

## NEW JERSEY DEPARTMENT OF AGRICULTURE

NOTICE is hereby given that pursuant to N.J.S.A. 4:12A-23 Alfred Murray, Director, Division of Marketing and Development, New Jersey Department of Agriculture, will open a public hearing on Thursday, November 19, 2009 at the New Jersey Department of Agriculture, Health and Agriculture Building, 369 South Warren Street, Trenton, NJ. The hearing will begin at 9:30 A.M. and testimony will be taken until 4:00 P.M. or later if necessary to allow all witnesses present on that particular day to be heard.

The purpose of this hearing is to receive testimony from all interested parties regarding the current condition of the dairy industry. Testimony will be taken into consideration as to whether action should be taken by the Director to impose an overorder premium for dairy producers in connection with the continuation or modification of variable cost pricing of milk and milk products regulated by the New Jersey Department of Agriculture within the State of New Jersey in accordance with provisions of N.J.S.A 4:12A-21 through 23.

Any action taken by the Director shall be based upon his findings of fact from the oral and/or written testimony and exhibits received during the hearing. Interested persons may appear and shall testify under oath, and may submit written statements as well. Testimony and evidence is requested concerning the costs at each of the following points in the supply chain: production, procurement, processing (which may include packaging but does not include labeling), distribution, wholesale sale of milk and retail sale of milk to the consumer. Any individually identifiable, confidential financial information will be reviewed in camera at the hearing and may be used by the Director to make his decision, but any such information used in the decision will be averaged (using no fewer than three sources of information) in order to maintain confidentiality of the producers, processors, dealers and retailers. In addition, the Department will maintain confidential information pursuant to N.J.A.C. 2:48-3.1.

This hearing will not consider pricing for non-pasteurized milk and milk products prohibited for use or sale pursuant to N.J.S.A 24:10-57.18.

It is requested that 10 copies of written testimony be made available the day of the oral testimony. Other written testimony may be submitted to:  
Alfred Murray, Director of Marketing and Development, P.O. Box 330, Trenton, New Jersey 08625.

Overnight Mail only:

Alfred Murray, Director of Marketing and Development, New Jersey Department of Agriculture, 369 South Warren Street, Trenton, New Jersey 08625

Written statements received after the final closure of the hearing will not be accepted or considered. Closure of the hearing will occur at 5:00 p.m. the day following the last day testimony as declared by the director.

For scheduling purposes, the focus of testimony to be received will be grouped by the nature or status of prospective witnesses (e.g. producers, processors, dealers, retailers, consumers). Witnesses are requested to provide their anticipated area of testimony, the organization they represent, and contact information by Tuesday, November 17, 2009. A tentative witness schedule can be obtained by calling 609-292-5576 on Wednesday November 18, 2009 between 9:00 A.M. and 4:30 P.M.

## Information

The Department of Agriculture is following up on information requested during the November 13 work session regarding what levels and sources of assistance are needed by New Jersey producers and how that assistance can be arrived at without negatively impacting any other segment of the dairy industry.

As you will recall from the hearing notice advertising the opening of the hearing on Thursday, November 19, the following was included:

“The purpose of this hearing is to receive testimony from all interested parties regarding the current condition of the dairy industry. Testimony will be taken into consideration as to whether action should be taken by the Director to impose an overorder premium for dairy producers in connection with the continuation or modification of variable cost pricing of milk and milk products regulated by the New Jersey Department of Agriculture within the State of New Jersey in accordance with provisions of N.J.S.A 4:12A-21 through 23.”

As was:

“Testimony and evidence is requested concerning the costs at each of the following points in the supply chain: production, procurement, processing (which may include packaging but does not include labeling), distribution, wholesale sale of milk and retail sale of milk to the consumer. Any individually identifiable, confidential financial information will be reviewed in camera at the hearing and may be used by the Director to make his decision, but any such information used in the decision will be averaged (using no fewer than three sources of information) in order to maintain confidentiality of the producers, processors, dealers and retailers. In addition, the Department will maintain confidential information pursuant to N.J.A.C. 2:48-3.1.”

In order to arrive at ranges for the levels and sources of assistance, as requested at the November 13 work session, the Department is seeking the following:

### Producer Cost of Production:

- For example, testimony concerning the parameters in which the cost of production incurred by the farmer can be determined.

### Milk Procurement:

- For example, testimony concerning the cost parameters for any entity which procures milk or arranges combined sources of milk into tanker loads for processing, and how those areas should or should not be factored into any level or source of assistance to the producer.

Processing:

- For example, testimony regarding any cost parameters related to doing business that should or should not be factored into any level or source of assistance to the producer.

Dealing:

- For example, testimony from any dealer or sub-dealer regarding any cost parameters related to doing business that should or should not be factored into any level or source of assistance to the producer.