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Terry Cosby
Chief, Natural Resources
Conservation Service.

Sent via [regulations.gov](https://www.regulations.gov)

Re: R-CALF USA's Comments regarding Docket ID NRCS-2024-0014: Request for Information: Sustainability Targets in Agriculture to Incentivize Natural Solutions

Dear Mr. Cosby:

The Ranchers Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) appreciates this opportunity to comment on the U.S. Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS) request for public input regarding the Sponsoring USDA Sustainability Targets in Agriculture to Incentivize Natural Solutions Act of 2021 (the SUSTAINS Act), available at 89 Fed. Reg., 66,672-674 (August 16, 2024).

R-CALF USA is the largest trade association exclusively representing United States cattle farmers and ranchers within the multi-segmented beef supply chain. It is also the largest all-voluntary membership-based cattle trade association with approximately 4,000 voluntary dues paying members in over 40 states. Its membership includes cow-calf operators, cattle backgrounders and stockers, cattle feedlot owners, and sheep producers. Numerous main street businesses are non-voting members of R-CALF USA.

R-CALF USA opposes the public/private partnership envisioned within the SUSTAINS Act between the USDA and private corporations for purposes of funding additional conservation programs administered by the USDA. R-CALF USA believes it is fundamentally contrary to the principles of good government to solicit private contributions from entities that the USDA regulates, to offer such entities benefits beyond those the targeted programs themselves are believed to bestow upon the environment for the public good, and then to engage in the inherently false façade that such private contributions do not intrinsically engender special favors between the USDA (the regulator) and private corporations with a stake in those targeted programs (the regulated).

R-CALF USA has long been concerned with the phenomenon known as the “revolving door,” where the distinction between public and private (i.e., between the regulator and regulated) becomes so blurred due to personal relationships and proximate access that it appears the regulated entities are developing the very policies that are intended to regulate them.

The attached 2004 paper by the Organization for Competitive Markets titled [*USDA Inc.: How Agribusiness has Hijacked Regulatory Policy at the U.S. Department of Agriculture*](#) describes how this revolving door phenomena has enabled large agribusinesses to shape USDA policies on issues such as food safety and market competition that serves their own self-interests and furthers their ability to dominate food production, food processing, and food distribution.

The provisions within the SUSTAINS Act will undoubtedly exacerbate the egregious revolving door phenomenon by granting private corporations proximate access to USDA officials gained through their financial contributions that independent livestock producers could not possibly match. Further, the USDA would be expected to become dependent on such private contributions and that very dependency would incentivize the USDA to provide private donors special treatment that would be expected to transcend the targeted program receiving the private contributions to impact other unrelated USDA agency programs intended to regulate the conduct of the contributor.

Given the considerable concentration and consolidation of agricultural inputs and markets by multinational agribusinesses, it would be expected that the SUSTAINS Act would confer to those agribusinesses considerable influence over the day-to-day management of independent farmers and ranchers. It would be utterly naive to think that a multinational agribusiness authorized to receive valuable environmental credits, based on farmer and rancher participation in any one of the conservation programs the agribusiness chooses to fund, would not leverage its monopsony and/or monopoly (or its oligopsony or oligopoly) power to haze more farmers and ranchers into its preferred program to maximize its self-benefits.

The effect of the SUSTAINS Act will be to confer to multinational agribusiness a substantial degree of managerial control over independent farmers and ranchers. Alarming, this unfavorable effect will be sanctioned by the federal government with inappropriate incentives based on farmer and rancher participation.

Further, the establishment of a public/private partnership that confers upon the Secretary of Agriculture the power to solicit private funds with which to carry out public programs of the private contributor's choosing, thereby substantially allowing private contributors to set public program budgets; and to allow the Secretary of Agriculture to authorize private contributors to essentially use their commercial brand on the publicly promoted program, as well as to share in the sales of ecosystem benefits, certainly violates the spirit of America's notion of separation of powers, if not the letter of the Constitution.

R-CALF USA cannot fathom a redeemable feature of the SUSTAINS Act nor a means for its implementation that does not fundamentally and inherently violate the principles of good government. It is, on its face, an open invitation to private agribusiness to exert undue control over the USDA and the independent farmers and ranchers the agency is supposed to assist.

For the foregoing reasons, we respectfully request the NRCS to urge Congress to repeal the SUSTAINS Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullard". The signature is written in a cursive, somewhat stylized font.

Bill Bullard, CEO

Attachment: *USDA Inc.: How Agribusiness has Hijacked Regulatory Policy at the U.S. Department of Agriculture*