

Stipulation Agreements: We issue a legal agreement. This agreement lists the violation(s) found and the civil penalty amount we propose to settle the alleged violation(s) without pursuing a formal action. It also includes a statement for signature by the alleged violator. In the statement, the alleged violator agrees to pay the civil penalty and waive their right to a hearing. The recipient may negotiate the terms during the offer period. If they choose not to accept the offer, or if we cannot reach a satisfactory compromise, we initiate another enforcement option.

Administrative Actions: We initiate these legal actions within USDA through the Office of the General Counsel (OGC). The first step is filing a complaint alleging specific violations of the P&S Act and regulations. The accused party can respond to the allegations and request a hearing before an Administrative Law Judge (ALJ). Either party may appeal the ALJ's decision to the USDA Judicial Officer (JO). The accused party may also appeal the JO's ruling to a U.S. Appeals Court, and petition the Supreme Court to review the appellate ruling.

Justice Actions: When warranted, we ask OGC to refer alleged violations to the U.S. Department of Justice. A United States Attorney brings these actions in U.S. District Court. The accused party can respond to the allegations and request a hearing. In a civil case, either party may appeal the ruling to a U.S. Appeals Court, and petition the Supreme Court to review the appellate ruling. In a criminal case, a not guilty ruling is final. However, the

accused party may appeal a guilty verdict, and either party may appeal the sentence imposed after a guilty verdict.

Penalties for Violations

The P&S Act authorizes the following penalties for violations:

- Cease and desist order
- Suspension of business operations
- Civil penalties up to a maximum of \$11,000 per violation; \$32,000 for violation of poultry payment provisions
- Permanent injunctions, fines, or jail sentences for Justice actions

Please direct comments or questions about this publication to the following:

United States Department of Agriculture
Grain Inspection, Packers and Stockyards
Administration
Packers and Stockyards Program
1400 Independence Avenue, SW
Washington, DC 20250-3601
(202) 720-7051
www.gipsa.usda.gov
GIPSA Toll-Free HOTLINE
1-800-998-3447

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United States
Department of
Agriculture



Grain Inspection,
Packers and Stockyards
Administration

Congress identified several purposes for the Packers and Stockyards Act (P&S Act). These include:

- Assuring fair competition and trade practices
- Safeguarding farmers and ranchers
- Protecting consumers
- Protecting livestock, meat, and poultry industry members from unfair, deceptive, unjustly discriminatory, and monopolistic practices

The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers the P&S Act through its Packers and Stockyards Program (we). GIPSA is an agency within the United States Department of Agriculture (USDA).

History

President Harding signed the P&S Act on August 15, 1921. Congress passed the P&S Act to address serious concerns about anticompetitive activities among meat packers. Initially the P&S Act gave USDA authority to regulate meat packers and those engaged in livestock marketing activities at large public stockyards. The P&S Act also authorized USDA to hear complaints and issue reparation orders when violations of the P&S Act by stockyard owners, market agencies, or dealers result in damages.

Congress has updated the P&S Act many times to keep up with a changing industry. In 1958, Congress expanded jurisdiction under the P&S Act. They added all auction markets operating in commerce. Congress also added all the

livestock activities in commerce of market agencies and dealers.

In 1976, Congress increased financial protection for livestock producers in two ways. They added a bond requirement for some packers. They established a statutory trust for livestock. They also expanded USDA's jurisdiction over wholesale brokers, dealers, and distributors who market meat in commerce.

In 1987, Congress added jurisdiction over live poultry dealers and important protections for poultry growers. The 1987 amendments require prompt payment for poultry purchased and for the services of those raising poultry under growing arrangements. Congress also established a statutory trust for poultry.

In 1999, Congress authorized the swine contract library. In 2000, Congress required USDA to complete an annual assessment of the cattle and hog industries. In 2002, they expanded USDA's jurisdiction to include swine contractors.

In 2008, Congress required contractors to give livestock producers and live poultry growers the right to cancel a contract within three days after signing it. They required contractors to disclose when large capital investments may be required over the life of the contract. They enabled producers and growers to litigate contract disputes where the principal part of their production occurs. Congress also gave producers and growers the right to decline arbitration before entering into contracts.

Who Benefits from the P&S Act?

The P&S Act safeguards and protects livestock producers, poultry growers, and consumers. It also protects businesses engaged in marketing, processing, and distributing livestock, meat, and poultry.

Who is Subject to the P&S Act?

Those engaged in the business of marketing livestock, meat, and poultry in commerce are subject to the P&S Act. These include stockyards, commission firms, and livestock auctions. They include order buyers and livestock dealers. They include meat packers, meat brokers, meat wholesalers and distributors. They also include swine contractors and live poultry dealers.

Who is Not Subject to the P&S Act?

Farmers and ranchers are not subject to the P&S Act when they buy livestock for their own feeding purposes, or when they market their own livestock.

Enforcement Procedures

GIPSA's Packers and Stockyards Program monitors industry activities. We also conduct investigations and regulatory reviews. The investigations and reviews help us to determine whether subject persons and firms are complying with the P&S Act. We resolve alleged violations according to their seriousness, as follows:

Notices of Violation: We give subject entities notice of the alleged violations that we found.