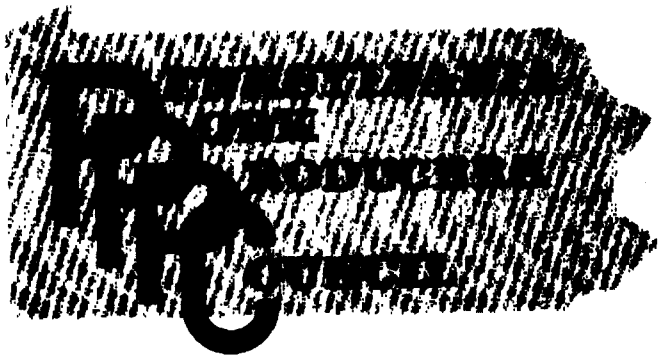

HERBERT SCHICK, Secretary - Treasurer
1631 Grim Road, Kutztown, PA 19530 Phone (610) 285-6519

May 6, 2003

Kenneth R. Payne
Chief; Marketing Programs Branch,
Room 2638-S; Livestock and Seed Program
Agricultural Marketing Service
USDA; STOP-0251
1400 Independence Ave., SW
Washington, DC 20250-0251

RE: Comments on LS-02-15

Dear Sir:

The following comments are made on behalf of the Pennsylvania Pork Producers Council and the pork producers in the state of Pennsylvania that we represent.

We believe that USDA has the responsibility to identify and determine the universe of producers that the Pork Act covers. Since the pork checkoff does not have complete compliance, the rule as proposed should be modified to not just focus on the remitters of checkoff. While the focus on remitters is partially appropriate, it is not complete to meet the objective of determining all producers or importers covered by the Pork Act and its regulations.

There are a significant number of producers who are not readily identifiable by just going to the "customer lists" of markets and packers. Procedures and processes should be included in the regulations that would further search and identify unique marketing arrangements that producers are involved in. These could include producers involved in: marketing groups, use of secondary agents, pooling, niche marketing, direct sales, consignment sales, etc. These different types of marketing's or representation of a producer and his production needs to be more fully covered in the rules.

There are many small producers covered by the Pork Checkoff with many unique marketing systems that may not be remitting checkoff. USDA needs to use sources outside the National Pork Board's remitter list to identify producers (i.e., USDA's 2002 Ag Census; youth groups – 4-H and FAA; private mailing lists; state animal health records; etc.).

There is considerable numbers of swine imported into the U.S. – primarily from Canada – and covered by checkoff (over 5.9M head). The rule should cover the extensive amount of producers that these numbers represent and the producers who received them as feeder pigs in the U.S.

In summary, we would urge the USDA to expand, define and issue a regulation that would lead to better identifying all producers and importers covered by the Pork Checkoff program. This should not only include Pork Board remitters records, but those sources USDA has access to in the different areas of the government, USDA, state and national health records, and other public and commercial sources.

PA PORK PRODUCERS COUNCIL

Herbert Schick
Secretary-Treasurer