

Congress of the United States
Washington, DC 20515

July 20, 2022

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Re: Transparency in Poultry Grower Contracting and Tournaments; Proposed Rule; RIN 0581-AE03; 87 *Fed. Reg.* 34980 (June 8, 2022); Poultry Growing Tournament Systems: Fairness and Related Concerns; Advanced Notice of Proposed Rulemaking, Request for Comments; RIN 0581-AE18; 87 *Fed. Reg.* 34814 (June 8, 2022).

Dear Secretary Vilsack,

We respectfully request that the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) grant an extension of the comment period for the above-referenced Proposed Rule and Advanced Notice of Proposed Rulemaking (ANPR). For the several reasons set forth below, we believe such an extension is warranted.

The Proposed Rule as written seeks to establish numerous additional disclosure requirements in connection with the use of performance-based poultry grower compensation arrangements. Additionally, the ANPR seeks extensive comments and information to inform policy development and future rulemaking proposals regarding the use of poultry grower ranking systems. Such analysis can take additional time to provide as it would have wide-ranging impacts on current and future industry operations as well significant compliance costs upon the industry.

Given the 52-page Proposed Rule and the ANPR's collection request of high-level detailed information, such review requires deep analysis and the submission of comprehensive comments. Additionally, USDA has implied in the questions posed by the ANPR that future rulemaking could effectively eliminate the use of the tournament system. With such a proposition, it is appropriate that additional time is allotted for input to the Administration.

Furthermore, USDA had announced in press releases¹ and in the 2022 Spring Regulatory Agenda² its intent to conduct rulemaking regarding the Proposed Rules entitled "Unfair Practices in Violation of the Packers and Stockyards Act"³ and "Clarification of Scope of the Packers and Stockyards Act"⁴, which appear to be in relation to the Proposed Rule and questions posed in the ANPR referenced above. Additional rulemaking must be taken into consideration and analyzed to fully understand the impacts economically, legally, and operationally of the Proposed Rule and ANPR.

¹ USDA [press release](#), June 11, 2021.

² USDA [2022 Spring Regulatory Agenda](#), published June 22, 2022.

³ USDA's Proposed Rule titled, "[Unfair Practices in Violation of the Packers and Stockyards Act](#)," (AMS-FTPP-21-0045), RIN 0581-AE05.

⁴ USDA's Proposed Rule titled, "[Clarification of Scope of the Packers and Stockyards Act](#)," (AMS-FTPP-21-0046), RIN 0581-AE04.

Such changes in regulation must be considered carefully given the state of our nation's food supply chains. As it has been said, food security is a national security issue and anything to modify such our complicated food system must be taken seriously. As such, we respectfully request that USDA extend the comment period of the Proposed Rule and ANPR allowing for the thorough review and input to understand how this would impact industry efficiency and sustainability.

Thank you for your fair and full consideration of this letter. Please do not hesitate to reach out.

Sincerely,



JIM COSTA
Member of Congress



STEVE WOMACK
Member of Congress

Cc: S. Brett Offutt, Chief Legal Officer and Policy Advisor, Packers and Stockyards Division, USDA
Agricultural Marketing Service Fair Trade Practices Program
Andy Green, Senior Advisor for Fair and Competitive Markets, USDA