

## **Animal Agriculture Reform Policy Recommendations for the Biden-Harris Administration December 2020**

The COVID-19 pandemic laid bare long-standing, intersecting vulnerabilities and racial, economic and health inequities in the current monopolized food production and processing system.

We face a choice. We can build food and agriculture systems that embrace the Biden-Harris administration's top priorities to:

- aggressively protect the essential workers who risk their lives to raise, pick and process our food during the COVID-19 pandemic
- create hundreds of thousands of jobs, support independent family farmers, and rebuild thriving rural economies
- address racial inequities to uproot unjust systems and agricultural policies
- mitigate climate damage – the existential challenge of our time

Or we can stay trapped in an out-of-control and highly consolidated factory farm and food processing system controlled by a handful of mega-corporations rather than independent family farmers. We can build back better than ever, but not through the current food system and rules.

We can see the harmful economic and health impacts of the current food system in thousands of rural communities across the United States—particularly in Black, Latinx, and Indigenous communities.<sup>1</sup> The current factory farm system is a petri dish for the next pandemic<sup>2</sup> and is driving climate damage with a devastating increase in greenhouse gas emissions, unlike virtually every other industry.<sup>3</sup> These are not glitches in the system that can be tweaked and adjusted. They are fundamental to how the system works and has worked for some time. In short, the current factory farm and consolidated food system is the problem, not the solution.

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<sup>1</sup> For example, in rural North Carolina massive amounts of toxic manure sludge contaminate surrounding waters every hurricane season, and noxious odors and residue from liquified pig waste sprayed on fields make neighboring homes, churches, and schools unlivable. The most productive agricultural region of the world – the rural California Central Valley – leads the country in having the worst air quality, driven by ever-increasing mega-dairies. In the Midwest, the Des Moines water supply is polluted, and tens of thousands of wells across the region are contaminated as a result of this concentrated, industrialized production model.

<sup>2</sup> The bird flu and H1N1 originated on factory farms in China and North Carolina, outbreaks of both killed hundreds of thousands of people. Future pandemics with bacterial complications like pneumonia could have disastrous cost to public health, as the overuse of antibiotics in the factory farm industry has led to antibiotic resistance—70% of medically important antibiotics in the US are sold for animal agriculture.

<sup>3</sup> Emissions related to manure management rose 66% since 1990

We represent farmers, food chain workers, frontline and rural communities, as well as environmental, animal welfare, and public health organizations. Together, our 72 organizations represent over ten million people from every state in the country. We urge swift and immediate action to protect farmers, food chain workers and public health to put our country on the path to recovery by building a just, regenerative, regional, high-welfare pasture-and plant-based food system.

We propose specific recommendations across multiple agencies, executive actions, and transformational legislation. Now more than ever, we need bold leadership. The wellbeing of generations now and to come depend on this administration's next moves.

In the following pages, detailed priorities are outlined in five sections:

- I. *COVID-19 Response: Provide Immediate Relief and Protections for Workers, and Invest Recovery Funds Towards Climate Resilience (OSHA & USDA)*
- II. *Transforming Our Food System for Equity and Resilience (DOJ, FTC, & USDA)*
- III. *Protecting Workers in the Food System (OSHA)*
- IV. *Climate Action, Environmental Justice, Clean Air and Clean Water (EPA)*
- V. *Path Forward to a Just, Climate Resilient Food System (USDA)*

The following 72 organizations generally endorse and urge the Biden-Harris administration to take swift focused action to implement the recommendations outlined in this memo.

American Society for the Prevention of Cruelty to Animals	Crystal Coast Waterkeeper
Animal Legal Defense Fund	Dakota Resource Council
Apalachicola Riverkeeper	Dakota Rural Action
Assateague Coastal Trust/Assateague	Environmental Integrity Project
COASTKEEPER	Environmental Stewardship
Bayou City Waterkeeper	Family Farm Action Alliance
Brighter Green	Family Farm Defenders
Buffalo River Watershed Alliance	Farm Aid
Cahaba Riverkeeper	Farm Forward
Cape Fear River Watch	Food & Water Watch
Catawba Riverkeeper	Food Animal Concerns Trust
Center for Biological Diversity	Food Chain Workers Alliance
Center for Food Safety	Friends of Family Farmers
Center on Race, Poverty & the Environment	Friends of the Earth U.S.
Chattahoochee Riverkeeper	Grand Riverkeeper/LEAD Agency, Inc.
Chicago Food Policy Action Council	Green Riverkeeper
Coosa Riverkeeper	Haw River Assembly

HEAL (Health, Environment, Agriculture,  
Labor) Food Alliance  
Health Care Without Harm  
Idaho Organization of Resource Councils  
Illinois Stewardship Alliance  
Institute for Agriculture and Trade Policy  
Iowa Citizens for Community Improvement  
Iowa Farmers Union  
Johns Hopkins Center for a Livable Future  
Land Stewardship Project  
Leadership Counsel for Justice &  
Accountability  
Lumber Riverkeeper  
Milwaukee Riverkeeper  
Missouri Confluence Waterkeeper  
National Family Farm Coalition  
North Carolina Environmental Justice  
Network  
Northeast Organic Farming Association-  
Vermont  
Ogeechee Riverkeeper  
Open Markets Institute  
Organic Consumers Association  
Poweshiek CARES  
Public Justice

Quad Cities Waterkeeper INC.  
Rural Advancement Foundation  
International-USA (RAFI-USA)  
Rural Empowerment Association for  
Community Help  
Rural Vermont  
Seeding Sovereignty  
Seneca Lake Guardian  
ShoreRivers Inc.  
Snake River Waterkeeper  
Socially Responsible Agriculture Project  
(SRAP)  
Southern Environmental Law Center  
Twin Harbors Waterkeeper  
Watauga Riverkeeper  
Waterkeeper Alliance  
Waterkeepers Chesapeake  
Western Colorado Alliance  
Western Organization of Resource Councils  
(WORC)  
Winyah Rivers Alliance

**I. COVID-19 RESPONSE: PROVIDE IMMEDIATE RELIEF AND PROTECTIONS FOR WORKERS, AND INVEST RECOVERY FUNDS TOWARDS CLIMATE RESILIENCE (OSHA, USDA)**

COVID-19 response has failed in two ways: 1) lack of protections for workers who grow, harvest, process, and prepare our food;<sup>4</sup> and 2) lack of support for farmers who continue to meet community needs through regenerative local and regional food systems.

The pandemic showed the insecurity of the extremely concentrated livestock industry, and that this industry will not on its own protect meatpacking plant workers. Instead, giant meat companies took exploitation inherent in the system to dangerous extremes.<sup>5</sup> We also saw how vulnerable the current concentration makes our food system when only two plants, responsible for processing 10% of the hogs in the country, had to be temporarily shut down. Yet meatpacking, farm, and warehouse workers who are on the frontlines keeping our communities fed during the pandemic have been excluded from fundamental safety protections, premium pay and COVID-19 benefits.

We need a food system that is just and resilient enough to withstand inevitable climate disaster and future pandemics.

We urge the Biden-Harris administration to take swift action to:

- Protect frontline workers in the food system
- Direct COVID-19 relief funding to build a climate resilient food system

**Protect Workers in the Food System**

Integrators like Tyson and Smithfield have made huge profits during the pandemic, while workers—who are mostly Black, Latinx, and immigrants—are compelled to work in crowded meatpacking plants at risk of losing their jobs, even if they are sick. The Trump administration actually proposed lowering farm workers already staggeringly low wages, and instead of issuing an Emergency Temporary Standard to protect food workers, waivers were issued allowing meatpacking plants to increase line speeds which were already dangerously fast.

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<sup>4</sup> A UC Berkeley report shows California’s agricultural workers who are primarily Latinx have contracted COVID-19 at nearly three times the rate of other residents.

<sup>5</sup> A joint study by Columbia University and the University of Chicago reports that as many as 1 in 12 cases of COVID-19 in the early stage of the pandemic in the U.S. can be tied to outbreaks at meatpacking plants and subsequent spread in surrounding communities. The researchers also found that plants that received waivers from the USDA to increase their production-line speeds had relatively more county-wide cases. In November 2020, the USDA submitted a proposed rule to raise maximum line speeds for chicken processing to the Office of Information and Regulatory Affairs for review.

The people who grow, harvest, and process our food need the recognition and protection of their vital role in keeping our country going, regardless of immigration status. Immediate safety guidelines are needed to protect food chain workers from COVID-19, and line speed waivers need to be revoked to allow for safe distancing.

Specifically, we urge the Biden-Harris administration to:

1. Direct OSHA to issue and enforce an Emergency Temporary Standard to protect food workers and all essential workers regardless of immigration status—including meat processing and farm workers— from COVID-19.<sup>6</sup>
2. Direct the USDA to immediately halt implementation of the New Swine Slaughter Inspection System and propose a rulemaking that would reverse the Modernization of Swine Slaughter Inspection Rule, once again capping the number of pigs that slaughterhouses can kill at 1,106 per hour.
3. Revoke regulatory line speed waivers that have been granted to chicken and cattle slaughterhouses, cease issuing new line speed waivers, and discontinue any efforts to advance rulemaking to allow any increase in line speeds.

We urge the Biden-Harris administration and Congress to work together to:

1. Immediately pass legislation to mandate that employers provide premium pay at a minimum of time and a half to all workers regardless of immigration status given the increasingly hazardous, deadly conditions due to COVID-19.
2. Pass the Safe Line Speeds in COVID-19 Act<sup>7</sup> to prohibit dangerous, higher-speed slaughter systems from operating during the COVID-19 pandemic, and direct the Government Accountability Office to review actions taken by the USDA in response to the pandemic to determine their effectiveness in protecting animal, food, and worker safety.
3. Approve appropriations language to prohibit USDA funds from being used to implement the New Swine Slaughter Inspection System, approve regulatory waivers allowing slaughterhouses to increase line speeds, or draft or implement new rules deregulating slaughter.

### **Direct COVID-19 Relief Funding to Build a Climate Resilient Food System**

A just food system that can withstand climate disaster requires a decentralized food system with a thriving regional and local food processing infrastructure, and more farmers (including more BIPOC, immigrant and women farmers) who are building a regenerative food system. Instead of further enriching mega food companies that have put us in this untenable and

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<sup>6</sup> This is also included in the Heroes Act (HR 8406, Rep. Lowey, S 4800, Sen. Schumer (2019-2020)), an executive order is urgently needed protect workers as COVID-19 rates are increasing rapidly.

<sup>7</sup> HR 7521, Rep. Fudge & S 4338, Sen. Booker (2019-2020)

precarious position, COVID-19 relief funding could make a big impact in building a just, climate resilient food system.

Specifically, we urge the Biden-Harris administration and Congress to work together to support these priorities in the next (and any future) rounds of COVID-19 pandemic relief aid:

1. Invest in the transition toward regenerative agriculture through the Conservation Reserve Program, Conservation Stewardship Program, and the Environmental Quality Incentives Program.
2. Additional aid should focus on deeper investments in pasture- and plant-based, regenerative farming and small and mid-sized meat processing facilities to strengthen local and regional infrastructure, and not go to multinational meat companies which have profited off the pandemic.

**For More Information:**

[How is the COVID-19 Pandemic Impacting Food Workers](#)

HEAL Food Alliance

[Prevalence and Predictors of SARS-COV-2 Infection Among Farm Workers](#)

UC Berkeley School of Public Health

## II. **TRANSFORMING OUR FOOD SYSTEM FOR EQUITY AND RESILIENCE (DOJ, FTC, USDA)**

No food company should be too big to fail. It's just too risky, and the pandemic has vividly exposed this vulnerability in meatpacking. We need to decentralize the food system and re-localize it with strong regional infrastructure from farm to table by leveling the playing field for independent family-scale producers and regional businesses. This will help revitalize our economy, including struggling rural economies, and grow new jobs and new businesses.

We urge the Biden-Harris administration to:

- Decentralize and strengthen the food system by pausing approval of new mergers, breaking up mega corporations, and strongly enforcing antitrust laws in the food system.
- Give DOJ, FTC, USDA and other agencies stronger tools and a mandate to stem the monopolization of the food system and enforce antitrust laws.

Specifically, we urge the Biden-Harris administration to:

1. First assess consolidation impacts by convening a task force with participation from federal agencies with jurisdiction over different aspects of the food system to assess the impact of consolidation on farmers, rural communities, workers, consumers, the environment, and food system resilience and recommend necessary improvements to competition policy for each agency and department.
2. Then require the DOJ and FTC—with input from the USDA, Commodity Futures Trading Commission, and Department of Labor—to thoroughly evaluate the effects that previous mergers have had on family farmers and ranchers, workers, rural communities, consumers and food system resilience.
3. Use this evaluation to guide efforts to break up merged companies that are found to use anticompetitive practices or have excessive market share, and update the guidelines used by DOJ and FTC to evaluate new mergers (horizontal and non-horizontal).
4. Direct the FTC and DOJ to pause approval on new mergers of large agriculture, food processing or food retailing companies to stem the tide of mega-mergers that have driven unprecedented consolidation in the food sector.
5. Establish a new division within the USDA to address competition in the agriculture sector. The new competition division should assess the state of competition in all sectors of agriculture where it has some statutory mandate,<sup>8</sup> including measurements of concentration of market share in specific sectors and regions, and impacts on competition and price discovery from vertical integration, contracting practices, and intellectual property practices. This division should not only assess the state of

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<sup>8</sup> Packers & Stockyards Act, Agricultural Marketing Act, Perishable Agricultural Commodities Act, Federal Meat Inspection Act, Poultry Products Inspection Act, Egg Products Inspection Act

competition in the agriculture system but should also recommend cases for referral to relevant antitrust authorities (DOJ or FTC) for enforcement actions.

We urge the Biden-Harris administration and Congress to work together to:

1. Pass the Food and Agribusiness Merger Moratorium and Antitrust Review Act<sup>9</sup> to pause approval of new mergers until antitrust guidelines are updated with more effective procedures that protect farmer, worker and consumer interests and evaluate impacts on the resilience and competitiveness of the food system.
2. Provide consistent strong oversight and funding to ensure relevant antitrust agencies enforce antitrust laws in the food system.

**For More Information:**

[The Food System: Concentration and it's Impacts](#)

Family Farm Action Alliance

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<sup>9</sup> HR 2933, Rep. Pocan & S 1596, Sen. Booker (2019-2020)

### III. **PROTECTING WORKERS IN THE FOOD SYSTEM (OSHA)**

The COVID-19 pandemic revealed the extreme danger and exploitation workers in the food system face, yet in truth a lack of oversight and worker safety protections have long made these jobs extraordinarily unsafe. Permanent improvements to worker safety, wages, and making the right to organize more inclusive need to be implemented.

In addition to the immediate and urgent worker protection actions listed in Section I – COVID-19 Response, we urge the Biden-Harris administration to make permanent improvements for worker safety for farm, meatpacking plant, and warehouse workers.

Specifically, we urge the Biden-Harris administration to direct OSHA to:

1. Respond to worker complaints, including treating potential exposure to COVID-19 as an imminent danger, with immediate, unannounced, in-person inspections of workplaces.
2. Ensure that all workers, including those who are undocumented, receive protection from retaliation.
3. Increase staff for, and aggressively enforce, the Whistleblower Protection Program and the Occupational Safety and Health Act's requirements including under the General Duty Clause or any standard issued.

We urge the Biden-Harris administration and Congress to work together to:

1. Appropriate the necessary funding to OSHA for enforcement and the Whistleblower Protection Program and inspections.

#### **For More Information:**

[No Piece of the Pie: U.S. Food Workers in 2016](#)

Food Chain Workers Alliance & Solidarity Research Collaborative

[Lives on the Line: The High Human Cost of Chicken](#)

OXFAM America

#### IV. CLIMATE ACTION, ENVIRONMENTAL JUSTICE, CLEAN AIR AND CLEAN WATER (EPA)

Rural communities—including Black, Indigenous, Latinx and immigrant communities—bear the brunt of environmental health and economic degradation from the current concentrated and corporate controlled, industrialized system. Taking animals off the land and confining them in factory farms on a massive scale is a leading driver of climate change<sup>10</sup> and concentrates environmental and health threats by polluting drinking water, poisoning the air, harming the welfare of animals, creating new antibiotic resistant pandemic threats, and spreading toxic pathogens in the soil.

A just transition to a climate resilient food system starts with effective regulation of existing factory farms now to protect people, their communities and the healthy ecosystems we depend on.

We urge the Biden-Harris administration to:

- Accelerate the transition to a climate resilient food system
- Secure justice for frontline and rural communities
- Protect community and ecosystem health by restoring vital protections for water

##### **Accelerate the Transition to a Climate Resilient Food System**

The President-elect has called climate damage the existential threat of our time. We agree. Our commitment to embrace science and curb climate pollution in the United States must include reducing the greenhouse gas emissions of industrial animal agriculture—now a leading driver of climate damage in the United States.

Specifically, we urge the Biden-Harris administration to:

1. Oppose public resources and tax (or other) incentives at the federal and state-level from supporting the buildout of animal manure biogas infrastructure; and oppose the inclusion of animal manure-based power in renewable energy definitions for renewable energy credit or other incentive programs.
2. Establish CAFO regulation under the Clean Air Act by developing mechanisms to better monitor air emissions and collect air emissions data to improve understanding of community exposure risks.
3. Regulate factory farms under the Clean Air Act as a stationary source category, establishing performance standards that mandate dramatic reductions in methane and nitrous oxide.
4. Finalize Emission Estimation Methods (EEMs) using all available peer-reviewed data, require Animal Feeding Operations (AFOs) to seek Clean Air Act permits if they emit

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<sup>10</sup> Full life cycle impact of industrialized factory farm meat production generates more climate pollution than all transit sectors combined.

above threshold amounts of pollutants according to the EEMs, and rescind the rule exempting AFOs from reporting hazardous emissions.

5. Conduct systematic planning for future development of a more comprehensive study or model to develop more accurate EEMs. This planning and the study should be developed through a transparent process with input from expert stakeholders including researchers.
6. Stop promoting animal manure biogas projects and end the EPA-USDA AgStar program.

### **Secure Justice for Frontline and Rural Communities**

The environmental and economic harms and health hazards of the industrialized factory farm system are disproportionately borne by Black, Indigenous, Latinx, immigrant and rural communities. Current exemptions under the Emergency Planning and Community Right to Know Act (EPCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) deprive these communities of crucial information about releases of dangerous air pollution from animal waste at Concentrated Animal Feeding Operations (CAFOs), including ammonia and hydrogen sulfide— two highly toxic gases, exposure to which can cause sickness and even death.

We cannot protect communities or the environment without adequate information and data, including cumulative impact. Decisions must be transparent and follow the will of the community, and where communities are involved in decision-making early and widely shared information is necessary for equitable and informed decisions.

Specifically, we urge the Biden-Harris administration to:

1. Take executive action to restore National Environmental Policy Act (NEPA) protections and repeal the Trump administration's illegal rollbacks to NEPA.
2. Rescind all versions of its guidance and rules exempting CAFOs from reporting under EPCRA and CERCLA.

We urge the Biden-Harris administration and Congress to work together to:

1. Repeal the Fair Agricultural Reporting Act.

### **Protect Community and Ecosystem Health by Restoring Vital Protections for Water**

We need to restore previous protections for rivers, streams, lakes and wetlands and further ensure that Clean Water Act (CWA) protections apply to protecting the groundwater and other drinking water sources from pollution from CAFOs—which are a leading cause of water degradation.

Specifically, we urge the Biden-Harris Administration to:

1. Withdraw Executive Order 13778 – Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule (February 28, 2017). Issue a new executive order directing the EPA and the U.S. Army Corps of Engineers to repeal the Navigable Waters Protection Rule and replace it with a definition that will restore and protect the “chemical, physical and biological integrity of the Nation’s waters” and:
  - Broadly encompass the nation’s interstate and intrastate rivers, streams, lakes, reservoirs, wetlands, canals, waters with subsurface hydrologic connections, and other waters.
  - Protect fish and aquatic life and wildlife, recreational uses, drinking water supplies, and agricultural, industrial, and other uses in those waters and in downstream waters.
  - Restore the cooperative federalism approach envisioned by Congress through a nationally applicable Clean Water Act implemented in partnership with state and tribal governments.
2. Initiate rulemaking with the U.S. Army Corps of Engineers to withdraw the Navigable Waters Protection Rule, and replace it with a definition that fully restores science-based protections for rivers, streams, lakes, wetlands, canals, and other waters, including protections for both interstate and intrastate waters, for waters that have subsurface hydrologic connections to other waters of the United States, and for “other waters” that may lack connections to traditionally navigable waters, where the use, degradation, or destruction of those waters could affect interstate or foreign commerce.
3. Refrain from defending the “Navigable Waters Protection Rule” in pending litigation while that rulemaking is underway.
4. Agree to not oppose vacatur of the “Navigable Waters Protection Rule” as a remedy in pending litigation, and agree not to appeal any decision vacating the rule.

**For More Information:**

[Requiring Strengthening CAFO Regulations Under the Clean Air Act](#)

Johns Hopkins Center for a Livable Future

[Precautionary Moratorium on New and Expanding Concentrated Animal Feeding Operations](#)

American Public Health Association

[Adverse Impacts of Proposed WOTUS Rule on 12 Waterkeeper Watershed](#)

Waterkeeper Alliance and Bayou City Waterkeeper

## V. **PATH FORWARD TO A JUST, CLIMATE RESILIENT FOOD SYSTEM (USDA)**

The reality of climate chaos was evident this year with unprecedented fires in several Western states, record number of hurricanes in the Gulf and Southeast, and the extreme winds in Iowa—all with devastating consequences for farms. Building a climate resilient food system that can mitigate and survive such disruptions requires significant investment to accelerate the transition to a just, regenerative, pasture- and plant-based food system, and is vital to economic recovery and rural revitalization.

Overarching Recommendations:

- Accelerate the transition to a climate resilient food system
- Invest in a just transition with the Farm Systems Reform Act
- Strengthen fair market practices in animal agriculture
- Reinstate the Organic Livestock and Poultry Practices Rule

### **Accelerate the Transition to a Climate Resilient Food System**

The factory farm industry is a leading contributor to climate change, and its consolidation makes our food supply particularly vulnerable to climate disasters. Prioritizing investment in sustainable farming practices and a climate resilient food system will spur massive economic growth and build the local and regional processing infrastructure to support small and mid-sized farmers.

Specifically, we urge the Biden-Harris administration to:

1. Support policies that accelerate the transition to a climate resilient food system by supporting sustainable, regional and local food systems.
2. Oppose public resources and tax (or other) incentives at the federal and state-level from supporting the buildout of animal manure biogas infrastructure; and oppose the inclusion of animal manure-based power in renewable energy definitions for renewable energy credit or incentive programs.
3. Prioritize wind and solar through the Rural Energy for America Program (REAP), and end support for animal manure biogas projects.
4. Stop promoting animal manure biogas projects and end the USDA-EPA AgStar program.
5. Prioritize Environmental Quality Incentives Program (EQIP) livestock payments for sustainably managed grazing, not CAFOs, in all USDA decision-making (regulation, establishing program priorities, etc.).
6. Place a moratorium on the Farm Service Agency guaranteed loan program backing of new or expanding factory farms.

7. Freeze new guaranteed loans made to livestock and poultry CAFO facilities utilizing production and marketing contracts under the Small Business Administration (SBA) 7(a) loan program until Congressional action reinstates the SBA final rule on affiliation
8. Rebuild USDA's research capacity including the Economic Research Service and National Institute for Food and Agriculture with climate directives.

### **Invest in a Just Transition with the Farm Systems Reform Act (FSRA)**

The FSRA would invest in a just transition from the consolidated, corporate-controlled factory farm system, which is exploiting workers, animals and the environment, pushing farmers out of business, and hollowing out rural economies. A just transition is critical to building a better food system that would benefit independent farmers, rural communities, food safety, our health, air and water, and the welfare of animals.

We urge the Biden-Harris administration to support the Farm System Reform Act and the transition to a more resilient, sustainable and humane agricultural system.

Specifically, the FSRA would:

- Enact an immediate moratorium on new and expanding large CAFOs, as defined by the EPA.
- Require the phase-out of existing large CAFOs by 2040; thereby ending the inhumane treatment of millions of animals in these facilities and factory farming as we know it.
- Authorize \$100 billion over ten years for a voluntary buyout program, enabling existing factory farm owners to pay down debt and/or transition to alternative agricultural systems on their land (such as pasture-based livestock or specialty crops).
- Hold factory farm integrators responsible for the harms caused by the manure waste and pollution produced by their contract operations.
- Amend the Packers & Stockyards Act (P&SA) of 1921 to protect farmers from unfair and abusive practices (see next section, Strengthen Fair Market Practices).
- Restore accurate labeling standards for meat and dairy industry (see next section, Strengthen Fair Market Practices).

### **Strengthen Fair Market Practices in Livestock Sector**

The livelihoods of farmers and ranchers, and the rural communities where they live, are strained and declining because of the market power held by a few mega-corporations that dominate the food system. This is especially true in the meat industry, where large integrators like Tyson and Smithfield control all aspects of production. Uncompetitive practices are forcing farmers off the land, eroding rural economies, and damaging environmental health.

Specifically, we urge the Biden-Harris administration to:

1. Immediately reinstate the Grain Inspection Packers and Stockyards Administration as a stand-alone agency within USDA (GIPSA was dissolved by Secretary Perdue).
2. Immediately withdraw the 2020 Undue and Unreasonable Preference or Advantage Rule.<sup>11</sup>
3. Initiate new rulemaking for the Farmer Fair Practice proposed rule<sup>12</sup> to address anti-competitive practices in the livestock and poultry sectors, including (but not limited to):
  - Make clear that individual farmers do not need to show anti-competitive impact on the entire industry in order to pursue a complaint under the Packers & Stockyards Act (PSA).
  - Eliminate "pro-competitive effects" or "legitimate business justifications" as defenses to claims arising from a meatpackers' violation of conduct prohibited under the PSA.
  - Address a broader set of criteria and standards regarding livestock and poultry company actions that would be considered violations of the Act.<sup>13</sup>

We urge the Biden-Harris administration and Congress to work together to:

1. Amend the Packers & Stockyards Act (P&SA) of 1921 to protect farmers from unfair and abusive practices to:
  - Prohibit practices that enable meatpacking industries to distort the market price of cattle, including prohibiting packer ownership of cattle in the 7 days prior to slaughter, and requiring 50 percent of slaughtered cattle to come from spot markets.
  - Require transparency in contract grower compensation and prohibiting "tournament systems" that unfairly pit farmers against each other.
  - Provide the USDA with the necessary authority to undertake enforcement against abusive and deceptive practices by integrator companies, and eliminating "legitimate business justifications" as a defense for meatpackers' violations.
  - Protect contract growers from retaliation for speaking out against unfair practices.
2. Give USDA administrative enforcement authority for poultry under the Packers and Stockyards Act and end the bifurcated authority between USDA and DOJ related to

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<sup>11</sup> § 201.211

<sup>12</sup> Based on the 2008 Farm Bill

<sup>13</sup> From 2010 proposed rules

enforcement and grant the restored, stand-alone Packers and Stockyards Administration Agency administrative enforcement authority over all violations.

3. Reinstate mandatory country of origin labeling (COOL) for beef and pork products, and extend COOL to dairy products, and prohibit imported meat products from carrying the “Product of USA” label.

Additionally, the USDA should work with DOJ and FTC to address the extraordinary concentration in the meat industry. *See Department of Justice (DOJ) And Federal Trade Commission (FTC) section on page 6 for related recommendations.*

Specifically, we urge the Biden-Harris administration to:

1. Establish a new division within the USDA to address competition in the agriculture sector. The new competition division should assess the state of competition in all sectors of agriculture where it has related some statutory mandate,<sup>14</sup> and recommend cases for referral to relevant anti-trust authorities (DOJ or FTC) for enforcement actions.

### **Reinstate the Organic Livestock and Poultry Practices Rule (OLPP)**

In January 2017, the Obama administration finalized the OLPP Rule, which established more humane animal welfare standards for animals raised under the National Organic Program to produce meat, eggs and dairy. The Trump administration officially withdrew the final OLPP Rule in March 2018, despite overwhelming opposition from organic stakeholders.

Specifically, we urge the Biden-Harris administration to:

1. Revoke this withdrawal and reinstate the Organic Livestock and Poultry Practices Rule.

### **For More Information:**

[Nature-based Livestock Solutions](#)

Institute for Agriculture and Trade Policy

[EQIP Letter to Agriculture Committee](#)

Campaign for Family Farms and the Environment

[The Urgent Case for a Ban on Factory Farms](#)

Food & Water Watch

[Agricultural Concentration and Competition Transition Recommendations](#)

Competition group

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<sup>14</sup> Packers & Stockyards Act, Agricultural Marketing Act, Perishable Agricultural Commodities Act, Federal Meat Inspection Act, Poultry Products Inspection Act, Egg Products Inspection Act