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From: MARY FORTENBERRY [mailto:fortenberryfarms@bellsouth.net]

Sent: Wednesday, December 30, 2009 5:08 PM

To: ATR-Agricultural Workshops

Subject: Comments on poultry issues

December 30, 2009

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Attorney General Holder and Secretary Vilsack:

My name is Roy Fortenberry and I am writing with comments about the upcoming Department of Justice/U.S. Department of Agriculture competition workshop regarding poultry, scheduled for May 21, 2010, in Normal, Alabama. While growing poultry I served as Vice President of the Mississippi Contract Growers Association and was a board member for several years.

Two areas that I think you should focus on at the workshop are the issues of unfunded equipment upgrades and growers being left with large mortgage payments after the company cut them off. I think there's a lot of unfairness about companies that require growers to make expensive upgrades to their houses at the grower's own expense. USDA should outlaw any upgrade that the companies require without paying the grower for the upgrade in full at the time of the upgrade.

I grew chickens for over 5 years with 6 houses and always settled above average. I grew for Choctaw Maid (Tyson bought them out). They asked all of the growers to put in new nipple drinkers and if you did not put them in, you would get a decrease in your base rate.

I saw no reason to put these new drinkers in because my water meters showed that my birds were getting the same amount of water that they had received since the time the houses were built and I didn't have a problem with mortality. Also, it would've cost me \$12,000 per house to put the drinkers in and I had 6 houses. I did the calculations based on the new base rate that they promised to give me and saw that I would not make the money back. Because I did not do the upgrade, I lost \$88,767 from 1995 through 2003 or a decrease in \$.003/pound. 1995 from 2003 was the time that they made the requirement to the time that we were terminated.

I would have also been forced to use a specific brand of drinkers that cost twice as much as an identical one from another manufacturer.

A year before they asked us to do this, the company told growers not to put these drinkers in. Then they reversed themselves, and said that we were required to install them. If the companies had to pay for all these investments themselves, I bet they'd be a little more thoughtful and businesslike about it.

I know of several of growers who lost their farms because they were cut off. Some of them were cut off because they didn't do upgrades. Others were cut off due to no fault of their own. I just heard the other day about a grower who built his houses three years ago and was cut off. Some of these farms have been in their families for generations and now they are gone. That shouldn't happen to any grower in the future. I think that USDA should write rules that require a poultry company to reimburse growers for their houses if they cut them off without cause.

Thank you for considering my comments on these issues. I hope that you will have at least one grower who is currently growing speak in Normal, AL, about the issues that are impacting them so that you can learn more about the problems first hand. Two growers I know that could address these issues are Gary Staples and Mike Weaver.

Sincerely,

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