

BLANCHE L. LINCOLN, ARKANSAS
CHAIRMAN

PATRICK J. LEAHY, VERMONT
TOM HARKIN, IOWA
KENT CONRAD, NORTH DAKOTA
MAX BAUCUS, MONTANA
DEBBIE STABENOW, MICHIGAN
E. BENJAMIN NELSON, NEBRASKA
SHERRON BROWN, OHIO
ROBERT P. CASEY, JR., PENNSYLVANIA
AMY KLOBUCHAR, MINNESOTA
MICHAEL BENNET, COLORADO
KIRSTEN GILLIBRAND, NEW YORK

United States Senate

COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY

WASHINGTON, DC 20510-6000

202-224-2035

SAXBY CHAMBLISS, GEORGIA
RANKING REPUBLICAN MEMBER

RICHARD G. LUGAR, INDIANA
THAD COCHRAN, MISSISSIPPI
MITCH MCCONNELL, KENTUCKY
PAT ROBERTS, KANSAS
MIKE JOHANNIS, NEBRASKA
CHARLES E. GRASSLEY, IOWA
JOHN THUNE, SOUTH DAKOTA
JOHN CORNYN, TEXAS

July 21, 2010

The Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack:

We are writing in regard to the recent rule proposed by the Grain Inspection Packers and Stockyards Administration (GIPSA) to amend regulations under the Packers and Stockyards Act. We appreciate the Department's interest in completing the regulatory process that has taken over two years thus far, but believe it is important that USDA allow adequate time for all stakeholders to understand the implications of the broad reforms proposed. Altering the way the Packers and Stockyards Act will be enforced is not something that should be done without adequate time to analyze all aspects of the proposed rule, including its impact on rural economies across the country. Thus, we strongly believe that given the breadth and depth of the proposed rules, a 120-day extension in the public comment period is necessary to allow adequate stakeholder participation.

The Packers and Stockyards Act, enacted almost 90 years ago, is one of the most important laws governing competition within the livestock industry. The United States courts have spent the better part of a century interpreting this statute and the related regulations to build a body of law governing competition within livestock agriculture. Producers and processors rely upon this body of law to govern their business relationships and it is imperative that all stakeholders have a reasonable opportunity to comment on proposed changes that will have a direct impact on how they do business.

We are also concerned the Department is missing a unique opportunity to hear directly from the various stakeholders on this issue. Given the time and effort the USDA and the Department of Justice have invested in the listening sessions on competition in the U.S. agriculture sector, we believe the Department could benefit from information gathered during the listening sessions. Thus we believe it would be prudent for the Department to extend the comment period beyond the December 6th conclusion of the workshops in order to review all comments gathered in the USDA/DOJ listening sessions.

GIPSA's proposed rules significantly change the way the Packers and Stockyards Act is interpreted. The impact of the rule on producers will vary according to the kind of livestock or poultry they produce, the way producers market their product, and the location of a producer's operation relative to slaughter and processing facilities. As you move forward, we urge USDA to carefully consider the proper role and scope of federal regulation in this area and to actively listen to the concerns of everyone who will be impacted by the proposal. To that end, we ask specifically that you extend the comment period for this proposal by 120 days.

Thank you for your consideration and we look forward to your response.

Sincerely,

Blanch L. Lincoln

Mark Royce

Jai Bunning

John Cornyn

Mike Cray

Jimmy

Mike Johnson

Jan E. Riel

Cara McCasill

Sayby Planklin

Pat

Sam Brownback

Paul Cochran

John

Tom

Pat Bond

Jill