

NEWS RELEASE

USDA ANNOUNCES FINAL DECISION TO AMEND MIDEAST ORDER - PRODUCER REFERENDUM TO BE HELD

The U.S. Department of Agriculture has announced a final decision that permanently adopts amended pooling provisions of the Mideast Federal Milk Marketing Order that had been adopted on an interim basis. This decision is based on testimony and evidence given at a public hearing held Oct. 23-24, 2001. The final decision was published in the April 12 Federal Register and is available on the Mideast Market Administrator's Web Page at www.fmmaclev.com.

This decision reaffirms amendments previously made which eliminated unneeded and changed inadequate pooling standards that had resulted in inappropriately pooled milk on the Mideast order. The amendments: 1) eliminated automatic pool plant status for the 6-month period of March through August, 2) excluded milk shipments to a distributing plant regulated by another Federal milk order as pool-qualifying shipments under the Mideast order, 3) eliminated the "split plant" feature which provided for designating a portion of a pool plant as a nonpool plant, provided that the nonpool portion was physically separate and operated separately from the pool side, and 4) established a "net shipments" standard for supply plant deliveries to the order's distributing plants for the purpose of meeting the shipping standard. Net shipment standards for supply plants qualified under §1033.7(d) were not provided for in the final decision. This decision reaffirms amendments that increased the number of days that the milk of a producer needs to be delivered to a pool plant before being eligible for diversion to nonpool plants and instituted year-round diversion limits adjusted seasonally for all pool plants.

A referendum will be held in which dairy farmers shipping milk to the Mideast Milk Marketing Order during the representative month of October 2003 will have an opportunity of expressing their approval or disapproval of the order as amended. Qualified cooperative associations will be permitted to cast bloc votes on behalf of their members. A notice of referendum, a summary of the order, as proposed to be amended, and a ballot has been mailed to all known eligible producers who are not members of a cooperative association. Ballots must be returned to the referendum agent postmarked no later than April 30, 2004. If producers approve the order as amended by this final decision, a final rule will follow to implement these changes.

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