Can voters in California dictate how Midwestern farmers house their hens? If the farmers want to sell eggs to California, the answer becomes “yes,” unless an appeal filed by Iowa, Nebraska and other third states is successful. Beginning Jan. 1, egg farmers in the state must comply with Proposition 2, a new law, approved by voters in 2008, under which hens must be able to stand up, turn around and spread their wings without touching their cage or another bird.

California rules require roughly 124 square inches per bird. (About 95 percent of eggs in the United States are produced in cages providing about 70 square inches per bird.) In 2009, Michigan followed California’s lead and passed a requirement that farms have 144 square inches, and Ohio agreed not to issue permits for new farms using conventional cages.

Studies by the University of California concluded that such changes would raise the cost of production by at least 20 percent. Some California legislators worried that the measure would put the state’s egg farmers at an economic disadvantage. The result was AB 1437, which requires out-of-state egg farmers wishing to sell their products in California to comply with the new caging standards, too.

The economic impact of shipping eggs into California is significant for Midwestern states. California residents consume the eggs of 20 million chickens each day, and the state must import to meet that demand. Iowa, Minnesota and Ohio supply most of these eggs. The total value of Midwestern eggs shipped to California is estimated at more than $150 million yearly.

But it will cost producers an estimated $24 per bird to meet the California standards, according to Dermot Hayes, a professor of agriculture economics at Iowa State University. He estimates that 40 percent of Iowa laying hens will be killed to meet the new space requirements.

Iowa, Nebraska, Missouri, Alabama, Oklahoma and Kentucky have challenged the California law as a violation of the U.S. Constitution’s Commerce Clause. Katie Spohn, Nebraska’s deputy attorney general, argues that states cannot require eggs being shipped across state lines to meet standards (quality, condition, weight, quantity or grade) that go beyond federal requirements.

Others question whether the new law is markedly better for the animals. According to Ken Klippen of Egg Farmers of America, there is no evidence that larger cage sizes have any impact on either egg safety or hen welfare.

In October, a federal judge dismissed the states’ lawsuit, ruling that they lacked legal standing because they were representing only the economic interests of egg farmers rather than “a substantial segment of their populations.” The six states have filed an appeal.

Iowa’s assistant attorney general, Jacob Larson, says the case has implications beyond the egg industry. If California’s law stands, states could ban pork from facilities that use gestation crates, veal from calves raised in individual pens, or milk from confinement dairies.