

November 14, 2011

Office of Government Ethics 1200 New York Avenue, NW Suite 500 Washington, DC 20005-3917

RE: [RIN 3209-AA04] Standards of Ethical Conduct for Employees of the Executive Branch; Proposed Amendments Limiting Gifts From Registered Lobbyists and Lobbying Organizations

The National Pork Producers Council (NPPC) presents the following comments on the proposed rule on "Standards of Ethical Conduct for Employees of the Executive Branch; Proposed Amendments Limiting Gifts From Registered Lobbyists and Lobbying Organizations." NPPC is a national association representing 43 affiliated state pork associations and America's 67,000 pork producers, who annually generate approximately \$15 billion in farmgate sales. The U.S. pork industry supports an estimated 550,000 domestic jobs and generates more than \$97 billion annually in total U.S. economic activity. This year the U.S. pork industry is expected to export nearly 25 percent of total U.S. pork production.

NPPC appreciates the opportunity to provide comments on the proposed rule and understands the concerns that the OGE has regarding inappropriate interaction between lobbyists and individuals employed by federal agencies. However, we feel that the proposed rule is far too broad and will result in weakened relations between the U.S. pork industry and the government agencies that regulate the pork industry and ultimately could affect the end users of our products: the general public and consumers.

The meat industry is one of the most highly regulated industries in the country. Issues of importance to pork producers cover a broad range of topics from the environment, food safety and animal health to international trade, antitrust and competition. So there is almost daily interaction between the pork industry and representatives from government agencies, including the Environmental Protection Agency, the Food and Drug Administration, the U.S. Department of Agriculture and the U.S. Trade Representative. Interaction between the pork industry and representatives from agencies such as the Department of Labor, the Justice Department and Health and Human Services are fairly frequent as well.

This high level of industry-government interaction is absolutely necessary because of the sensitive nature of the marketplace for meat and because the industry needs to react to changes as they occur. A strong relationship with the agencies that regulate pork and pork production helps the pork industry maintain its international competitive advantage and helps the U.S. government efficiently regulate the production of an important food source. Further, the pork industry works with some of the world's leading animal scientists, environmental scientists, economists and other experts who serve as valuable resources to government officials. There is a tremendous

amount of information exchange that occurs between the pork industry and the agencies that regulate the pork industry, and this interaction results in mutual benefits. Some of this interaction is conducted with the assistance of these industry experts and with actual pork producers, while other levels of interaction occur between government officials and the seven lobbyists that NPPC employs. These lobbyists serve as the representatives on Capitol Hill and before government agencies for America's 67,000 pork producers, who are working around the clock, providing care for their livestock. Pork production occurs across the United States, and pork producers' ability to produce a safe, healthful food product, in full compliance with the law and in a way that is scientifically sound and economically feasible, is dependant on this interaction between NPPC's lobbyists and government officials. The 1st Amendment to the US Constitution provides to all American's the right to assemble and to engage with their government. Pork producers, most of whom live far from Washington, D.C., cannot readily leave their farms and their livestock to travel to Washington, D.C., and deliver their concerns to government officials on a day to day basis; instead they have chosen to assemble together to pool resources and retain and rely on their hired lobbyists to communicate these concerns.

With those concerns in mind, NPPC requests that OGE revise its proposed rule, specifically the sections regarding government officials' attendance at widely attended gatherings, social settings and industry conferences and meetings. Over the past two years, government officials representing the Environmental Protection Agency, the Food and Drug Administration, the U.S. Department of Agriculture and the U.S. Trade Representative have been involved in at least 25 pork industry events such as the National Pork Industry Forum (the NPPC annual meeting), World Pork Expo, NPPC board of directors meetings and meetings of four different NPPC policy committees. Nearly all of these events occurred in places other than Washington, D.C., a location not easily accessible by pork producers living in certain rural areas. Often, the only venue pork producers have for directly communicating with government officials and agency staff in a detailed meaningful manner is at these widely attended gatherings, social settings and industry conferences. These events typically have attendance of anywhere from 25 to several thousand pork producers and, at maximum, seven NPPC lobbyists. These events are where the pork industry develops, recommends and adopts public policies, and the involvement and input of the government officials presenting at these events is invaluable to the pork industry. This is an important point because in the proposed regulation government officials are allowed to attend industry events if their presence is in the interest of the agency. The regulation does not cite exceptions for the benefit of the regulated industry, in addition to the agency, which often is the case with the pork industry. Furthermore, just as the private sector benefits tremendously through the indirect benefits of networking, so does the United States government. By allowing government officials and agency staff to attend these events, even when there is no immediate direct benefit to the government, there are substantial long term indirect benefits for the government that come from the free exchange of ideas and development of relationships between regulators and the regulated community. These could include knowledge of emerging technologies and production practices, information on new research developments, as well as an opportunity to gather valuable intelligence on the effectiveness and suitability of long term regulatory plans.

Limiting government officials' involvement at pork industry events will impede the continued advancement of the U.S. pork industry's position as a global leader in meat production. We have

risen to this position in part because of the strong relationship we have with government regulators, a relationship not enjoyed by many of our global competitors with their government officials. This strong relationship has contributed to growing an industry that has \$15 billion in sales and provides 550,000 jobs across the U.S. economy. As a result, restricting government officials' interactions by limiting their attendance at important pork industry events will only serve to hinder the U.S. economically. NPPC suggests a more appropriate solution would be to require the reporting of lobbyists in attendance at such events rather than to limit government officials' involvement all together.

We greatly appreciate the opportunity to share these comments with OGE, and we respectfully request that OGE take into consideration these suggestions before the rule is finalized. The pork industry and the U.S. government have much to lose should the rule be finalized as proposed.

Sincerely,

Doug Wolf President

National Pork Producers Council

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