ways, the situation I will describe to you today is even more serious for us than the drought.

Over the years we have always tried to meet the needs of our customers. For example, we are part of the growing organic egg industry, and we partner with 28 other farms, many of them very small-scale, to supply a wide range of eggs through different production systems.

We also produce conventional eggs, where laying hens are kept in cages. There were good reasons our industry moved to this production system many decades ago – animal health, protection from predators, economic efficiency. But we have to acknowledge that in the last few years, keeping hens in cages has become extremely controversial.

As producers, we felt we had science on our side, having implemented the welfare recommendations of an independent scientific advisory committee. However, we have learned that consumers – and voters – don't make their decisions based simply on science. Most are several generations removed from the farm, and whether you call it values or emotion, the way they form their views of animal welfare issues is not the same as ours. They are our customers, and in any business, if you do not listen to your customers, you are headed for trouble.

Egg farmers got a dramatic wake-up call when California voters passed Proposition 2 by a 2-1 margin in 2008. This ballot initiative made the conventional cage system illegal. Under the threat of similar ballot measures, other states moved to establish their own standards for egg production. Madame Chairwoman, you are aware that our state of

Michigan was one of those. In just a few years, egg farms in Michigan will be required to provide more than twice as much space for each bird as the current industry standard.

The future for our industry, on the current path, is a patchwork of state animal welfare laws that are inconsistent, contradictory and ultimately unworkable. In many if not most cases, these laws will not just affect the producers in a particular state. They are written to apply to all eggs sold in that state, no matter where they are produced. This means that a farmer in Iowa will have to comply with California state standards – because some 30% of all eggs sold in California presently come from Iowa.

This helps you understand why we have a problem. Eggs routinely move across state lines. That is how our business works. Virtually all states are either in surplus – meaning they produce more eggs than their population consumes, like Michigan – or in deficit, consuming more than farms in their state are capable of producing, like New York or South Dakota.

Our farms can't maintain a separate hen house standard for every state where we want to sell eggs. And yet that is pretty much what would be required if the current patchwork of state laws keeps expanding. Even under already-passed laws, Michigan's standard is different from Ohio's, which is different from Washington's, which is different from Oregon's, which is different from California's.

It actually gets worse. We sell to major food-service and grocery customers who may have outlets in all states. It will be an impossible task to keep track of which eggs were produced in which states, to meet all the different standards of every state where they have a store or restaurant. You can see that we are on the road to chaos.

Someone might say, Why not challenge these state restrictions on out-of-state eggs as unconstitutional? I don't know how such court cases would come out. I am pretty confident they would take years, cost millions of dollars in lawyers' fees, and get resolved only after a good number of farms had gone out of business.

Unfortunately, the private sector alone can't solve this problem. No matter what we as producers do voluntarily, we can't avoid the threat of future ballot initiatives – and 24 states have them – so we are at the mercy of the next activist group that wants to mandate cage-free production in our state.

We are convinced that the only solution to this problem is a national production standard, as contained in Sen. Feinstein's bill S. 3239. This bill is the best solution for hen welfare, food safety and consumer choice. It is essential to the Michigan egg industry that this legislation be passed as quickly as possible to keep us in business. We strongly urge this committee to support S. 3239.

Thank you.

Timed at 4:30

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