

# CULLENBERG & TENSEN, PLLC

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March 6, 2009

Dana Coale, Deputy Administrator for Dairy Programs  
Agricultural Marketing Service  
U.S. Department of Agriculture  
STOP-0231-Room 2971  
1400 Independence Ave., SW  
Washington, DC 20250-0225

**Re: Petitions by NMPF and IDFA  
to eliminate the Producer-Handler Status**

**Representation of Hatchland Farm**

**Proposed modification of Petition for Small Producer-  
Handlers from 450,000 pounds a month to 3,000,000**

Dear Ms. Coale:

Howard Hatch is a Vietnam Veteran who served our Country proudly and valiantly after being drafted as a teenager; he returned home after his service and starting with nothing he developed a dairy farm and processing plant that he operates today with his two children and 23 full time employees.

The Petition to amend all Federal milk marketing orders filed on January 29, 2009, will put Howard Hatch out of business. He has borrowed several million dollars in the past few years building a new processing plant and on farm improvements. It is fundamentally unfair to him to suddenly change the rules mid-stream that he relied on in developing his family farm.

Howard Hatch had to play by the rules when he was drafted and sent to Vietnam forever changing his life. Now the rules may be unexpectedly changed on him threatening to take away everything he has worked for since his service.

The Rules as proposed pick an arbitrary number of 450,000 pounds per month as the maximum amount allowed by small producer handlers. Hatchland Farm is a true family farm and produces approximately 800,000 pounds of milk a month. Because of their investment into the farm and milk plant based on the existing rules, they cannot scale back to 450,000 pounds per month. The rules as proposed would cost Hatchland Farm over \$500,000 annually which they cannot afford.

It is my understanding that the proposed Rules will affect only 20 producer handlers across the Country and that 5 of those are so-called mega dairies that have thousands of cows. Those mega dairies are the equivalent of a small to mid-size co-op and are in a different scale entirely than the true small producer handlers such as Hatchland.

We request that the proposed Rules change the monthly limit to 3,000,000 pounds a month rather than only 450,000. That amount will allow true small producer handlers to not be affected by the Rules and to expand modestly in the future, but will still be true family farms that have no impact on national milk prices. In these times, the last thing we need are new Rules that put small producers out of business.

I consider it a privilege to represent a man as distinguished as Howard Hatch as well as his family farm, Hatchland Farm. I would appreciate consideration of my request on behalf of Hatchland Farm when evaluating the proposed Rules.

Thank you for the consideration and please do not hesitate to contact me if you have any questions.

Sincerely,

[s]Arend Tensen

Arend R. Tensen, Esq.

Cc: Hatchland Farm