

**United States Department of Agriculture  
Agricultural Marketing Service, Dairy Programs**

**Market Administrator**

**Federal Order No. 6 – Florida Marketing Area  
Federal Order No. 7 – Southeast Marketing Area**

Phone: 770-682-2501  
Fax: 770-822-1038  
E-mail: smosley@fmmatlanta.com  
Home Page: www.fmmatlanta.com

Mailing Address  
1550 North Brown Road Ste. 120  
Lawrenceville, GA 30043

April 5, 2002

TO: Interested Parties, Southeast and Florida Marketing Areas

FROM: Market Administrator, Atlanta, Georgia

Questions have arisen regarding the pool distributing plant qualification provisions of the Florida and Southeast Federal Milk Orders.

According to sections 1006.7(a) and 1007.7(a) of the Orders, a distributing plant qualifies for regulation if 50% of the fluid milk products physically received at the plant are sold as packaged Class I products. Additionally, 25% of the packaged Class I products sold must be distributed within the order's geographic marketing area. A non-UHT plant, that is physically located within the defined geographic marketing areas of either Federal Order 6 or Federal Order 7 and that meets the 50% and 25% sales distribution criteria, will be regulated by the order in which it is geographically located regardless of the preponderance of sales as indicated in section 1006.7(g)(4) and 1007.7(g)(4). If a distributing plant fails to meet either the 50% or the 25% sales distribution criteria of the order in which it is geographically located, then Federal order regulation will be determined based upon the pool plant qualification provisions of the order in which the plant has a preponderance of its Class I sales.

If there are questions or if additional clarification is needed, please let me know.

Sue L. Mosley

**United States Department of Agriculture  
Agricultural Marketing Service, Dairy Programs**

**Market Administrator**

**Federal Order No. 6 – Florida Marketing Area  
Federal Order No. 7 – Southeast Marketing Area**

Phone: 770-682-2501  
Fax: 770-822-1038  
E-mail: smosley@fmmlatlanta.com  
Home Page: www.fmmlatlanta.com

Mailing Address  
1550 North Brown Road Ste. 120  
Lawrenceville, GA 30043

**Clarification of pool distributing plant qualification provisions of the Florida and Southeast Federal Milk Orders—Plants qualifying under multiple orders**

Sections 1006.7(a) and 1007.7(a) of the Orders state that distributing plants qualify for regulation if 50% or more of the fluid milk products physically received at the plant are sold as packaged Class I products and if at least 25% of those packaged Class I products are distributed within the order's geographic marketing area. If a distributing plant qualifies for regulation under more than one order, geographic location will determine its regulatory status, regardless of the preponderance of sales clause found in sections 1006.7(g)(4) and 1007.7(g)(4). That is to say, a pool distributing plant will be locked into pool plant status under the order in which it is geographically located.

A non-UHT distributing plant that fails to sell at least 25% of its packaged Class I products within the marketing area in a given month will cease to be regulated. Federal order regulation will be based upon the pool plant qualification provisions of the order in which the plant has a preponderance of its Class I sales. Thus, immediately upon failing to qualify as a pool distributing plant, pool plant status is lost in the order in which the plant is geographically located.

A distributing plant regulated under an order in which it is not geographically located that subsequently sells at least 25% of its packaged Class I products within the marketing area in which it is located for three consecutive months will shift regulation to the order in which it is located. Thus, only upon meeting the 25% sales threshold within the marketing area in which it is located for three consecutive months will a distributing plant's regulatory status change.

A change in a distributing plant's regulatory status takes effect only after a three-month period because any shift in regulatory status based on packaged Class I sales must be substantiated in the marketplace. This policy is intended to prevent potential disorderly marketing conditions created when a plant's regulatory status is subject to frequent and spurious shifts in a short period of time. Such changes would be disruptive to producers and the competitive environment for distributing plants.

April 9, 2003