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March 25, 2026

Co-Chair Erin Koegel
Co-Chair Tim O'Driscoll
House Commerce Finance and Policy Committee
St. Paul, MN 55155

Dear Co-Chair Koegel, Co-Chair O'Driscoll and committee members:

On behalf of Minnesota Farmers Union (MFU), I write to share our support for Representative Greenman's bill (HF3794) to prohibit surveillance pricing in Minnesota. We believe that at a time when Minnesotans are being squeezed by the rising cost of living, limiting the use of new technologies to gouge consumers is an important way to address one of the root causes of our affordability crisis, the unfair pricing strategies being employed across the economy.

MFU is a grassroots organization that has represented Minnesota's family farmers, ranchers and rural communities since 1918. MFU was formed as farmers were fighting to ensure they received a fair price for what they produced, but the work in Minnesota to ensure fair pricing dates back even further. In the 1870s Minnesota legislators passed laws to address personalized and discriminatory railroad prices.

That same era produced the price tag, establishing the uniform pricing consumers have come to expect and that is key to a fair and democratic economy. Polling from the economic think tank Groundwork Collaborative finds that 83% of Americans believe that businesses should charge all customers the same price for the same item.ⁱ

Surveillance pricing threatens to undermine fairness by using opaque and predatory pricing strategies that undermine consumer liberty and price transparency, leading to higher costs on Minnesota families. HF3794 is an opportunity for the legislature to get out ahead of an anticompetitive practice that will thrive in what writer Cory Doctorow calls the "vast underground empire of nonconsensual data-harvesting."ⁱⁱ

Some surveillance pricing companies have boasted about their ability to predict things like when you will get paid, suggesting a future where payday also means higher prices.ⁱⁱⁱ Earlier this year Google announced its move to integrate its AI platform Gemini into retail (Gemini Enterprise for Customer Experience) including a service called "direct offers" where businesses will pay to allow Google to set prices when it makes recommendations.^{iv}

It is not hard to see how a monopolist like Google with its dominance over search and advertising could turn this into a system of kickbacks and tacit collusion to the detriment of consumers and independent businesses. All of this serves to create a marketplace where there are no true prices, which is the foundation of a fair, transparent and functioning market economy. Without a fixed public price, discounts become a tool for ubiquitous price discrimination using people's personal data to gouge them.

While this legislation might be thought of primarily as a way to protect consumers, farmers and small business owners could be impacted as well. What might powerful seed, fertilizer or pesticide companies do with an AI price-setting tool and troves of farmer data? What might suppliers and large retailers that are already engaged in the anticompetitive practice of price discrimination – charging different retailers different prices for the same goods – do with AI tools that can supercharge that practice?

In competitive markets surveillance pricing would not be nearly as attractive a strategy, but in consolidated markets this is a powerful mechanism for gouging buyers. Unfortunately, three-quarters of industries have become more consolidated since the 1990s, the economy as a whole has grown 50% more consolidated since 2005 and at the current rate of consolidation we will have just one company per industry by 2075.^v

MFU appreciates Rep. Greenman’s leadership on this issue and urges the committee to support HF3794 and protect price fairness in Minnesota. If you have any questions, please contact our Antimonopoly Director, Justin Stofferahn, at justin@mfu.org or (612) 594-1252 (C). Thank you for considering the needs and perspectives of Minnesota’s farm families.

Sincerely,

A handwritten signature in black ink that reads "Gary Wertish". The signature is written in a cursive, flowing style.

Gary Wertish
President, Minnesota Farmers Union

ⁱ <https://groundworkcollaborative.org/news/icymi-groundworks-owens-breaks-down-how-surveillance-pricing-rips-off-consumers/>

ⁱⁱ <https://doctorow.medium.com/https-pluralistic-net-2024-06-05-your-price-named-privacy-first-again-1ccb334a9fa5>

ⁱⁱⁱ <https://prospect.org/2024/06/04/2024-06-04-one-person-one-price/>

^{iv} <https://cloud.google.com/transform/a-new-era-agentic-commerce-retail-ai>

^v <https://mfu.org/wp-content/uploads/2024/12/Antimonopoly-Fact-Sheet-updated-for-2025.pdf>