



United States
Department of
Agriculture

Agricultural
Marketing
Service

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Action Plan on Proposed Amendments to all Federal Milk Marketing Orders

USDA received proposals on January 30, 2009, to eliminate the producer-handler provision in all Federal milk marketing orders. Additionally, companion proposals to revise the exempt plant provision for all Federal milk marketing orders were received. The proposals were submitted on behalf of National Milk Producers Federation and International Dairy Foods Association. The proponents assert that the producer-handler exemption from pricing and pooling provisions has led to disruption of orderly marketing conditions and should, therefore, be eliminated. The proponents also assert that the current exempt plant provision is inadequate to maintain orderly marketing conditions and as such, should be revised.

Based on the information submitted by proponents, USDA is considering initiation of a formal rulemaking proceeding that will include a public hearing to collect evidence regarding proposed changes to the producer-handler provision and the exempt plant provision in all Federal milk marketing orders.

The following table outlines the timeframe of the rulemaking to ensure that the proceeding concludes within 120 days of the publication of the Notice of Hearing:

Pre-Hearing Steps	Anticipated Timeframe
Additional Proposals	Requested. <ul style="list-style-type: none">• Request for additional proposals mailed February 6, 2009.• Additional proposals must be received by March 9, 2009.
Pre – Hearing Workshop	Will likely not be held.
Data Request	Must be received no later than 10 days before start of hearing.
Tentative Hearing Date	April 2009

If issued, a Notice of Hearing detailing the date, time and location of the hearing and the proposals under consideration, will be published in the **Federal Register**. The Notice of Hearing also will detail the deadline for all data requests of Dairy Programs so that the requested data will be available at the start of the hearing.

A copy of the submitted proposals can be found on the Dairy Programs website:
www.ams.usda.gov/dairy.

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