



## TENNESSEE FARM BUREAU FEDERATION

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September 10, 2024

S. Brett Offutt  
Chief Legal Officer/Policy Advisor  
Packers and Stockyards Division  
United States Department of Agriculture  
Agricultural Marketing Service  
Fair Trade Practices Program  
1400 Independence Avenue SW  
Washington, DC 20250

**Re: Docket No. AMS-FTPP-21-0046; Fair and Competitive Livestock and Poultry Markets**

Dear Mr. Offutt,

The Tennessee Farm Bureau Federation (TFBF) appreciates the opportunity to provide comments to the United States Department of Agriculture (USDA) regarding the proposed rule titled *Fair and Competitive Livestock and Poultry Markets* (Proposed Rule). We urge USDA to consider these comments and those submitted by American Farm Bureau Federation.

With over 695,000 members, TFBF is the largest general farm organization in Tennessee, representing the varied commodity producers across the state. Our policy is developed through a grassroots network of farmer members who identify, research, deliberate, vote on, and adopt policies on various issues related to agriculture and rural living, including livestock and poultry markets.

According to the USDA National Agricultural Statistics Service 2022 Census of Agriculture<sup>1</sup>, cattle, poultry, and pork products brought in \$2.16 billion in sales in 2022, accounting for 42 percent of total sales of agricultural products in Tennessee. The steadily declining number of companies who buy and process livestock have reduced competition in the marketplace. Competition is essential to establish true and fair prices. We commend the USDA's continued awareness and action to prevent farmers from being adversely affected by the creation of any antitrust situations; however, we are concerned with USDA's broad-spanning approach to address this issue in the proposed rule.

TFBF recognizes USDA's long-standing perspective to provide uniform rules for all species under the Packers and Stockyards Act. However, given the stark differences in the markets, supply chains, and varying levels of integration among the beef, pork, and poultry sectors, we believe USDA should separate each of these commodities when considering unfair practices and harm to competition.

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<sup>1</sup> "2022 Census of Agriculture – Ranking of Market Value of Ag Products Sold, Tennessee"; *USDA National Agricultural Statistics Service*; [https://www.nass.usda.gov/Publications/AgCensus/2022/Online\\_Resources/County\\_Profiles/Tennessee/cp99047.pdf](https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Tennessee/cp99047.pdf); 26 August 2024.

While all sectors may deal with certain similar challenges from packers, swine contractors, and livestock poultry dealers, each sector has more concerns specific to their commodity. For example, while different parts of this Proposed Rule address issues in the poultry sector, other aspects highlight further consolidation concerns in the beef and pork sectors. USDA needs to acknowledge these differences and establish species-specific rules and guidelines. An attempt to cover all three in the Proposed Rule not only makes the proposal too broad, but it also has the potential to create adverse impacts to individual species. This Proposed Rule, if applied to the beef and pork sectors, elevates the risk of further consolidation to reduce the risk of litigation. Further consolidation of those two sectors would lead to increased issues with competition and the very challenges this rule is seeking to address.

Addressing unfair practices in the beef, pork, and poultry sectors is of extreme importance to livestock producers in Tennessee and across the nation. A broad overarching approach to unfair practices across species creates unintended, species-specific consequences by not accounting for the complexities of each commodity market. A species-specific approach allows USDA to more directly rectify specific issues impacting a certain sector. Because of this, TFBF opposes this Proposed Rule and urges USDA to reconsider species-specific rules for each sector in future rulemaking.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eric Mayberry".

Eric Mayberry  
President  
Tennessee Farm Bureau Federation