

RULES AND REGULATIONS

Title 7—AGRICULTURE

MILK MARKETING BOARD

[7 PA. CODE CH. 143]

Producer Receipt for Farm Bulk Tank Milk

The Milk Marketing Board (Board) amends § 143.46 (relating to producer receipt for farm bulk tank milk) to read as set forth at 38 Pa.B. 3819 (July 12, 2008) under section 307 of the Milk Marketing Law (law) (31 P. S. § 700j-307).

Notice of proposed rulemaking was published at 38 Pa.B. 3819, with an invitation to submit written comments within 30 days. The Board received no comments during the public comment period. The Senate Committee on Agriculture and Rural Affairs and the House Agriculture and Rural Affairs Committee (Committees) offered no comments, suggestions or objections to the amendment. The Independent Regulatory Review Commission (IRRC) offered no recommendations, comments or objections to the amendment. No changes have been made from the proposed rulemaking to this final-form rulemaking.

In final-form rulemaking, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation."

Purpose

Currently § 143.46 of the Board's regulations requires persons who pick up bulk milk from farms to prepare a bill of lading or a similar document in triplicate, with one copy to be left at the farm at the time of pick-up, another to be retained by the milk hauler and the original to be retained by the purchasing milk dealer or cooperative. The Board has interpreted this regulation to require the use of carbon paper or similar carbonless forms which make three exact copies of the bill of lading at the time it is created. Milk dealers, cooperatives and milk haulers have asked the Board to relax this requirement to allow the use of new technology that will allow them to more efficiently record and retain the required information. The purpose of this amendment is to allow for use of other, more efficient means of preparing the bill of lading for bulk milk picked up from farms, as long as certain information, in a form approved by the Board, is left with the producer at the time the milk is picked up and also retained by the hauler and purchaser.

Comments

The Board received no comments during the public comment period. IRRC and the Committees offered no comments, suggestions or objections to the amendment.

Paperwork Estimates

There will be no additional paperwork requirements due to this amendment. If anything, paperwork requirements may be reduced because the amendment eliminates the requirement of a bill of lading made out in triplicate.

Fiscal Impact

The Board believes that adoption of this amendment will save time and eliminate the need for unnecessary paperwork for milk haulers, milk cooperatives and milk dealers, and thus will have a positive fiscal impact on these businesses.

Effective Date

The amendment will become effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking published at 38 Pa.B. 3819 to IRRC and to the Committees for review and comment.

In addition to submitting the final-form regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request. This material is also available on the Board's web site at www.mmb.state.pa.us.

The amendment was deemed approved by the Committees on November 5, 2008. The amendment was deemed approved by IRRC under section 5(g) of the Regulatory Review Act, effective November 5, 2008.

Contact Person

The official responsible for information on this final-form regulation is Keith Bierly, Secretary, Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4194.

Findings

The Board finds that:

(1) Public notice of the intention to adopt the final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) The final-form rulemaking is necessary and appropriate for the administration of the law.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 7 Pa. Code Chapter 143, are amended by amending § 143.46 to read as set forth at 38 Pa.B. 3819.

(b) The Board will submit this order and 38 Pa.B. 3819 to the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Board shall certify this order and 38 Pa.B. 3819 and deposit them with the Legislative Reference Bureau as required by law.

(d) The order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

RICHARD KRIEBEL,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 6429 (November 22, 2008).)

Fiscal Note: Fiscal Note 47-13 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-71. Filed for public inspection January 16, 2009, 9:00 a.m.]