



## Ending the Payment of Tribute for Market Access

BY RANDY STEVENSON, PRESIDENT



The recent new rules put out by USDA/GIPSA have a long history. In 2003 GIPSA received an appropriation from Congress to fund a study on the livestock markets. In 2004 GIPSA awarded a contract to Research Triangle Institute International to conduct the study. The full results of the study were published in 2007. That study is often referred to as the Livestock Meat Marketing Study (LMMS). The new rules establish some regulations on undue preferences that will help do away with one of the problems delineated in the study.

The LMMS describes a feature of the livestock markets it calls "market access risk." Since fat cattle are a perishable commodity they must be sold in a fairly nar-

***... market is open for all at the same time. When it is closed, it is closed for everybody. Without free access there is no free market.***

row time frame. (Volume 3 page 5-4) The LMMS observes that, "Cattle held beyond the optimal marketing period begin to decrease in value because of excessive fat gain and the

rising cost of gain." Market access risk describes the possibility that there may be no market participants available to negotiate a price during that optimal marketing window. It is distinguished from price risk, which means that in an open market there is no guarantee of what price will be received.

**A limited access market is not a free market.** If market access risk exists, then there is a potential limit on market access. Such a feature does not belong in a free market. The idea of a free market includes the concept of free access to the market. There is no price guarantee, but there is freedom to make bids and offers. Market access risk suggests the possibility that a potential market participant may not even have the possibility of making bids or offers.

**What or who limits access to the market?** Limited market access does not refer to those periods of time when a market is closed due to weather, national emergency, holidays, or other similar phenomena. Nor is access limited by some governmental action. Consistent with the LMMS, some participants can guarantee themselves

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# It's Show Time!

BY FRED STOKES, EXECUTIVE DIRECTOR

For years, many of us have bemoaned the situation in the livestock market. From our perspective, livestock producers and contract growers were systematically short-changed, exploited and subjugated. Political leaders and bureaucrats gave us platitudes and soothing words but continued to tote water for big agribusiness oppressors. We became very cynical.

Now there is reason for hope! On Aug. 5, 2009, the Secretary of the U. S. Department of Agriculture and the U. S. Attorney General announced a series of joint workshops to:

*"Explore competition issues affecting the agricultural sector in the 21st century and the appropriate role for antitrust and regulatory enforcement in that industry."*

Many dismissed this as more smoke-blowing and political debauchery. At this point, three of the five scheduled workshops have been completed. At the very first one in Ankeny, Iowa on March 12th, it became apparent that either the Secretary of USDA and U. S. Attorney General were deadly serious or very good actors. At this Iowa event, Jim Foster, a skeptical Missouri independent hog farmer and OCM board member exclaimed; "Mr. Secretary, this is no dog and pony show!" Indeed, these workshops are for real.

A strong validation of the sincerity of this joint USDA/DOJ venture into market competition and possible antitrust enforcement action came in the form of the recent proposed rules to clarify aspects of the Packers and Stockyards Act of 1921. These proposed rules, required as part of the 2008 farm bill, are potentially a very powerful tool for reform; **if they survive the assault of big agribusiness and become final.** They can be viewed at the GIPSA web site; <http://archive.gipsa.usda.gov/rulemaking/fr10/06-22-10.pdf>

The current GIPSA Administrator is J. Dudley Butler, a personal friend of mine for

many years.

I know him to be a man

of courage. He successfully championed removing the requirement for the appalling and abusive binding arbitration, routinely prescribed for dispute resolution in poultry contracts.

He is now the top cop for livestock markets. He has the trust and support of his boss, Secretary Tom Vilsack and that of Assistant Attorney General for Antitrust, Christine Varney. His enforcement agency has been beefed up and is poised to do the job envisioned by the authors of the P&S Act. **However;** he faces certain powerful pushback from food and agribusiness interests and their political minions. If these rules are to become final and their potential for reform realized, there must be massive and active expressions of support from livestock producers and others. *Saying, "I would like to help but am busy" simply won't work!* It's show time. It's now or never! We either seize this historic opportunity for market reform or become a shameful no-show.

At the Double Tree Hotel in Omaha on August 10th and 11th, OCM will hold its 12th annual convention and conference. **This one is special.** It is designed to be supportive of and a run-up to, the fourth joint USDA/DOJ workshop on livestock markets in Ft. Collins, CO, August 27th. Mr. Butler will be among the many distinguished and authoritative presenters at the conference.

We will have presentations on: **market concentration; the broken livestock market system; the farm to retail spread on beef and other foods; the threat posed by concentration in the fertilizer industry; the ills of massive speculation in the futures and recent legislation to bring transparency**

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# The Economist

June 28-July 4, 2003, p. 13.

*"The Economist has been advocating economic liberty since 1843. We still think we are right."*

"To mark our anniversary, we publish this week a survey by the editor: 'Capitalism and democracy'. It argues, among other things, that the main dangers to the success of capitalism are the very people who would consider themselves its most ardent advocates: the bosses of companies, the owners of companies, and the politicians who tirelessly insist that they are 'pro-business'. At the intersection of these groups lies most of what is wrong with capitalism, and the best opportunities to make that system even more successful than it has been thus far.

"Many of the corporate scandals that America, especially, has endured in recent years reflect outright criminality. A lawful order knows what to do with criminals, and pro-business politicians are in truth militantly anti-capitalist if they flinch from cracking down on bosses' crimes. The other great ongoing scandal is not a matter of law-breaking: it is that bosses have grown accustomed to rewarding themselves like owners, though bearing few risks of ownership – while the real owners, shareholders in the companies concerned, have let them get on with it. Pro-business politicians who regard this vacuum of accountable control as a private matter of no wider concern are doing capitalism a grave disservice. A system that gives charter to brazen unchecked greed is a system in peril.

"Economic liberalism, much like political liberalism, puts great weight on checks and balances, on limits to power and hence to abuses of power. In economics, the most potent checking force bar none is competition. Bosses, shareholders and pro-business politicians all loathe it."

STEVENSON (continued from page 1)

market access while others carry the risk of non-access. Since market access risk is not a natural phenomenon, there must be someone or something that controls or limits access to the market.

**Follow the money.** In order to find who is limiting access to the market it is only necessary to follow the money. After observing that, "Transactions prices associated with forward contract transactions are the lowest among all the procurement methods," the LMMS goes on to say, "This result may suggest that farmers who choose forward contracts are willing to give up some revenue in order to secure market access and to fix the price at least 2 weeks before delivery." (Volume 3 page 2-36) Producers pay for guaranteed market access by accepting a discounted price. Packers do not pay for access. In fact, they receive a benefit from limited access by getting cattle at a lower price than they would have to pay otherwise.

The LMMS says that packers also suffer market access risk and that alternative marketing arrangements (AMAs) alleviate that risk. But they don't pay for it. The only market access risk the packers endure is the possibility that another buyer may outbid them on a particular lot of cattle. An AMA eliminates that possibility. Their only market access risk comes from competition. Since packers receive benefit from a limited access market and producers suffer financial loss from it, it is easy to conclude that packers are the ones who impose the limited access.

**The freedom to choose.** Since market access is limited, producers' freedom to market is currently limited. That needs changed. On Wall Street every market participant has the same access. There is no such thing as market access risk. The market is open for all at the same time. When it is closed, it is closed for everybody. Without free access there is no free market.

The new rules establish some regulations on undue preferences. That will help do away with the problem of market access risk. While all this seems good and reasonable, there are those who are complaining about "intrusive rules and regulations." In reality it is about as intrusive as the landing of the US Marines on the shores of Tripoli, sent there to preserve the access of American merchants to the Mediterranean market, protecting them from the pirates of the Barbary coast who demanded tribute in exchange for access.<sup>RS</sup>

STOKES (continued from page 2)

**and reform to the future and derivatives markets; and a report on our disastrous foreign trade policy. The keynote speaker will be Barry C. Lynn, prominent book author and authority on monopolies. Please join us in Omaha.**

Bill Bullard of R-CALF USA is one of the presenters. He has called for 25,000 folks to attend the Ft. Collins workshop to show support for the new rules and market reform initiatives by USDA and DOJ. We support this effort. If this goal is achieved, it would be a powerful counter to the inevitable opposition. Many organizations and groups are chartering buses. More distant folks are looking at chartering planes. It really doesn't matter how one gets there; **just come to Ft. Collins on August 27th.** You can make a potent political statement in support of market reform by merely being there.

Folks; it's show time!<sup>FS</sup>



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# Food Safety, Sanely

BY RICHARD OSWALD

Just south of my little bit of Heaven here at Langdon, the earliest known case of food borne illness may have occurred several thousand years ago in Jackson County, Missouri. (According to Joseph Smith, founder of the Latter Day Saint movement, that's the location of the Garden of Eden.)

The victim was known simply as Adam.

The alleged incident occurred through direct contact with an unapproved reptilian species, aided by a female co-worker who failed to follow instructions from a higher authority. Like they say, rules were made to be broken, and we've been paying for it ever since.

Yes, food safety is costly, especially when people don't follow the rules. But as food production has taken place on a grander scale, our sins have multiplied to the point that the government thinks we need a whole new standard of HACCP, that's short for Hazard Analysis and Critical Control Point Principles.

Principles didn't save Adam. HACCP probably wouldn't have either, but one thing is sure: Eve could have covered her backside with all the paperwork.

These days the Food and Drug Administration and U.S. Department of Agriculture share responsibility for overseeing the nation's food, though USDA alone has responsibility for meat and poultry through the Food Safety and Inspection Service. USDA can be difficult for small processors to

deal with, because its rules typically are written to manage and oversee larger corporations.

In low population areas like Langdon, small meat processors are booked up months in advance. It seems strange with so much demand for locally produced food that more local butcher shops aren't thriving. According to a recent article in the *Atlantic* by Joe Cloud, owner of an abattoir, the biggest hindrance to local meat processing is USDA's byzantine rule-making. Joe blames HACCP administered by the

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Food Safety and Inspection Service (FSIS) for running 20% of small processing plants out business. He says revisions to HACCP will eliminate even more small processors, due to competition from industrial meat production and rules USDA has adopted to protect consumers.

On the surface HACCP sounds like a great idea -- everyone wants safe food -- but it assumes that food suppliers are all large corporations involved in producing, processing, and merchandising. The requirements of

HACCP generate mountains of paper, the kind of detailed reporting that only resource-rich big business can handle.

Small farms work a little differently than big corporations do. Farmers do bookwork on rainy days, weekends, or evenings after supper. Hiring a full-time bookkeeper is something few can afford. Those who work a job in town and farm on the fringe of each and every day have even less time to jump through bureaucratic hoops. Despite the Obama Administration's position on locally produced food, HACCP threatens to derail local food production by forcing small farmers to adhere to the same complex set of standards designed for big multinational corporations.

HACCP fails to recognize that a lot of food ills are cured simply by doing it right, locally, in the first place. What the Obama Administration calls "Know Your Farmer" makes full reporting seem like overkill, because getting acquainted with where our food comes from and who raises it means we can have confidence in its safety. Knowing your trustworthy farmer is the ultimate food safety guideline.

Meantime, a lot of what big business tells us about food needs to be taken with a grain of salt. For instance, Cargill wants to add more salt to food even though FDA says they use too much now. Cargill says the alternative to salt in processed foods is added sugar. That kind of sweet talk sounds more like blackmail. A better alternative to flavor additives is fresh, flavorful, high quality food.

For some of us it's all about gathering cheap ingredients from all over the world and making a lot of money. FDA barely scratches the surface in



its inspection of food imports; about 99% of food imports -- worth \$75 BILLION -- are not inspected, and exporting countries aren't required to have the same high standards we have here. Even when inspectors do find a contaminated needle in the haystack, many times the food recall is issued after the tainted food has been consumed. But the paperwork all looks great.

FDA has recently opened an office in Beijing to keep an eye on rising U.S. food imports from China. With nearly 1.4 billion people, about 20 percent of China's population is farmers. That's 300 million people, equal to the entire population of the United States of America. It's doubtful that all of them will file HACCP paperwork on time.

Food is not inherently dangerous any more than air or water is dangerous. They're only dangerous when man or nature has polluted them. The way to stop pollution may not be to put more laws on the books but to enforce the laws we have. Unfortunately, neither FDA nor USDA has a strong track record for ensuring safe food. In spite of all our rules and oversight, 25% of Americans contract a food borne illness every year. That compares to only 1 or 2% of Europeans with their access to smaller scale local food systems. Without adequate enforcement, retirement accounts can be pilfered, oceans polluted.... and consumers poisoned. But what are the odds that the existing laws will be better enforced?

Real farms are a paradise of real food. With real food handled sensibly there is no adulteration, no melamine, no MSA, no gunk, no junk, just pure

nourishment -- the kind Adam once had in his garden.

GAP (Good Agricultural Practices) fills the regulation gap, letting farmers write their own inexpensive seven-page rulebook to show regulators that they know how to do their job. USDA administered GAP is better for farms because, generally speaking USDA, knows farms in a way that FDA does not. That's why a lot of farmers favor the GAP food protocol. Farms aren't like big pharmaceutical firms or other corporations with lawyers and lobbyists on staff working constantly to make restrictive rules meaningless and negotiate penalties after rules are broken. Most of us are just trying to get the job done right.

Delegates to this year's National Farmers Union policy session heard one farmer tell about FDA inspectors who visited a small vegetable farm. One inspector happened to look up at the sky, and was filled with alarm: "Oh, my God," he said to the farmer, "You have birds!"

Alfred Hitchcock saw this coming nearly 40 years ago, when he portrayed gulls and crows as cold blooded killers. That's the way FDA sees it, too. Anyone who's ever washed a windshield knows what birds can do. That's one reason why big business has a hard time slicing, dicing and mixing ingredients without blending in contaminants.

Big farms and food companies say food rules are too costly now without piling on new standards. After joining a cooperative along with other growers, one large scale farmer estimated his annual cost of compliance on about 8000 acres at nearly \$250,000. That's about \$30 per acre, a relatively small

expense for crops worth millions. (A single acre of fresh cauliflower can be worth \$6000.) But for small scale producers with fewer resources, time is money that needs to be spent on actual production from 5 or 10 acres.

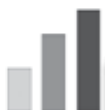
Small producers' costs could easily be hundreds of dollars on every acre through added expense and lost time in the field. That's why National Farmers Union delegates placed language favoring GAP into the NFU 2010 policy statement.

Here in Missouri, Lincoln University is trying to help small food producers by offering a workshop where aquaculture farmers can learn how to become HACCP certified and how a planned mobile processing unit will operate. Nancy Smith with Farm to Family Naturally and Missouri Organic Association president Sue Baird are working to train growers for GAP compliance in an effort to counteract regulations that seem to favor large farms.

HACCP assumes food producers and processors need strict rules to follow, but GAP relies on basics combined with ethical standards of food production by caring local providers. Oversight isn't removed, but it's carried out in a better, less costly context for more effective outcomes.

Ethical standards combined with knowledgeable, responsible local food production seems like an effective way to get the quality food people want to eat. Honest farmers standing face to face with consumers should make all the difference in a world of food where not everything is good.

Rules aside, without trust, just one wicked snake spoils the garden for everyone.<sup>RO</sup>



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**DAVID KRUSE**

PRESIDENT, COMSTOCK INVESTMENTS

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At the first press conference about BP's busted Gulf oil well, I watched a coast guard Vice-Admiral, a woman, answer questions, giving responses that made it obvious they were simply based on information BP had spoon-fed them. I sensed that she really had not gotten her mind around the potential scope of the disaster. I came away with the impression that this could blow up into something really significant and the Coast Guard Vice-Admiral was way behind the curve.

Today we know that they were not even on the track. BP has thrown the best minds and the best technology at plugging their broken well and they have all failed. Now, maximum effort will be put into containing the oil, gathering it until they can drill relief wells, a process they see taking until August. We would assume that's not a

***The more investigation that has been done into what went wrong on the drilling rig, the more profound the evidence that it was human error compounded by technical and mechanical failure.***

100% certainty of shutting off the oil. BP is putting full attention and effort into ending this environmental disaster, but they are also lawyered up with company officials and spokesmen carefully crafting their words as they might hear them read back to them in a court someday.

The next great risk is that NOAA forecasts 8-14 hurricanes this year, 7 big ones. The Atlantic is warm, fostering more and bigger storms. Peak hurricane season is in August and Sept. Not only could storms interfere with drilling efforts and work collecting the oil, but a major hurricane

could take that oil and push it far inland, devastating an even bigger portion of the Gulf coast. The only luck associated with this challenge to date has been no luck at all.

The more investigation that has been done into what went wrong on the drilling rig, the more profound the evidence that it was human error compounded by technical and mechanical failure. The government wasn't ready for this because it was never supposed to happen. BP has been all over the place in their public relations management, ranging from minimizing the damage initially, then an attempt at marginalizing it, until it became obvious that wasn't going to work, to now hoping that by covering it up with a cap, the networks and viewers will not see the oil and gas spewing from their busted pipe aired every few minutes on cable news channels.

Most people have used a high pressure sprayer. Those that have still find it difficult to conceive of gas and oil blasting out of a 22 inch pipe at 2300 psi. The remote cameras don't give a 3D picture for viewers to appreciate the size and power of the eruption.

This feeds into the too much government/ not enough government philosophical debate. GOP/Libertarians like Rand Paul say the government is being mean to BP and accidents happen. Basis this keep government out of our lives ideology, you don't prepare government for these contingencies on purpose and this is a result. They say it's not the government's business, get rid of the EPA, let the corporations run things. Rand Paul's state is not on the Gulf coast where a lot of people who want to know where the government is, demand they do something about it yesterday.

It's been described by the ethanol industry as a teaching moment. I could bluntly phrase what the biofuels industry is thinking. . . How dumb are you people that don't support and use ethanol? Before this disaster, California was going to drill more offshore and stop using ethanol because some farmer in Brazil may grow more soybeans. How stupid is that?!!! The California Carbon Board didn't even use good science as Purdue calculates they inflated the carbon scoring of ethanol by twice over what it is to arrive at their mistaken conclusion.

You can dump a year's worth of raw ethanol production, all 12 billion gallons, in the Gulf with a negligible environmental impact. It is no

more toxic than corn liquor, which is why ethanol companies are required to add chemicals to it, so no one can drink it. It's going to be a long time until they sort this mess out and start drilling offshore again. Mining tar sands in Canada for oil is not an environmental answer. A nuclear power plant accident (3 Mile Island) stopped development of Nuclear power plants for decades. This accident will not stop offshore drilling for decades but it will take along time until BP drills another well in the Gulf.

The oil industry failed an obligation to keep the environment safe, while supplying America's energy needs. The disaster is not over until the oil stops flowing and the lake of oil is cleaned up.

Obama's Katrina may be soon picking up steam in the warm Atlantic before coming our way this summer. Then all the surface ships now working the well will have to weigh anchor and abandon it.

Columnist Peggy Noonan, my favorite, summed it up best as usual, "I don't see how the President's position and popularity can survive the oil spill. This is his third political disaster in his first 18 months in office. And they were all, as they say, unforced errors, meaning they were shaped by the president's political judgment and instincts. There was the tearing and unnecessary war over his health care proposal and its cost. There was his day to day indifference to the views and hopes of the majority of voters regarding illegal immigration. And now the past almost 40 days of dodging and dithering in the face of an environmental calamity. I don't see how you politically survive this." Political alternatives are no better.

Government regulators have been imbedded with surrogates of the oil companies. It's no different than what we saw with George W's USDA. Packer surrogates ran meat and livestock industry regulation serving in government and then being rewarded by the companies later with a lucrative job for the lack of regulation done as government officials. This is how the Republicans undermine regulation, with a system corrupted, but legal.

I can show my ire to BP by always driving past BP stations. When the President asks for votes next time, he will get some of the same treatment as BP. If BP comes away from this disaster with any assets still intact, we will then know that BP stands for, "Beat the People!" We need to see a drastic improvement of what has been a half-ass effort toward implementation of the needed adoption of biofuels by this administration. Congress and Californians do not get it.<sup>DK</sup>

David Kruse is president of CommStock Investments, Inc., author and producer of The CommStock Report, an ag commentary and market analysis available daily by radio and by subscription on DTN/FarmDayta and the Internet. CommStock Investments is a registered CTA, as well as an introducing brokerage. Mr. Kruse is also president of AgriVantage Crop Insurance and Brazil Iocsa Farms, an investor owned farming operation in Bahia, Brazil. (Futures Trading involves risk. Past performance is not indicative of future performance.) For information on subscribing to the daily CommStock Report, contact: CommStock Investments, Inc., 207 Main St., Royal, IA, 712-933-9400, [www.commstock.com](http://www.commstock.com). E-mail to: [info@commstock.com](mailto:info@commstock.com)





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