



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.

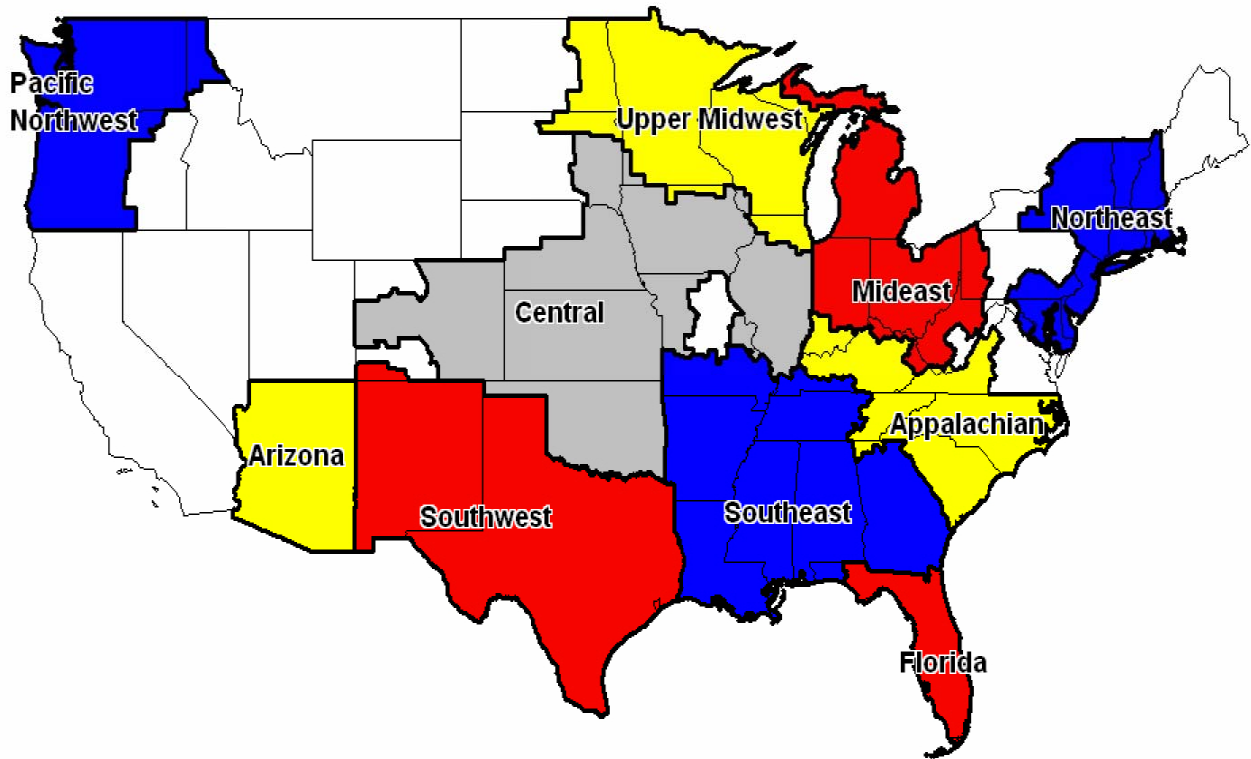
All proposals that were submitted along with additional information regarding the session will be available on March 16, 2009 at <http://www.ams.usda.gov/dairy>.

Sincerely,

Dana H. Coale /s/  
Deputy Administrator  
Dairy Programs

## Pre-Hearing Information Session

Practice & Procedure Information



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

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March 2009

## **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, until March 23, 2009, to modify or withdraw their original proposals.

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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