



NATIONAL MEAT ASSOCIATION®

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December 15, 2010

Joanne C. Peterson
Freedom of Information Act Officer
Grain Inspection, Packers and Stockyards Administration
United States Department of Agriculture
Washington, D.C. 20250

By U.S. & Email
Joanne.c.peterson@usda.gov

Dear Ms. Peterson:

Thank you for your December 10, 2010 response to my August 18, 2010 letter to Administrator J. Dudley Butler requesting documents under the Freedom of Information Act (FOIA). In your letter, you indicate that GIPSA has discovered 11 pages of documents in response to my FOIA request for complaints relating to packer-to-packer sales. However, you claim that these documents are exempt from disclosure pursuant to 5 U.S.C. 552(b)(7)(A). You also state that GIPSA has no obligation to respond to the questions I raised in response to Mr. Butler's August 10, 2010 letter.

With regard to the 11 pages of documents that GIPSA has withheld, NMA is currently contemplating whether to appeal the withholding of these documents. However, to make this determination, NMA respectfully requests that GIPSA provide information regarding how many complaints (i.e., documents) are within these 11 pages and the dates that these complaints were received by GIPSA. To the extent GIPSA may be unwilling to provide this information, NMA requests any log or other GIPSA record that depicts how many complaints have been received by GIPSA relating to packer-to-packer sales and when such complaints were received. Certainly, such information or documents depicting how many complaints have been received and when they were received could not "reasonably be expected to interfere with enforcement proceedings," especially if any identifying information regarding the person making the complaint or the subject of the complaint is redacted.

With regard to the questions asked in my August 18, 2010 letter to Administrator J. Dudley Butler, I intended to request *information and documents* from Mr. Butler supporting the observations he made in his August 10, 2010 letter. To the extent that my August 18 letter was not clear, I hereby request copies of the following records or documents relating to Mr. Butler's August 10 letter (attached):

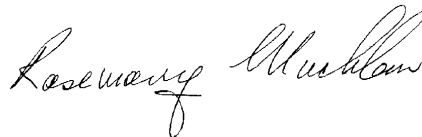
- Any record or document which supports Mr. Butler's statement in his August 10, 2010 letter that packer-to-packer acquisitions have "expanded considerably" since 2006.

- Any record or document which supports Mr. Butler’s statement that packer-to-packer sales have contributed to significant price distortions, including but not limited to, any record or document indicating when or where these significant price distortions occurred, how many there have been, the amount of each distortion and whether the distortion raised or lowered the reported base price.
- Any record or document relating to GIPSA’s request to AMS that certain packer-to-packer transactions be reclassified from “Negotiated” to “Packer Sold” or “Packer Sold Negotiated” transactions in AMS price reports, including but not limited to, any analyses of daily hog procurement transaction data that resulted in such request and any follow-up documentation demonstrating the effect of these reclassifications.
- Any record or document that supports Mr. Butler’s statement that “certain packers may be influencing negotiated hog prices through a separate procurement mechanism” and any record or document which identifies the “separate procurement mechanism” referenced.
- Any record or document relating to Mr. Butler’s statement that “statistical analysis of daily transaction data spanning two years indicated that the packer-to-packer transactions were affecting the negotiated base price an average of \$1.31 per cwt (approximately 2 percent) over the two year period.”
- Any other record or document that purportedly supports GIPSA’s proposed ban on packer-to-packer sales.

Given that the documents requested in this letter were specifically referenced by Mr. Butler in his August 10 letter and were purportedly used as a basis for the proposed ban on packer-to-packer sales, we trust that the records requested in this letter can be provided expeditiously.

Thank you in advance for responding to this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Mucklow".

Rosemary Mucklow
NMA Director Emeritus

cc: Congressman Jim Costa.