



MASSACHUSETTS FOOD ASSOCIATION

PORK UPDATE IN MASSACHUSETTS FOR MFA MEMBERS

AUGUST 21, 2023

BELOW IS AN UPDATE ON THE STATUS OF THE MASSACHUSETTS PORK LAW AND REGULATIONS WHICH GO INTO EFFECT AUGUST 24.

[Regulations](#) on the sale of pork products in Massachusetts will become effective August 24 under a legal agreement between state officials (defendants) and industry groups (plaintiffs). The [joint motion](#) was filed Friday, August 4 by Attorney General Andrea Campbell's office and plaintiffs in a case that challenged the Massachusetts law. On Monday, August 7, federal judge Margaret Guzman approved the compromise that allows the [MA Attorney General's office](#) and the [Massachusetts Department of Agricultural Resources](#) (MDAR) to begin enforcing all pork-related sections of the livestock treatment law starting August 24. Pork meat and products will no longer be permitted for sale in MA if they are derived from any pig that is not housed in a sufficient amount of space, even if the animal was raised and slaughtered in another state. The prohibition does not extend to "combination food products" that use pork as an ingredient such as hot dogs or most sausages. Almost all of the pork sold in Massachusetts comes from other states. According to statistics cited in a lawsuit challenging the Bay State's pig welfare law, Massachusetts residents consumed about 356 million pounds of retail pork in 2022, only about 1.9 million pounds of which was produced within its borders.

As part of this agreement, officials will not enforce (for at least six months) new restrictions on pork meat not produced or sold in the state that passes through Massachusetts, or is "transshipped", on its way to a final sale destination in another state. This gives MDAR time to review

whether it should treat transitory pork products differently given that their connection to Massachusetts is relatively limited. It also gives plaintiffs a chance to "assess whether the potential regulatory change resolves the remaining legal issue." Plaintiffs reserved their legal rights to continue challenging the regulations on transshipped pork once the review concludes.

Other parts of the livestock law, which voters approved in 2016 via ballot question, governing eggs and veal meat have already taken effect.

However, there is now another wrinkle added to the MA pork issue: another lawsuit.

A group of pork producers -- Triumph Foods, Christensen Farms Midwest, The Hanor Company of Wisconsin, Eichelberger Farms, New Fashion Pork and Allied Producers' Cooperative -- sued Massachusetts officials on July 25 in a 51-page updated complaint filed July 31. The complaint cites arguments similar to those used by industry groups in the California case, which eventually went before the U.S. Supreme Court that ruled the California law can stand.

On September 6 a hearing will take place before U.S. District Court Judge William Young, the judge assigned to the case, on a motion for a preliminary injunction. In the new challenge, plaintiffs wrote in an August 8 memorandum that their claims "do not overlap" with arguments made in a U.S. Supreme Court case upholding a similar law in California, and that the Massachusetts regulations would impose an undue burden on producers and consumers in other states, who were not given a chance to weigh in on the 2016 ballot question. As of August 21, he had not issued any ruling or ordered Massachusetts regulators to pause enforcement of the pork regulations while this litigation proceeds. We will keep you updated, please contact the office if you have any questions.

