

July 6, 2026

Submitted via Regulations.gov

Michelle Ferritto
U.S. Department of Transportation
Docket Operations
Attn: Docket No. FAA-2026-4558
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility [Docket No. FAA-2026-4558]; 91 Fed. Reg. 24650 (May 6, 2026)

Dear Ms. Ferritto:

The National Pork Producers Council (NPPC) appreciates the opportunity to comment on the Federal Aviation Administration's (FAA) proposed rule establishing a process for operators and proprietors of fixed-site facilities to petition for unmanned aircraft flight restrictions (UAFRs) over critical infrastructure. NPPC is the national trade association representing 42 affiliated state associations and serving as the voice in Washington for America's pork producers. The U.S. pork industry supports hundreds of thousands of jobs, generates billions of dollars in farm-gate sales and value-added economic activity, and provides a safe, affordable, and abundant supply of protein to consumers in the United States and around the world.

NPPC strongly supports the FAA's proposal. The rule is a necessary and overdue step toward protecting critical infrastructure, safeguarding the nation's food supply, defending farm biosecurity, and ensuring the responsible integration of unmanned aircraft systems (UAS) into the National Airspace System. In addition to joining separate comments with other livestock, meat and agricultural groups, NPPC submits these comments to focus the Agency's attention on a specific and well-documented problem: the biosecurity, worker-safety, operational and physical security threats that low-altitude drone activity poses to swine operations, and the demonstrated record of activist organizations that target hog farms in particular.

We strongly urge the FAA to ensure that not only are livestock and poultry farms, feed operations, and meat and poultry processing facilities expressly eligible for UAFR designation, but to also establish penalties for unauthorized operation commensurate with the critical-infrastructure risk, and to coordinate with the Department of Homeland Security, the Department of Justice, and Congress to ensure that the detection and mitigation authorities and resources needed to restrict the unauthorized flight of drones around sensitive facilities are actually available. We encourage FAA to finalize the rule expeditiously.

I. Pork Production Facilities Are Critical Infrastructure Recognized and Protected by the Federal Government

The federal government has long recognized that America's farms, ranches, feedlots, and food-processing facilities are part of the nation's critical infrastructure. Homeland Security Presidential Directive-7 (HSPD-7), "Critical Infrastructure Identification, Prioritization, and Protection," designates food and agriculture as one of the nation's critical infrastructure and key resources sectors. Homeland Security Presidential Directive-9 (HSPD-9), "Defense of United States Agriculture and Food," establishes a national policy to protect the agriculture and food system against terrorist attacks and directs the Secretaries of Homeland Security, Agriculture, and Health and Human Services, the Administrator of EPA, the Attorney General, and the Director of the CIA to coordinate their efforts to prepare for, protect against, respond to, and recover from an agroterrorist attack. The Food and Agriculture Sector-Specific Plan, submitted by USDA as input to the National Infrastructure Protection Plan, warns that "America's agriculture and food system is an extensive, open, interconnected, diverse, and complex structure providing potential targets for terrorist attacks."

That recognition has only sharpened in recent years. In 2025, USDA launched the National Farm Security Action Plan, a first-of-its-kind comprehensive strategy premised on the principle that "farm security is national security." In February 2026, senior officials from the Department of Homeland Security's Office of Health Security, its Science and Technology Directorate, U.S. Customs and Border Protection, and USDA testified before the House Committee on Homeland Security that the food and agriculture sector is designated critical infrastructure and that its disruption, "whether intentional, accidental, or naturally occurring," can cause cascading impacts to public health, economic stability, and public confidence in government. DHS's Office of Health Security holds statutory responsibility under the Securing Our Agriculture and Food Act to coordinate the Department's efforts to defend the nation's food, agriculture, and veterinary systems against terrorism and other high-consequence threats.

Pork production sits squarely within this protected sector. Modern swine operations are tightly controlled, bio-secure environments engineered to keep disease out and to protect animal health, worker health, the environment, and the integrity of the food supply. Their disruption does not stay local. Because hogs are commonly bred, weaned, finished, and processed at different sites, activities that often take place in different states, a disease introduction or security incident at a single farm can ripple across the supply chain, trigger stop-movement orders and quarantines, close export markets, and undermine consumer confidence. The FAA's proposal appropriately recognizes that facilities whose disruption could significantly affect public safety, economic security, and national resilience warrant protection. Pork operations meet that standard, and the final rule should make clear that they are eligible for consideration under the UAFR framework.

II. Unauthorized Drone Activity Poses Acute Biosecurity and Disease-Transmission Risks to the Swine Herd

Beyond the physical-security threat, low-altitude drone activity around swine operations creates a serious and independent biosecurity hazard. Modern pork production depends on rigorous, layered biosecurity controlled access, shower-in/shower-out protocols, downtime requirements, vehicle sanitation, and strict separation between sites because swine are vulnerable to devastating transboundary diseases. An unauthorized aircraft moving between multiple agricultural sites, or descending low over barns, ventilation systems, feed, mortality-composting areas, or manure-handling

infrastructure, can serve as a mechanical vector for pathogens in exactly the way biosecurity protocols are designed to prevent.

The stakes could not be higher. African Swine Fever (ASF), a highly contagious, frequently fatal viral disease of pigs for which there is no widely available vaccine or cure would, if introduced into the U.S. herd, immediately close export markets, require large-scale depopulation, and inflict multi-billion-dollar losses on producers and the broader economy. DHS's Science and Technology Directorate specifically identified African Swine Fever as a priority agricultural threat agent in its February 2026 congressional testimony¹. The Congressional Research Service has likewise warned that the nature of modern livestock production is especially sensitive to the risk of introduction of and the rapid spread of contagious pathogens, and that a foreign animal disease could spread to numerous states within days through the ordinary movement of animals². The United States is currently contending with Highly Pathogenic Avian Influenza, recently addressed a localized emergence of Pseudorabies, and is fighting the northward advance of New World Screwworm, ongoing reminders that foreign animal disease threats are not hypothetical. Reducing unnecessary, uncontrolled aerial activity over sensitive swine facilities is a reasonable and prudent biosecurity precaution that is fully consistent with the federal government's stated agriculture-security priorities.

III. Drones Endanger Worker Safety, Distress Animals, and Disrupt Essential Farm Operations

Unauthorized drone operation also creates direct safety and operational hazards on a working farm even when no intrusion or disease introduction occurs. Pork production is an around-the-clock operation involving the coordinated movement of people, animals, feed, grain, and heavy equipment. The unexpected appearance of a drone over a barn, a livestock-loading area, or a field introduces a dangerous and unnecessary distraction into an environment where attention and precision are essential to safety.

Swine are highly sensitive to novel sights and sounds. The noise and motion of unapproved and unexpected low-flying drones can spook animals, triggering piling, crowding, and panicked movement that injures pigs and the workers handling them, risks that are especially acute during loading, unloading, and transport, when large animals are being moved through chutes and onto trailers. A startled animal, or a worker whose attention is pulled to an unexpected aircraft overhead, is a safety incident waiting to happen.

The operational risks extend across the full range of farm activity. A drone operating without authorization over an active worksite threatens collisions with equipment, whether a combine harvesting grain, a tractor applying manure nutrients, or a producer's own authorized agricultural drone conducting field or facility work. Farm employees and federal or state personnel present at a facility cannot determine in real time whether an unidentified drone overhead is being operated by a hobbyist, an activist organization conducting surveillance, a competitor, or a malicious actor. That uncertainty forces operations to stop, diverts workers from tasks that require their full attention, and creates

¹ Jeff Cooper, Program Manager, Science & Technology Directorate, U.S. Dep't of Homeland Sec., Testimony Before the H. Comm. on Homeland Security, Subcomm. on Emergency Management & Technology, *Surveying the Threat of Agroterrorism, Part II: Assessing Federal Government Efforts* (Feb. 11, 2026), <https://homeland.house.gov/wp-content/uploads/2026/02/2026-02-11-EMT-HRG-Testimony.pdf>.

² Jim Monke, Cong. Rsch. Serv., RL32521, *Agroterrorism: Threats and Preparedness* 48 (updated Mar. 12, 2007)

confusion during routine feeding, animal movement, grain harvest, manure and nutrient management, and regulatory oversight activities. Producers should be able to feed and care for their animals, harvest their crops, and manage their operations safely and effectively on their private property without having to divert attention to an unauthorized aircraft threatening their equipment, their animals, and the physical safety of their workforce.

Importantly, the swine industry itself is an enthusiastic and responsible adopter of drone technology. Producers use unmanned aircraft to inspect infrastructure, monitor barns and lagoons, evaluate crops, and improve operational efficiency and animal care. NPPC does not seek to restrict these legitimate, beneficial uses. The FAA's proposal strikes the right balance: it provides eligible facilities a transparent, consistent process to obtain protection from unauthorized operations while expressly preserving legitimate commercial, governmental, agricultural, and authorized drone activity. That balance protects producers without foreclosing the technology's substantial benefits to the very industry the rule would help defend.

IV. Swine Operations Have Been the Direct and Repeated Target of Activist Organizations Using Surveillance, Trespass, and Property Destruction

Finally, swine and other livestock farms continue to face significant physical threats. Their concern that unauthorized drones will be used against their farms is not speculative. It is the logical extension of a documented, decades-long pattern of activist organizations physically intruding on, surveilling, and damaging animal agriculture facilities, with swine farms as a recurring and deliberately chosen target.

Historically, the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) have been among the most active domestic criminal extremist elements in the United States. In sworn testimony before the Senate Judiciary Committee on May 18, 2004, John E. Lewis, then Deputy Assistant Director of the Federal Bureau of Investigation, stated:

*"In recent years, the Animal Liberation Front and the Earth Liberation Front have become the most active criminal extremist elements in the United States. Despite the destructive aspects of ALF and ELF's operations, their stated operational philosophy discourages acts that harm 'any animal, human and nonhuman.' In general, the animal rights and environmental extremist movements have adhered to this mandate. Beginning in 2002, however, this operational philosophy has been overshadowed by an escalation in violent rhetoric and tactics, particularly within the animal rights movement. Individuals within the movement have discussed actively targeting food producers, biomedical researchers, and even law enforcement with physical harm."*³

Director Lewis further testified in the same statement that ALF/ELF criminal incidents "often involve pre-activity surveillance and well-planned operations," with activists believed to "engage in significant intelligence gathering against potential targets, including ... photographic/video surveillance of potential targets." That is precisely the reconnaissance function that inexpensive, widely available aerial drones now make dramatically easier and safer for the operator, allowing surveillance of a bio-secure facility to be conducted from beyond the fence line and without the physical risk or legal exposure of trespass. A subsequent FBI Counterterrorism analysis of domestic terrorist incidents between 2002 and 2005 found

³ John E. Lewis, Deputy Assistant Director, Federal Bureau of Investigation, Statement Before the Senate Judiciary Committee, "Animal Rights Extremism and Ecoterrorism" (May 18, 2004).

that, with a single exception, every domestic terrorist incident in that period was committed by special-interest extremists active in the animal-rights and environmental movements. Congress responded to this record by enacting the Animal Enterprise Terrorism Act (P.L. 109-374), which established criminal penalties for damaging or interfering with animal-enterprise operations.

These threats have not occurred in isolation, but rather have remained ongoing forcing continued vigilance for livestock producers. Nearly 10 years after Director Lewis's testimony, a 2013 study prepared for the DHS Science and Technology Directorate by the National Consortium for the Study of Terrorism and Responses to Terrorism (START) documented 239 arsons and bombings committed by ALF- and ELF-affiliated individuals between 1995 and 2010, more than forty percent of which caused substantial or very substantial property damage. Meat and food-processing plants were the second most frequently targeted category of all targets in that dataset, and among animal-rights (ALF) attacks specifically, meat and food-processing facilities were the single most common target. The same research found that these offenders were difficult to identify and apprehend precisely because they operated in small, informal cells, came together through personal contacts, and rarely engaged in lawful, public-facing advocacy before acting, making surveillance-driven, remotely conducted reconnaissance an especially attractive tactic.

Livestock operations have directly felt this risk. In January 2012, activists claimed responsibility for an arson at the Harris Ranch beef feedlot in Coalinga, California, in which fourteen cattle trucks were set ablaze using accelerant and timed incendiary devices; a communiqué distributed by the Animal Liberation Press Office boasted that "despite guards, a constant worker presence, and razorwire fence, the enemy is still vulnerable" and closed with the threat "until next time." That same North American Animal Liberation Press Office has, over the years, distributed communiqués claiming farm invasions, arsons, and "liberations" of animals across the country including at poultry, elk, deer, and hog operations.

The direct targeting of pork producers is most starkly illustrated in recent years by the activities of Direct Action Everywhere (DxE), a self-described grassroots network whose stated objective is "total animal liberation." DxE has made pig farmers one of their signature targets. In March 2017, DxE activists infiltrated barns near Milford, Utah during a nighttime intrusion the group branded "Operation Deathstar," stealing live piglets from the facility. The break-in and theft triggered a multi-state federal investigation. DxE subsequently produced and widely distributed a 360-degree virtual-reality video shot inside the barns, expressly designed to promote and capitalize on their illegal activity. The group has escalated its harassment of farmers in following years: in July 2020, DxE activists recklessly chased and harassed a livestock hauler nearly 500 miles live-streaming the pursuit; in April 2019, DxE activists broke into a different facility in North Carolina; and in 2020 the group broke into farms and installed remote electronic surveillance cameras and microphones in swine farms in Iowa. These are not isolated events, they are part of a sustained, highly coordinated campaign specifically directed at disrupting vital food production facilities.

Critically, aerial surveillance by drone is not a new or hypothetical tactic in these attacks on livestock farms. Activists have been deploying drones against animal agriculture, and against hog operations specifically, for well over a decade. In 2013, People for the Ethical Treatment of Animals announced that it was acquiring drone aircraft to monitor and surveil targets, becoming the first major animal-rights organization to publicly embrace the technology and use it for illegitimate means. Beginning in 2015, activists began aggressively crowdfunding a project to utilize drones to target livestock farms across the

United States. More recently, DxE investigators have used drones to surveil livestock operations, including flying a drone over a Central Valley calf ranch, harassing the animals, to capture footage the group then publicized. During the Covid crisis, they also flew drones overhead at livestock farms in Iowa, disrupting workers as they were responding to crisis situations on their farms. The trajectory is unmistakable: as drone technology has become cheaper, more capable, and easier to operate, activist organizations have moved from announcing an intent to surveil, to filming individual farms from the air, to integrating drones into sustained campaigns of harassment against farmers and animals.

This progression is precisely why the FAA's proposal matters to pork producers. Aerial surveillance allows an activist organization, or a foreign or domestic adversary, to conduct detailed and close in reconnaissance of a bio-secure facility without ever breaching a fence line, gathering the very site-specific operational intelligence that, as the FBI has testified, has historically preceded the physical intrusions and attacks that they have routinely utilized.

That those who wish to do harm actively seek out facility-specific information is well documented. As NASDA and other agricultural organizations have noted, a convicted felon who had served federal prison time for releasing mink from fur farms sent letters to state departments of agriculture requesting the locations of animal facilities. A drone accomplishes the same reconnaissance objective from the air, at lower cost and lower risk to the operator.

V. Recommendations

For the reasons stated above, NPPC respectfully urges the FAA to:

1. **Confirm eligibility for animal agriculture.** Ensure that the final rule expressly identifies livestock and poultry farms, including swine breeding, farrowing, nursery, and finishing operations, along with feed operations and meat and poultry processing facilities as fixed-site facilities eligible for UAFR designation, consistent with their status as critical infrastructure under HSPD-7, HSPD-9, and the USDA National Farm Security Action Plan.
2. **Adopt an accessible, workable petition process.** Design the application process so that it is realistic for individual producers and family-owned operations to use, without prohibitive cost, legal complexity, delays or public disclosure of sensitive site-specific security information that would itself create a roadmap for those who wish to do harm.
3. **Protect sensitive information.** Ensure that information submitted in support of a UAFR petition, particularly facility locations, names of owners and employees, and site security details are protected from public disclosure to the maximum extent permitted by law, including as NPPC established in litigation before the Eighth Circuit under the Federal Privacy Act and FOIA Exemption 6⁴.

⁴ "The disclosure of names, addresses, telephone numbers, GPS coordinates, and financial statuses can implicate substantial privacy interests ... the disclosure of such information would constitute a substantial invasion of privacy, because it would facilitate unwanted contact ... and even potential harassment." American Farm Bureau Federation v U.S. Environmental Protection Agency, 836 F.3d 963, 971 (8th Cir. 2016) A case involving the protection of private information of farm owners and operators from disclosure, where the 8th Circuit's opinion notes that "Food & Water Watch, for example, admits to having 'participated in aerial and ground investigations of poultry facilities' and avers that 'to protect our waterway under the Act, it is important to know the name and proper contact information for these facilities and their owners and operators.'" See also Campaign for Family

4. **Preserve authorized agricultural operations.** Maintain clear pathways for producers, their employees, and their contractors to continue operating authorized agricultural drones over their own facilities.
5. **Pair eligibility with real enforcement, resources, and penalties.** NPPC representatives previously participated in the Department of Homeland Security's Critical Infrastructure Partnership Advisory Council (CIPAC) working group addressing small Unmanned Aircraft Systems (sUAS), and from that experience NPPC emphasizes that designating protected airspace accomplishes little without the means to enforce it. A UAFR is only as effective as the detection, deterrence, and accountability mechanisms that stand behind it.

NPPC urges the FAA not only to make livestock and poultry farms, feed operations, and meat and poultry processing facilities eligible to quickly and easily seek UAFRs, but also to establish penalties for unauthorized operation commensurate with the critical-infrastructure risk, and to coordinate with the Department of Homeland Security, the Department of Justice, and Congress to ensure that the detection and mitigation authorities and resources needed to restrict unauthorized drone flights around sensitive facilities are actually available to those charged with protecting them.

6. **Finalize the rule expeditiously.** Move promptly to finalize and implement the program so that eligible facilities can obtain protection without further delay.

NPPC commends the FAA for undertaking this important rulemaking and for recognizing that critical infrastructure protection must extend to the facilities that feed the nation. Strengthening protections around eligible agricultural facilities will enhance farm and food security, protect the swine herd from biosecurity threats, safeguard the men and women who work on America's hog farms, and reinforce the resilience of the nation's food supply—all while preserving responsible access to the benefits of unmanned aircraft technology.

Thank you for your consideration of these comments. NPPC would welcome the opportunity to provide additional information or to participate in further discussions as the Agency moves forward. If you have questions or need additional information, please do not hesitate to contact me at 202-347-3600 or by email at formicam@nppc.org

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael C. Formica". The signature is fluid and cursive, with a small "MCA" monogram at the end.

Michael C. Formica
Chief Legal Strategist
National Pork Producers Council

Farms v Glickman, 200 F.3d 1180, 1188 (8th Cir. 2000) ("individuals divulge personal information to the government for limited purposes with the expectation that the information will not become available to the general public. Even information that is available to the general public in one form may pose a substantial threat to privacy if disclosed to the general public in an alternative form potentially subject to abuse.")