



July 18, 2024

The Honorable Lina M. Khan, Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Melissa Holyoak
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Alvaro Bedoya
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Andrew N. Ferguson
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Rebecca Kelly Slaughter
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan, Commissioner Bedoya, Commissioner Slaughter, Commissioner Holyoak, and Commissioner Ferguson:

The undersigned organizations representing thousands of small businesses across our country write urging the Federal Trade Commission (FTC) to use long-dormant regulatory powers to address predatory buying practices from dominant corporations by enforcing the Robinson-Patman Act (RPA). The responsibility to ensure fairness in our markets for both consumers and small businesses is vital for a functioning democracy. And we're running out of time.

As Main Street businesses, we fought our way through a global pandemic just to be pummeled by staffing shortages, supply chain challenges, and corporate price-gouging. Just as challenging, large competitors use their buyer power to demand lower prices from suppliers, leaving small and medium businesses to make up the difference by paying higher prices for the same products. In addition to the challenge of price discrimination, we also face access discrimination — where corporate chains exert their market power to buy-out suppliers, leaving smaller competitors without the option to purchase products. Yet we continue to serve our communities because we love the places we live, we provide the majority of jobs for our neighbors, and we are deeply invested in contributing to the success of our local economies.

The decision to stop enforcing the law was one of the most harmful and consequential policy decisions of the last 50 years. It allowed giants like Walmart and Amazon to concentrate control

over much of the economy not by competing, but by exerting their power as dominant buyers to extract discounts for themselves while forcing independent retailers to pay more.

Price gouging is coming both from retailers and from major suppliers. Consolidation among retailers has led to consolidation among suppliers, resulting in price-gouging on the supply side as well. RPA enforcement would diversify retail and ultimately, diversify manufacturing and supply.

Our ask: a level playing field and fair competition. We can compete and we want to compete. Key to that is enforcing the Robinson-Patman Act to address predatory buying. Failure to enforce the statute has led to higher prices. Restoring competition would bring down prices, creating opportunities for new suppliers. [Ample evidence](#) shows the biggest corporations are choosing the windfall of profits at the expense of the American family. These behemoths are able to do this because of the power they yield over our highly consolidated markets.

Central to our core competition statutes, reinvigorating Robinson-Patman enforcement will lead to more competition and lower prices. When smaller businesses aren't unfairly disadvantaged with paying higher prices to suppliers because large corporations are extorting the same suppliers using their market power, the result is an economic system with thriving competition. When we restore fairness, it leads to real competition, which leads to [lower prices](#) and better quality.

As our competition enforcers, we urge you to return to fairness, vigorously enforce Robinson-Patman, and help to create increased retail and supplier competition — a win for small businesses, consumers, and all Americans.

Signed,

American Booksellers Association
American Independent Business Alliance
American Specialty Toy Retailing Association
Cambridge Local First (MA)
Institute for Local Self-Reliance
Local First Arizona
Local First La Plata (CO)
Local Return (RI)
Louisville Independent Business Alliance (KY)
Love Live Local Inc (MA)
Lowcountry Local First (SC)
Main Street Alliance
National Community Pharmacists Association

National Sporting Goods Association
New Atlantic Independent Booksellers Association
Slow Flowers Society
Spokane Independent Metro Business Alliance (WA)
Workplace Solutions Association

Coalition Partner Statements:

“The American Specialty Toy Retailers Association urges the Federal Trade Commission to dust off this important enforcement tool to address predatory buying by large corporations. Too often, independent stores are made to pay more for the same products in the same quantity because massive corporations wield their power to extract lower prices from suppliers.”

— ***Sue Warfield, President, American Specialty Toy Retailers Association***

“Main Street has been through so much these last few years. From COVID-19 to lingering inflation to the workforce shortage. This has been exacerbated by poor enforcement of the Robinson-Patman Act (RPA). Large corporations cut out small businesses with bulk-buying and force smaller operators to either accept their deal or endure financial ruin. The concentration of a few, very powerful actors at the top has made that dynamic worse—and it has made it harder for a truly competitive marketplace to thrive. Main Street Alliance and our members know that by enforcing this important law through the Federal Trade Commission, this will improve competition, reduce corporate concentration, ensure consumers are able to support businesses in their own communities, and level the playing field for local entrepreneurs.”

— ***Richard Trent, Executive Director, Main Street Alliance***

“Independent bookselling is the perfect example of what happens when the Robinson-Patman Act is not enforced. Big box and online retailers routinely sell high-demand books at discounts of 50% or more, consequently, independent bookstores cannot compete on pricing without incurring a loss. When Main Street businesses can’t compete due to this rigged market, the result is lower wages, job losses, empty storefronts, and a depletion of tax revenue. Independent bookstores create local jobs and circulate money back into the local economy at a rate twice that of chain stores and four times Amazon. Robust RPA enforcement equals robust communities.”

— ***Dave Grogan, Director of ABFE, Advocacy, and Public Policy, American Booksellers Association***

“The consolidation of retailers and market suppliers is causing more and more communities to lose the local businesses they need to survive. The FTC has the responsibility and the tool, the Robinson Patman Act, to begin fixing this problem. Please do the right thing.”

— ***Mike Tucker, Executive Director, Workplace Solutions Association***

“The Louisville Independent Business Alliance (LIBA) proudly stands in strong support of the Robinson-Patman Act, a cornerstone of fair competition and market equality. By enforcing the principles of the Robinson-Patman Act, we uphold the values of fairness and equity in commerce. This not only benefits small and independent businesses in Louisville and across the country, but also enhances consumer choice and promotes a diverse and vibrant marketplace everywhere.”

— **Jennifer Rubenstein, Executive Director, Louisville Independent Business Alliance**

“More than half (55%) of Lowcountry Local First's local-independent business member survey respondents reported in June 2024 that they are somewhat or significantly impacted by their corporate competitors' access to superior pricing and terms for products and services.”

— **Jordan Amaker, Director of Advocacy and Communications, Lowcountry Local First**

About Small Business Rising

Small Business Rising, a coalition of more than 40 organizations representing more than 250,000 independent businesses, formed in 2021 to urge policymakers to rein in monopoly power and inject fairness into a system that has long left small businesses at a competitive disadvantage. The Hill described the coalition as "playing a pivotal role in high-profile debates over antitrust," and helping "sway lawmakers to advance legislation to break up the largest tech companies through the House Judiciary Committee." Together, members of the coalition and small business voices have calling for Congress to stop tech monopolies, like Amazon, from cornering the online market by breaking them up and regulating them, for states to pass robust antitrust laws, and for Federal regulators to use their enforcement authorities to block dominant corporations from engaging in abusive tactics. For media inquiries, please email [media\[at\]smallbusinessrising\[dot\]net](mailto:media[at]smallbusinessrising[dot]net) | SmallBusinessRising.net.

cc Lael Brainard, Chair — White House Competition Council, National Economic Advisor