

November 7, 2017

President Donald Trump
1600 Pennsylvania Ave., NW
1st Floor, West Wing
Washington, DC 20500

Dear President Trump,

We, the undersigned organizations, respectfully request you take immediate action to protect America's independent family farmers and ranchers from the prevalent predatory and retaliatory actions of foreign and multi-national corporations.

On October 17, 2017, U.S. Secretary of Agriculture Sonny Perdue announced that he would withdraw two of the three rules collectively known as the Farmer Fair Practices Act, which would have restored the intent of the Packers & Stockyards Act (P&S Act) of 1921.¹ While these rules were issued in 2016 under the prior administration, their development has been an ongoing process led by farmers and ranchers since 2010. The prior administration simply did not get the job done. You, Mr. President, have the opportunity to make the difference in the future of rural America and preserve America's family farmers and ranchers.

In withdrawing the Interim Final Rule, and announcing he would take no further action on the Unfair Practices and Undue Preferences in Violation of P&S Act, Secretary Perdue stated, "The initial Packers and Stockyards Act indicated that it should help in facilitating competition, not necessarily one-on-one litigation."² This is wrong and an attempt to erase nearly 100 years of USDA interpretation and understanding of the P&S Act. Further, these actions ignore that leading authorities acknowledged that the intent and purpose of the P&S Act is not only to protect the market but also individual farmers from unfair, predatory and retaliatory practices.

Unlike the intent of the Sherman and Clayton anti-monopoly statutes, the original intent of the P&S Act of 1921 was to protect individual producers against the heavy hand of large corporations. It was enacted in response to a 1919 Federal Trade Commission report outlining concerns that the "Big Five" large meat packers, Swift & Company, Armour & Company, Cudahy Packing Company, Wilson & Company, and Morris & Company, were engaging in anticompetitive practices that harmed individual producers and consumers.³ The USDA has

¹ Interim Final Rule; Farmer Fair Practices Act; Scope of Section 202(a) and (b) of Packers and Stockyards Act (202(a)(b); Docket No. GIPSA_FRDOC_0001-0315 (202(a)(b) and the Farmer Fair Practices Act; Unfair Practices and Undue Preferences in Violation of Packers and Stockyards Act; Docket No. GIPSA_FRDOC_0001-0316 (UPUPVP&S Act).

² Zimmerman, Cindy. "GIPSA Rules Withdrawn by Administration." *AgWired*. 17 October 2017. <http://agwired.com/2017/10/17/gipsa-rules-withdrawn-by-administration/>. Accessed October 2017.

³ 66th Congress HOUSE OF REPRESENTATIVES DOCUMENT 2nd. Session No. 751 ANNUAL REPORT OF THE FEDERAL TRADE COMMISSION, 1919.

agreed, and it has been the longstanding position of USDA that no harm to the market needs to be shown in a P&S Act complaint.⁴

In the Federal Register published document, "Scope of Sections 202(a) and (b) of the Packers and Stockyards Act," GIPSA clearly stated:

"As we explained in the proposed rule, the longstanding agency position that, in some cases, a violation of section 202(a) and (b) can be proven without proof of likelihood of competitive injury is consistent with the language and structure of the P&S Act, as well as its legislative history and purposes."⁵

Further, in their amicus brief in the case of *London v. Fieldale Farms Corp.*, 410 F.3d1295, (11th Cir.2005), USDA clearly argued and established the Secretary's interpretation of the P&S Act that the purpose and the plain language of the P&S Act is that in order to prove that any practice is 'unfair' under § 202(a), it is not necessary to prove predatory intent, competitive injury, or likelihood of injury.

Secretary Perdue's decision ignores all previous USDA Secretaries' interpretation of the intent and purpose of P&S Act and is releasing the abusive market power of foreign corporations and foreign countries onto family farmers and consumers alike. We call on you, by executive order, to do what others have failed to do and are unwilling to do: return justice to the marketplace by implementing the Interim Final Rule; Farmer Fair Practices Act; Scope of Section 202(a) and (b) of Packers and Stockyards Act (202(a)(b)); Docket No. GIPSA_FRDOC_0001-0315 (202(a)(b) and the Farmer Fair Practices Act; Unfair Practices and Undue Preferences in Violation of Packers and Stockyards Act; Docket No. GIPSA_FRDOC_0001-0316 (UPUPVP&S Act).

We remain hopeful you and your administration can take these rules across the finish line on behalf of America's family farmers, our rural communities and consumers.

Thank you for your consideration,

AFGE Local 3354, St. Louis, Missouri
Alabama Contract Poultry Growers Association
Alaska Farmers Union
American Agriculture Movement
American Grassfed Association
Ashtabula, Geauga, Lake Counties Farmers Union (Ohio)
Berks Gas Truth
Buckeye Quality Beef

⁴ The National Agricultural Law Center. "The Packers and Stockyards Act: An Overview." Available at <http://nationalaglawcenter.org/overview/packers-and-stockyards/>. Accessed October 2017.

⁵ United States Government. Federal Register. "Scope of Sections 202(a) and (b) of the Packers and Stockyards Act." Available at: <https://www.federalregister.gov/documents/2016/12/20/2016-30424/scope-of-sections-202a-and-b-of-the-packers-and-stockyards-act>. Accessed October 2017.

California Dairy Campaign
California Farmers Union
California Institute for Rural Studies
Campaign for Contract Agriculture Reform
Cattle Producers of Louisiana
Cattle Producers of Washington
Colorado Independent Cattle Growers Association
Contract Poultry Growers Association of the Virginias
Crawford Stewardship Project
CT NOFA: The Northeast Organic Farming Association of Connecticut
Dakota Resource Council
Fair World Project
Family Farm Action
Family Farm Defenders
Farm Aid
Farm and Ranch Freedom Alliance
Food & Water Watch
Friends of the Earth
Government Accountability Project
GROW North Texas
Health Care Without Harm
Illinois Farmers Union
Illinois Stewardship Alliance
Independent Cattlemen of Nebraska
Independent Cattlemen of Wyoming
Indiana Farmers Union
Institute for Agriculture and Trade Policy
International Texas Longhorn Association
Iowa Citizens for Community Improvement
Iowa Farmers Union
Kansas Cattlemen's Association
Kansas Farmers Union
Kansas Rural Center
Michigan Farmers Union
Missouri Farmers Union
Missouri Rural Crisis Center
Missouri's Food for America
Missouri's Best Beef Co-Op.
Murray County, Oklahoma, Independent Cattlemen's Association
National Dairy Producers Organization
National Family Farm Coalition
National Farmers Union
National Sustainable Agriculture Coalition
Nebraska Farmers Union

Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association - NY
Northeast Organic Farming Association - VT
Northeast Organic Farming Association — Interstate Council (NOFA-IC)
Northern Wisconsin Beef Producers Association
Oglala Stock Growers and Landowners Association
Ohio Ecological Food and Farm Association
Ohio Farmers Union
Ohio River Valley Texas Longhorn Association
Oklahoma Stewardship Council
Organic Farmers' Agency for Relationship Marketing (OFARM)
Organization for Competitive Markets
Powder River Basin Resource Council
Progressive Agriculture Organization
Public Citizen
Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA)
Range Allotment Owners Association
Real Food Challenge
Rocky Mountain Farmers Union
Rural Advancement Foundation International (RAFI-USA)
Slow Food USA
Socially Responsible Agricultural Project
South Agassiz Resource Council
South Dakota Stockgrowers Association
The Cornucopia Institute
Union of Concerned Scientists
Virginia Association for Biological Farming
Western Organization of Resource Councils
Wisconsin Farmers Union
Women Involved in Farm Economics (WIFE)