



Rulemaking Overview for a Proposed Federal Milk Marketing Order

This document provides a high-level overview of the rulemaking process for a proposed Federal Milk Marketing Order. While it is useful in explaining the general path of the rulemaking process, it is not a substitute for the detailed rulemaking requirements contained in Title 7 Code of Federal Regulations Part 900. There are 10 basic rulemaking steps:

Step	Description
1. Proposal Received	After USDA receives a proposal, we invite interested parties to submit additional proposals.
2. Outreach Meetings	USDA invites the public to attend outreach meetings in the market area covered by the proposals. The meetings provide a forum to review the proposals received and give proposal sponsors time to explain the technical details of their submissions. After the meetings, submitters have an opportunity to modify their proposals.
3. Analysis	USDA conducts a preliminary economic analysis of each proposal and will publish the results if the Secretary of Agriculture determines a hearing is needed.
4. Hearing Notice Issued	<u>If</u> USDA concludes that a hearing should be held, we will issue a hearing notice listing the proposals to be considered at a hearing. *
5. Public Hearing Held	During the hearing, any interested parties may present testimony and evidence.
6. Hearing Closed	All parties may submit post-hearing briefs.
7. Recommended Decision	After analysis of the hearing evidence and industry briefs, USDA issues a “recommended decision” describing the proposals considered, summary of hearing evidence, analysis of issues and evidence, and USDA’s decision. This document also requests public comments on USDA’s findings. *
8. Final Decision	After analyzing and considering the public comments, USDA issues a final decision. *
9. Voting	If USDA recommends a Federal Milk Marketing Order, producers in the affected market vote on it.
10. Results	If favored by 2/3 of the producers or producers representing 2/3 of the milk produced participating in the voting process, a final order is issued. *

* The document is published in the Federal Register (www.regulations.gov), mailed to all interested parties, and announced to media outlets through a press release.

Ex Parte Communications: At no stage of the proceeding following the issuance of a notice of hearing and prior to the issuance of the Secretary’s decision (steps 4 to 8) will any person employed by USDA, temporarily or permanently, involved in the decision making process discuss ex parte the merits of the proceeding with anyone having an interest in the matter.

Decision Making Process: After consideration of the record, the Secretary of Agriculture will render a decision. All decisions will be based solely on accounts provided in the hearing record, to include oral and written arguments.