



## Coalition of Restaurant Associations and Pork Producers Stop Enforcement of Massachusetts Pork Rules

*Lawsuit filed by the Restaurant Law Center, four state restaurant associations, and the National Pork Producers Council protects pork supply chain in five states*

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**FOR IMMEDIATE RELEASE**

**Washington, D.C.** (Aug. 12, 2022) – Yesterday, the United States District Court for the District of Massachusetts [issued a stay](#), agreed to by the parties, to stop the enforcement of Massachusetts General Law Chapter 129, App. §§ 1-3(C), 1-6, 330 CMR § 35.04(1)(c) (the Pork Rules) as it applies to pork produced outside Massachusetts. The decision was handed down in a [lawsuit filed](#) by the Massachusetts Restaurant Association, HospitalityMaine, New Hampshire Lodging & Restaurant Association, Rhode Island Hospitality Association, the Restaurant Law Center, and the National Pork Producers Council.

At the center of the lawsuit were provisions of Massachusetts’ 2016 Act to Prevent Cruelty to Farm Animals, which set new standards on the treatment of farm animals and the sale of animal products. The law defines how farm owners in Massachusetts can confine certain animals and bans the sale of products from farms violating the law. The standards also apply to products sold by or transferred through a distributor in the state—even if the farms were out of state, which is where the vast majority of the supply for Massachusetts and the region comes from.

The Pork Rules were set to go into effect on Aug. 15, 2022. If they had been allowed to go into effect, conventionally farmed pork would have been forced out of the Massachusetts market. Additionally, because Massachusetts is home to distribution centers serving New Hampshire, Maine, and Rhode Island, this would also impact the supply of pork in these neighboring states.

The lawsuit argued that the Pork Rules violate the dormant Commerce Clause of the U.S. Constitution, by placing a burden on interstate commerce and depriving Plaintiffs’ members of their rights. It also argued that the state has created an unattainable timeline for implementation that would threaten operation for restaurants and their supply chain partners across the region.

“This delay is great news for restaurants and guests across Massachusetts. This ruling ensures that until this issue is ruled by the U.S. Supreme Court, no major changes will take place in the Massachusetts pork supply,” said Stephen Clark, president and CEO of the Massachusetts Restaurant Association. “We have heard from countless restaurant owners and suppliers across Massachusetts concerned about the availability and cost of pork in the coming months. Of particular concern, is restaurant owners in the Latino and Asian restaurant community, pertaining to the availability of or more importantly, lack of compliant pork.”

“This stay is the outcome that Rhode Island restaurant operators may not have even realized they needed,” said Dale J. Venturini, president and CEO of the Rhode Island Hospitality Association. “The supply chain in our state is so challenging right now that this far-reaching regulation in Massachusetts would have been an uncontrollable and unexpected blow locally. For now, the status quo remains in place and diners in Rhode Island can be sure they’ll still be able to get bacon for breakfast or on top of their Friday night burger.”

“By getting this stay of enforcement, we’ve ensured that until the U.S. Supreme Court rules on this issue, restaurants in Massachusetts and surrounding states will not have to make significant changes to their menus or disappoint their diners,” said Angelo Amador, Executive Director of the Restaurant Law Center. “Regardless of whether some sellers can comply with the requirements and some consumers support the spirit of the new law, the precedent of allowing each state to pick products it would like to regulate would have staggering national implications for the supply chain. These barriers to trade based on unique value judgments will make the national economy more fragmented, inefficient, and hinder growth.”

The Supreme Court of the United States has agreed to hear a case on a similar California law (National Pork Producers Council v. Ross, [No. 21-468](#)), Proposition 12 which is currently is on hold by an injunction issued by a California court. The Massachusetts District Court’s stay will remain in place until at least 30 days after the Supreme Court issues its decision in the California case.

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#### **About Massachusetts Restaurant Association**

*Founded in 1934, the Massachusetts Restaurant Association is a trusted not-for-profit association committed to the advancement of the foodservice industry in the state of Massachusetts. The MRA exists to help food and beverage providers succeed through education, cost-savings programs, networking, and government advocacy. Together with the Massachusetts Restaurant Association Education Foundation, the MRA works to promote current and future industry leaders. Learn more at <http://www.themassrest.org/>.*

#### **About the RI Hospitality Association**

*With more than 800 foodservice and hospitality members in Rhode Island, the RI Hospitality Association (RIHA) has been the voice of the hospitality industry in the state since 1963. For more information on the RIHA, please call (401) 223-1120, or write to: RI Hospitality Association, 94 Sabra Street, Cranston, RI, 02910, or visit [www.rihospitality.org](http://www.rihospitality.org).*

#### **About the Restaurant Law Center**

*The Restaurant Law Center (RLC) is an independent public policy organization affiliated with the National Restaurant Association. It was established to enhance the industry’s voice in the judicial system. The RLC works to protect and advance the restaurant industry and promote pro-business laws and regulations that allow restaurants to continue to grow, create jobs and contribute to a robust American economy. Find more information at [restaurantlawcenter.org](http://restaurantlawcenter.org).*