

Hearing on “Pressure Cooker: Competition in the Seed & Fertilizer Industries”
Senator Grassley, Chairman
Questions for the Record: Mr. Noah Coppess - Coppess Family Farms

1. Do you see any efficiencies from seed companies in your ledger? **Over the past decades it is evident that the advancements in seed technology and genetics have allowed us to achieve higher yields.**
2. Could you please provide us with some examples of where rebate ladders or the threat of lost allocations shut out rival brands at the state/county/local level? What information would you share with the appropriate federal agencies about these practices? **Our seed purchase discounts are based on growth and volume. If we add units or hit certain volume targets, we are awarded a higher discount. It’s my understanding if we were to not take delivery of some of the initially ordered units, we would have to pay a higher cost if we fell out of a discount schedule. I have not personally done this to experience if it actually happens. There are options to gain additional discounts if we couple pesticide purchase of the same parent company brand but in my own operation we have chosen to pass on the discounts if we thought the pesticide wasn’t the right product for the task.**
3. Could you describe recent incidents, dates, counties, and how it impacted acres, where a supplier or retailer used rebate leverage or allocation delays to punish switching? If such incidents occurred, did you share that information with the appropriate federal authorities? **I have not experienced this.**
4. You testified about the high costs of seed and fertilizer. To what extent would further margin compression from rising input costs force you to shut down your farming operation, and how soon could that outcome occur if there is no relief? **Our financial strength is very fragile today; we expect to be able to farm next year but have genuine concerns we will be able to maintain lending support if the conditions don’t change on our costs.**
5. During the hearing, it was noted that farmers cannot freely mix and match genetically modified (GM) seeds with different agrochemicals. Has this constraint further restricted your choice of cropping systems, beyond the limitations imposed by your region, weather, or soil conditions? If so, please describe specifically how this has affected your farming decisions. **I have not had issues here.**
6. Restrictive licensing and pricing practices for GM seeds have been a cause of concern. Which specific practices, if halted by appropriate government intervention, would have the most positive impact on promoting competition in the seed market and reducing the

prices that farmers pay for seed? Today we really have one company to choose from that has the highest opportunity for yield with the least amount of risk. As I understand it, some of the technology they are using could be more available to other seed companies if patents we allowed to expire or trait fees were kept in check. I need more seed brands to have hybrids that can compete with the Pioneer seed we purchase. While I am proud to use their product, today it's the only choice I have. When you weigh the options and the price increases year after year, I feel it has gotten out of hand.

7. As of October 28, 2025, what is the prevailing price per metric ton of monoammonium phosphate (MAP) in the United States compared with Brazil, and what are the principal causes of any price differential(s)? I had to lean on the Farm Bureau team for some of the data sourcing here and a little AI support, but what follows is a detailed answer of your question with the pricing information coming from the [The Fertilizer Institute's World Fertilizer Conference](#) held in Chicago 9/15/2025-9/17/2025. As of October 28, 2025, the prevailing price per metric ton of monoammonium phosphate (MAP) in the United States was approximately \$650–\$680, reflecting a structural premium of \$150–\$200 per metric ton over Brazil's landed price of \$450–\$500 per metric ton. This differential, often referred to as the "Gulf premium," stems from a combination of trade barriers, supply-side constraints, and logistical factors that disproportionately burden U.S. markets compared to Brazil's more open import dynamics. The principal causes of this price gap include:
- Import Duties and Countervailing Tariffs:** U.S. suppliers face steep tariffs (15–47%) on MAP from key global sources like Morocco, Saudi Arabia, and Russia, which have reduced imports by ~30% year-on-year through mid-2025. This tightens domestic supply and inflates prices. In contrast, Brazil accesses these suppliers via long-term contracts exempt from similar duties, enabling lower acquisition costs.
- Domestic Production Constraints:** U.S. granular phosphate production (led by Mosaic and Nutrien) has fallen 32% since 2015 due to declining Florida rock quality (~28.5% P₂O₅), raising costs and limiting output. Brazil, reliant on imports, avoids these domestic inefficiencies.
- Freight and Logistical Costs:** Elevated U.S. interior delivery costs from volatile river systems, high barge rates, and diesel prices above \$3.75/gallon in 2025 add upward pressure. Brazil leverages efficient seaborne bulk shipping with minimal internal bottlenecks.
- Policy and Market Structure Differences:** U.S. protectionist policies prioritize domestic producers, sustaining the premium even amid global softening. Brazil's market benefits from diversified, duty-free sourcing.
- Currency and Timing Effects:** A stronger U.S. dollar in Q3 2025 eroded import affordability, while Brazilian buyers capitalized on Q2–Q3 global price dips to stockpile at reduced rates.

Senate Judiciary Committee Hearing
“Pressure Cooker: Competition Issues in the Seed & Fertilizer Industries”

Noah Coppess
Questions for the Record
Submitted November 4, 2025

QUESTIONS FROM SENATOR BOOKER

1. Most major seed companies require farmers to sign technology-use agreements that are framed as protecting intellectual property, but in practice they impose restrictive and harmful conditions on farmers. These contracts typically prevent farmers from saving and replanting seed, grant companies the right to enter the farmer’s property for crop data collection—not only that growing season but years after—and require farmers to turn over production and sales records.¹
 - a. Have you had to sign technology-use agreements for seeds you use on your own farm require and would you have been able to purchase those seeds without signing such the contract? **Yes, we sign technology-use agreements when we purchase seed. I’ve never refused to sign the document so I can’t say for sure if that would have stopped the sale but I presume it would.**
 - b. Did you consider any of the contract provisions burdensome or problematic? If so, please describe which provisions and how they have affected your farm operations and business decisions. **I have not to this point.**
 - c. Are there practices or decisions you would have adopted on your farm but were unable to because of these contract restrictions? If so, please describe them. **I would consider retaining my soybeans and treating and planting them if the cost justified it, however I have not investigated it thoroughly as it never seemed like an option.**
2. The technology-use agreements that farmers are forced into can be extremely lengthy, often dozens of pages, and highly technical, frequently necessitating review by an attorney. Yet, the contract terms vary very little among the major seed companies, leaving farmers with virtually no meaningful choice but to accept the same restrictive conditions across the market.²
 - a. Do you have to hire an attorney to review each contract from a major seed company? Has there been a time when you were not able to hire an attorney to

¹ Spiegel et al., *Seeds for Rent: The Fares’ Guide to Technology Use Agreements*, CENTER FOR AGRICULTURE & FOOD SYSTEMS (Feb. 2025), <https://cafs.vermontlaw.edu/wp-content/uploads/seeds-for-rent-the-farmers-guide-to-technology-use-agreements-2025.pdf>.

² *Id.*

review a contract before signing it? I have chosen not to and knowingly accept that I don't know all of the details of the contract but get the basic understanding of it.

- b. Have you had to sign contracts with binding arbitration agreements? I don't know if the contracts have had that in them.
 - c. Have you ever been able to negotiate the terms of a contract? I have never tried to negotiate seed contracts. In the case of John Deere Operations Center use agreement, I have not been able to negotiate those terms.
3. Over the past 100 years, farmers, universities, plant breeders and others have transformed the seed market by producing seeds that are more resilient and economically productive.³ However, corporate capture of our seed industry has manipulated this system such that plant breeders have less autonomy, seed stock is less resilient, and farmers are losing opportunities to adapt to a rapidly changing climate.
- a. In your experience, what is the impact of a consolidated seed industry on the ability of farmers to develop new seeds that are responsive to local changing climates? I am at the mercy of what is available primarily from the two major parent companies and what they choose to focus on. We have a great non-gmo market for soybeans and white corn locally but have not had many new hybrids come to the market to support them in the past several years. Southern Rust pushed into our area this year but only a few hybrids were tolerant to it in our area. That hit us pretty hard this year financially.
 - b. How does corporate dominance by a few powerful players in the seed industry stifle innovation? What I've learned its made it hard for the independent companies to get new products to the market and limited us to what the two major companies choose to focus on.
4. In your testimony, you note that 66 percent of the input cost increase between 2020 and 2024 was due to “[s]eed, chemicals, etc.”, which includes seed, fertilizer, herbicide, insecticide, insurance, interest, and other costs. In your view, how does the lack of competition among fertilizer and seed producers contribute to increased input costs that do not follow commodity prices? They follow the commodity prices up but then stay elevated. We have very few competitive options therefore we are subject to pay whatever price we are given to do business with a product that is trustworthy of producing.

³ U.S. Dept. of Agric., Agricultural Marketing Service, *More and Better Choices for Farmers: Promoting Fair Competition and Innovation in Seeds and Other Agricultural Inputs* (Mar. 2023), <https://www.ams.usda.gov/sites/default/files/media/SeedsReport.pdf?utm>.

5. Before the recent agreements allowing farmers to repair their own tractors, many farmers were forced to rely on manufacturer-authorized dealers for even simple repairs—at significant cost and delay. Can you describe the challenges this created for your operation, and how the ability to repair your own equipment has improved efficiency, reduced costs, or supported your business overall? I'm trained in this field so we are able to skirt the costs of purchasing newer equipment by being able to purchase used equipment and fix it ourselves. I can get the tech support I need today but its expensive. Fixing our equipment ourselves has created significant uptime and cost savings advantages. Often our operations are benefited by little down time which is critical in achieving top yields as we can get the work done in the ideal conditions when mother nature allows them. Top yields translates to financial efficiency and long term strength for our farm.