



**Office of the  
Deputy Administrator  
Dairy Program**

**1400 Independence Avenue, SW  
Room 2968-S STOP 0225  
Washington, DC 20250-0225**

November 23, 2021

Mr. Mark Lamers, President  
Lamers Dairy, Inc.  
N410 Speel School Road  
Appleton, Wisconsin 54915

Dear Mr. Lamers:

This letter a final response to your petition, received in our office on July 17, 2021, to amend the exempt plant definition in the Federal Milk Marketing Orders (FMMO). Your petition seeks to increase the exemption level for plants with fluid milk product sales of 150,000 pounds of route disposition and sales or less per month to 3 million pounds per month.

Your petition requests the United States Department of Agriculture (USDA) enact changes to FMMOs through informal or notice and comment rulemaking rather than through a formal hearing. As we explained in our August 18, 2021, letter, according to section 608c(17)(E) of the Agricultural Marketing Agreement Act of 1937 (AMAA), USDA can only use informal rulemaking if the proposed change to the FMMOs does not directly affect milk prices.

USDA has conducted a preliminary economic analysis of the impact of your proposal on milk prices. The analysis assumed that all current regulated handlers with route disposition between 150,000 and 3 million pounds would become exempt. As a result, the milk associated with those plants was removed from its respective FMMO pool and the pools were re-run. Our analysis indicates that increasing the exempt plant limit to 3 million pounds of route disposition could impact milk prices received by dairy farmers. Therefore, the AMAA prohibits the Secretary from granting your rulemaking request.

Thank you for your interest in the FMMO program.

Sincerely,

/s/

Dana H. Coale  
Deputy Administrator  
USDA-AMS-Dairy Program