



August 14, 2020

NOTICE OF PUBLIC HEARING
To Consider the Continuation of the
California Milk Advisory Board (CMAB)
Hearing Date: September 16, 2020

TO ALL INTERESTED PARTIES:

The California Department of Food and Agriculture (Department) has scheduled a public hearing to receive comments from the California milk industry and the general public on whether the Marketing Order for Research, Education and Promotion of Milk and Dairy Products in California (California Milk Advisory Board or CMAB) should be continued. The Department is required to conduct such a hearing every five years to determine if the CMAB is fulfilling the purposes of the California Marketing Act (Chapter 1 of Part 2, Division 21 of the Food and Agricultural Code), under which the CMAB was created. The last public hearing held to consider the continuation of the CMAB was conducted in 2015.

The public hearing is scheduled as follows:

Due to COVID-19 California State public health directives, this hearing will be held online and via teleconference. There will be no physical location for attendees. The public hearing is scheduled for the date and time indicated below. Please use the link provided below to join the hearing via Zoom or the telephone number provided below to join the hearing via teleconference. Please see the instructions attached to this notice for detailed information regarding public participation.

Date and Time	Webinar/Teleconference
<p style="text-align: center;">Wednesday September 16, 2020 Beginning at 10:00 a.m.</p>	<p>Join Zoom Meeting: https://us02web.zoom.us/j/89081843815</p> <p>Telephone: 1-669-900-6833</p> <p>Meeting ID: 890 8184 3815</p> <p>Passcode: 742385</p>



OVERVIEW OF THE CMAB

The CMAB is a State marketing order, operating under the oversight of the Department, engaged in conducting generic promotion, education and research activities on behalf of California milk producers. The CMAB is funded by a mandatory producer assessment on all milk produced in California. The assessment rate is currently \$0.10/cwt. of milk produced, which serves as a credit against the mandatory federal \$0.15/cwt. producer assessment of the National Dairy Promotion and Research Board. The CMAB has a board of directors consisting of 24 producer members and 24 producer alternates, allocated to ten districts across the state. These producers are nominated by the industry and appointed by the Department.

HEARING PROCEDURE AND HEARING PARTICIPATION

All California milk producers and other interested persons are invited to participate in this hearing. During the hearing, a hearing panel from the Department will receive testimony and evidence, both oral and documentary, with respect to relevant matters, specifically including the following:

1. The production, economic, and marketing conditions affecting the California dairy industry and the effect of the CMAB upon such conditions.
2. Whether the CMAB:
 - Tends to effectuate the declared purposes and attain the declared objectives specified in the California Marketing Act (Chapter 1 of Part 2, Division 21 of the Food and Agricultural Code); and
 - Furthers the interests of the residents of the State of California.

Testimony may be provided personally during the hearing or may be submitted in writing prior to the hearing. All written comments submitted to the Department's Marketing Branch by 5 p.m. on Friday, September 11, 2020 will be accepted and entered into the hearing record. The table below indicates the various ways by which hearing testimony may be provided.

Ways to Provide Testimony	
Orally	Testify live during the hearing on September 16, 2020
By Mail	<u>Mail Testimony to:</u> Dennis Manderfield CDFA Marketing Branch 1220 N Street Sacramento, CA 95814-5603 <i>(must be received by 5 p.m. on Friday, September 11, 2020)</i>
By E-mail	<u>E-mail testimony to:</u> dennis.manderfield@cdfa.ca.gov <i>(must be received by 5 p.m. on Friday, September 11, 2020)</i>

PREPARATION OF HEARING TESTIMONY

Those who support the continuation of the CMAB should provide testimony that substantiates why they believe the CMAB should be continued. Supporters should explain how the activities of the CMAB aid the milk industry. Conversely, those who have concerns about the continuation of the CMAB should provide testimony that substantiates their concerns. Those with concerns should explain how the activities of the CMAB may not be aiding the industry.

Following are some relevant questions that hearing witnesses may wish to consider in preparing their testimony. In answering these questions, witnesses should try to provide the rationale behind their opinions and provide examples substantiating their views.

- What have been the most significant accomplishments or deficiencies of the CMAB over the past five years?
- Has the producer assessment to fund the CMAB proven to be a cost-effective investment for California milk producers?
- Currently, the \$0.10/cwt. producer assessment to fund the CMAB serves as a credit against the mandatory federal \$0.15/cwt. assessment for the National Dairy Promotion and Research Board. Is the California dairy industry well served by this current arrangement or would the California dairy industry be better served by having no state program with the full \$0.15/cwt. going to the national program?
- Have the activities of the CMAB helped create and reinforce demand for the consumption of California dairy products?
- Has the CMAB modified its activities over time to ensure the program stays current, relevant and effective?
- Has the CMAB effectively monitored and addressed important marketing issues facing the dairy industry?
- Has the CMAB effectively monitored and addressed important research issues facing the dairy industry?
- What problems, if any, would the California dairy industry face in the absence of the CMAB?
- Are there ways that the operation of the CMAB could be improved?

- What are the problems and opportunities facing the California milk industry in the next five years? Are there activities that the CMAB can and/or should undertake to help the industry address these problems and opportunities?
- Do the activities of the CMAB benefit the general public?

STEPS SUBSEQUENT TO THE HEARING

The hearing transcript, written comments and submitted exhibits will be combined to form the official hearing record, which will be considered by the Department in determining whether the CMAB will be authorized to continue. If the hearing record demonstrates that the CMAB is fulfilling the declared purposes of the Act, the Department may authorize the CMAB to operate for another five years without the need for an industry referendum. However, if the Department finds from the hearing record that a substantial question exists as to whether the CMAB is fulfilling the declared purposes of the Act, it will conduct a vote of affected milk producers to determine if the CMAB should be continued.

IF YOU HAVE QUESTIONS

Once again, all interested persons are invited to provide oral or written testimony for the hearing record. If you have questions about this hearing, please contact Dennis Manderfield of the Department's marketing Branch at 916-900-5018. If you have questions about the activities of the CMAB, please call John Talbot, CEO of the CMAB, at 209-883-6455.

Sincerely,



Joe Monson, Branch Chief
Marketing Branch

Attachment

INSTRUCTIONS FOR PARTICIPATING IN THE CMAB CONTINUATION HEARING HELD ON SEPTEMBER 16, 2020 VIA WEBINAR AND TELECONFERENCE

During the COVID-19 pandemic, the California Department of Food and Agriculture (Department) is conducting business remotely as we comply with State of California directives and orders for social distancing to mitigate the effects of this serious public health crisis. The Department is committed to ensuring that this hearing to consider the continuation of the California Milk Advisory Board (CMAB) is accessible to the public and that all interested parties have the opportunity to observe and participate in the hearing by providing written and oral comments pertinent to the call of the hearing. During this extraordinary time, and as we explore new ways of doing business and new technologies, we ask that you remain patient with us. We encourage you to contact us directly for technical support ahead of the scheduled hearing to ensure you can fully participate.

The instructions below provide additional information on how to join the hearing, how to provide testimony and evidence for the hearing, and the process used during the hearing. To access an electronic copy of the hearing notice and these instructions with embedded hyperlinks, please visit our website www.cdffa.ca.gov/mkt/mkt and click on "Marketing Branch Hearings".

How to Join the Hearing

You can join the hearing from a desktop computer, mobile device, or telephone.

1. **To join the hearing via webinar (with audio and video):**
 - a. Enter the following Zoom link in your web browser:
<https://us02web.zoom.us/j/89081843815>.
 - b. When prompted, provide the following **Passcode: 742385**
 - c. When prompted, provide your name and email address to be placed in the meeting. You will automatically be muted when joining as an attendee.
 - d. We recommend that you test out your device, internet connection, and Zoom app compatibility well before attempting to join the meeting. To learn more about Joining a Zoom Meeting by visiting the webpage:
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

2. **To join the hearing via teleconference only:**
 - a. Dial 1-669-900-6833.
 - b. When prompted, provide the following **Meeting ID: 890 8184 3815**
 - c. When prompted, provide the following **Passcode: 742385**
 - d. Your line will automatically be muted when joining as an attendee.

How to Provide Testimony and Evidence for this Hearing

Testimony for this hearing may be provided by three different means as outlined below.

1. **Mail testimony prior to the hearing.** *(must be received by 5 p.m. on Friday, September 11, 2020)*
Mail to: Dennis Manderfield
CDFA Marketing Branch
1220 N Street
Sacramento, CA 95814-5603

2. **Email testimony prior to the hearing.** *(must be received by 5 p.m. on Friday, September 11, 2020)*

Email to: dennis.manderfield@cdfa.ca.gov

3. **Provide verbal testimony during the hearing.**

You may join the hearing on September 16, 2020 using one of the two electronic options described above. If you desire, you will have the opportunity to provide testimony according to the process described below. Additionally, if you testify during the hearing and would like to submit an exhibit to support your testimony, you may do so by emailing the document to the Hearing Officer for this hearing, Mike Francesconi at: mike.francesconi@cdfa.ca.gov following your testimony. Witnesses providing verbal testimony may be questioned by members of the hearing panel.

Process to be Used During the Hearing

1. At the beginning of the hearing, the Hearing Officer will determine the order for calling on participants. Participants will be giving their testimony via video or telephone depending on how they've chosen to participate. Participants will be sworn in by the Hearing Officer and will be asked to identify themselves by name and affiliation.
2. If you plan to participate, you will need to "Raise your hand" during the Zoom meeting. If you are calling into the meeting from a telephone, you can use "Star (*) 9" to raise/ lower your hand.
3. Once your hand is raised and it is your turn to speak, the Hearing Officer or the meeting facilitator will unmute you and announce your name. You will then be able to provide verbal testimony for this hearing. Depending on how you are participating in this hearing, you may also need to unmute yourself.
4. A participant's time allotment in providing hearing testimony is at the discretion of the Hearing Officer and is dependent on the total number of participants – typically, each witness is allotted 20 minutes to provide verbal testimony. If the testimony you are providing verbally is in written form, it is recommended, though not required, that you submit your testimony in writing before the start of the hearing so it can be distributed to the hearing panel members. After your testimony, and following any questions from the hearing panel members, the Hearing Officer will place you back on "mute".