

# MilkPEP

Milk Processor Education Program

November 7, 2011

Office of Government Ethics  
1201 New York Avenue NW, Suite 500  
Washington DC 2005-3917  
Attention: Richard M. Thomas, Associate General Counsel

Proposed Amendments to 5 CFR Part 2635

Dear Mr. Thomas,

It has been brought to my attention that the Office of Government Ethics plans to make some changes to the rules that govern the way in which various government employees do their jobs. You have explained the changes that you plan to make in the Proposed Rule published in the Federal Register on 13 September 2011 under Regulation Identifier Number 3209-AA04. In this same document you suggest that you would be happy to receive written comments about your planned changes. I am therefore writing this letter with my comments although I must say that I would really like the chance to stop by your office and chat in person about your planned changes since your office seems to be so handily close to mine.

I would therefore also like to request an in person meeting as soon as possible. I am sure as an alternative you would enjoy stopping by my office where you can see all the great MilkPEP "milk mustache" print advertising that we have done over the years. This would give me an even better chance to explain why many of the changes that you plan do not seem like a good idea to me.

Here are my thoughts on the matter:

1. The Milk Processor Education Program (MilkPEP), of which I am CEO, pays a large sum every year to the US Department of Agriculture (USDA) to have various employees of USDA oversee the work that we do. Thus effectively every minute of their working day, or week or year is paid for by MilkPEP and not by the US taxpayer. Thus it seems to me that MilkPEP should determine if a USDA employee who needs to properly oversee our program should attend a certain dairy industry gathering or not. This determination should not be made by some apparently arbitrary rule that cannot distinguish between the importance of a Cultured Milk Symposium or an International Dairy Federation Standing Committee of Marketing meeting.
2. If I understand your proposal correctly, if implemented USDA employees would not be able to attend many of the meetings where MilkPEP presents the results of market research, the details of advertising and promotion activities for the upcoming year or the outcome of tests we might be running. MilkPEP often chooses these various well-attended industry events to present work to the fluid milk industry because milk company employees often do not have the travel budget in their own P&L to attend several meetings or events. We save the milk companies money (and hopefully help the environment) by reducing the need to go to multiple meetings by scheduling our meetings around these existing events. It would be wasteful of resources not to let the USDA folks also attend such widely attended gatherings. In fact part of our future plans include MilkPEP participating in and presenting to even more widely attended gatherings such as broader

food industry meetings, conferences attended by medical professionals and meetings of athletic coaches. These specific plans have been approved by our Board and will be an integral part of our future strategy. The rule changes that you have in mind will prevent the USDA employees who oversee our program (who we pay for) from fully meeting their obligation to oversee our work. This makes no sense to me.

3. While it may not be true of every "checkoff" program there are some people in the USA who do not think that MilkPEP should exist. If your proposal were to be executed then there would be further reasons for those who doubt the benefits of our program to argue that USDA employees do not do an adequate job of overseeing our activities because they do not attend events and meetings where we participate. It seems unreasonable to me that our program be disadvantaged in this way in the eyes of those who already criticize our work.
4. Last but not least is the question of USDA employees not being allowed to attend social functions as part of their work overseeing MilkPEP. I must suggest that this seems completely impractical to monitor and should be eliminated from your plans. Who exactly will determine if a MilkPEP committee meeting taking place at a widely attended event that includes a table with milk (provided free of charge by the local milk processor at our meetings) and maybe some cookies constitutes a social event? Also while it is not exactly my area of expertise, I understand that the Annual Easter Egg roll at The White House is orchestrated with help from both industry associations and the Egg "checkoff". Does this mean no member of the White House staff will be allowed to roll Easter eggs since the event will be deemed as a social event?

In finishing, I would like to make my request that the MilkPEP program and other similar programs that have oversight from the USDA be excluded from your proposals and cordially suggest that an in person meeting would be very helpful for you and your staff to gain a more detailed appreciation of why your proposals do not make sense.

Yours sincerely,



Vivien P. Godfrey  
CEO