



USDA
OALJ/HCO

2001 FEB -7 A 11:19

A.R.M.P.P.A.

American Raw Milk Producers Pricing Association
P.O. Box 134
Waunakee, WI 53597

RECEIVED

Hearing Clerk
Room 1081, South Building
U.S. Department of Agriculture
Washington, DC 20250

American Raw Milk Producers Pricing Association would like to take this time to comment on the "Proposed Rule" affecting Class III and IV pricing. As raw milk producers, we fully realize the important role that processors play in turning our product into a variety of useful and nutritious foods, which can then be disbursed across the nation. It has never been dairy farmers' intent to impoverish processors. However, even as processors have protection under the current rules, so, too, should the milk producer have protections sufficient to sustain production. In so doing, there is a direct benefit to rural communities and to consumers.

Providing American dairy farmers with a fair milk price in order to "...insure a sufficient quantity of pure and wholesome milk...in the public interest..." was precisely the reason the Agricultural Marketing Agreement Act of 1937 statute (7 U.S.C. Section 608(c) 18) was enacted. In the St. Albans Cooperative Creamery, Inc., et al., Plaintiffs versus Dan Glickman, Secretary of Agriculture, Defendant case (Civil File No. 99-274), United States District Judge William Sessions III made no fewer than five references to USDA's failure to act according to the 1937 Agricultural Marketing Agreement Act, section 608(c) 18). In Judge Session's "Opinion and Order," one such discussion spans seven pages.

On page five of the Agricultural Marketing Service's "Milk in the Northeast and Other Marketing Areas; Tentative Marketing Agreements and to Orders" which was mailed to some dairy farmers in December 2000, in the "Findings and Conclusions" titled "Role of producer costs of production," the USDA completely ignored existing law as written in the 1937 Agricultural Marketing Agreement Act, section 608(c) 18. The USDA arguments given are irrelevant to the core issue that raw milk does indeed have value. USDA's assertion that milk has no "...market value to consumers without being pasteurized, at least..." is comparable to saying that crude oil, iron ore, and a host of other raw materials have no value to consumers before being processed.

In addition to vigorously condemning USDA for failing to follow the federal statute in the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. section 608(c)18) both in the final rule for the consolidation and reform of Federal milk orders and in the "tentative decision" issued by USDA in December 2000, American Raw Milk Producers Pricing Association is hereby formally protesting the careless manner in which the ballots were distributed to dairy farmers in the recent "Referendum." While many eligible dairy producers never even received their ballots, the time frame allowed for the ballot process itself was far too short for an adequate review by the farmers of a disturbingly complex milk pricing issue. Barely two weeks were allowed from the time the "tentative decision" was published on December 1, 2000, until ballots mailed to eligible dairy farmers on December 5, 2000, from Albany, NY, had to be returned to the "Referendum

Agent' with a December 14, 2000 postmark. The entire "tentative decision" has clearly been a violation of due process for America's dairy farmers.

It is the opinion of the American Raw Milk Producers Pricing Association that existing agricultural law must be followed and that dairy farmers must be given appropriate and adequate opportunity to understand issues affecting the determination of their raw milk prices. USDA is obligated to serve the best interest of the American people by respecting the rights of America's dairy farmers. This it is not doing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Carlin".

Gerald Carlin
National Director
A.R.M.P.P.A.