

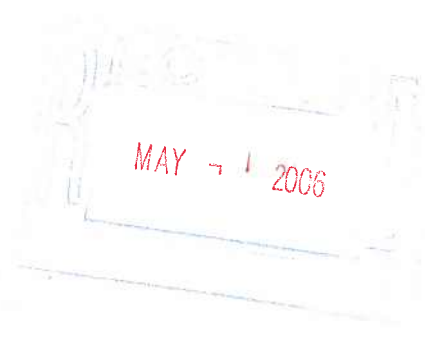


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202-720-0285

From: Joseph and Brenda Cochran
2152 California Road
Westfield, PA 16950
May 1, 2006

[Federal Register: February 28, 2006 (Volume 71, Number 39)]
[Proposed Rules]
[Page 9978-9979]
7 CFR part 1150
[Docket No. DA-06-04]

Whitney A. Rick, Chief
Promotion and Research Branch
USDA/AMS/Dairy Programs
STOP 0233—Room 2958-S
1400 Independence Avenue, SW
Washington, DC 20250-0233



Dear Ms. Rick:

We are writing in response to the invitation for public comment concerning the National Dairy Promotion and Research Program.

We are dairy farmers who are strongly opposed to this program. We were plaintiffs in the federal case (*Cochran v Veneman*) that challenged the constitutionality of the mandatory dairy checkoff program. The Third Circuit Court of Appeals agreed with us and held that the program did violate the First Amendment rights of dairy farmers and was, therefore, unconstitutional.

Although, the Supreme Court eventually decided that these commodity checkoff programs were "government speech," there remain many problems with this advertising program.

We are being forced to pay for advertising with which we disagree. The "Act" usurps our ability to speak or not to speak about our views concerning milk and dairy products.

The administration of the program is completely undemocratic. Dairy farmers have no opportunity to individually reevaluate the efficacy of the program. USDA's

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current so-called "referendum" is dominated by the major dairy coops which use "bloc-voting" to give the impression that dairy farmers support the program. Furthermore, these same dairy coops dominate the membership of the National Dairy Board with White House approval.

The "Act" has caused us undue financial hardship with the mandatory dairy assessment removing much needed funds from our farm's business cash flow. The money siphoned off from our farm would have been used by us for business inputs essential for basic operational needs. This has put an unreasonable economic hardship on us and on other smaller dairy farms which cannot afford, literally, deductions from our already pitifully low milk checks. This financial burden is felt more keenly by smaller producers who do not have expansive cash flows.

The price paid to dairy farmers has continued to decline during the lifetime of the dairy promotion program. This has not served the economic needs of dairy farmers. Fluid milk consumption has diminished also during this period. This constrained cash flow has a socio-economic domino effect in our dairy communities leading to loss of dairy farms and their supporting businesses.

Ultimately, the ability of the federal order system to do its job to provide a "fresh, local supply of milk" for consumers is at risk if farmers do not start receiving a fair price for milk. The National Dairy Promotion program does not serve the best interests of dairy farmers.