

**United States Senate**  
WASHINGTON, DC 20510

November 17, 2022

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

**Re: Inclusive Competition and Market Integrity Under the Packers and Stockyards Act;  
Proposed Rule; RIN 0581-AE05; 87 Fed. Reg. 60010 (October 3, 2022).**

Dear Secretary Vilsack:

As representatives of states with substantial chicken operations, we respectfully request the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) grant a 180-day extension of the comment period for the above-referenced proposed rule. We believe an extension is needed for stakeholders to consider and properly analyze the proposal.

The proposed rule entitled "Inclusive Competition and Market Integrity Under the *Packers and Stockyards Act*" introduces novel regulatory concepts, which would have wide-ranging impacts on the contracting of poultry, cattle, and hogs. It would also establish broad recordkeeping obligations on each of these sectors. Additionally, the preamble to the proposed rule poses 44 detailed, technical questions regarding definitions of terms that require careful consideration and feedback. It is appropriate that additional time is allotted to stakeholders and our constituents so that they may provide the most substantive comments possible.

The proposed rule is the second installment in a three-part rulemaking intended to effect changes to the meat and poultry supply chains. On June 8, USDA published a proposed rule entitled, "Transparency in Poultry Grower Contracting and Tournaments," and an advanced notice of proposed rulemaking entitled, "Poultry Growing Tournament Systems: Fairness and Related Concerns." USDA has also stated its intent to promulgate another proposed rule entitled, "Clarification of Scope of the *Packers and Stockyards Act*." Each of these rules are inexorably connected, and USDA has described them as a "suite of major actions under the Biden administration to create fairer marketplaces for poultry, livestock, and hog producers." Therefore, to understand fully the economic, legal, and operational impacts of the proposed rule and to provide meaningful comments, stakeholders and our constituents must have the opportunity to consider USDA's competition agenda in its entirety.

We respectfully request that USDA extend the comment period of the proposed rule for 180 days. This would allow stakeholders and constituents to study the impact that the Department's full competition agenda would have on industry efficiency and compliance costs, food availability and hunger, and inflationary pressures on consumers. As you know, the chicken industry is essential to our domestic and global food security because of our significant exports. We therefore urge you to let stakeholders comment on all proposed rules together and to take steps to mitigate any interruptions to the poultry supply chain.

Thank you for your attention to this request. Please do not hesitate to contact us if you would like more information or have any questions.

Sincerely,



Christopher A. Coons  
United States Senator



Roger F. Wicker  
United States Senator

/s/ Thomas R. Carper  
Thomas R. Carper  
United States Senator



John Boozman  
United States Senator



Raphael Warnock  
United States Senator



Cindy Hyde-Smith  
United States Senator



Tim Kaine  
United States Senator



Mike Braun  
United States Senator



Mark R. Warner  
United States Senator



Thom Tillis  
United States Senator



Benjamin L. Cardin  
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Lindsey O. Graham  
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Chris Van Hollen  
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Richard Burr  
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Tom Cotton  
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James M. Inhofe  
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James Lankford  
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Bill Cassidy  
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Tim Scott  
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Cc: S. Brett Offutt, Chief Legal Officer and Policy Advisor, Packers and Stockyards Division  
Andy Green, Senior Advisor for Fair and Competitive Markets  
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Bruce Summers, Administrator, Agricultural Marketing Service  
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