

## Answers to Committee Questions on SB193

### What qualifies as cage-free under the bill?

The legislative language is clear and sufficient. It follows the egg industry's own standards for what qualifies as cage-free. The birds cannot be in what we typically think of as cages. There are various ways the birds can be housed, but most growers use an aviary system as depicted below:



## **Is the market enough to drive change?**

During the hearing, even the retailers and Farm Bureau referenced that the market alone will never get to 100% cage-free. Maryland consumers, retailers and producers deserve a certain date to meet humane and food safety standards.

## **Costs to consumers**

The study provided by the Farm Bureau is over-stated in their testimony. The study uses theoretical estimates from 2018 and 2021, which pre-date the effective date of the California legislation (which is nearly identical to SB 193)<sup>1</sup>. The HSUS provided an industry report from 2022 that controlled for the spike in prices due to Avian Flu and represents a more accurate analysis of the impact of cage-free standards.<sup>2</sup> This industry report notes how when California implemented a nearly identical law, the prices of eggs went up by a mere 8 cents per carton.

## **Avian flu**

A 2015 USDA case-control study found that farms experiencing an avian influenza outbreak “tended to have a higher percentage of conventional cage housing type compared with enriched cages or cage-free.” It’s important to note that this legislation does not require outdoor access (where flocks are susceptible to avian flu due to contact with contaminated wild birds). The study referred by the Farm Bureau looks at *free range* systems, where the birds go outside. This is radically different from the proposed cage-free standard in SB 193 where the birds remain in an enclosed, indoor structure at all times.

## **Scope of the bill**

Small growers do not tend to use battery cages but do utilize a variety of systems to provide their birds access to pasture while keeping them safe from predators. Because of the variety of systems used for small flocks it is simpler to exempt them from the bill, and the 3,000 number is consistent with other states. According to the Maryland State Archives, Maryland produced just under 600 million eggs in 2022. Most chicken growers have fewer than 3,000 birds but they produce just under 10 million eggs each year, while larger operations produce the rest.<sup>3</sup>

## **Cost to farmers**

The Farm Bureau cited a study by Michigan State University, Kansas State University, and Purdue University. In this study, producers estimate cage-free transition costs to be as low as 8%. That’s much lower than what the Farm Bureau said in their written testimony (where they claimed a 41% increase in cost of production).

## **Implementation date**

Much of the conversation around the feasibility of the bill rests on the implementation date. The majority of state cage-free laws provided an on-ramp of between 2 and 4 years for conversion to this humane standard. The HSUS is happy to have a conversation with the Farm Bureau about a reasonable implementation date that provides certainty for Maryland consumers and farmers.

---

<sup>1</sup> [Full-Report-Caputo-et-al.-2023-February-20.pdf \(unitedegg.com\)](#)

<sup>2</sup> <https://www.wattagnet.com/egg/cage-free-laying-systems/article/15535997/us-californias-egg-market-settles-after-housing-mandate?v=preview>

<sup>3</sup> [Maryland Agriculture, Farming](#)