



LOCAL BUSINESS

Local dairyman sues the federal government — again

BY JOYCE LOBECK, SUN STAFF WRITER

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Hein Hettinga, a Yuma-area dairyman, says all he's doing is keeping the price of milk down.

But he has to fight the federal government to do it.

Hettinga has filed a lawsuit against the federal government protesting a law passed last spring by Congress that requires him to conform to federal milk marketing regulations.

"I had to do it," he said of his lawsuit filed recently in the U.S. District Court for the District of Columbia. "I felt I was wronged. I'm crying foul."

Hettinga is one of only a handful of dairymen in the United States who also process the milk their cows produce — a "producer-handler." Traditionally, such independent producer-handlers have been exempt from federal regulations.

However, because Hettinga's operation exceeds monthly sales of 3 million pounds of milk, dairy cooperatives in Arizona and other states have argued that he presents an unfair advantage. Dairy cooperatives process and market milk produced by member dairies under federal regulations.

"I'm a real problem," Hettinga said. "I keep the price down. If I wasn't here, they (the co-ops) could charge 20 cents a gallon more."

He said the major processing companies are pushing the small independent producer-handlers out of business around the country. "The big ones are eating the little ones and raising prices."

Hettinga is determined not to be eaten. It's a fight he's been fighting for years, both in Congress and in the courts.

The latest blow against him came March 28, when the U.S. House of Representatives voted for the Milk Regulatory Equity Act, which already had been approved by the Senate.

In testimony in the House filmed by C-SPAN, lawmakers made several references to a "dairyman in Yuma, Ariz.," and even mentioned Sarah Farms by name as the target for the legislation.

As a result of the law, Hettinga now is subject to the marketing regulations and having to pay into the Arizona dairy co-op even though he receives no benefit from it. "I am sending hundreds of thousands of dollars a month to the government that's given to my competitors," he said.

The House voted on the regulatory bill 12 hours before Hettinga's case was scheduled to appear in court. He was requesting an injunction against a U.S. Department of Agriculture ruling that subjected his operation to the federal regulations.

As a result of the last-minute vote, the judge ruled that Hettinga's court case was no longer valid.

But Hettinga is again turning to the courts.

According to his attorney, Al Ricciardi, the new law is a bill of attainder and is in violation of the U.S. Constitution, which prohibits the government from singling out one individual or group and imposes punishment without a trial.

"We believe passage of the bill specifically is against Sarah Farms (Hettinga's milk-processing company in Yuma) and imposes economic punishment on him," Ricciardi said.

Hettinga said the federal milk marketing regulations have outlived their usefulness and today only serve to support the government bureaucracy created to administer them.

"The government has no business being in the milk pricing and structuring business," he said.

The next step in Hettinga's battle is waiting for the federal government to respond to his complaint, Ricciardi said, adding that he expects to receive that by late November. "We will reply to whatever they say."

Ricciardi said there are a number of cases that set a precedent for Hettinga's claim that the law is unconstitutional.

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