



DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

RIN 0560-AI66

[Docket No. FSA-2024-0001]

Dairy Margin Coverage Production History Adjustment and Program Extension; Correction

AGENCY: Commodity Credit Corporation (CCC) and Farm Service Agency (FSA),
Department of Agriculture (USDA).

ACTION: Final rule; technical correction.

SUMMARY: CCC and FSA are making a technical correction to the Dairy Margin Coverage (DMC) regulations published on February 27, 2024. The technical correction will apply to the 2024 DMC coverage election period to allow dairy operations that dissolved prior to or during the 2024 DMC coverage election period the opportunity to enroll in 2024 DMC for the days they marketed milk in the 2024 calendar year.

DATES: *Effective:* [Insert date of publication in the *FEDERAL REGISTER*].

Application deadline for dissolved dairies to apply for DMC: [Insert date 14 days after date of publication in the *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Douglas Kilgore; telephone: (717) 887-0963; email: douglas.e.kilgore@usda.gov. Individuals who require alternative means of communication should contact the USDA TARGET Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Correction

FSA announced changes made to DMC in a final rule on February 27, 2024 (89 FR 14372-14376). FSA inadvertently omitted a modification in 7 CFR 1430.403 to allow dairy operations that dissolved in the 2024 calendar year prior to or during the 2024 DMC coverage election period, the opportunity to enroll in 2024 DMC for the days the dairy operations were still in business and commercially marketing milk.

This technical correction amends the DMC regulation in 7 CFR 1430.403(a)(1) by inserting “and 2024” to address the unintentional exclusion of dairy operations that dissolved and stopped commercially marketing milk in the 2024 calendar year at any time before or during the DMC 2024 enrollment period that began on February 2, 2024, and ends on April 29, 2024.

Under the February 27, 2024, final rule, to be approved for enrollment in DMC, participating dairy operations must certify that they are commercially marketing milk at the time of application for DMC. Most DMC annual enrollment periods occur before the start of the coverage year. However, DMC changes authorized by the Further Continuing Appropriations and Other Extensions Act, 2024 (Pub. L. 118-22) required that a regulatory amendment to DMC be published before the coverage election period for 2024 could begin. As a result, some dairy operations that were marketing milk early in 2024, but then dissolved, were not eligible for 2024 DMC for the days they marketed milk in 2024.

The technical correction to the rule is consistent with how dissolved dairy operations were treated during coverage election periods that did not begin before the start of the applicable DMC coverage year in the past. For example, in 2019, when the 2019 DMC coverage election period was delayed until mid-year, provisions were provided in the rule to allow dairy operations that dissolved in the 2019 calendar year prior to or during the 2019 coverage election period the opportunity to enroll in 2019 DMC and receive benefits for the days they were commercially marketing milk. This

technical correction provides dissolved dairy operations the opportunity to enroll in 2024 DMC under provisions consistent with 2019 DMC implementation. This is also consistent with the Congressional intention that DMC be available to eligible dairy operations as of the start of the 2024 calendar year, as illustrated by section 102(g) of Title I of Division B of the Further Continuing Appropriations and Other Extensions Act, 2024, which provides for the extension of DMC, among other provisions, to be effective as of September 30, 2023.

To enroll, you must send your application for 2024 DMC to the administrative county FSA office serving the dairy operation. Participating dairy operations that dissolved in the 2024 calendar year prior to or during the 2024 DMC coverage election period may apply for DMC. The deadline for dissolved dairies to apply for DMC is **[Insert date 14 days after date of publication in the *FEDERAL REGISTER*]**. This application is to enroll in 2024 DMC for the days the dissolved dairy operation was still in business and commercially marketing milk.

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List of Subjects in 7 CFR Part 1430

Dairy products, Fraud, Penalties, Price support programs, Reporting and recordkeeping requirements.

For the reasons discussed above, CCC amends 7 CFR part 1430 as follows:

PART 1430 – DAIRY PRODUCTS

1. The authority citation for part 1430 continues to read as follows:

Authority: 7 U.S.C. 9051-9060 and 9071 and 15 U.S.C. 714b and 714c.

Subpart D—Dairy Margin Coverage Program

§ 1430.403 [Amended]

2. In § 1430.403, amend paragraph (a)(1) by removing the year “2019” and adding “2019 and 2024” in its place.

Zach Ducheneaux,
Administrator,
Farm Service Agency, and
Executive Vice President, Commodity Credit Corporation.
[FR Doc. 2024-10162 Filed: 5/8/2024 8:45 am; Publication Date: 5/9/2024]