

**COMMONWEALTH OF PENNSYLVANIA**  
Pennsylvania Milk Marketing Board

**In the Matter of: May 7, 2025 Over-Order Premium Hearing**

**Rebuttal Witness and Exhibit List**

The Pennsylvania Association of Milk Dealers (PAMD), by and through Baker, Donelson, Bearman, Caldwell & Berkowitz, will participate in the above hearing by cross-examining witnesses and is expected to call Craig Marburger, who is expected to testify on behalf of Marburger Farm Dairy and the Pennsylvania Association of Milk Dealers (PAMD) in support of the Grange's proposal to maintain the Over Order Premium at \$1.00.

Mr. Marburger is expected to describe his business and explain how the Over Order Premium is an important tool that he uses to incentivize his dairy farmer suppliers to take on the risks and demands associated with supplying a proprietary fluid milk plant. He is expected to discuss the difficulties plants like Marburger face in managing surplus milk and discuss how it requires a partnership with their producers that works largely because of the Over Order Premium. He is expected to discuss the demands associated with achieving extended shelf life under PA's regulations. He is also expected to discuss sanitation ratings published by the Food & Drug Administration IMS List Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers, Branch 1 (Pennsylvania (42)) in order to give context to the demands that Marburger and other Pennsylvania fluid milk plants place on their producers, which is available at <https://www.cfsanappsexternal.fda.gov/scripts/ims/mkex/ims/imssl-br1.cfm?state=PA>.

Mr. Marburger is also expected to describe the requirements and logistics of the Over Order Premium in the context of Marburger Dairy. Mr. Marburger is expected to discuss how FMMO's, now and in the near future due to changes planned June 1 and Dec 1, 2025, require Class I plants to subsidize producers shipping to manufacturing plants. He is expected to make some observations about how Pennsylvania plants are helped by having the Over Order Premium as a tool that counters some of the negative aspects of FMMOs with respect to fluid milk plants. He is expected to compare and contrast the situations facing out of state fluid plants versus Pennsylvania fluid plants and discuss how the retail and wholesale markets have become more consolidated and more competitive making it difficult to preserve margins absent a tool like the Over Order Premium that is set up in a way that it can be recovered. He is expected to discuss the importance of maintaining family-owned and small independent fluid milk processors to serve niche markets such as the school milk business and that the Over Order Premium is a key tool in doing this.

Mr. Marburger is expected to discuss the pressures in the market from ongoing retail consolidation and the difficulties smaller proprietary plants have in competing as more fluid milk plants are able to manage costs internally such as cooperative-owned and vertically integrated plants. He is expected to explain the benefits of maintaining a diverse and healthy fluid milk processing sector in Pennsylvania that go beyond producers supplying these plants. Mr. Marburger is also expected to discuss why \$1.00 is an acceptable level to Marburger and PAMD.

Respectfully submitted,

/s/ Wendy Yoviene

Wendy M. Yoviene