

Federal Milk Marketing Order Forum | Kansas City 2022

Discussion Report

Representatives from over 180 farms, cooperatives, processors and other industry organizations from over 35 states joined the American Farm Bureau Federation in Kansas City Oct. 14-16 for a successful first-of-its-kind industry-wide Federal Milk Marketing Order (FMMO) Forum.

After three years of intense exploration of dairy policy by AFBF's Dairy Working Group, in January the AFBF delegate body recommended that the board hold an industry-wide dairy conference whose primary participants would be farmers, to bring their voice to the fore.

The dairy industry is preparing for a likely USDA hearing in 2023 on pricing in the federal milk marketing orders; so while the conference discussions were free-ranging, they focused on pricing, thus answering the call from USDA Secretary Tom Vilsack to bring the dairy producer community together to discuss FMMO modernization.

After remarks by AFBF President Zippy Duvall and USDA Deputy Under Secretary Gloria Montañó Greene, and video remarks from Secretary Vilsack, the conference was split into four half-day segments, each with a 3-speaker panel session and Q&A followed by a roundtable discussion during which groups of eight attendees discussed issues brought up during the panel session. Attendees were assigned to tables to ensure regional and organizational diversity for the roundtable discussions. This report summarizes the written notes of those discussions.

Executive Summary

The following section provides a list of the most commonly written and supported concepts in the second, third and fourth discussion sessions. Parentheses represent the number of tables that reported the same concept (i.e., the higher the number, the more tables that wrote down that concept). Not all tables had notes for every session or wrote notes on each topic. Tables may have reported more than one concept for each topic. If items were duplicated between sessions, the top number was presented here. Returning to a higher-of Class I formula option was written by 21 tables as a consensus item, making it the most reported concept.

- **Return the Class I mover to a higher-of formula (21)**
- **Increase Class I differentials to reflect changes in the marketplace (15)**
- **Make processing cost surveys of plants mandatory and audited by USDA to ensure the accurate data (13)**
- **Tighten pooling provisions (12)**
- **Update make allowances routinely with cost surveys (12)**
- **Expand number of products used in USDA's pricing survey (12)**
- **Simplify and add uniformity to milk checks (12)**
- **Use modified bloc voting instead of bloc voting (11)**



Discussion Session 1: Origins and Purposes of Federal Milk Marketing Orders

Advantages, Disadvantages and Purposes of Federal Orders

Tables were asked to report what they believed were the advantages, disadvantages and general purposes of Federal Milk Marketing Orders. The following summarizes those statements.

Parentheses represent the number of tables that reported the same concept (i.e., the higher the number, the more tables that wrote down that concept). Not all tables responded to every question. Tables may have reported more than one concept for each topic.

Advantages

- Provides timely payments and terms of payment (16)
- Provides order and stability to markets (14)
- Ensures level pay price for producers (12)
- Provides auditing and government oversight of payments (11)
- Provides higher producer prices via Class I and pooling (10)
- Provides pricing data (7)
- Provides testing of milk components (6)
- Helps keep production in all regions and in population-heavy areas (5)
- Maintains markets for smaller dairies and processors (3)

Disadvantages

- Complicated (10)
- Limits true free markets (8)
- Too slow to change when consumer behavior changes (8)
- Lack of transparency/ hard to find reports (6)
- Allows for de-pooling issues (8)
- Farmers pay for transportation – why not buyer? (4)
- The 2018 farm bill Class I mover change to the average of + \$0.74 (3)
- No advantages if not in a Federal Order region (2)
- Cooperative bloc voting limits voice of individual farmers (2)
- Make allowances tied within Class I price (2)
- Cooperatives can pay below minimum price (2)
- Differentials outdated/ don't reflect full value of milk in deficit areas (2)
- Sometimes price of milk is below cost (1)
- Doesn't capture all dairy products (1)
- Possible elimination of orders through a "no" vote (1)

Purposes

- Orderly movement of milk, market stabilization (17)
- Guarantee fresh fluid milk to consumers in every region (13)
- Limit market power asymmetries between producers and buyers (7)



Discussion Session 2: Class I Pricing Issues

Tables reported what they would like to be changed relative to Class I pricing issues including, but not limited to, the Class I mover equation, location differentials and de-pooling.

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Class I Mover:

- Return to the higher-of formula (21)
 - Advantages
 - We know how it works, it's simple and easy to understand (2)
 - Keeps Class I at high end of pricing (2)
 - Keeps more milk pooled (1)
 - Disadvantages:
 - Higher volatility (2)
 - Co-op/processor unable to hedge long term (1)
- Higher-of plus \$0.74/ or \$0.74 flex (to address cost margins) (3)
- Second choice to higher- of is average- of with rising adjustor (1)
- \$0.74 can be deferred to other formula changes or Class I surface increases (1)
- Higher-of plus \$1.50 (1)
- Do not change via farm bill (1)

Class I Differentials:

- Price surfaces must be increased to reflect changes in marketplace (15)
- Redo the map on a specified, frequent basis (3)
- Increase touch-base days required by milk handlers, producers and sellers (3)
- Should transportation credits be adjusted? (1)
- Should market decide? (1)
- Improve information producers receive so they can negotiate this value (1)
- Update every 3-5 years (1)

De-Pooling

- Pooling/ de-pooling provisions need to be tightened (12)
- Have localized discussions on pooling/ de-pooling and what works for the region (but also what role a national policy has) (4)
- Annual mechanism to enter or exit the order (4)
- De-pooling needs to be eliminated nationally (1)
- Concerns that some processors/cooperatives will just opt out (1)
- De-pooling is a national issue (1)
- Add a qualifier to de-pooling: to receive make allowance you must pool (1)



- Consolidate orders to have larger pools (1)

Other

- Make all orders component pricing (3)
- Concerns about consolidation (2)
- Fresh fluid milk needs to innovate with longer shelf-stable beverages/ need more investment (2)
- The milk that serves the Class I market should be compensated for serving the Class I market (2)
- Transportation issues are challenging Class I markets (1)
- An FMMO hearing should consider Class I mover and Class I surface together (1)
- Negative PPDs are eroding gains (1)
- Prioritize fresh milk over extended-shelf-life milk (ESL) (1)
- USDA increase support for school purchases of fresh milk (1)

Discussion Session 3: Class III and IV Pricing Issues

Tables reported what they would like to be changed relative to Class III and IV pricing issues including, but not limited to, make allowances, yield factors and price discovery (such as block/barrel cheese pricing dynamics).

Parentheses represent the number of tables that reported the same concept (i.e., the higher the number, the more tables that wrote down that concept). Not all tables responded to every question. Tables may have reported more than one concept for each topic.

Make Allowances

- Make allowances need to be updated regularly (12)
 - Support increases IF return to higher-of (1)
 - Support increases IF pooling restrictions are tightened (1)
 - Support increases IF tied to margin protection for farmers (1)
- Cost surveys should be mandatory across plants for accurate data (13)
 - Must have a USDA audit function (7)
- Increase make allowances in tiered, small levels (4)
 - In phase one only increase \$0.02-\$0.04 cents/lb. (1)
 - No more than \$0.15/cwt one-time increase (1)
- Have multi-tiered make allowance for different size processors (3)
- Plants in price surveys should match those in cost surveys (2)
- No increase to make allowances (2)
- Annual adjustments via mandatory surveys (1)
- Third-party unbiased study with recommendations of what true make allowances should be – including impact to the farmers, processors and consumers (1)



Yield Factors

- Yield factors should also be update routinely to reflect modern production technologies (5)

Price Discovery

- Expand number of products used in USDA pricing survey (12)
 - Mozzarella (2)
- Elimination of barrel pricing (7)
- Analyze expanding survey period to 45 days and assess the impacts of including additional export sales, which might depress the surveyed average (4)
 - 45 days reporting on powder (1)
- Make price reporting mandatory for all milk products (2)
- Weighted block/barrel pricing instead of elimination of barrel (80/20 breakdown) (1)

Other

- Update milk composition numbers to reflect modern production characteristics (4)
- Any changes must take place via an FMMO hearing (2)
- Combined Class III and IV into one manufacturing class so that manufacturers only deal with one price (1)
- Add a Class V for export pricing and to assist in balancing over pricing that cannot be utilized domestically (1)

Discussion Session 4: Simplifying Federal Milk Marketing Orders | Final Thoughts

Tables reported their top FMMO issues to be considered and came up with a list of three statements or policies they found complete consensus on.

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Policy Changes

- Return to the higher-of (17)
 - Add flex premium based on costs (1)
- Simplify and add uniformity to milk checks (12)
 - Contract transparency (2)
 - Have USDA provide references of standardized check (1)
- Modified bloc voting instead of bloc voting (11)
- Mandatory cost reporting surveys audited by USDA (10)
 - Should include yield specs as well (1)
 - Third-party study – update every five years (1)



- Every two years (1)
- Update make allowances routinely (9)
 - Tiered/phased updates only (3)
 - Can this be tied to innovation investments? (1)
- Increase Class I price surface (8)
- Changes to FMMO progress through a hearing process and not legislatively (6)
- Tightening pooling restrictions (6)
 - Pooling is a national issue (1)
 - Standardization of pooling rules (1)
 - Annual commitment to pooling/de-pooling (1)
- Eliminate barrels in pricing (3)
- 45 days on data collection (2)
- The milk that serves the Class I market should be compensated for serving the Class I market (2)
- Updating milk composition numbers to reflect modern production characteristics (1)
- FMMOs need to be updated routinely to match changing market conditions (1)
- Support of an innovation fund (1)
- Whole milk back in schools (1)
- Consider two classes (1)
- Address regional concerns on an order-by-order basis (1)
- Increasing touch base days (1)
- Expand items included in price report (1)
 - Mozzarella (1)
- Make allowance changes should be pushed to consumer (1)

Other Items of Consensus

- Meetings like this need to happen more often (8)
- Fantastic conference (6)
- Education for producers (6)
- Federal Orders are important to U.S. milk markets (5)
- Exports are essential to the future of dairy (1)
- Regional USDA meetings with farmers (1)
- Need to address lack of trust between producers and their cooperatives (1)
- Can FMMO reform help share cost of innovation in fresh fluid products? (1)
- Uniform benefits across the system (1)
- Support milk deficit regions (1)



APPENDIX A: Event Agenda

Friday, October 14th, 2022

12:30 p.m. – 1:30 p.m. **Opening session**

- Welcome to Kansas City: President Garrett Hawkins, Missouri Farm Bureau
- President Zippy Duvall, American Farm Bureau Federation
- Video Message: Secretary Tom Vilsack, USDA
- Deputy Undersecretary Gloria Montaña Greene, USDA

1:30 p.m. – 3:00 p.m. Panel session 1:

Origins and Purposes of Federal Milk Marketing Orders | Panel Session 1

Pennsylvania Farm Bureau President Rick Ebert, Dana Coale, Calvin Covington, and Anja Radabaugh

Our panel dives into how the Federal Milk Marketing Order system came to be, why its complex pieces work the way they do, and the intended outcomes of the system in the market and on the farm.

3:00 p.m. – 3:15 p.m. Break

3:15 p.m. – 4:45 p.m. Roundtable discussions based on technical panel session 1:

Origins and Purposes of Federal Milk Marketing Orders | Roundtable Discussion

Join farmers and dairy industry participants from across the supply chain to further discuss topics from the panel session on the origins and purposes of Federal Milk Marketing Orders. Roundtable sessions will allow attendees to participate directly with one another and work toward common ground solutions.

4:45 p.m. – 5:00 p.m. Closing remarks day 1 | Beth Hodge

5:00 p.m. Adjourn day 1

Saturday, October 15th, 2022



8:30 a.m. – 9:00 a.m. Opening session day 2 | Danny Munch

9:00 a.m. – 10:30 a.m. Panel session 2:

Class I Pricing Issues | Session 2

New York Farm Bureau President Dave Fisher, Jim Sleper, Mike Brown, and Joe Wright

Our panel addresses Class I pricing topics including, but not limited to, calculation of the Class I mover, Class I location adjustments, and the role of fluid milk in federal orders.

10:30 a.m. – 10:45 a.m. Break

10:45 a.m. – 12:15 p.m. Roundtable discussions based on panel session 2:

Class I Pricing Issues | Roundtable Discussion 2

Join farmers and dairy industry participants from across the supply chain to further discuss topics from the Class I pricing issues panel session. Roundtable sessions will function as an opportunity for attendees to participate directly with one another and work toward common ground solutions.

12:15 p.m. – 1:30 p.m. Lunch

1:30 p.m. – 3:00 p.m. Panel session 3:

Class III and IV Pricing Issues | Panel Session 3

Wisconsin Farm Bureau President Kevin Krentz, Peter Vitaliano, Chris Herlache, and Roger Cryan

Our panel dives into Class III and IV pricing topics including, but not limited to, make allowance formulations and structures, yield factors and methods of price discovery.

3:00 p.m. – 3:15 p.m. Break

3:15 p.m. – 4:45 p.m. Roundtable discussions based on panel session 3:

Class III and IV Pricing Issues | Roundtable Discussion 3

Join farmers and dairy industry participants from across the supply chain to further discuss topics from the Class III and IV pricing issues panel session. Roundtable sessions will function as an opportunity for attendees to participate directly with one another and work toward common ground solutions.



4:45 p.m. – 5:00 p.m. Closing remarks day 2 | Gretl Schlatter

5:00 p.m. – Adjourn day 2

Sunday, October 16th, 2022

8:30 a.m. – 9:00 a.m. Opening session day 3 | Phil Plourd

9:00 a.m. – 10:30 a.m. Panel session 4:

Simplifying Federal Milk Marketing Orders | Panel Session 4

Utah Farm Bureau President Ron Gibson, Marin Bozic, Pete Kappelman, and Chris Wolf

Our panel explores ways of simplifying Federal Milk Marketing Orders, including standardization of milk checks, implications of a two-class system and other structural changes to reflect the ever-changing dairy marketplace.

10:30 a.m. – 10:45 a.m. Break

10:45 a.m. – 11:35 a.m. Roundtable discussions based on panel session 4:

Simplifying Federal Milk Marketing Orders | Roundtable Discussion 4

Join farmers and dairy industry participants from across the supply chain to further discuss topics from the simplifying Federal Milk Marketing Orders panel session. Roundtable sessions will function as an opportunity for attendees to participate directly with one another and work toward common ground solutions.

11:35 a.m. – 12:00 p.m. Closing Remarks | Jim Boyle and Roger Cryan

12:00 p.m. – Adjourn Conference



APPENDIX C: Joint Statement on FMMO Forum



AMERICAN FARM BUREAU FEDERATION®
600 Maryland Ave. SW | Suite 1000W | Washington, DC 20024 | 202.406.3600



Federal Milk Marketing Order Forum Successfully Brings Sector Together

KANSAS CITY, Mo., October 17, 2022 – The American Farm Bureau Federation was joined by representatives of the National Milk Producers Federation, dairy cooperatives, processors, state dairy associations and dairy farmers from across the country for a successful first-of-its-kind industry-wide Federal Milk Marketing Order (FMMO) Forum.

The three-day event provided a platform for farmers’ voices to be heard while also answering the call from USDA Secretary Tom Vilsack to bring the dairy producer community together to discuss FMMO modernization. Discussions at the forum focused on Class price formulas and de-pooling, among other topics.

The American Farm Bureau Federation and the National Milk Producers Federation agreed on a joint statement regarding the need for FMMO improvements. A number of dairy organizations attending the event also supported the joint AFBF-NMPF statement and are listed below.

The AFBF-NMPF statement reads:

“We support the federal milk marketing order (FMMO) system as key to fair market-based farmer milk pricing and recognize the importance of periodically updating the program to reflect changes in the dynamic U.S. dairy industry. With the last major update to the FMMO system occurring in 2000, we believe it is time to consider improvements that better reflect today’s milk markets.

“In addition, the pandemic-related market disruptions of 2020 also highlighted the need to modernize the program so that it can better mitigate the impacts on producers of disruptions in milk pricing such as occurred then. At that time, a combination of federal order price formulas, temporary market imbalances, and sudden demand disruptions created disorderly marketing of milk, to the detriment of producers.

“We anticipate the prospect of a hearing conducted by USDA in 2023 that could address FMMO price formulas, including all four Classes, as well as the Class I price surface. An amended pricing system should improve price discovery, improve the clarity of the program, continue to support timely payments to producers, and reduce price incentives to de-pool milk.



“We are encouraged by the healthy discussion at this week’s Federal Milk Marketing Order Forum and look forward to continuing the discussion about promoting a healthy dairy industry through modernization of federal order pricing.”

Organizations participating in the event and endorsing the joint statement include:

American Dairy Coalition

National Farmers Organization

National All-Jersey

Georgia Milk Producers

Indiana Dairy Producers

Kentucky Dairy Development Council

Missouri Dairy

Dairy Producers of New Mexico

Ohio Dairy Producers Association

Virginia State Dairymen’s Association

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APPENDIX C: FMMO Forum Attendees

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