

## GENERAL PROVISIONS

**§ 1040.1 General provisions.**

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

## DEFINITIONS

**§ 1040.2 Southern Michigan marketing area.**

*Southern Michigan marketing area*, hereinafter referred to as the “marketing area,” means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and all territory wholly or partly herein occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments.

## MICHIGAN COUNTIES

Alcona, Allegan (Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only), Alpena, Antrim, Arenac, Barry, Bay, Benzie, Calhoun, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmett, Genesee, Gladwin, Grand Traverse, Gratiot, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe (Ash and Berlin Townships only), Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Wexford.

**§ 1040.3 Route disposition.**

*Route disposition* means a delivery, either directly or through any distribution facility (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

**§ 1040.4 [Reserved]****§ 1040.5 Distributing plant.**

*Distributing plant* means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is

processed or packaged and from which there is route disposition of fluid milk products in consumer-type packages or dispenser units.

[38 FR 4649, Feb. 20, 1973, as amended at 59 FR 33419, June 29, 1994]

**§ 1040.6 Supply plant.**

*Supply plant* means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant. Such supply plant shall be equipped with stationary holding facilities.

**§ 1040.7 Pool plant.**

*Pool plant* means:

(a) A distributing plant:

(1) From which total route disposition, except filled milk, during the month is not less than 50 percent of the combined Grade A milk received in bulk at such plant direct from producers, from supply plants, from a cooperative association as described in § 1040.9(c) or diverted by the plant operator or by a cooperative association pursuant to § 1040.13 as producer milk, except as provided in paragraph (c) of this section; or

(2) That qualified as a pool plant in either of the immediately preceding 2 months on the basis of performance standards described in paragraph (a)(1) of this section, except as provided in paragraph (c) of this section; or

(3) That meets the following conditions, regardless of the provisions of paragraph (c) of this section:

(i) The plant is located in the marketing area;

(ii) The plant has total route disposition, except filled milk, during the month of not less than 50 percent of the combined Grade A milk received in bulk at such plant direct from producers, from supply plants, from a cooperative association as described in § 1040.9(c) or diverted by the plant operator or by a cooperative association pursuant to § 1040.13 as producer milk; and

(iii) The principal activity of such plant is the processing and distributing of aseptically processed fluid milk products.