



**UPPER MIDWEST MARKETING AREA**  
Federal Order No. 30

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Agricultural Marketing Service  
Dairy Programs

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March 22, 2001

TO: Interested Parties – Upper Midwest Marketing Area

SUBJECT: Proposals to Amend the Pooling Provisions of the Upper Midwest Order

The First District Association, Ellsworth Cooperative Creamery, Associated Milk Producers, Inc., and Foremost Farms USA, Cooperative have requested that the Department hold an emergency public hearing to consider proposals to amend some features of the pooling provisions of the Upper Midwest Milk Marketing Order to limit the ability of handlers to pool milk under the Upper Midwest Order.

Interested parties may obtain a copy of The First District Association proposal from:

The First District Association  
P.O. Box 842  
Litchfield, Minnesota 55355-0842  
Telephone (320) 693-3236

a copy of the Ellsworth Cooperative Creamery proposal from:

Ellsworth Cooperative Creamery  
P.O. Box 610  
Ellsworth, Wisconsin 54011-0610  
Telephone (715) 273-4311

a copy of the Associated Milk Producers, Inc. proposal from:

Associated Milk Producers, Inc.  
P.O. Box 455  
New Ulm, Minnesota 56073-0455  
Telephone (507) 354-8295

and a copy of the Foremost Farms USA, Cooperative proposal from:

Foremost Farms USA, Cooperative  
P.O. Box 111  
Baraboo, Wisconsin 53913-0111  
Telephone (608) 356-8316

(Continued on reverse side)

These proposals have not yet been approved for inclusion in a Notice of Hearing. Before deciding whether a hearing should be held to consider amending the Upper Midwest Order, the Department is providing interested parties an opportunity to submit additional proposals.

The proposals should be mailed by April 6, 2001 to: Deputy Administrator  
USDA/AMS/Dairy Programs  
Room 2968-S  
P.O. Box 96456  
Washington, DC 20090-6456

Each proposal should be accompanied by a brief but comprehensive statement on the need to amend the Upper Midwest Order. The statements will be used in deciding what proposals should be considered if a hearing to amend the order is to be held.

If a hearing is called to consider requests to amend the provisions of the Upper Midwest Order, only those proposals included in the hearing notice will be heard. However, appropriate modifications of the proposals included in the hearing notice may be considered at the hearing.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act". This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most persons subject to a milk order are considered as a small business. Accordingly, interested persons are invited to submit hearing proposals that would carry out the intent of the "Regulatory Flexibility Act".

If the Department concludes that a hearing should be held, all known interested persons will be mailed a copy of the hearing notice. Anyone who desires to present evidence on proposals set forth in the hearing notice will have an opportunity to do so at the hearing.

Once a hearing notice is issued and until the issuance of a final decision, Department employees involved in the decisional process may not discuss the merits of a proceeding on an ex parte basis with any persons having an interest in the proceeding. For this purpose, the Market Administrator and his staff are considered to be involved in the decisional process. Thus, it is suggested that any discussions that you may wish to have with Department personnel regarding hearing proposals be initiated soon. Procedural matters may be discussed at any time.

If you have any questions concerning the filing of the proposals or desire a copy of the present order, please contact this office.

H. Paul Kyburz  
Market Administrator