

Date: January 23rd, 2024

Time & Location: 1:00pm – West Miller Senate Building, Room 2, Annapolis, MD

To: Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice Chair
and Members of the Senate Education, Energy, and the Environment Committee

Submitted by: Allie Molinaro, Campaigns Manager, Compassion in World Farming

RE: Testimony in support of SB0193: Agriculture – Confinement of Egg-Laying Hens in Commercial Egg Production - Prohibitions

Chair Feldman, Vice Chair Kagan, and Members of the Committee:

On behalf of Compassion in World Farming (CIWF) and our Maryland supporters, we write in support of SB0193. CIWF is an international non-profit organization active on a wide range of agricultural 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 Maryland legislature’s continued interest in ensuring safer and more humane agricultural practices. CIWF supports SB0193 because the measure would: 1) improve welfare for hens in Maryland and at farms who choose to sell eggs in Maryland, 2) support the industry’s shift to cage-free, 3) safeguard public health, and 4) benefit smallholder and local Maryland egg producers.

1. Animal Welfare

Cage-free housing ensures baseline welfare standards for egg-laying hens. Battery cages are one of the leading causes of animal suffering. Just like wild and companion animals, hens must execute species-specific behaviors to achieve optimal health and mental wellbeing. For hens, these behaviors include foraging, nesting, dustbathing, preening, and perching. Battery cages offer neither the space nor resources to execute any of these behaviors, as each hen is given typically no more space than the size of a standard A4 sheet of paper and a bare metal cage. Hens

are instinctually compelled to perform these behaviors and become physically and psychologically distressed when they are unable to do so, showing multiple signs of frustration including distress calls, pacing, and feather-pecking. 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.¹ 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 may experience chronic cold or heat stress. 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. Birds in caged systems suffer a greater incidence of osteoporosis and broken bones due to the inability to walk, jump, or fly, and 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.^{2,3}

In contrast, hens in cage-free systems with enrichments like the ones required in SB0193 can both exercise and engage in natural behaviors, resulting in less disease, feather pecking, stress, and exceptionally better lives for the hens when properly managed. 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 (young hens) in the same type of housing system they will live in as adults, so they learn how to navigate the aviary early in life. In addition, caged hens are in fact at greater risk for bone fractures during depopulation, since their bones are weaker due to lack of exercise.⁴ Proponents of caged systems also argue that injurious feather pecking and mortalities happen in both caged and cage-free housing. However, proper management of cage-free systems that prevents stress, boredom, and hunger significantly reduces the likelihood of harmful behaviors.

¹ 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

² 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](#)

³ 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

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.

The University of Bristol’s Featherwel guide outlines 46 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, that have a compounding impact when used together.⁵ In essence, the less exposure to stressors, the less likely the hens 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, cages are inherently incapable of meeting the physical and behavioral needs of laying hens no matter how well it is managed. Cage-free systems, on the other hand, offer the potential for greater health, welfare, and overall quality of life for the birds.

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 38% of the total laying flock today.⁷ Ten states—Arizona, California, Colorado, Massachusetts, Utah, Nevada, Washington, Oregon, Rhode Island, and Michigan—have already banned the production and/or sale of eggs from caged systems. In a recent survey of 31 egg producers, almost all of them felt there will be ample cage-free egg supply to meet demand in 2025, and none of them expected long-term supply shortages.⁸ In another survey, 37 producers estimated that over two-thirds of their own hens will be housed in cage-free or free-range systems by 2030.⁹ Cal-Maine, the largest retail egg producer in the nation and a company with multiple cage-free operations, is investing

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 Data compiled from “Shell Eggs: Monthly USDA Cage-Free Shell Egg Reports” and “Chickens and Eggs Reports” from the USDA Economics Statistics, and Market Information System

⁸ Terrence O’Keefe (2024). US cage-free egg pledges coming due, chaos not expected. *WattPoultry EggIndustry D. Egg Industry - January 2024 - US cage-free egg pledges coming due, chaos not expected (eggindustry-digital.com)*

⁹ O’Keefe, T. (2021). 2021 Survey: Cage-free conversions slowing down. *WATTPoultry*.

<https://www.wattagnet.com/egg/egg-production/article/15532604/2021-survey-cage-free-conversions-fewer-total-hens>

another \$165 million to convert several more barns to cage-free housing through 2025 for over 3.2 million hens.¹⁰ Other companies are going even further—one company in Indiana recently began selling organic, cage-free eggs that are also the nation's first certified carbon-neutral eggs, gaining a competitive edge by catering to eco-conscious consumers.¹¹ With the industry continuing to evolve to meet consumers' animal welfare and sustainability expectations, egg producers in Maryland and elsewhere will need to be cage-free soon to remain competitive in the marketplace.

Cage-free egg sourcing has also become a pillar of corporate social responsibility. Major retailers, including Target and Costco, have committed to no longer selling eggs from hens in caged systems by 2025. Whole Foods has been exclusively selling cage-free eggs since 2004, and more recently, Sprouts Market achieved their 100% cage-free commitment ahead of schedule and are now also sourcing 65% of those eggs from free-range or pasture raised systems, which are considered even higher welfare than cage-free. 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 incentive for the industry to increase cage-free production.¹²

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. 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, over half of the EU's egg-laying flock is cage-free compared to the US's 38%.¹³ 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.

¹⁰ See Cal-Maine (2022). Cal-Maine Foods Reports Record Fiscal Fourth Quarter and Fiscal Year 2022 Results; Announces Quarterly Cash Dividend. <https://calmainefoods.gcs-web.com/node/12891/pdf>

¹¹ See Kipster (2022). World's first carbon-neutral eggs drop in U.S. <https://www.kipster.farm/blog/worlds-first-carbon-neutral-eggs-drop-in-us>

¹² EggTrack. Compassion in World Farming. <https://www.eggtrack.com/en/>

¹³ EggTrack. Compassion in World Farming. https://www.ciwf.org.uk/media/7452386/eggtrack-2022-report.pdf?_gl=1*159kyq6*_ga*MTMzNDEzNDExMS4xNzA1Njc5NTky*_ga_RMC05PGGT7*MTcwNTY3OTU5MS4xLjAuMTcwNTY3OTU5OS41NS4wLjA.

3. Public Health

Higher welfare systems can reduce the risk of foodborne illnesses and zoonotic diseases.

Birds in higher welfare systems are more likely to have stronger immune systems, which in turn protects human health. The U.S. Department of Agriculture, Centers for Disease Control and Prevention, U.S. Fish and Wildlife Service, and other agencies have acknowledged this by committing to One Health, a philosophy that recognizes the inextricable links between the health of people, animals, and the environment and aims to optimize health outcomes for all three using a transdisciplinary approach.¹⁴ A recent report found strong links between low animal welfare—exacerbated by animal crowding, compromised hygiene, and high animal stress levels—and high zoonotic risk for humans. The report further advises halting the expansion of intensive farming to protect human health.¹⁵ CIWF’s review of existing research concludes that higher welfare production systems—including cage-free—are likely to lower the risk of Salmonella from infection within hens' reproductive tract or fecal contamination of eggs.¹⁶ Salmonella causes over 1.3 million illnesses and 420 deaths in the United States each year.¹⁷

In addition, higher welfare systems can lower the risk of animal-to-human transmission of highly pathogenic avian influenza (HPAI), improving worker safety. While the current risk of HPAI to public health is low, the CDC is closely monitoring the situation in case the virus changes.¹⁸ The CDC estimates that 75% of new or emerging infectious diseases come from animals.¹⁹ The risk of disease transmission is greater when humans come into close contact with animals kept in crowded and stressful conditions. Cage-free systems can not only prevent stress-related

¹⁴ Centers for Disease Control and Prevention. Federal One Health Coordination.
<https://www.cdc.gov/onehealth/what-we-do/federal-coordination.html>

¹⁵ J. Mace and A. Knight (2023). Influenza risks arising from mixed intensive pig and poultry farms, with a spotlight on the United Kingdom. *Frontiers in Veterinary Science*. Vol. 10. DOI 10.3389/fvets.2023.1310303.
<https://doi.org/10.3389/fvets.2023.1310303>

¹⁶ Zoonotic Diseases, Human Health, and Farm Animal Welfare. *Compassion in World Farming*.
<https://www.ciwf.org.uk/research/animal-diseases/zoonotic-diseases/>

¹⁷ Centers for Disease Control and Prevention. Salmonella: Information for Healthcare Professionals and Laboratories.

<https://www.cdc.gov/salmonella/general/technical.html#:~:text=Information%20for%20Healthcare%20Professional%20and%20Laboratories%20%20Estimates,...%20%20Risk%20Factors%20...%20%20Outbreaks%20>

¹⁸ Centers for Disease Control and Prevention. Current U.S. Bird Flu Situation in Humans.
<https://www.cdc.gov/flu/avianflu/inhumans.htm>

¹⁹ Zoonotic Diseases. Centers for Disease Control and Prevention. <https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html>

immunosuppression but also enable workers to identify sick hens more easily, which can help identify and contain diseases that pose public health risks earlier, especially those that can present symptoms in birds such as avian influenza.

Therefore, preventing immunosuppression caused by chronic stress in egg-laying hens can improve public health outcomes and prevent future disease outbreaks.

4. Market Opportunity

SB0193 creates a critical market opportunity for local and smallholder farmers.

Much of the Maryland's egg supply is imported from Iowa, Indiana, Ohio, Pennsylvania, and other states.²⁰ Many of the egg companies in these states are large corporations that currently mostly use caged systems, using their market power and economies of scale to push small and local farmers out of the Maryland market. Only ten companies, who operate mainly in the Midwest, house more than half of the nation's egg-laying hens.²¹ Thus, SB0193 creates a window of opportunity for smaller and local producers—who are often either already cage-free or nimbler than large companies to convert to cage-free—to fulfill retailer contracts previously held by large, out-of-state conglomerates, boosting Maryland's rural economy and keeping dollars local.

The cost considerations regarding cage-free eggs are negligible for retailers and consumers and existing cage-free producers, and producers who transition from caged to cage-free systems will likely see positive returns on investment. Evidence suggests that cage-free sales laws have little impact on the price of eggs, posing little concern to Maryland retailers and consumers. CIWF analyzed egg prices in California before and after their cage-free law went into effect and found that egg prices returned to normal in less than two months.

²⁰ USDA National Agricultural Statistics Service (2023). Chickens and Eggs 2022 Summary (February 2023). Page 6. <https://downloads.usda.library.cornell.edu/usda-esmis/files/1v53jw96n/8g84p051j/v692vk48g/ckegan23.pdf>

²¹ Dawson, M. (2024). EggIndustry: The largest US egg-producing companies of 2024. *WATTPoultry*. https://www.eggindustry-digital.com/eggindustry/library/item/january_2024/4160285/?oly_enc_id=1127J3620990E0F



CIWF has assisted over one thousand producers and retailers worldwide transition to higher welfare standards, and our team would be happy to assist Maryland's food businesses to ensure a smooth changeover to cage-free.

Thank you for considering this important bill and for the opportunity to testify. We hope to see the committee support SB0193 to advance a safer and more ethical future.

Thank you for your consideration of this testimony and for your attention to this issue. Please feel free to contact Allie Molinaro, Campaigns Manager of CIWF (Allison.Molinaro@ciwf.org) with any questions.