



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0201 – Room 3071-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0201

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Q&A's for Harvey Proposed Rule

- Q. What does 205.236(a)(i) mean now that the 80-20 feed exemption was eliminated due to the court ruling and the Congressional amendment?
- A. This subparagraph, previously designated as 205.236(a)(iii), was not addressed by the Harvey final judgment and order, or by the statutory amendments passed by Congress. Prior to the lawsuit and the Congressional amendment, a producer who elected to use the 80-20 feed exemption followed subparagraphs 205.236(a)(i) and (ii). When the producer converted an entire distinct herd under the 80-20 feed exemption, the producer was also required to comply with subparagraph 205.236(a)(iii). Now this subparagraph is renumbered as 205.236(a)(i). As before, a producer who converts an entire distinct herd must still comply with this subparagraph; that is unchanged with the revised regulation.
- Q. When is this new regulation effective?
- A. This is a proposed rule, with a 15-day comment period. A final rule will be published as soon as all comments have been analyzed and addressed. The final rule will become effective when it is published in the Federal Register. Producers who elect the 80-20 feed exemption up to the day before the final rule is published can continue to complete the year under the old regulation. For producers who elect the 80-20 feed exemption prior to the publication of the final rule, enforcement of the new regulation will not take place until June 9, 2007. This delay in enforcement respects the final court order to minimize market disruption and consumer confusion.