

United States Senate
WASHINGTON, DC 20510-3203

November 1, 2021

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

Dear Chair Khan,

As you and your fellow commissioners go through the process of evaluating the pending merger of the Tops Friendly Markets and Price Chopper/Market 32 Supermarkets, I write to request that Federal Trade Commission (FTC) give full and fair consideration to this potential transaction's impact on the current and future employees of these entities, as well as on their local communities. As you know, the merger would combine two New York-based supermarket chains with nearly 300 stores and over 30,000 employees across the Northeast – mostly in Upstate New York. Therefore, as the merger is appropriately scrutinized to assess the impact on competition and consumers, I ask that the FTC also consider the long-term impact on nearly 10,000 good-paying union-jobs at Tops Friendly Markets represented by the United Food & Commercial Workers (UFCW) Local One.

Because I believe our economy and society benefits most when labor and business interests are balanced, I have consistently supported union workers' ability to bargain for fairer wages and better benefits, and, consequently, I have a long history of safeguarding the thousands of union-workers at Tops Friendly Markets. When former-owner, Penn Traffic, filed for bankruptcy over a decade ago, I took action to delay the liquidation so a buyer could be found, and urged all parties to negotiate a solution that would save the greatest number of stores and family-sustaining jobs. Ultimately, Tops Friendly Markets emerged as the successful bidder, saving scores of stores from closing, providing consumers with more choice, and preserving union jobs.

I share the FTC's commitment to preventing mergers and market concentration that is likely to reduce competition and lead to higher prices for consumers. However, I believe that it is also important to consider impacts on the workforce, especially on unionized workers, which are so key to maintaining a vibrant middle class and strong economy. I know that the FTC will appropriately conduct a thorough and substantive review of this potential merger and I simply request that as part of that review the Commission gives full and fair consideration to each of these aspects in the final arrangement.

America has a severe and worsening income inequality crisis – working families are losing ground while the wealthy (and large corporations) are getting richer every day. Rectifying this income inequality and creating more paths of opportunity for individuals and families to secure stable incomes with supportive benefits, join the middle class and help to drive our economy forward is key to a prosperous, stable and growing America. And I believe that protecting the number of workers in unions is a fundamental part of the solution.

Thank you for the work you and your agency is doing to protect American consumers' interests and preserve fair and robust competition in markets across the country. I hope that your review and

determinations related to this specific merger will reflect those important goals as well as the interests of workers' rights to organize and bargain for fairer wages, better benefits, and safer workplaces.

Thank you again for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Charles Schumer". The signature is written in a cursive, flowing style with a large initial "C".

Charles E. Schumer
United States Senator