



United States
Department of
Agriculture

Agricultural
Marketing
Service

1400 Independence Ave., SW
Washington, DC
20250-0225

USDA
OAL/ONHQ

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Mr. John H. Vetne
Attorney at Law
103 State Street, #6
Newburyport, Massachusetts 01950

AD - 361-A39, AD-313-A48
AD-166-A72

Dear Mr. Vetne:

Thank you for your letter of May 16, 2006, to Secretary Johanns concerning Department of Agriculture (USDA) employee participation in the writing of Federal milk marketing order decisions. The Secretary has asked me to reply on his behalf.

All milk marketing order decisions are decisions of the Secretary and are based on the record of the proceeding. USDA employees--including Market Administrator and Dairy Programs personnel--who are involved in the preparation of milk marketing order decisions advocate only the policies of USDA. This results in the removal of pecuniary interests of involved individuals. Consequently, the arguments you advance on this issue are rejected.

As you acknowledge, Federal milk order decisions and related regulatory responsibilities are the decisions and regulatory actions of the Secretary and designees of the Secretary. The Secretary of Agriculture continues to have the authority to delegate responsibility for writing decisions and undertaking other regulatory actions for the Federal milk order program. The Secretary has properly noticed all current delegations and the Secretary will continue to use those authorities.

Your interest in the Federal milk order program is appreciated.

Sincerely,

Dana H. Coale
Deputy Administrator
Dairy Programs