



1400 Independence Avenue, SW  
Room 2055-S, STOP 0201  
Washington, D.C. 20250-0201

April 28, 2023

John T. Umhoefer  
Executive Director  
Wisconsin Cheese Makers Association  
5117 West Terrace Drive, Suite 402  
Madison, WI 53718

Dear Mr. Umhoefer:

Thank you for submitting the March 30, 2023, proposal on behalf of the Wisconsin Cheese Makers Association (WCMA), which requests that the U.S. Department of Agriculture (USDA) hold a hearing to amend the 11 Federal milk marketing orders (FMMO). The WCMA proposal would amend the manufacturing (make) allowances contained in the Class III and IV price formulas, using the most recently available industry cost data.

Your petition cites information obtained from a recent WCMA survey and indicates WCMA anticipates including the most current studies of Dr. Mark Stephenson published by AMS in 2022, a new study that Dr. Stephenson is undertaking to update that study to take into consideration 2022–2023 data, and a study by Dr. William Schiek, as evidence to revise manufacturing allowances. As precedent for requesting a hearing without specific, proposed make allowances, your letter cites two FMMO hearings held in the mid-2000's without specific make allowance values noticed for consideration.

While the referenced hearings were requested without noticing specific make allowance values, rulemaking procedures have changed as a result of the 2008 Farm Bill, which amended Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c). The amendment directed the Secretary of Agriculture (Secretary) to issue supplementary rules of practice defining the guidelines and timeframes for the rulemaking process relating to amendments of orders. Specifically, the Secretary must evaluate a proposal and determine how to proceed within 30 days of its receipt. As part of the evaluation, USDA assesses potential impacts of adopting the proposed regulatory change. Without specific make allowance values to analyze, USDA cannot conduct such an analysis for use in evaluating potential impacts of the proposal.

Therefore, USDA requests additional information regarding the specific make allowance values to be considered to assist the Secretary in deciding whether to initiate an FMMO rulemaking proceeding on this issue.

Thank you in advance for providing this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Summers".

Bruce Summers  
Administrator