

**Statement of
David Lathem
Lathem Farms
Before the
Committee on Agriculture, Nutrition, and Forestry
United States Senate
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My name is David Lathem. I am an egg farmer from Pendergrass, Georgia, and I am chairman of United Egg Producers. UEP represents farmers who market approximately 90% of all eggs sold in the United States. I am pleased that in the hearing room and the overflow room, we have egg producers who have come to Washington for this hearing and manage almost half of the nation's laying hens. UEP strongly supports S. 3239 and we appreciate the committee calling this hearing.

Speaking personally, I believe that the long-term viability of my family farm is in jeopardy without S. 3239. Our farm is not among the very largest. We cannot set up different production systems to meet the conflicting and inconsistent standards of every state. We need a production standard that is the same for everyone, and fair for everyone.

S. 3239 allows us to plan for our future. It lets us as producers take charge of our own destiny. This bill has the overwhelming support of our industry – not unanimous, because nothing important is ever unanimous, but overwhelming.

We as producers realize that we are living in the 21st century when the American public is interested, as never before, in where its food comes from and how it is produced. We should see this as an opportunity rather than a threat.

UEP believes that S. 3239 represents a sustainable future for all of us. But we are not the only ones. This bill has scientific support from the American Veterinary Medical Association and other professional societies. It has the support of the Consumer Federation of America and the National Consumers League. Egg producer groups at the state level have come out in support. From the Rocky Mountain Farmers Union to the United Farm Workers, this bill has wide support.

However, some do oppose it. I would like to engage their arguments seriously and explain why we disagree.

Some simply attack the Humane Society of the United States. They say you can't trust HSUS.

It's no secret that our organization and HSUS have been adversaries. We've disagreed and fought on animal welfare issues for years.

But once we started to explore whether there might be common ground, they realized we did care about the welfare of our hens. We realized they did care about the survival of family farms.

And so we began to do what everyone says you should do: look for common ground; seek compromise; try to find solutions.

So the main complaint some people have against us is that the egg industry looked for common ground. We plead guilty to that charge.

Opponents of S. 3239 also assert that this bill represents a slippery slope— a precedent that will inevitably force other animal industries into similar settlements.

This is not true. There are two basic reasons why.

First, we are all here because we as producers want this agreement. With all due respect to HSUS, if they were for the agreement and we were against it, I do not think you would be having this hearing. If other livestock sectors do not want a legislative settlement with HSUS, it isn't going to happen.

The slippery-slope argument says that if you approve this bill for eggs, you will inevitably follow up with similar laws for pork or beef. This assumes you as legislators are incapable of making distinctions between commodities.

The problem with this argument is that it is completely at odds with what Congress has actually done over the years. You have, in fact, always looked at each commodity separately. You do not, for example, legislate the same program for cotton as you do for peanuts. Dairy is an animal product that has price supports, but you have never seriously considered price supports for beef, pork or eggs.

Eggs have always been regulated differently from other animal products. The Food and Drug Administration has on-farm food safety inspection authority for our farms, but not for beef, pork or turkey operations. USDA has civil penalty authority for eggs, but not for other livestock species. By contrast, USDA's Packers & Stockyards Act applies to beef, pork and broilers, but not to eggs.

The slippery-slope argument ignores this clear history and replaces it with hypothetical fears. The reality is that Congress and federal agencies have always made distinctions among commodities. I hope you will forcefully reject this argument.

Madam Chairwoman, I genuinely believe that the survival of my farm and other egg farms are hanging in the balance, and we need S. 3239 in order to provide a fair operating environment for all American egg farms. I strongly urge this committee to advance the legislation, and I thank you for letting me speak to you.