

October 5, 2022

Bruce Summers  
Administrator  
Agricultural Marketing Service  
United States Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250-0201.

**Re – Request for Extension of the Comment Period; Inclusive Competition and Market Integrity Under the Packers and Stockyards Act, Proposed Rule; Doc. No. AMS-FTPP-21-0045; RIN 0581-AE05.**

Dear Mr. Summers:

The undersigned organizations (organizations) submit this request for a 180-day extension of the comment period in the above-referenced proposed rule (proposal).

The National Chicken Council (NCC) NCC is the national, non-profit trade association that represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States.

The National Turkey Federation (NTF) represents all segments of the turkey industry, including growers, processors, breeders, hatchery owners and allied companies. NTF is the only national trade association exclusively representing the turkey industry; our members account for more than 95 percent of all U.S. turkey production.

The North American Meat Institute (NAMI or the Meat Institute) is the nation's oldest and largest trade association representing packers and processors of beef, pork, lamb, veal, turkey, and processed meat products and NAMI member companies account for more than 95 percent of United States output of these products. The Meat Institute provides regulatory, scientific, legislative, public relations, and educational services to the meat and poultry packing and processing industry.

Since 1957, Southwest Meat Association (SMA) has been a leading meat and poultry trade organization representing meat packers and processors throughout the United States. SMA is an organization created to make a difference for its members by initiating opportunities, resolving problems, and thus helping member companies earn a reasonable return on their investment. Today, SMA's diverse membership ranges from major meat packers and processors to independently family-owned businesses.

The proposal introduces regulatory concepts never advanced by the Agricultural Marketing Service (AMS or the agency) pursuant its authority under the Packers and Stockyards Act (PSA or the Act). These concepts raise novel legal and practical questions requiring careful consideration.

In addition to the agency's request for comments on the regulatory proposals, *e.g.*, the request regarding "whether specific groups should be named in the definition of a market vulnerable individual as examples of market vulnerable individuals and ...

supporting evidence on the historical treatment of such groups,” the agency poses 44 different questions regarding the undue prejudices, retaliation, and deceptive practices proposals.<sup>1</sup> These questions cover an array of topics of interest to the meat industry and also deserve careful consideration in preparing answers. To enable the organizations to speak to this broad array of topics in a constructive manner requires added time.

Finally, the organizations have expressed in requests for extension and comments to the agency's previously published June 8 proposed rule (June 8 rule) and its subsequent Advance Notice of Proposed Rulemaking (ANPR) continuing concerns with AMS “piecemealing” what it has described as a "suite of major actions under the Biden Administration to create fairer marketplaces for poultry, livestock and hog producers." As previously requested, the agency should withdraw both the June 8 rule, the ANPR, and the above-referenced docket, and publish the entire "suite" of rules together, with a comment period sufficient to allow stakeholders to consider the overlapping impact of the proposals and comment after all proposals have been shared publicly. Moreover, should the agency conclude new rules are warranted, their effective dates should be concurrent and allow sufficient time to enable industry to adapt to the massive changes AMS appears to be considering.

For the reasons discussed above the organizations respectfully request AMS withdraw the proposal, along with renewing the earlier similar requests regarding the June 8 rule and the ANPR, and establish a single proposal with an appropriate comment period for all interrelated rules. Failing that, the organizations request at minimum a 180-day extension of the comment period in the above-referenced docket. Thank you for your consideration.

Respectfully submitted,

National Chicken Council  
National Turkey Federation  
North American Meat Institute  
Southwest Meat Association

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<sup>1</sup> 87 *Fed. Reg.* 60010 (Oct. 3, 2022).