

Market Information BULLETIN



Southeast Marketing Area
Federal Order 7

Sue L. Mosley, Market Administrator

www.fmmatlanta.com

March 2009

Volume 10—No. 3

ISSUED FOR THE INFORMATION OF PRODUCERS WHO ARE NOT MEMBERS OF COOPERATIVE ASSOCIATIONS

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 notice inserted for additional information.

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 (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 Fulton County, GA, was \$13.22 per hundredweight of milk at 3.5 percent butterfat for the month of February. The uniform price is \$3.40 lower than the previous month and is \$7.68 less than February of last year.

Class I utilization was 67.93 percent in February, a decrease of 0.21 percent compared with the previous month and an increase of 3.71 percent 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 was 1.44 in February, down 0.15 points from January's revised ratio.

Transportation Credit Update

Preliminary claims on the Federal Order 7 transportation credit balancing fund for February 2009 were made for \$1,511,178.37. Since the available balance was \$1,112,760.76, eligible claims were paid at the rate of approximately \$0.74 on the dollar.

F.O. 7 - SOUTHEAST: 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	36.90%	7,442,768	\$1.1140	\$ 8,291,243.54
Class I Differential at Location				247,329.29
Class II Butterfat	25.66%	5,177,124	\$1.1011	5,700,531.26
Class III Butterfat	20.82%	4,199,113	\$1.0941	4,594,249.54
Class IV Butterfat	16.62%	3,352,970	\$1.0941	3,668,484.48
Total Butterfat	100.00%	20,171,975		\$ 22,501,838.11

Uniform Butterfat Price per lb. (Fulton County, Georgia): **\$1.1155**

Calculation of Uniform Skim Milk Price

Producer Milk	<u>Utilization</u>	<u>Pounds</u>	<u>Price per unit</u>	<u>Value</u>
Class I Skim Milk	69.12%	363,473,569	\$7.07 /cwt.	\$ 25,697,581.33
Class I Butterfat	36.90%	7,442,768	\$1.1140 /lb.	8,291,243.54
Class I Differential at Location		370,916,337		12,424,244.16
Total Class I Milk	67.93%	370,916,337		\$ 46,413,069.03
Class II Skim Milk	9.88%	51,948,001	\$6.63 /cwt.	\$ 3,444,152.49
Class II Butterfat	25.66%	5,177,124	\$1.1011 /lb.	5,700,531.26
Total Class II Milk	10.46%	57,125,125		\$ 9,144,683.75
Class III Skim Milk	17.82%	93,675,862	\$5.68 /cwt.	\$ 5,320,788.99
Class III Butterfat	20.82%	4,199,113	\$1.0941 /lb.	4,594,249.54
Total Class III Milk	17.93%	97,874,975		\$ 9,915,038.53
Class IV Skim Milk	3.18%	16,726,335	\$5.82 /cwt.	\$ 973,472.73
Class IV Butterfat	16.62%	3,352,970	\$1.0941 /lb.	3,668,484.48
Total Class IV Milk	3.68%	20,079,305		\$ 4,641,957.21
Producer Milk	100.00%	545,995,742		\$ 70,114,748.52

Adjustments

Overage and Other Source	\$6,651.03
Inventory Adjustments	\$2,787.24
Producer butterfat at uniform butterfat price	(\$22,501,838.11)
Location Adjustments to Producers	\$3,157,682.22
1/2 Unobligated Balance in P.S.F	\$187,336.80

Adjusted Pool Value

\$ 9.69286 **\$50,967,367.70**

Reserve for Producer Settlement Func **\$ 0.04286** \$225,374.17

Uniform Skim Milk Price per cwt. (Fulton County, Georgia):

\$9.65

Uniform Price per cwt. (Fulton County, Georgia)

\$13.22*

* 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%
Florida (Tampa)	\$ 16.12	\$ 14.83	\$ 18.92	\$ 15.02	81.37%
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%

**SOUTHEAST MILK MARKETING AREA-FEDERAL ORDER 7
STATISTICAL SUMMARY**

Receipts:	February 2009	February 2008
Producer Milk		
Class I	370,916,337	389,275,544
Class II	57,125,125	69,259,388
Class III	97,874,975	94,584,357
Class IV	20,079,305	52,992,042
	<hr/>	<hr/>
Total Producer Milk	545,995,742	606,111,331
Average Butterfat Test	3.69%	3.75%
Percent of Producer Milk in Class I	67.93%	64.22%
Daily Average Receipts	19,499,848	20,900,391
Other Source Milk		
Class I	8,128,170	7,529,376
Class II	3,013,772	12,723,612
Class III	11,437,257	2,394,416
Class IV	7,988,644	8,297,361
	<hr/>	<hr/>
Total Other Source Milk	30,567,843	30,944,765
Overage		
Class I	0	1,778
Class II	0	0
Class III	0	0
Class IV	6,079	24,907
	<hr/>	<hr/>
Total Overage	6,079	26,685
Opening Inventory		
Class I	26,514,391	37,488,681
Class II	525,109	2,806,369
Class III	6,088,859	79,084
Class IV	14,891,998	14,019,312
	<hr/>	<hr/>
Total Opening Inventory	48,020,357	54,393,446
	<hr/>	<hr/>
Total Receipts	624,590,021	691,476,227
Utilization:		
Class I Utilization		
Inventory of Packaged FMP	29,529,838	34,862,583
Route Disposition Class I	365,154,256	388,573,939
Shrinkage	1,641,343	3,112,969
Transfers & Diversions to Nonpool	9,233,461	7,745,888
	<hr/>	<hr/>
Total Class I Utilization	405,558,898	434,295,379
Average Butterfat Test	1.99%	2.02%
Daily Average Utilization	14,484,246	14,975,703
Class II Utilization		
Nonfluid Used To Produce	1,568,105	2,243,937
Shrinkage	541,132	3,378
Transfers & Diversions to Nonpool/Commercial Foods Used To Produce/Other Uses	36,984,601	50,739,267
	<hr/>	<hr/>
Total Class II Utilization	60,664,006	84,789,369
Average Butterfat Test	9.69%	7.97%
Class III Utilization		
Shrinkage	7,300,970	0
Transfers & Diversions to Nonpool	103,656,529	97,057,857
Used To Produce/Other Uses	4,443,592	0
	<hr/>	<hr/>
Total Class III Utilization	115,401,091	97,057,857
Average Butterfat Test	3.76%	4.41%
Class IV Utilization		
Inventory	19,833,001	14,020,385
Nonfluid Used To Fortify	1,363,993	1,193,563
Shrinkage	0	7,012,270
Transfers & Diversions to Nonpool	21,769,032	48,462,247
Used To Produce/Other Uses	0	4,645,157
	<hr/>	<hr/>
Total Class IV Utilization	42,966,026	75,333,622
Average Butterfat Test	11.67%	8.61%
Total Utilization	624,590,021	691,476,227

Southeast Market Summary

The minimum order uniform price for payment to producers supplying the Southeast Order marketing area during February 2009 is \$13.22 per hundredweight for milk with a 3.5% butterfat test in Fulton County, Georgia. This is .965 times the uniform skim milk price of \$9.65 per hundredweight plus 3.5 times the uniform butterfat price of \$1.1155 per pound. Payment to producers may be reduced 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, which is primarily bottled or packaged fluid milk, accounted for 69.12% of all producer skim milk (priced to handlers at \$7.07 per hundredweight, plus the Class I differential, see page 2) and 36.90% of producer butterfat (priced to handlers at \$1.1140 per pound plus Class I differential). Class II use, which is milk used in fluid cream products and miscellaneous manufacturing, accounted for 9.88% of all producer skim milk (\$6.63 per hundredweight) and 25.66% of producer butterfat (\$1.1011 per pound). Class III use, mostly milk used to produce cheese, accounted for 17.82% of all producer skim milk (\$5.68 per hundredweight) and 20.82% of producer butterfat (\$1.0941 per pound). Class IV use, generally milk processed into butter and powder, accounted for 3.18% of all producer skim milk (\$5.82 per hundredweight) and 16.62% of producer butterfat (\$1.0941 per pound).

Receipts of producer milk during February 2009 totaled 546.0 million pounds. There were 26 regulated pool distributing plants, 3 pool supply plants and 11 cooperative associations submitting reports of receipts and utilization that were included in the computation of the uniform prices for February 2009. Class I route disposition in the area totaled 456.3 million pounds in January 2009.

Packaged Class I Route Sales in Marketing Area

Product Description	Pounds	Percent
January 2009		
Whole Milk	145,698,715	31.93%
Fat Free Milk	53,622,772	11.75%
Lowfat Milk (incl. 1%)	37,397,303	8.20%
Reduced Fat Milk (incl. 2%)	164,947,823	36.15%
Cultured Fluid Milk (incl. Buttermilk)	9,330,458	2.04%
Flavored Drinks and Milk	45,287,555	9.93%
Total Disposition in Marketing Area	456,284,626	100.00%
Total Disposition by Pool Plants	363,030,212	79.56%
Total Disposition by Nonpool Plants	93,254,414	20.44%
Total Disposition in Marketing Area	456,284,626	100.00%

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

(continued from pg. 1) to register. USDA Market News 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.

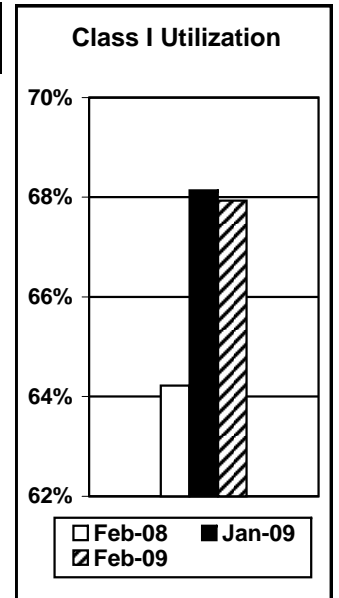
Other proposals considered as part of this proceeding were addressed in previously issued decisions. The rule terminating the proceeding appears in the March 13, 2009 Federal Register.

FEDERAL ORDER 7 - SOUTHEAST: 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	\$20.14	\$1.4628	\$24.55	\$17.74	\$1.4147	\$22.07	\$14.81	\$1.4077	\$19.22	\$ 16.03	\$1.4077	\$20.40	\$ 19.12	\$1.4310	\$23.46
Dec	\$18.75	\$1.4430	\$23.14	\$16.35	\$1.4418	\$20.82	\$16.14	\$1.4348	\$20.60	\$ 14.67	\$1.4348	\$19.18	\$ 18.03	\$1.4389	\$22.44
Jan 2008	\$19.63	\$1.4643	\$24.07	\$15.61	\$1.3389	\$19.75	\$15.19	\$1.3319	\$19.32	\$ 12.05	\$1.3319	\$16.29	\$ 18.26	\$1.3813	\$22.46
Feb	\$18.54	\$1.3970	\$22.78	\$14.39	\$1.3080	\$18.46	\$12.93	\$1.3010	\$17.03	\$ 10.48	\$1.3010	\$14.67	\$ 16.81	\$1.3355	\$20.90
Mar	\$15.64	\$1.3448	\$19.80	\$11.24	\$1.3674	\$15.63	\$13.72	\$1.3604	\$18.00	\$ 9.75	\$1.3604	\$14.17	\$ 14.55	\$1.3561	\$18.79
Apr	\$17.49	\$1.3793	\$21.71	\$10.47	\$1.4818	\$15.29	\$12.02	\$1.4748	\$16.76	\$ 9.74	\$1.4748	\$14.56	\$ 15.46	\$1.4418	\$19.97
May	\$15.70	\$1.5043	\$20.42	\$10.40	\$1.5632	\$15.51	\$13.20	\$1.5562	\$18.18	\$ 10.17	\$1.5562	\$15.26	\$ 14.74	\$1.5368	\$19.60
June	\$16.97	\$1.6005	\$21.98	\$10.89	\$1.6230	\$16.19	\$15.12	\$1.6160	\$20.25	\$ 10.64	\$1.6160	\$15.92	\$ 15.72	\$1.6095	\$20.80
July	\$19.50	\$1.6466	\$24.58	\$11.31	\$1.6844	\$16.81	\$12.82	\$1.6774	\$18.24	\$ 11.12	\$1.6774	\$16.60	\$ 17.46	\$1.6650	\$22.68
Aug	\$16.85	\$1.7184	\$22.27	\$11.74	\$1.7483	\$17.45	\$11.63	\$1.7413	\$17.32	\$ 10.93	\$1.7413	\$16.64	\$ 15.74	\$1.7316	\$21.25
Sep	\$15.78	\$1.7791	\$21.45	\$11.59	\$1.8266	\$17.58	\$10.27	\$1.8196	\$16.28	\$ 9.41	\$1.8196	\$15.45	\$ 14.84	\$1.8024	\$20.63
Oct	\$13.56	\$1.7831	\$19.33	\$10.46	\$1.8577	\$16.60	\$10.97	\$1.8507	\$17.06	\$ 7.40	\$1.8507	\$13.62	\$ 13.03	\$1.8230	\$18.95
Nov	\$15.09	\$1.8768	\$21.13	\$8.52	\$1.7800	\$14.45	\$9.64	\$1.7730	\$15.51	\$ 6.26	\$1.7730	\$12.25	\$ 13.33	\$1.8125	\$19.21
Dec	\$13.29	\$1.8305	\$19.23	\$6.88	\$1.3068	\$11.21	\$11.12	\$1.2998	\$15.28	\$ 6.01	\$1.2998	\$10.35	\$ 12.01	\$1.5024	\$16.85
Jan 2009	\$15.04	\$1.4363	\$19.54	\$6.74	\$1.1154	\$10.41	\$7.15	\$1.1084	\$10.78	\$ 5.92	\$1.1084	\$9.59	\$ 12.77	\$1.2288	\$16.62
Feb	\$10.87	\$1.1520	\$14.52	\$6.63	\$1.1011	\$10.25	\$5.68	\$1.0941	\$9.31	\$ 5.82	\$1.0941	\$9.45	\$ 9.65	\$1.1155	\$13.22
Mar	\$9.61	\$1.1298	\$13.23	\$6.51											

FEDERAL ORDER 7 - SOUTHEAST: 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	582,419	3,097	409,617	70.33%	48,795	8.38%	105,214	18.06%	18,794	3.23%
Dec	593,590	3,143	392,849	66.17%	59,990	10.11%	97,737	16.47%	43,014	7.25%
Jan 2008	642,148	3,068	427,443	66.56%	54,698	8.52%	109,863	17.11%	50,144	7.81%
Feb	606,111	2,989	389,276	64.22%	69,259	11.43%	94,584	15.61%	52,992	8.74%
Mar	614,369	2,948	398,126	64.80%	83,411	13.58%	82,833	13.48%	49,999	8.14%
Apr	608,631	2,943	388,115	63.76%	81,108	13.33%	100,604	16.53%	38,804	6.38%
May	597,176	2,956	386,639	64.74%	79,323	13.28%	96,547	16.17%	34,668	5.81%
June	493,500	2,666	346,682	70.25%	71,361	14.46%	27,363	5.54%	48,094	9.75%
July	539,885	2,936	365,692	67.73%	64,438	11.94%	68,086	12.61%	41,668	7.72%
Aug	553,377	3,073	398,922	72.09%	57,441	10.38%	51,033	9.22%	45,981	8.31%
Sep	536,598	2,933	400,017	74.55%	52,644	9.81%	61,540	11.47%	22,397	4.17%
Oct	563,528	2,905	414,863	73.62%	58,955	10.46%	64,708	11.48%	25,002	4.44%
Nov	561,045	2,906	381,264	67.96%	59,573	10.62%	63,744	11.36%	56,464	10.06%
Dec	606,466	2,974	404,358	66.68%	53,632	8.84%	75,350	12.42%	73,126	12.06%
Jan 2009	606,876	2,914	413,503	68.14%	58,107	9.57%	73,691	12.14%	61,575	10.15%
Feb	545,996	2,900**	370,916	67.93%	57,125	10.46%	97,875	17.93%	20,079	3.68%



* Class I and uniform prices are at Fulton County (Atlanta), Georgia;** Estimated

Southeast Marketing Area - Federal Order 7

Pool and Payment Dates for the Pooling Periods March through May 2009

Pool Month	Pool & Uniform Price Release Date	MA Payment Dates		Payments for Producer Milk			
		Due to:	Due From:	Partial Payment** Due		Final Payment Due	
		All Funds	P/S & T-Credit	Coop	Nonmember	Coop	Nonmember
MAR 2009	04/11/09	04/13/09	04/14/09	03/25/09	03/26/09	04/14/09	04/15/09
APR 2009	05/11/09	05/12/09	05/13/09	04/27/09	04/27/09	05/13/09	05/14/09
MAY 2009	06/11/09	06/12/09	06/15/09	05/26/09	05/26/09	06/15/09	06/16/09

** The base rate for making partial payments in Fulton County, GA for March will be \$11.90 per hundredweight. This is 90 percent of the preceding month's uniform price of \$13.22 per hundredweight.

Producer Touch Base Requirements & Handler Diversion Limits [per Order Amendment issued March 17, 2008]

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Producer Touch Base Days	1	1	1	1	1	1	1	1	1	1	1	1
Diversion Percentage Limits	25%	25%	35%	35%	35%	35%	25%	25%	25%	25%	25%	35%

WASDE Dairy Report 1/

WASDE - 468 March 11, 2009

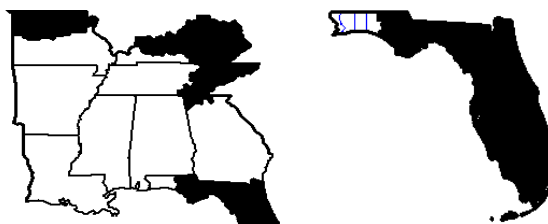
Milk production for 2009 is lowered from last month. Cow numbers for 2009 are forecast higher than last month because recent revisions to 2008 cow estimates indicated a larger-than-expected dairy herd. However, milk production forecasts for 2009 are lowered as milk per cow growth is forecast slower, 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.



MILK MARKET ADMINISTRATOR
U.S. Department Of Agriculture
1550 North Brown Road, Suite 120
Lawrenceville, Georgia 30043



www.fmmatlanta.com

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."



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 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.

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."