

ATTN: Agriculture & Appropriations Legislative Aides

August 3, 2011

United States Senate  
Washington, DC 20510

Dear Senator:

In the 2008 Farm Bill, Congress directed USDA to propose rules to address unfair, deceptive and anti-competitive trade practices that have become rampant in the livestock and poultry sectors. Congress included these provisions to address concerns over the increasingly abusive and anti-competitive trade practices employed by meatpacker and poultry companies that have harmed farmers, ranchers, growers and consumers. Meatpacker and poultry companies opposed these provisions in the Senate, but compromise language was included in the final Farm Bill requiring USDA to use their existing authority under the 1921 Packers & Stockyard Act to take action.

USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a proposed rule in June 2010. USDA received more than 66,000 public comments on the proposed rule, most of which were supportive. The same meatpacker and poultry companies that opposed the strong farmer and rancher protection provisions in the 2008 Farm Bill are now fighting the regulations to implement those provisions. These special interests, joined by purported farm groups that have meatpackers entrenched on their boards, have launched a misleading public relations campaign that distorts the provisions of the proposed rule.

The proposed rule includes many commonsense measures that protect farmers, growers and ranchers from abusive and unfair treatment at the hands of the meatpackers and poultry companies. These safeguards include:

- Prohibitions against company retaliation against farmers for speaking out about problems within the livestock industry, joining other farmers to voice concerns to seek improvements, or raising concerns with federal officials. Today, meatpackers and poultry companies can and do economically retaliate against farmers that exercise these legal rights;
- Sensible protections for contract poultry and hog growers that make expensive facility investments or upgrades on their farms to meet packer or poultry company requirements;
- Requirements to provide growers and ranchers with information necessary to make wise business decisions regarding their operations;
- Disclosure and transparency requirements to eliminate deception in the way packers, swine contractor and poultry companies pay farmers;
- Eliminating collusion between packers in auction markets;
- Clarification of the types of industry practices the agency considers unfair, unjustly discriminatory, or a granting of unreasonable preference or advantage.

These are all terms used in the existing statute to prevent unfair trade practices, but these broad terms have never been defined in regulations.

- Clarifying the ambiguity in interpretation of the terms of the Packers & Stockyards Act. Such Ambiguity can lead to litigation as farmers and packers attempt to clarify the intent of the Act. Moreover, added clarity would enable the agency to address unfair trade practices, which likely would further reduce litigation.
- Expressly ensuring that meatpackers can pay premium prices for premium livestock, but prohibit companies from unfairly offering select producers sweetheart deals but paying other producers less for the same quality, number, kind and delivery of livestock.
- Recordkeeping requirements that would enable regulators to identify unfair trade practices while ensuring that livestock producers and companies can offer justified premiums or discounts.

Unfortunately, under pressure from meatpackers and poultry companies, the House approved a legislative rider in its FY 2012 Agriculture Appropriations bill that would prevent USDA from taking any further action on this regulation. The provision would even prohibit USDA from analyzing the 66,000 public comments received on the proposed rule and from completing an economic analysis of the rule. The meatpackers and poultry companies oppose the sensible transparency and disclosure provisions of the proposed rule that would shine sunlight onto their unfair practices. The two largest general farm organizations in the United States – the American Farm Bureau Federation and the National Farmers Union – have joined with over 140 farmers, consumer and community groups across the nation to oppose this rider.

The 190 undersigned groups urge you to stand with our nation's farmers, ranchers, growers and consumers to oppose the meatpacker and poultry special interest efforts to insulate themselves from federal scrutiny of their anti-competitive behavior and unfair treatment of farmers and ranchers. Congress should allow USDA to move forward expeditiously to implement a final rule that will strengthen and clarify the Packers & Stockyards Act with commonsense protections for farmers and ranchers.

8th Day Center for Justice (IL)  
Adams County North Dakota Farmers Union  
Added Value (NY)  
Alabama Contract Poultry Growers Association  
Alliance for a Sustainable Future (PA)  
Ambler Environmental Advisory Council (PA)  
American Agriculture Movement  
American Federation of Government Employees (AFL-CIO),  
Local 3354, USDA-St. Louis  
American Raw Milk Producers Pricing Association (WI)  
Ashtabula, Geauga, Lake Counties Farmers Union (OH)  
Assateague Coastal Trust (MD)  
Assateague COASTKEEPER (MD)  
Black Farmers and Agriculturalists Association (BFAA) (NC)  
BLK Projek (NY)  
BUGS: Black Urban Growers (NY)  
Bronx Food and Sustainability Coalition (NY)  
Brooklyn Food Coalition (NY)  
Buckeye Quality Beef Association (OH)

Bull Mountain Landowners Association (MT)  
California Dairy Campaign  
California Farmers Union  
California Food & Justice Coalition  
California Institute for Rural Studies  
Campaign for Contract Agriculture Reform  
Campaign for Family Farms & the Environment (CFFE)  
Carolina Farm Stewardship Association  
C.A.S.A. del Llano (TX)  
Catholic Charities of Central and Northern Missouri  
Cattle Producers of Louisiana  
Cattle Producers of Washington  
Center for New Community (IL)  
Center for Rural Affairs  
Church Women United of New York State  
Citizens for Pennsylvania's Future (PennFuture)  
Citizens for Sanity.Com (FL)  
Colorado Independent CattleGrowers Association  
Columban Center for Advocacy and Outreach (MD)

Community Alliance with Family Farmers (CAFF) (CA)  
 Community Farm Alliance (KY)  
 Community Food Security Coalition  
 Community Vision Council (NY)  
 Contract Poultry Growers of the Virginias  
 The Cornucopia Institute (WI)  
 Crawford Stewardship Project (WI)  
 Cumberland Countians for Peace & Justice (TN)  
 Dakota Resource Council (ND)  
 Dakota Rural Action (SD)  
 Dawson Resource Council (MT)  
 Delta Enterprise Network (AR)  
 Earthworks Urban Farm  
 East New York Farms!/United Community Centers  
 Endangered Habitats League (CA)  
 Environment Maryland  
 Environmental Health Watch (OH)  
 Family Farm Defenders (WI)  
 Farm Aid  
 Farm and Ranch Freedom Alliance (TX)  
 Farmworker Association of Florida  
 Fay-Penn Economic Development Council (PA)  
 Federation of Southern Cooperatives  
 First Unitarian Universalist Church of Columbus (OH)  
 Flatbush Farm Share (NY)  
 Food Chain Workers Alliance (CA)  
 Food Democracy Now!  
 Food First  
 Food Freedom  
 Food for Maine's Future  
 Food & Water Watch  
 Friends of Family Farmers (OR)  
 Friends of the Earth  
 Gardenshare: Healthy Farms, Healthy Food, Everybody Eats (NY)  
 Georgia Poultry Justice Alliance  
 Grassroots International  
 Great Lakes Bioneers Detroit  
 Hattie Carthan Community Garden (NY)  
 Hattie Carthan Herban Farm (NY)  
 Hmong 18 Council of South Arkansas  
 Hmong Association Inc. (AR & OK)  
 Hmong National Development, Inc.  
 Hunger Action Network of New York State  
 Idaho Rural Council  
 Illinois Stewardship Alliance  
 Independent Beef Association of North Dakota  
 Independent Cattlemen of Wyoming  
 Institute for Agriculture and Trade Policy  
 Institute for Responsible Technology  
 Intertribal Agriculture Council  
 Iowa Citizens for Community Improvement  
 Iowa Farmers Union  
 Island Grown Initiative (MA)  
 Jackson County, South Dakota, Board of Commissioners  
 Johns Hopkins Center for a Livable Future (MD)  
 Just Food (NY)  
 Kansas Farmers Union  
 Kansas Rural Center  
 The Land Loss Prevention Project (NC)  
 La Familia Verde (NY)  
 La Finca Del Sur (NY)  
 Land Stewardship Project (MN)  
 Local Matters (OH)  
 Madison Farm to Fork (MT)  
 Maine Organic Farmers and Gardeners Association (MOFGA)  
 Michael Fields Agricultural Institute (WI)  
 Michigan Farmer's Union  
 Michigan Interfaith Power and Light  
 Michigan Land Trustees  
 Michigan Organic Food & Farm Alliance  
 Midwest Environmental Advocates (IL)  
 Minnesota Farmers Union  
 Missionary Society of St. Columban (MD)  
 Mississippi Association of Cooperatives  
 Missouri's Best Beef Cooperative  
 Missouri Farmers Union  
 Missouri Rural Crisis Center  
 Montana Farmers Union  
 Mvskoke Food Sovereignty Initiative (OK)  
 National Catholic Rural Life Conference  
 National Cooperative Grocers Association (NCGA)  
 National Family Farm Coalition  
 National Farmers Organization  
 National Farmers Union  
 National Latino Farmers & Ranchers Trade Association  
 National Organic Coalition  
 National Sustainable Agriculture Coalition  
 National Young Farmers Coalition  
 Nebraska Environmental Action Coalition (NEAC)  
 Nebraska Farmers Union  
 Nebraska Sustainable Agriculture Society  
 Nebraska Women Involved in Farm Economics (NE WIFE)  
 Network for Environmental & Economic Responsibility (TN)  
 New Agrarian Center (OH)  
 New England Farmers Union  
 New York City Community Garden Coalition (NY)  
 North Carolina Contract Poultry Growers Association  
 North Dakota Farmers Union  
 Northeast Organic Dairy Producers Alliance  
 Northeast Organic Farming Association of Massachusetts (NOFA-Mass.)  
 Northeast Organic Farming Association of New York, Inc. (NOFA-NY)  
 Northern Plains Resource Council (MT)  
 Northwest Atlantic Marine Alliance  
 NYC Foodscape  
 Oglala Lakota Livestock and Land Owners Association (SD)  
 Ohio Ecological Food and Farm Association (OEFFA)  
 Ohio Environmental Council  
 Ohio Environmental Stewardship Alliance  
 Ohio Farmers Union  
 Oregon Livestock Producers Association  
 Oregon Rural Action  
 Organic Consumers Association  
 Organic Farming Research Foundation  
 Organic Seed Alliance  
 Organization for Competitive Markets  
 PCC Natural Markets (WA)  
 Peach Bottom Concerned Citizens Group (PBCCG) (PA)  
 Pennsylvania Farmers Union  
 People's Food Co-op (MI)  
 Pesticide Action Network North America  
 Powder River Basin Resource Council (WY)  
 Progressive Agriculture Organization (PA)  
 Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA)  
 Rocky Mountain Farmers Union  
 Rural Advancement Foundation International—USA  
 Rural Empowerment Association for Community Help (REACH) (NC)  
 Rural Coalition/Coalición Rural  
 Slow Food Portland (ME)  
 Slow Food USA  
 Slow Food USA - Rocky Mountain Region  
 Small Planet Institute  
 Socially Responsible Agricultural Project (ID)  
 South Dakota Farmers Union  
 South Dakota Livestock Auction Markets Association  
 South Dakota Stockgrowers Association  
 Southwest Nebraska Women Involved in Farm Economics  
 Stevens County Cattlemen's Association (WA)  
 Sustain LA (CA)  
 Sustainable Economic Enterprises of Los Angeles (SEE-LA)

Tidal Creek Cooperative (Food Market) (NC)  
Tilth Producers of Washington  
Trappe Landing Farm & Native Sanctuary (MD)  
United Church of Christ Justice and Witness Ministries  
United Poultry Growers Association  
Virginia Association for Biological Farming  
Western Colorado Congress

Western Organization of Resource Councils (WORC)  
West Side Campaign Against Hunger (NY)  
WhyHunger  
Williams County Alliance (OH)  
Wisconsin Farmers Union  
Women, Food and Agriculture Network (IA)  
Yellowstone Valley Citizens Council (MT)