



Request for Referendum on the Pork Promotion, Research, and Consumer Information Order

Q&A

1. How was the Pork Checkoff program established?

The Pork Promotion, Research, and Consumer Information Order was authorized by the Pork Promotion, Research, and Consumer Information Act of 1985 [7 U.S.C. 4801-4819]. The Act was passed as part of the 1985 Farm Bill. The Pork Checkoff Program became effective September 5, 1986, and assessments began November 1, 1986.

2. Who administers the program?

The 15-member National Pork Board administers the day to day operations of the Pork Checkoff Program. The Board's office is located in Des Moines, Iowa.

3. What is the Department of Agriculture's (USDA) role in the program?

USDA has 2 basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparing and publishing in FR the rules and regulations, referendum rules, and other required documents. The second role is to oversee the Pork Checkoff Program's activities conducted by the Board to ensure that the Board complies with the law.

4. What is a Request for Referendum?

The Request for Referendum is being conducted as a result of a settlement of a lawsuit entered into February 28, 2001, with USDA and the Michigan Pork Producers Association, Inc., et al. Under the settlement agreement, USDA agreed to conduct a Request for Referendum among eligible pork producers and importers to determine whether producers and importers favor holding a referendum on the Pork Checkoff Program. If the Request for Referendum indicates that 15 percent of the total number of eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a

referendum will **not** be conducted. Participation is voluntary, and only individuals who desire a referendum on the Pork Checkoff Program should participate.

5. Where and when will the Request for Referendum be conducted?

The Request for Referendum will be conducted at County Offices. Individual producers and authorized entity representatives may participate between **December 8, 2008, through January 2, 2009**, at the County Office at which their administrative farm records are maintained. Producers that do **not** participate in FSA programs and do **not** have a County Office at which their records are maintained, may cast a ballot at the County Office serving the county where the land is located on which the hogs and pigs were produced. Importers will participate by obtaining LS-54-1 by mail, FAX, or telephone from Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW, Washington, DC 20250-0251; Telephone: 202-720-1115; FAX: 202-720-1125; by e-mail at kenneth.payne@usda.gov; or by the Internet at <http://www.ams.usda.gov/LSMarketingPrograms>

Completed LS 54-1, Customs Form 7501, and supporting documentation, as needed, **must** be returned to AMS by FAX at 202-720-1125, or in person no later than the last day of the Request for Referendum period or, if returned by mail, they **must** be postmarked by the last day of the Request for Referendum period. Importers **must** use an express mail service if returning LS 54-1, Customs Form 7501, and supporting documentation by mail to Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW, Washington, DC 20250-0251, telephone: 202-720-1115.

6. Who will participate in the Request for Referendum?

Only persons who favor a referendum on the Pork Checkoff Program. Persons who do **not** desire a referendum on the Pork Checkoff Program would **not** participate in the Request for Referendum. Participating in the Request for Referendum is voluntary.

7. Who is “eligible”?

Producers and importers **must** have been

- engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007
- at least 18 years of age on or before December 31, 2007.

AMS has determined that contract growers, who do **not** own, but do raise, provide care, and feed hogs and pigs for owner, including a parent company, will be allowed to participate in the Request for Referendum. Contract growers will be required to provide their grower contract or cancelled check as proof of eligibility. Each person engaged in the production or importation of hogs, pigs, pork, or pork products **must** provide evidence; such as sales receipts, feed bills, veterinary bills, copies of grower contracts, and cancelled check or proof of payment where applicable, etc., or remittance form, showing that they or the entity they represent engaged in the production of hogs or pigs or importation of hogs, pigs, pork, or pork products between January 1, 2007, through December 31, 2007, to be eligible to participate in the Request for Referendum. Importers should provide Customs Form 7501 or some other type of documentation.

8. Can a spouse, child, or partner participate in the Request for Referendum?

A group of individuals (such as members of a family, joint tenants, tenants’ in common, a partnership, or owners of community property) is considered a producer entity and is entitled to a participate 1 time. Individual members of a group such as a spouse, child, partner, sibling, shareholder, etc. are eligible to participate as an individual if they produced and marketed animals as individuals during the representative period: January 1, 2007, through December 31, 2007.

9. Can a farm manager or other representative with power of attorney participate in the Request for Referendum?

A farm manager or other representative may participate for a producer entity for which they have a power of attorney, provided the entity meets **all** of the eligibility criteria. Participation by power of attorney or proxy for an individual is **not** authorized.

10. How is the outcome of the Request for Referendum determined?

If the Request for Referendum indicates that 15 percent, or 10,417, of the 69,446 eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted.

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