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California Seeks to End DOJ Lawsuit Challenging Prop 12



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Getty Images

California is asking a federal judge to dismiss the U.S. Department of Justice's lawsuit targeting portions of Proposition 12, arguing the federal government's case misapplies egg inspection law and threatens to undermine states' authority to set animal welfare standards.

In a motion for summary judgment filed Monday, California said the Egg Products Inspection Act (EPIA) does not preempt its voter-approved Prop 12 or related laws that require pork, veal and eggs sold in the state to meet minimum animal-housing standards. The state argued the EPIA governs only the processing, grading and labeling of egg products, not the confinement conditions of hens or the production of shell eggs.

The lawsuit, which was filed in July, came just days after the U.S. Supreme Court declined to hear a separate challenge to Prop 12, leaving in place rulings that upheld its constitutionality

under the Commerce Clause. The DOJ's case marked a shift in strategy by focusing on preemption under federal egg law rather than interstate commerce arguments.



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California's motion accuses the DOJ of reversing its long-held position. In 2018, the U.S. Solicitor General advised the Supreme Court that California's egg laws "are not preempted by the EPIA" because federal grading standards "do not address confinement conditions for egg-laying hens." Since then, California said, egg and pork producers nationwide have invested heavily in cage-free and crate-free systems to comply with Prop 12 and similar state laws.

The Department of Justice, backed by the Trump administration, argued that California's rules "effectively prevent farmers across the country from using common production methods" and contribute to higher food prices.