

# FLORIDA Fluid Milk Report

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Market Administrator

Florida Marketing Area  
Federal Order No. 6



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## Public Information Session Announced

The U.S. Department of Agriculture (USDA) will hold a public information session March 20, 2009, to address proposals received to amend Federal milk marketing order producer-handler and exempt plant provisions. Please read the inserted notice from Dana H. Cole, Deputy Administrator of Dairy Programs, for additional information regarding the session.

## Market News Web Portal to Include Dairy

The USDA has announced that its Market News Portal has been expanded to include Dairy Market News. The portal, operated by USDA's Agricultural Marketing Service (AMS), significantly enhances Market News web site services. The Market News web portal provides instant, real-time access to daily and historical reports on agricultural commodity markets. The system came on line in 2005, beginning with Fruits and Vegetables and Livestock and Grain. The portal can be accessed at <http://www.marketnews.usda.gov/>.

The expanded web portal will help more businesses make marketing decisions with instant access to Market News data bases. The portal makes customized current and historical data available almost instantly.

Registered users can log into the portal, access information, download it in several user-defined formats, and establish electronic bookmarks to quickly locate specific data. Users can create their own market summary charts to provide snapshots of commodity prices based on location and dates for many commodities. The portal also offers additional features, such as nationwide weather reports and metric and currency conversions. There is no cost to register. USDA Market News (continued on pg. 4)

## Reminder: Our Address Has Changed

Our P.O. Box is no longer in use. Please direct all written communications to: 1550 North Brown Road, Suite 120, Lawrenceville, GA 30043.

## Uniform Price Lower

The uniform price in Hillsborough County, Florida, was \$15.02 per hundredweight for milk at 3.5 percent butterfat for the month of February. This represents a decrease of \$3.90 compared with the previous month and a decrease of \$7.58 from February 2008.

Class I utilization was 81.37 percent in February, a decrease of 0.27 percent when compared with the previous month and a decrease of 1.69 percent when compared with February of last year.

## National Dairy Situation

The USDA estimates that the total U.S. production of milk in January was 16.1 billion pounds, an increase of 0.8 percent from January 2008 and an increase of 1.3 percent when compared with December 2008 on a daily average basis. Total cheese output (excluding cottage cheese) was 821 million pounds, 1.0 percent above January 2008 but 4.4 percent below December 2008. Butter production was 175 million pounds, 3.5 percent above January 2008 and 11.8 percent above December 2008.

Nonfat dry milk powder production was 156 million pounds in January, 31.1 percent higher than January 2008 and 0.6 percent higher than December 2008 on a daily average basis. Dry whey production was 88.6 million pounds in January, a 3.6 percent decrease from January of last year and a 3.1 percent decrease from last month.

The milk-feed price ratio, the pounds of 16 percent mixed dairy feed equal in value to one pound of whole milk, was 1.44 in February 2009, down 0.15 points from the previous month's revised ratio.

## F.O. 6 - FLORIDA: CALCULATION OF UNIFORM PRICES - FEBRUARY 2009

### Calculation of Uniform Butterfat Price:

	<u>Utilization</u>	<u>Pounds</u>	<u>Price/lb.</u>	<u>Value</u>
Class I Butterfat	44.46%	4,309,368	\$1.1140	\$ 4,800,635.96
Class I Differential at Location				239,965.77
Class II Butterfat	31.30%	3,032,974	\$1.1011	3,339,607.68
Class III Butterfat	5.41%	524,576	\$1.0941	573,938.59
Class IV Butterfat	18.83%	1,824,507	\$1.0941	1,996,193.11
<b>Total Butterfat</b>	<b>100.00%</b>	<b>9,691,425</b>		<b>\$ 10,950,341.11</b>

**Uniform Butterfat Price per lb. (Hillsborough County, Florida):** **\$1.1299**

### Calculation of Uniform Skim Milk Price

<u>Producer Milk</u>	<u>Utilization</u>	<u>Pounds</u>	<u>Price per unit</u>	<u>Value</u>
Class I Skim Milk	82.76%	213,450,593	\$7.07 /cwt.	\$ 15,090,956.91
Class I Butterfat	44.46%	4,309,368	\$1.1140 /lb.	4,800,635.96
Class I Differential at Location		217,759,961		12,121,767.23
<b>Total Class I Milk</b>	<b>81.37%</b>	<b>217,759,961</b>		<b>\$ 32,013,360.10</b>
Class II Skim Milk	6.24%	16,091,084	\$6.63 /cwt.	\$ 1,066,838.87
Class II Butterfat	31.30%	3,032,974	\$1.1011 /lb.	3,339,607.68
<b>Total Class II Milk</b>	<b>7.15%</b>	<b>19,124,058</b>		<b>\$ 4,406,446.55</b>
Class III Skim Milk	5.71%	14,733,390	\$5.68 /cwt.	\$ 836,856.55
Class III Butterfat	5.41%	524,576	\$1.0941 /lb.	573,938.59
<b>Total Class III Milk</b>	<b>5.70%</b>	<b>15,257,966</b>		<b>\$ 1,410,795.14</b>
Class IV Skim Milk	5.29%	13,634,522	\$5.82 /cwt.	\$ 793,529.18
Class IV Butterfat	18.83%	1,824,507	\$1.0941 /lb.	1,996,193.11
<b>Total Class IV Milk</b>	<b>5.78%</b>	<b>15,459,029</b>		<b>\$ 2,789,722.29</b>
<b>Producer Milk</b>	<b>100.00%</b>	<b>267,601,014</b>		<b>\$ 40,620,324.08</b>

### Adjustments

Overage and Other Source	\$0.00
Inventory Adjustments	(\$1,490.14)
Producer butterfat at uniform butterfat price	(\$10,950,341.11)
Location Adjustments to Producers	(\$101,583.15)
1/2 Unobligated Balance in P.S.F	\$132,644.15

### Adjusted Pool Value

Reserve for Producer Settlement Func	\$ 11.51549	\$29,699,553.83
	<u>\$ 0.04549</u>	\$117,323.97

**Uniform Skim Milk Price per cwt. (Hillsborough County, Florida):**

**\$11.47**

**Uniform Price per cwt. (Hillsborough County, Florida)**

**\$15.02\***

\* At 3.5% butterfat test; for information purposes.

### OTHER FEDERAL ORDERS: CLASS I AND UNIFORM PRICES (At 3.5% Butterfat)

MARKET NAME (Priced at)	CLASS I		UNIFORM		CLASS I %
	FEB 2009	MAR 2009	JAN 2009	FEB 2009	FEB 2009
Appalachian (Charlotte)	\$ 14.12	\$ 12.83	\$ 16.41	\$ 12.98	69.00%
Arizona (Phoenix)	\$ 13.07	\$ 11.78	\$ 12.49	\$ 10.69	33.22%
Central (Kansas City)	\$ 12.72	\$ 11.43	\$ 12.49	\$ 10.38	31.86%
<b>Florida (Tampa)</b>	<b>\$ 16.12</b>	<b>\$ 14.83</b>	<b>\$ 18.92</b>	<b>\$ 15.02</b>	<b>81.37%</b>
Mideast (Cleveland)	\$ 12.72	\$ 11.43	\$ 13.22	\$ 10.83	42.40%
Northeast (Boston)	\$ 13.97	\$ 12.68	\$ 14.14	\$ 11.75	43.00%
Pacific Northwest (Seattle)	\$ 12.62	\$ 11.33	\$ 12.12	\$ 10.31	28.55%
Southeast (Atlanta)	\$ 14.52	\$ 13.23	\$ 16.62	\$ 13.22	67.93%
Southwest (Dallas)	\$ 13.72	\$ 12.43	\$ 13.50	\$ 11.31	34.36%
Upper Midwest (Chicago)	\$ 12.52	\$ 11.23	\$ 11.60	\$ 9.82	14.30%

**FLORIDA MILK MARKETING AREA-FEDERAL ORDER 6  
STATISTICAL SUMMARY**

<b>Receipts:</b>	<b>February 2009</b>	<b>February 2008</b>
<b>Producer Milk</b>		
Class I	217,759,961	220,598,250
Class II	19,124,058	20,508,041
Class III	15,257,966	11,337,934
Class IV	15,459,029	13,152,712
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Total Producer Milk	<b>267,601,014</b>	<b>265,596,937</b>
Average Butterfat Test	3.62%	3.59%
Percent of Producer Milk in Class I	81.37%	83.06%
Daily Average Receipts	9,557,179	9,158,515
<b>Other Source Milk</b>		
Class I	4,629,744	4,761,134
Class II	8,832,599	10,273,503
Class III	1,364	0
Class IV	716,578	716,381
	<hr/>	<hr/>
Total Other Source Milk	<b>14,180,285</b>	<b>15,751,018</b>
<b>Overage</b>		
Class I	0	0
Class II	0	0
Class III	0	0
Class IV	0	431,909
	<hr/>	<hr/>
Total Overage	<b>0</b>	<b>431,909</b>
<b>Opening Inventory</b>		
Class I	10,875,370	13,761,630
Class II	105,237	555,332
Class III	885,853	23,226
Class IV	5,601,542	6,982,864
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Total Opening Inventory	<b>17,468,002</b>	<b>21,323,052</b>
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<b>Total Receipts</b>	<b>299,249,301</b>	<b>303,102,916</b>
<b>Utilization:</b>		
<b>Class I Utilization</b>		
Inventory of Packaged FMP	13,806,297	14,233,198
Route Disposition Class I	218,630,238	224,264,859
Shrinkage	735,939	470,196
Transfers & Diversions to Nonpool	92,601	152,761
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Total Class I Utilization	<b>233,265,075</b>	<b>239,121,014</b>
Average Butterfat Test	1.97%	2.00%
Daily Average Utilization	8,330,896	8,245,552
<b>Class II Utilization</b>		
Nonfluid Used To Produce	8,824,618	10,266,001
Shrinkage	0	0
Transfers & Diversions to Nonpool/Commercial Foods Used To Produce/Other Uses	6,543,034	7,638,668
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Total Class II Utilization	<b>28,061,894</b>	<b>31,336,876</b>
Average Butterfat Test	10.84%	10.59%
<b>Class III Utilization</b>		
Shrinkage	3,907,877	0
Transfers & Diversions to Nonpool/Used to Produce Use to Produce/Other Uses	11,021,821	11,361,160
	<hr/>	<hr/>
Total Class III Utilization	<b>16,145,183</b>	<b>11,361,160</b>
Average Butterfat Test	3.26%	4.15%
<b>Class IV Utilization</b>		
Inventory	6,345,027	4,779,717
Nonfluid Used To Fortify	595,896	603,812
Shrinkage	0	3,756,014
Transfers & Diversions to Nonpool Used To Produce/Other Uses	14,836,226	10,626,290
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Total Class IV Utilization	<b>21,777,149</b>	<b>21,283,866</b>
Average Butterfat Test	10.64%	8.44%
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<b>Total Utilization</b>	<b>299,249,301</b>	<b>303,102,916</b>

## Florida Market Summary

The minimum order uniform price for payment to producers supplying the Florida Order marketing area in February 2009 is \$15.02 per hundredweight for milk with a 3.5% butterfat test in Hillsborough County. This is .965 times the uniform skim milk price of \$11.47 per hundredweight plus 3.5 times the uniform butterfat price of \$1.1299 per pound. Payment to producers may be adjusted by location differentials, if applicable, and by properly authorized deductions.

Uniform prices are the result of marketwide pooling; all producer milk was classified and priced according to the milk's use. In February, Class I use accounted for 82.76% of all producer skim milk (priced to handlers at \$7.07 per hundredweight, plus the Class I differential and 44.46% of producer butterfat (priced to handlers at \$1.1140 per pound plus Class I differential). Class II use accounted for 6.24% of all producer skim milk (\$6.63 per hundredweight) and 31.30% of producer butterfat (\$1.1011 per pound). Class III use accounted for 5.71% of all producer skim milk (\$5.68 per hundredweight) and 5.41% of producer butterfat (\$1.0941 per pound). Class IV use accounted for 5.29% of all producer skim milk (\$5.82 per hundredweight) and 18.83% of producer butterfat (\$1.0941 per pound).

Receipts of producer milk during February 2009 totaled 267.6 million pounds, 2.0 million pounds more than was pooled in February of last year. Florida producers supplied 193.9 million pounds of milk in January 2009 or 67.76% of the total producer milk pooled in Florida. In January 2008, Florida producers supplied 65.02% of producer milk pooled on the Florida market.

There were 12 regulated pool distributing plants and 6 cooperative associations submitting reports of receipts and utilization that were included in the computation of the uniform prices for February 2009. In-area Class I route disposition totaled 261.1 million pounds in January 2009, 7.6 million more than January 2008 and an increase of 1.7 percent after adjusting for calendar composition.

### Packaged Class I Route Sales in Marketing Area

Product Description	Pounds	Percent
<b>January 2009</b>		
Whole Milk	90,761,081	34.77%
Fat Free Milk	37,402,963	14.33%
Lowfat Milk (incl. 1%)	32,540,342	12.46%
Reduced Fat Milk (incl. 2%)	78,929,917	30.23%
Cultured Fluid Milk (incl. Buttermilk)	1,073,525	0.41%
Flavored Drinks and Milk	20,353,131	7.80%
<b>Total Disposition in Marketing Area</b>	<b>261,060,959</b>	<b>100.00%</b>
Total Disposition by Pool Plants	234,755,702	89.92%
Total Disposition by Nonpool Plants	26,305,257	10.08%
<b>Total Disposition in Marketing Area</b>	<b>261,060,959</b>	<b>100.00%</b>

## USDA Expands Market News Web Portal to Include Dairy (cont.)

(continued from pg. 1) reports provide timely, unbiased and reliable information to producers, shippers and handlers, manufacturers and processors, wholesale and retail marketers, market analysts and others. USDA and cooperating State agency market reporters gather information on supplies, demand, and prices of agricultural commodities.

Established in 1915, USDA Market News issues over 1000 daily reports on fruits and vegetables, livestock, dairy products, grain, poultry, and cotton. The service helps businesses make informed marketing decisions and is a primary data source for other uses – such as contract pricing, dispute resolution, and insurance settlements.

## USDA Concludes Proceeding to Amend Appalachian and Southeast Milk Marketing Orders

The USDA has announced a rule that concludes the rulemaking proceeding to consider proposals to amend the producer-handler provisions of the Appalachian and Southeast Milk Marketing Orders. The proposed amendments were considered at a public hearing held at Atlanta, Georgia, in February 2004.

The rule terminates the proceeding concerning proposed amendments that would: 1) Limit the exemption for producer-handlers to those dairy farmers with less than 3 million pounds of fluid milk products sales; and 2) Allow dairy farmers to purchase supplemental supplies of milk from other sources while retaining their producer-handler status.

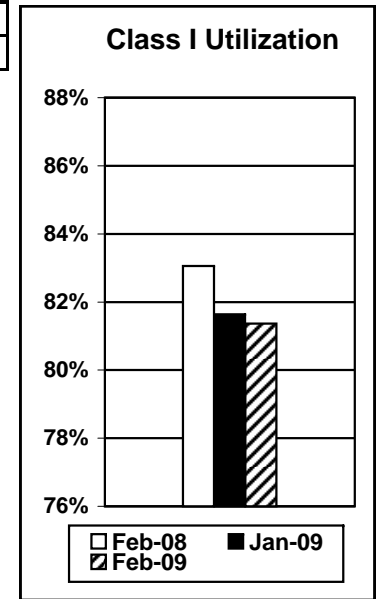
Other proposals considered as part of this proceeding were addressed in previously issued decisions. The rule terminating the proceeding appears in the March 13, 2009 Federal Register.

**FEDERAL ORDER 6 - FLORIDA: CLASS AND UNIFORM PRICES**

Pool Period	CLASS I*			CLASS II			CLASS III			CLASS IV			UNIFORM*		
	Skim/cwt	Bfat/lb	@ 3.5	Skim/cwt	Bfat/lb	@ 3.5	Skim/cwt	Bfat/lb	@ 3.5	Skim/cwt	Bfat/lb	@ 3.5	Skim/cwt	Bfat/lb	@ 3.5
Nov 2007	\$21.04	\$1.4718	\$25.45	\$17.74	\$1.4147	\$22.07	\$14.81	\$1.4077	\$19.22	\$ 16.03	\$1.4077	\$20.40	\$ 20.56	\$1.4426	\$24.89
Dec	\$19.65	\$1.4520	\$24.04	\$16.35	\$1.4418	\$20.82	\$16.14	\$1.4348	\$20.60	\$ 14.67	\$1.4348	\$19.18	\$ 19.05	\$1.4457	\$23.44
Jan 2008	\$20.53	\$1.4733	\$24.97	\$15.61	\$1.3389	\$19.75	\$15.19	\$1.3319	\$19.32	\$ 12.05	\$1.3319	\$16.29	\$ 19.59	\$1.3982	\$23.80
Feb	\$19.44	\$1.4060	\$23.68	\$14.39	\$1.3080	\$18.46	\$12.93	\$1.3010	\$17.03	\$ 10.48	\$1.3010	\$14.67	\$ 18.51	\$1.3523	\$22.60
Mar	\$16.54	\$1.3538	\$20.70	\$11.24	\$1.3674	\$15.63	\$13.72	\$1.3604	\$18.00	\$ 9.75	\$1.3604	\$14.17	\$ 15.71	\$1.3601	\$19.92
Apr	\$18.39	\$1.3883	\$22.61	\$10.47	\$1.4818	\$15.29	\$12.02	\$1.4748	\$16.76	\$ 9.74	\$1.4748	\$14.56	\$ 17.06	\$1.4380	\$21.50
May	\$17.30	\$1.5203	\$22.02	\$10.40	\$1.5632	\$15.51	\$13.20	\$1.5562	\$18.18	\$ 10.17	\$1.5562	\$15.26	\$ 16.56	\$1.5423	\$21.38
June	\$18.57	\$1.6165	\$23.58	\$10.89	\$1.6230	\$16.19	\$15.12	\$1.6160	\$20.25	\$ 10.64	\$1.6160	\$15.92	\$ 17.30	\$1.6194	\$22.36
July	\$21.10	\$1.6626	\$26.18	\$11.31	\$1.6844	\$16.81	\$12.82	\$1.6774	\$18.24	\$ 11.12	\$1.6774	\$16.60	\$ 19.72	\$1.6733	\$24.89
Aug	\$18.45	\$1.7344	\$23.87	\$11.74	\$1.7483	\$17.45	\$11.63	\$1.7413	\$17.32	\$ 10.93	\$1.7413	\$16.64	\$ 17.53	\$1.7413	\$23.01
Sep	\$17.38	\$1.7951	\$23.05	\$11.59	\$1.8266	\$17.58	\$10.27	\$1.8196	\$16.28	\$ 9.41	\$1.8196	\$15.45	\$ 16.63	\$1.8112	\$22.39
Oct	\$15.16	\$1.7991	\$20.93	\$10.46	\$1.8577	\$16.60	\$10.97	\$1.8507	\$17.06	\$ 7.40	\$1.8507	\$13.62	\$ 14.53	\$1.8291	\$20.42
Nov	\$16.69	\$1.8928	\$22.73	\$8.52	\$1.7800	\$14.45	\$9.64	\$1.7730	\$15.51	\$ 6.26	\$1.7730	\$12.25	\$ 15.37	\$1.8328	\$21.25
Dec	\$14.89	\$1.8465	\$20.83	\$6.88	\$1.3068	\$11.21	\$11.12	\$1.2998	\$15.28	\$ 6.01	\$1.2998	\$10.35	\$ 13.86	\$1.5719	\$18.88
Jan 2009	\$16.64	\$1.4523	\$21.14	\$6.74	\$1.1154	\$10.41	\$7.15	\$1.1084	\$10.78	\$ 5.92	\$1.1084	\$9.59	\$ 15.02	\$1.2645	\$18.92
Feb	\$12.47	\$1.1680	\$16.12	\$6.63	\$1.1011	\$10.25	\$5.68	\$1.0941	\$9.31	\$ 5.82	\$1.0941	\$9.45	\$ 11.47	\$1.1299	\$15.02
Mar	\$11.21	\$1.1458	\$14.83	\$6.51											

**FEDERAL ORDER 6 - FLORIDA: POOLED RECEIPTS AND UTILIZATION OF PRODUCER MILK**

Pool Period	Producer Milk 1000 lbs.	Number of Farms	CLASS I		CLASS II		CLASS III		CLASS IV	
			1000 lbs.	%	1000 lbs.	%	1000 lbs.	%	1000 lbs.	%
Nov 2007	249,743	437	216,964	86.87%	20,824	8.34%	6,185	2.48%	5,769	2.31%
Dec	267,192	417	219,690	82.22%	20,117	7.53%	8,914	3.34%	18,472	6.91%
Jan 2008	283,233	360	234,011	82.61%	23,387	8.26%	9,449	3.34%	16,386	5.79%
Feb	265,597	339	220,598	83.06%	20,508	7.72%	11,338	4.27%	13,153	4.95%
Mar	283,037	336	232,993	82.32%	22,223	7.85%	9,101	3.22%	18,720	6.61%
Apr	269,523	311	218,677	81.14%	22,625	8.39%	8,872	3.29%	19,348	7.18%
May	269,726	300	227,246	84.25%	19,153	7.10%	13,231	4.91%	10,096	3.74%
June	260,187	340	196,600	75.56%	18,866	7.25%	24,271	9.33%	20,450	7.86%
July	244,389	352	204,161	83.54%	20,312	8.31%	10,384	4.25%	9,531	3.90%
Aug	248,673	419	211,134	84.90%	22,179	8.92%	662	0.27%	14,698	5.91%
Sep	236,579	408	205,230	86.75%	20,137	8.51%	572	0.24%	10,640	4.50%
Oct	253,787	427	220,737	86.98%	20,057	7.90%	836	0.33%	12,156	4.79%
Nov	250,742	415	210,122	83.80%	19,828	7.91%	3,556	1.42%	17,237	6.87%
Dec	264,689	430	223,609	84.48%	18,762	7.09%	5,217	1.97%	17,101	6.46%
Jan 2009	286,220	404	233,649	81.64%	18,349	6.41%	11,770	4.11%	22,452	7.84%
Feb	267,601	400**	217,760	81.37%	19,124	7.15%	15,258	5.70%	15,460	5.78%



\* Class I and uniform prices are at Hillsborough County (Tampa), Florida; \*\* Estimated

## Florida Marketing Area - Federal Order 6

Pool and Payment Dates For the Pooling Periods March through May 2009									
	Pool & Uniform Price	MA Payment Dates		Payments for Producer Milk					
		Due to:	Due From:	First Partial Payment Due**		Second Partial Payment Due**		Final Pay Due	
Pool Month	Release Date	All Funds	P/S	Coop	Non - member	Coop	Non - member	Coop	Non - member
MAR 2009	04/11/09	04/13/09	04/14/09	03/19/09	03/20/09	04/06/09	04/06/09	04/14/09	04/15/09
APR 2009	05/11/09	05/12/09	05/13/09	04/20/09	04/20/09	05/04/09	05/05/09	05/13/09	05/14/09
MAY 2009	06/11/09	06/12/09	06/15/09	05/19/09	05/20/09	06/04/09	06/05/09	06/15/09	06/16/09

\*\*The base rate for making partial payments in Hillsborough Co., FL for March will be \$13.52 per hundredweight for cooperatives (90 percent of the preceding month's uniform price) and \$12.77 for nonmembers (85 percent of the preceding month's uniform price).

Producer Touch Base Requirements & Handler Diversion Limits												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Producer Touch Base Days	10	10	10	10	10	10	10	10	10	10	10	10
Diversion Percentage Limits	15%	15%	20%	20%	20%	20%	10%	10%	10%	10%	10%	15%

### WASDE Dairy Report 1/

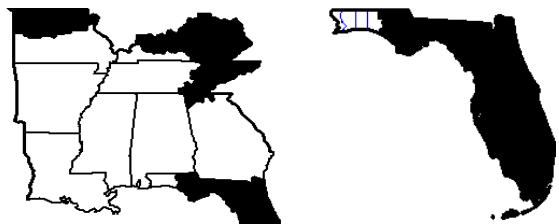
**WASDE - 468 March 11, 2009**

Milk production for 2009 is lowered from last month. Cow numbers for 2009 are forecast higher than last month because recent revisions to 2008 cow estimates indicated a larger-than-expected dairy herd. However, milk production forecasts for 2009 are lowered as milk per cow growth is forecast slower, reflecting poor returns. The herd liquidation rate during 2009 is raised from last month. Trade forecasts for 2009 are unchanged from last month. CCC net removals are reduced as early demand strength is helping absorb dairy products and reduced production later in the year is expected to help limit supplies. Milk production estimates for 2008 are revised higher. Trade estimates for 2008 reflect December data. Ending stocks for 2008 are raised to reflect recently published revisions.

Milk price estimates for 2009 are raised. Forecasts for butter and cheese prices are raised from last month as demand has been stronger than expected and later year reductions in milk supplies are expected to support product prices. Nonfat dry milk and whey prices are unchanged. As a result of higher cheese and butter prices, the annual Class III and Class IV price forecasts are raised. The all milk price is also forecast higher this month at \$11.25 to \$11.85 per cwt.

*1/ The World Agricultural Supply and Demand Estimates (WASDE) report provides USDA's comprehensive forecasts of supply and demand for major U.S. and global crops and U.S. livestock, including dairy. The most recent WASDE report is available at [www.usda.gov/oce/commodity/wasde/index.htm](http://www.usda.gov/oce/commodity/wasde/index.htm).*

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United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

1400 Independence Avenue, SW.  
Room 2968-S, STOP 0225  
Washington, DC 20250-0225

March 13, 2009

USDA to Host an Information Session Regarding Proposals Received Seeking to Amend Producer-Handler and Exempt Plant Provisions of Federal Milk Marketing Orders

The Department of Agriculture (USDA) is hosting a public information session to ensure that all proposals received are fully understood. The information session will begin at 8:30 a.m. on March 20, 2009 in the USDA Whitten Building, 1400 Independence Ave, SW, Room 107-A, Washington, DC, 20250. The session will be available for attendance, telephone call-in, or via live Audio Webcast.

The purpose of the pre-hearing information session is for interested parties to learn about the intent of proposals that have been submitted to amend producer-handler and exempt plant provisions and how the proposals would accomplish that intent. The session is intended to clarify the intent and effect of proposed amendments. The session will enable proponents to better prepare testimony and evidence in support of, or in opposition to, proposals that may be included should a Notice of Hearing regarding the amendment of producer-handler and exempt plant provisions be issued.

The session will not become part of an official hearing record and will be conducted outside of ex-parte rules allowing government officials to freely discuss the proposed amendments. Participation in the information session is strongly encouraged for all parties that have submitted proposals to ensure that the proposals are understood by USDA. Participants should be prepared to present their proposal(s) and answer questions from a panel of USDA representatives.

In accordance with security requirements at USDA Headquarters facilities you will need to provide the full name(s) of all representatives attending the information session. Should you wish to attend, please RSVP to Kate Fisher at (202) 720-9368, or by e-mail at: [Kate.Fisher@ams.usda.gov](mailto:Kate.Fisher@ams.usda.gov) your intent to participate no later than March 17, 2009.

All proposals that were submitted along with additional information regarding the session will be available on March 16, 2009 at <http://www.ams.usda.gov/dairy>.

Sincerely,

Dana H. Coale /s/  
Deputy Administrator  
Dairy Programs

**United States Department of Agriculture  
Dairy Programs  
Order Formulation and Enforcement Branch**

**Pre-Hearing Information Session**

Practice & Procedure Information

Statement of Purpose

The purpose of the pre-hearing information session is for interested parties to learn about the intent of proposals that have been submitted to amend a provision of a Federal milk order and how the proposals would accomplish that intent. The session is intended to clarify the intent and effect of proposed amendments. The session will not become part of an official hearing record and are conducted outside of ex-parte rules thus allowing government officials to freely discuss proposed amendments.

Participation in the information session is strongly encouraged for all parties who have submitted proposals to ensure that they are understood by USDA. The session will enable participants to better prepare testimony and evidence in support of, or in opposition to, proposals that may be included in a Notice of Hearing should it one be issued.

Information sessions may not be held for all requests made to change Federal milk order provisions. Requests will be evaluated by USDA on a case-by-case basis to determine whether an information session is necessary. The proceedings of the information session will not be made part of the hearing record. Parties submitting proposals may request an information session when submitting a proposal for formal rulemaking. The decision of USDA to hold an information session does not guarantee that a hearing will occur or that any proposal will be included in a hearing notice.

**Information Session Procedures**

The information session will be presided over by a panel of representatives from Dairy Programs and Market Administrator offices. Each party submitting a proposal will have an opportunity to present their proposal, the intent/effect of the proposal, ask procedural questions regarding the proposal to the panel and request the preparation of data for use at a hearing. The panel will then ask a series of questions to each party. Only the panel may ask questions. If other parties would like a specific question asked, questions may be submitted to the panel prior to or during the session for consideration.

The information session is intended to provide a venue for the open and non-judgmental discussion of proposals. The session is intended to be completed within one day. Cooperation among all participants during the information session is expected.

All proposals and comments received in response to a specific request will be available to the public via the Dairy Programs website (<http://www.ams.usda.gov/dairy>) prior to the information session. USDA may elect to provide background information regarding certain topics. After the close of an information session, parties who have submitted a proposal will have 3 calendar days March 23, 2009, to modify or withdraw their original proposals. Any requests for government prepared data for use at a hearing must also be submitted to USDA by the same date – March 23, 2009. Requests for government prepared data after this date may not be honored.

USDA will consider the information presented at the session to assist in determining the necessity of a hearing and consistency of proposals with the Agricultural Marketing Agreement Act. If a hearing is held, a hearing notice will be published in the Federal Register.

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