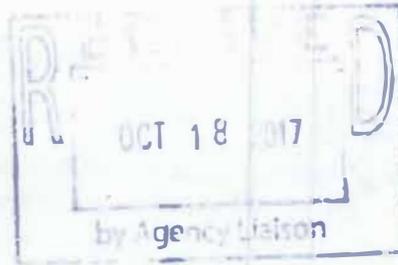


USDA 006

C. Dixon Lee, III

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August 14, 2017



President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: 9 C.F.R. 317.2 (h)(5), a USDA Federal Regulation that stifles competition and is otherwise substantively useless

Dear President Trump:

I am writing for the purpose of bringing to your attention an existing federal regulation which I believe unfairly stifles competition and is substantively useless. Specifically, I am referring to 9 C.F.R. 317.2 (h)(5). I encourage you to eliminate this regulation.

One of my children recently started a charcutiere business in Asheville, NC. He makes and sells salamis and sausages from pork. He has a USDA "grant" to operate this business and has been in business for approximately one year.

9 C.F.R. 317.2 (h)(5), the subject federal regulation, mandates that packages containing between one (1) pound and four (4) pounds of product be labeled both in pounds and in ounces (referred to as a "dual declaration" in the subject regulation). Packages of product which weigh less than one (1) pound or more than four (4) pounds are not subject to this "dual declaration" labeling requirement. Labeling packages of product within the subject weigh range only in ounces or only in pounds is a violation of the subject regulation. Ostensibly, the reason for this "dual declaration" regulation is that some consumers are unable to convert pounds to ounces or ounces to pounds and, thus, dual labeling is necessary to insure those consumers correctly understand the amount of the product they are purchasing. Think of it as being the substantive equivalent of a regulation mandating labeling packages of eggs with labels identifying the packaged product as both "a dozen eggs" and "12 eggs". Further, if "dual declaration" labeling was actually necessary to protect consumers who are unable to convert pounds to ounces or ounces to pounds, then, logically, it should apply to all weights of products a consumer may potentially purchase, and not just product weighing between one (1) pound and four (4) pounds.

In reality, the subject regulation stifles competition. The least expensive "dual declaration" labeling machine costs around \$10,000.00. A "single declaration" labeling machine that will print USDA approved labels in either pounds or ounces, but not in both measurements, costs well less than \$1,000.00. Large producers of pork products, such as Smithfield Foods, Prestige Farms and Tyson Foods, can easily afford multiple \$10,000.00 labeling machines. Startups and small producers cannot. This is why the subject regulation stifles competition. It limits the ability of startup and small producers to compete with larger producers and tilts the

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proverbial "playing field" in favor of the large producers and against small producers. It's not a food safety regulation. Small producer's still have to meet the exact same food safety requirements as large producers.

You have previously stated "Every regulation should have to pass a simple test. Does it make life better or safer for American workers or consumers? If the answer is no, we will be getting rid of it — and getting rid of it quickly." The subject regulation is one of the existing regulations that does not make life better or safer for American workers or consumers. To the contrary, it stifles competition and makes it more difficult for startups and small producers to compete with larger established producers. That is fundamentally wrong. This regulation needs to be rescinded.

Thank you in advance for considering my requests that you rescind or abolish 9 C.F.R. 317.2 (h)(5).

Yours very truly,



C. Dixon Lee, III

CDL,III/mms