



Office of the Secretary
Washington, DC 20250

September 3, 2024

THE HONORABLE JOE COURTNEY
U.S. House of Representatives
2449 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Courtney:

I write in response to your letter dated June 26, 2024, requesting the Class I mover contained in the Federal milk marketing orders (FMMOs) be adjusted to promote more orderly marketing conditions for milk while ensuring stable incomes for farmers and adequate supplies for consumers. More specifically, that the U.S. Department of Agriculture (USDA) reinstate the “higher of” Class I mover formula. I apologize for the delayed response.

I recognized the ongoing importance to the industry of the Class I mover when USDA announced the FMMO national price formula hearing last year and included this issue in the rulemaking scope. Continuing to work through the rulemaking process and our established regulations is the most appropriate means available to resolve this issue. As I have noted on several occasions, FMMO issues are complex and small changes can create unintended consequences if not carefully and thoroughly considered. Since the Class I mover is not the only issue impacting dairy farmers today, the national price formula rulemaking proceeding allowed all parties to publicly share their viewpoints and evidence to USDA on a variety of key price formula issues through a transparent hearing process.

After carefully analyzing nearly 12,000 pages of testimony, USDA issued a recommended decision on July 1, 2024, that was published in the Federal Register on July 15, 2024. The 60-day public comment period closes on September 13, 2024. For more information on the recommended decision and how to submit public comments, please visit the *National Federal Milk Marketing Order Pricing Formula Hearing* website: <https://www.ams.usda.gov/rules-regulations/moa/dairy/hearings/national-fmmo-pricing-hearing>.

Due to regulations at 7 CFR 900.16, USDA cannot make any further comment prior to issuance of the final decision, as it would be considered an *ex parte* communication. Your letter and this response will be placed on the public record of the proceeding and posted on the *National Federal Milk Marketing Order Pricing Formula Hearing* website.

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Thank you for your continued advocacy on behalf of the United States dairy farmers.

Sincerely,

THOMAS J. VILSACK
Secretary