

agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

**§ 1126.9 Handler.**

*Handler* means:

- (a) Any person in his capacity as the operator of a pool plant;
- (b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with § 1126.13;
- (c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;
- (d) Any person in his capacity as the operator of a partially regulated distributing plant;
- (e) Any person who is a producer-handler; and
- (f) Any person in his capacity as the operator of an other order plant described in § 1126.7(f).

**§ 1126.10 Producer-handler.**

*Producer-handler* means any person:

- (a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;
- (b) Who receives no fluid milk products from sources other than his own farm production and pool plants;
- (c) Whose receipts of fluid milk products (including such products which he obtains at a location other than his

processing plant for distribution on his routes) during the month from pool plants do not exceed the lesser of 5 percent of his Class I disposition during the month or 10,000 pounds;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

[40 FR 23438, May 30, 1975, as amended at 44 FR 5868, Jan. 30, 1979]

**§ 1126.11 [Reserved]**

**§ 1126.12 Producer.**

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for disposition in the marketing area as Grade A milk and whose milk is:

- (1) Received at a pool plant directly from such person;
- (2) Received by a handler described in § 1126.9(c); or
- (3) Diverted from a pool plant in accordance with § 1126.13.

(b) "Producer" shall not include:

- (1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;
- (2) A governmental agency that operates a plant exempt pursuant to § 1126.8(e);
- (3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1126.44(a)(8)(iii) and the corresponding step of § 1126.44(b);
- (4) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; or