

RICK FRANCIOSA RICK'S CHICKS

April 4, 2007

Dr. James Gray
NYS Dept. of Ag & Mkts
1 Winners Circle
Albany, NY 12235

Dear Dr. Gray

RE: New requirements for approved wholesalers (7/07)
Clarifications requested and protest entered.

I would like to strongly protest these new requirements set to begin in July. The constant harassment of small businessmen and farmers is unreasonable restraint of trade and is prohibiting us from earning a living in the most basic American tradition.

In July of 2004, there were many uneven and unfair requirements thrust upon us that were not in the spirit of the USDA (they did not follow science). We were NOT against toughening requirements to protect the industry (as is evident by the history of the past 3 years). At great expense and effort we worked hard to conform. I was the principal person who started Amos Shirk's facility. This idea was born out of conversations with Dr. Trock and yourself. Then we worked with Dr. Schmucker (PA), who coordinated with other inspectors and NY, so we could set up a facility that conformed to NY standards. **NOTHING WAS EVER SAID ABOUT IT BEING TEMPORARY!**

The best thing about Amos' is that it succeeded! Everyone was forced to be more diligent and serious about their business. Amos passed his inspections, as did the wholesalers. There has been no excessive incidence of AI at either Amos' or the wholesalers. Dr. Trock herself has made presentations at meetings attesting to the success in reducing the appearance of AI in the markets. **HOW IS IT POSSIBLE THAT AFTER 3 YEARS OF SUCCESS, AS OF JULY, AMOS' WILL BECOME 'NO GOOD' ?**

To help me to continue to try to conform please clarify the following points for me:

- What is your specific definition of a crate washer? (size, function, etc.)
- Where should it be set up? (assuming local ordinance is ok is there any reason USDA or NY will not accept the location?)
- What is the difference....? Gingrich, Watkins, Premier, Eastern, each by themselves have more trucks and do more volume than everyone at Amos' combined. These businesses also have incoming bird shipments and carry birds overnight, where as at Amos' there are no incoming birds or carryover. Why is it ok for the aforementioned wholesalers yet Amos' facility is no good?
- Under freedom of information I wish to request: How many incidents of positive or suspect AI tests have occurred at Gingrich, Watkins, Premier, and Eastern Poultry in the past 36 months?

THANK YOU! I hope together we can all continue to keep our industry healthy and I can continue to make a living in it as my family has since the 1930's.

NEW YORK STATE VETS.

DR. HUNTLEY — I believe he is THE TOP person
He is ALSO REASONABLE TO TALK TO.

DR. GREY — A REASONABLE MAN TO TALK TO.

DR. AKEY — NOT AS BAD AS DR. TROCK TO TALK TO.

DR. TROCK — This is where MOST OF THE trouble
STEMS FROM. There is NO TALKING
TO HER.

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