



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

January 8, 2018

**Deb Peters**  
*Senator – District 9  
South Dakota  
President, NCSL*

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*Fiscal Analyst  
Office of Budget Review  
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**William T. Pound**  
*Executive Director*

The Honorable Michael Conaway  
Chairman  
Committee on Agriculture  
United States House of Representatives  
1301 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Collin Peterson  
Ranking Member  
Committee on Agriculture  
United States House of Representatives  
1305 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Conaway and Ranking Member Peterson:

We write on behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories and commonwealths to voice our opposition to H.R. 3599, the Protect Interstate Commerce Act, which would erode state sovereignty by pre-empting state laws protecting our nation's food production and manufacturing.

NCSL strongly opposes H.R. 3599, as it would pre-empt state agricultural statutes, enacted by state legislatures, to protect the safety and well-being of our nation's farmland, waterways, forests and most important, the health and welfare of our constituents. The 10th Amendment is the cornerstone of constitutional federalism and reserves broad powers to the states and to the people. States have used this authority to enact laws that protect their citizens from invasive pests and livestock diseases, maintain quality standards for all agricultural products and ensure food safety and unadulterated seed products.

Supporters of H.R. 3599 argue that out-of-state producers of agricultural products are unfairly burdened by having to comply with the laws of other states. This is simply not the case as state law applies equally and fairly to both home state and out-of-state producers. Moreover, in *Missouri et al. v. Harris*, the 9<sup>th</sup> U.S. Circuit Court of Appeals upheld a district's court decision finding that the plaintiffs were unable to make the argument that a California law created a substantial burden on interstate commerce. Strengthening this decision, the U.S. Supreme Court also subsequently declined to place the case on its docket.

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This is not a Commerce Clause issue, but rather an effort which would weaken the sovereignty of states to protect the health and general welfare of its citizens. **NCSL urges Congress to uphold the 10th Amendment and oppose H.R. 3599.**

For more information on state laws pre-empted by H.R. 3599, please contact NCSL staff, Ben Husch ([ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)) and Kristen Hildreth ([kristen.hildreth@ncsl.org](mailto:kristen.hildreth@ncsl.org)) with any additional questions.

Sincerely,



Representative Curt McCormack  
Vermont House of Representatives  
Co-Chair, Natural Resources and Infrastructure  
Committee, NCSL



Representative Ed Orcutt  
Washington House of Representatives  
Co-Chair, Natural Resources and Infrastructure  
Committee, NCSL