§ 1030.11
the Order 1131 administrative fund pro-
vided such dispositions are less than
three million pounds in the current
month and such producer-handler had
total Class I route dispositions and/or
transfers of packaged fluid milk prod-
ucts from own farm production of three
million pounds or more the previous
month. If the producer-handler has
Class I route dispositions and/or trans-
fers of packaged fluid milk products
into the marketing area described in
§1131.2 of this chapter of three million
pounds or more during the current
month, such producer-handler shall be
subject to the provisions described in
§1131.7 of this chapter or §1000.76(a).
[64 FR 47978, Sept. 1, 1999, as amended at 71
FR 25499, May 1, 2006; 75 FR 21160, Apr. 23,
2010]
§ 1030.11 [Reserved]
§ 1030.12 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 fluid consumption as Grade A milk
and whose milk is:
(1) Received at a pool plant directly
from the producer or diverted by the
plant operator in accordance with
§1030.13; or
(2) Received by a handler described in
§1000.9(c).
(b) Producer shall not include:
(1) A producer-handler as defined in
any Federal order;
(2) A dairy farmer whose milk is re-
divered to the exempt plant, excluding
producer milk diverted to the exempt
plant pursuant to §1030.13(d);
(3) A dairy farmer whose milk is re-
divered to a pool plant. Milk so diverted
shall be priced at the location of the
plant to which diverted;
(4) A dairy farmer whose milk is re-
divered to a nonpool plant located in the States of Illinois, Iowa,
Minnesota, North Dakota, South Da-
kota, and Wisconsin, and the Upper Pe-
insula of Michigan, subject to the fol-
lowing conditions:
(1) Milk of a dairy farmer shall not be
eligible for diversion unless at least
one day’s production of such dairy
farmer is physically received as pro-
ducer milk at a pool plant during the
first month the dairy farmer is a pro-
ducer. If a dairy farmer loses producer
status under the order in this part (ex-
cept as a result of a temporary loss of
Grade A approval or as a result of the
handler of the dairy farmer’s milk fail-
ing to pool the milk under any order),
the dairy farmer’s milk shall not be el-
igible for diversion unless at least one
day’s production of the dairy farmer
has been physically received as pro-
ducer milk at a pool plant during the
first month the dairy farmer is re-asso-
ciated with the market;
(2) The quantity of milk diverted by
a handler described in §1000.9(c) may
not exceed 90 percent of the producer
milk receipts reported by the handler
pursuant to §1030.30(c) provided that
not less than 10 percent of such re-
ceipts are delivered to plants described
in §1030.7(c)(1)(i) through (iii). These
percentages are subject to any adjust-
ments that may be made pursuant to
§1030.7(g); and
§ 1030.13 Producer milk.
Except as provided for in paragraph
(e) of this section, Producer milk means
the skim milk (or the skim equivalent
of components of skim milk), including
nonfat components, and butterfat in
milk of a producer that is:
(a) Received by the operator of a pool
plant directly from a producer or a
handler described in §1000.9(c). All milk
received pursuant to this paragraph
shall be priced at the location of the
plant where it is first physically re-
divered;
(b) Received by a handler described in
§1000.9(c) in excess of the quantity
delivered to pool plants;
(c) Diverted by a pool plant operator
to another pool plant. Milk so diverted
shall be priced at the location of the
plant to which diverted; or
(d) Diverted by the operator of a pool
plant or a cooperative association de-
scribed in §1000.9(c) to a nonpool plant
located in the States of Illinois, Iowa,
Minnesota, North Dakota, South Da-
kota, and Wisconsin, and the Upper Pe-
insula of Michigan, subject to the fol-
lowing conditions:
(1) Milk of a dairy farmer shall not be
eligible for diversion unless at least
one day’s production of such dairy
farmer is physically received as pro-
ducer milk at a pool plant during the
first month the dairy farmer is a pro-
ducer. If a dairy farmer loses producer
status under the order in this part (ex-
cept as a result of a temporary loss of
Grade A approval or as a result of the
handler of the dairy farmer’s milk fail-
ing to pool the milk under any order),
the dairy farmer’s milk shall not be el-
igible for diversion unless at least one
day’s production of the dairy farmer
has been physically received as pro-
ducer milk at a pool plant during the
first month the dairy farmer is re-asso-
ciated with the market;
(2) The quantity of milk diverted by
a handler described in §1000.9(c) may
not exceed 90 percent of the producer
milk receipts reported by the handler
pursuant to §1030.30(c) provided that
not less than 10 percent of such re-
ceipts are delivered to plants described
in §1030.7(c)(1)(i) through (iii). These
percentages are subject to any adjust-
ments that may be made pursuant to
§1030.7(g); and
§ 1030.13 Producer milk.
Exe...
Agricultural Marketing Service, USDA § 1030.30

(3) The quantity of milk diverted to nonpool plants by the operator of a pool plant described in §1030.7(a), (b) or (d) may not exceed 90 percent of the Grade A milk received from dairy farmers (except dairy farmers described in §1030.12(b)) including milk diverted pursuant to §1030.13; and

(4) Diverted milk shall be priced at the location of the plant to which diverted.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

(f) The quantity of milk reported by a handler pursuant to either §1030.30(a)(1) or §1030.30(c)(1) for April through February may not exceed 125 percent, and March may not exceed 135 percent of the producer milk receipts pooled by the handler during the prior month. Milk diverted to nonpool plants reported in excess of this limit shall be removed from the pool. Milk in excess of this limit received at pool plants, other than pool distributing plants, shall be classified pursuant to §1000.44(a)(3)(v) and §1000.44(b). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information, the market administrator will make the determination. The following provisions apply:

(1) Milk shipped to and physically received at pool distributing plants in excess of the previous month’s pooled volume shall not be subject to the 125 or 135 percent limitation;

(2) Producer milk qualified pursuant to §1000.44(a)(3)(v) and §1000.44(b). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information, the market administrator will make the determination.

(3) The market administrator may waive the 125 or 135 percent limitation:

(i) For a new handler on the order, subject to the provisions of §1030.13(f)(4), or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(4) A bloc of milk may be considered ineligible for pooling if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

§ 1030.14 Other source milk.
See §1000.14.

§ 1030.15 Fluid milk product.
See §1000.15.

§ 1030.16 Fluid cream product.
See §1000.16.

§ 1030.17 [Reserved]

§ 1030.18 Cooperative association.
See §1000.18.

§ 1030.19 Commercial food processing establishment.
See §1000.19.

HANDLER REPORTS

§ 1030.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator’s office receives the report on or before the 9th day after the end of the month, in the detail and on the prescribed forms, as follows:

(a) Each handler that operates a pool plant shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to §1000.50(p), contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in §1000.9(c); and

(ii) Receipts of milk from handlers described in §1000.9(c);

(2) Product pounds and pounds of butterfat contained in: