

UNITED STATES DEPARTMENT OF AGRICULTURE

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FEDERAL MILK ORDERS 124 & 131

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February 9, 2009

To: Handlers and Interested Parties, Pacific Northwest Federal Marketing Order 124

Subject: Extension of Time to File Written Comments Regarding Diversion Limits, Delivery Requirements for Producers, and Delivery Requirements for an Association(s) Operating a Cooperative Pool Manufacturing Plant(s) and for Pool Supply Plants

SUMMARY: Written comments are invited on a requested investigation of current pooling and performance standards relating to milk under the Pacific Northwest marketing order.

The proposed investigation was requested by means of a letter sent to Northwest dairy farmers and interested parties by the Washington State Dairy Federation (WSDF), a voluntary membership organization representing the state's dairy farmers. The letter was accompanied by a petition. The petition requested that the Market Administrator investigate the need for tightening pool and performance standards under the Pacific Northwest Order. This office has received 167 signatures associated with the petition. In addition, this office has recently received a request from WSDF to extend the comment period for an additional 30 days. Copies of the letter and petition along with the letter requesting a 30-day extension to the comment period are posted on the Market Administrator's website at <http://www.fmmaseattle.com/currentnews.htm>.

DATES: Comments are to be received by the Market Administrator no later than March 19, 2009, extended from the previous date of February 17, 2009.

ADDRESS: Comments should be sent to the Market Administrator, Pacific Northwest Marketing Area, 1930 – 220th Street S.E., Suite 102, Bothell, Washington 98021-8471. Comments may be submitted via FAX at 425-487-2775, or e-mailed to fmaseattle@fmaseattle.com.

FOR FURTHER INFORMATION: Contact John Mykrantz, Pacific Northwest Marketing Area, 1930 – 220th Street S.E., Suite 102, Bothell, Washington 98021-8471, telephone 425-487-6009, or e-mail fmaseattle@fmaseattle.com.

SUPPLEMENTARY INFORMATION: Notice is hereby given that revisions in delivery requirements for producers and plants are being considered pursuant to §1124.13(e)(6) and §1124.7(g), respectively. Specifically, adjustments are being considered for the following provisions: the 80% diversion limit for pool handlers; the 3-days' production delivery requirement; and the 20% delivery requirement for an association(s) operating a cooperative pool manufacturing plant(s) and pool supply plants.

To enable better evaluation and resolution of this complex matter, the Market Administrator has requested that all interested parties submit written data, views or arguments with respect to the action being considered. All persons who desire to do so should send them to the Market Administrator, 1930 – 220th Street S.E., Suite 102, Bothell, Washington 98021-8471, via FAX at 425-487-2775, or e-mailed to fmaseattle@fmaseattle.com to be received no later than March 19, 2009.

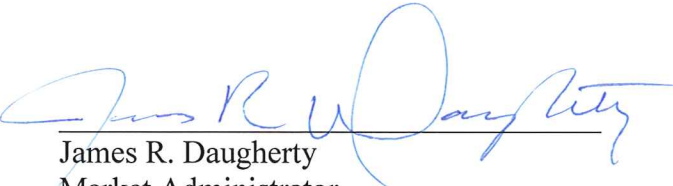
STATEMENT OF CONSIDERATION: The investigation could result in a revision of the delivery requirements for producers and plants pursuant to §1124.13(e)(6) and §1124.7(g), respectively.

Section 1124.13(e)(6) of the Pacific Northwest milk order states that “the delivery day requirement in paragraph (e)(1) of this section and the diversion percentage in paragraph (e)(2) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure the orderly marketing and efficient handling of milk in the marketing area.”

Section 1124.7(g) of the Pacific Northwest milk order states that “the applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments.”

WSDF is a voluntary membership organization formed by dairy farmers in 1892 to promote the interests of dairy farmers in the state of Washington. WSDF submitted to the Market Administrator a letter and petition with 167 signatures requesting an investigation concerning current pooling provisions, specifically diversion limits, delivery requirements, and shipping percentages. WSDF has also requested that a 30-day extension for the comment period be given. Copies of the proposal letter, the petition, and the letter requesting a 30-day extension for the comment period are posted on the Market Administrator’s website at <http://www.fmmaseattle.com/currentnews.htm>.

The Market Administrator’s ability to adjust these requirements is described in §1124.13(e)(6) and §1124.7(g). Based on the WSDF letter and petition, it is determined that it is appropriate to investigate and consider revisions in the delivery requirements set forth in §1124.13 and §1124.7.


James R. Daugherty
Market Administrator