



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

September 1, 2020

**Minor Amendments**  
**To the Marketing Order for Research, Education and Promotion of**  
**Milk and Dairy Products in California**  
**Effective September 15, 2020**

TO ALL CALIFORNIA MILK PRODUCERS:

The California Department of Food and Agriculture (Department), upon the recommendation of the California Milk Advisory Board (CMAB), has approved several minor amendments to the Marketing Order for Research, Education and Promotion of Market Milk and Dairy Products in California (Marketing Order) which will go into effect on September 15, 2020. The revised Marketing Order, incorporating the amended language, can be viewed at the following website: <http://www.cdfa.ca.gov/mkt/mkt/ordslaws.html>. Following is a brief summary of the most noteworthy minor amendments that were made to the Marketing Order.

**Implementation of a 2-Step Mail Nomination and Preference Voting Process**

Previously, the Department received producer nominations for appointment to the CMAB at annual district meetings of producers. Under this method, only those producers who attended the annual district meetings could officially participate in the nomination process. However, going forward, nominations for appointment to the CMAB will be obtained through a 2-step process conducted by mail. First, the Department will solicit self-nominations from producers interested in serving on the CMAB. Following the nomination period, the Department will issue ballots to producers to indicate their preferences among those nominated. The CMAB recommended this change to enable all milk producers to more easily participate in the process of developing the recommended appointments for each district's producer representatives on the CMAB. Please note that this 2-step process will be used for obtaining this year's CMAB producer nominations for appointment. Therefore, in mid-September, the Department will mail self-nomination documents to all producers within districts that have positions on the CMAB with expiring terms. This process will be followed by a preference vote to be conducted by mail in mid-October.

**Elimination of the Assigned Linkage Between Board Members and Alternate Members**

Previously, each CMAB member had an assigned alternate member who had the first opportunity to serve in the place of the member if he or she could not attend a board meeting. However, going forward, when a CMAB member cannot attend a meeting, the absent member will be authorized to designate any alternate member from his or her respective district to be seated in place of him or her at that meeting. Additionally, when a CMAB member position becomes vacant, the CMAB chairman will be authorized to designate any alternate member from the respective district to serve as an interim member until the next annual nomination and preference voting process takes place. The CMAB recommended these changes to provide more flexibility when seating alternate members during board meetings.

**Elimination of Reserve Alternate Positions**

Previously, the Marketing Order provided for 24 producer members, 24 producer alternate members and 24 producer reserve alternates. The reserve alternates were intended to serve when assigned



members and alternate members were unable to attend board meetings. Going forward, there will no longer be any reserve alternate positions. The CMAB recommended the elimination of the reserve alternate positions because individuals appointed to these positions were seldom called upon to attend CMAB meetings and it has become increasingly difficult to fill reserve alternate positions.

#### **Modification of Voting Approval Requirements for Passage of Board Motions**

Previously no action relating to the expenditure of CMAB funds for any program of research, education, or promotion was valid unless it was approved by a two-thirds vote of the members present at a meeting, or by thirteen votes, whichever was greater. Thus, if all twenty-four members of the CMAB were present at a meeting, sixteen affirmative votes were required to approve budgetary actions. Going forward, all but two board actions (minor amendments to the Marketing Order and actions related to selection or dismissal of the CEO) will be valid if approved by a majority of the member present at a meeting, provided there is a quorum of at least thirteen members present. The CMAB recommended this change because it viewed the prior approval criteria to be too restrictive.

#### **Elimination of References to Producer-Handlers**

Previously, the Marketing Order referred to milk producers, milk handlers, and producer-handlers (a vertically integrated operation that both produces and processes milk). Going forward, the Marketing Order will no longer make reference to producer-handlers. The CMAB recommended this change because the mention of producer-handlers incorrectly implied that such entities had special status under the Marketing Order. Whereas, in actuality, producer-handlers are treated just like any other producer under the provisions of Marketing Order that are applicable to producers and are treated just like any other handler under the provisions of Marketing Order that are applicable to handlers. Therefore, it is not necessary to continue using the term of producer-handler within the Marketing Order.

If you have questions regarding these amendments to the Marketing Order or would like to receive a copy of the amendment language, please call Dennis Manderfield of the Department's Marketing Branch at 916-900-5018. If you have questions about the CMAB and its activities, please call John Talbot, CEO of the CMAB, at 650-871-6455.

Sincerely,



Joe Monson, Branch Chief  
Marketing Branch