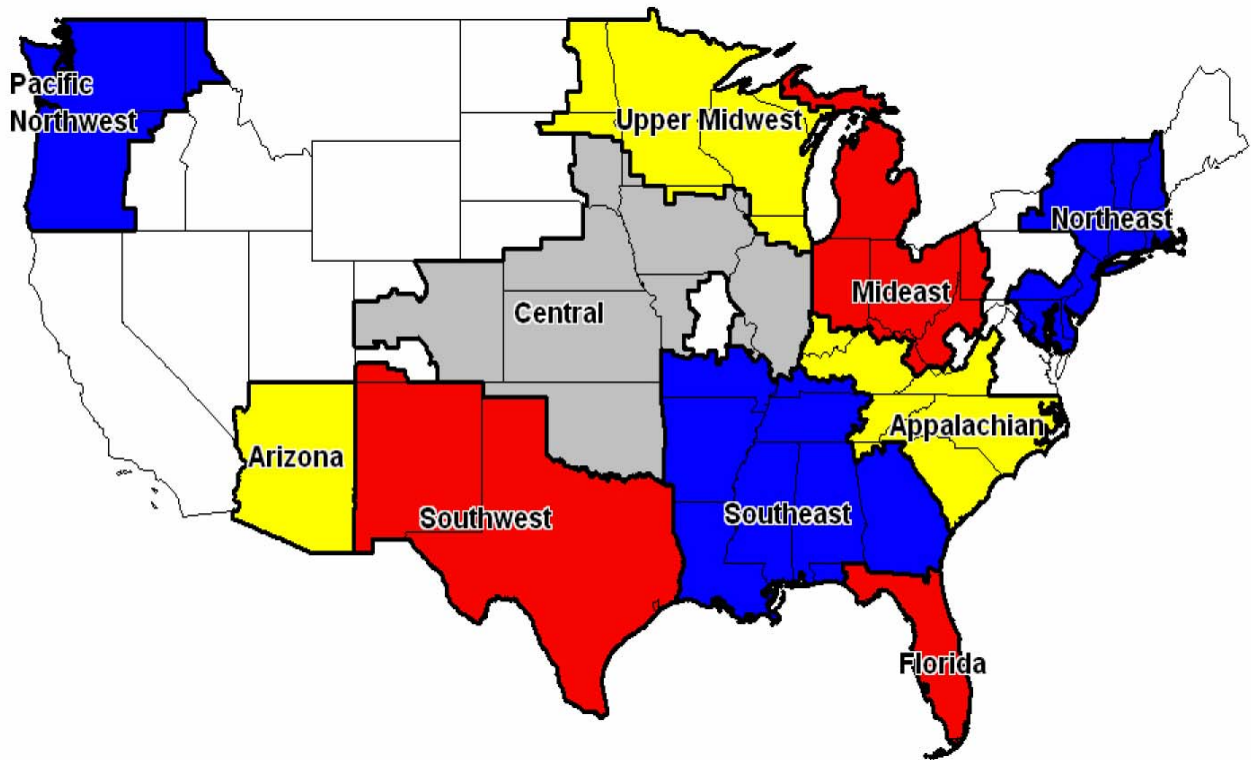


Pre-Hearing Information Session Pilot Program

Practice & Procedure Information



**United States Department of Agriculture
Dairy Programs
Order Formulation and Enforcement Branch**

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Abstract: The following summarizes the intent of the U.S. Department of Agriculture, Dairy Programs, in establishing a pilot program to evaluate the effectiveness of holding “information sessions” prior to formal rulemaking hearings. These provisions are subject to modification as necessary. Additional information is available at: <http://www.ams.usda.gov/dairy>.

Statement of Purpose

The purpose of pre-hearing information sessions are for interested parties to learn about the intent of proposals that have been submitted to amend a provision of a Federal milk order and how the proposals would accomplish that intent. The sessions are intended to clarify the intent and effect of proposed amendments. The sessions will not become part of an official hearing record and are conducted outside of ex-parte rules thus allowing government officials to freely discuss proposed amendments.

Participation in the information sessions are strongly encouraged for all parties who have submitted proposals to ensure that they are understood by the Department. The sessions will enable participants to better prepare testimony and evidence in support of, or in opposition to, proposals that may be included in a hearing notice.

Information sessions may not be held for all requests made to change Federal milk order provisions. Requests will be evaluated by the Department on a case by case basis to determine whether an information session is necessary. The proceedings of the information session will not be made part of the hearing record. Parties submitting proposals may request an information session when submitting a proposal for formal rulemaking. The decision of the Department to hold an information session does not guarantee that a hearing will occur or that any proposal will be included in a hearing notice.

The Department will evaluate the effectiveness of pre-hearing information sessions in the future to determine their continuation.

Information Session Procedures

The information sessions will be presided over by a panel of representatives from Dairy Programs and Market Administrator offices. Each party submitting a proposal will have an opportunity to present their proposal, the intent/effect of the proposal, ask procedural questions regarding the proposal to the panel and request the preparation of data for use at the hearing. The panel will then ask a series of questions to each party. Only the panel may ask questions. If other parties would like a specific question asked, questions may be submitted to the panel prior to or during the session for consideration.

The information sessions are intended to provide a venue for the open and non-judgmental discussion of proposals. In most situations, the sessions are intended to be completed within one day. Cooperation among all participants during the information session is expected.

All proposals and comments received in response to a specific request will be available to the public via the Dairy Programs website (<http://www.ams.usda.gov/dairy>) prior to the information session. The Department may elect to provide background information regarding certain topics. After the close of an information session, parties who have submitted a proposal will have a specified number of days (to be announced at the session) to modify or withdraw their original proposals. Any requests for government prepared data for use at a hearing must also be submitted to the Department by this date. Requests for government prepared data after this date may not be honored.

The Department will consider the information presented at the session to assist in determining the necessity of a hearing and consistency of proposals with the Agricultural Marketing Agreement Act. If a hearing is held, a hearing notice will be published in the Federal Register.



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