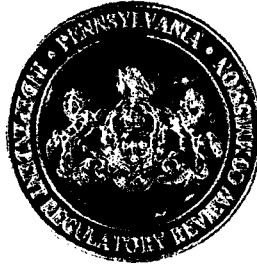


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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 12, 2000

Beverly R. Minor, Chairwoman
Milk Marketing Board
110 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Regulation #47-7 (IRRC #2137)
Milk Marketing Board
Calculation of Bonding Obligation

Dear Chairwoman Minor:

Enclosed are our Comments. They will soon be available on our website at www.irrc.state.pa.us.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director
wbg
Enclosure

cc: Honorable Raymond Bunt, Jr., Majority Chairman, House Agriculture & Rural Affairs Committee
Honorable Italo S. Cappabianca, Democratic Chairman, House Agriculture & Rural Affairs Committee
Honorable Noah W. Wenger, Vice Chairman, Senate Agriculture & Rural Affairs Committee
Honorable Patrick J. Stapleton, Minority Chairman, Senate Agriculture & Rural Affairs Committee
Lynda Bowman
Sharon Grottola

Comments of the Independent Regulatory Review Commission

on

Milk Marketing Board Regulation No. 47-7

Calculation of Bonding Obligation

October 12, 2000

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Pennsylvania Milk Marketing Board (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 11, 2002, the regulation will be deemed withdrawn.

Section 151.9. Calculation of bonding obligation. – Clarity and Lack of ambiguity.

Subsection (a).

Subsection (a) contains a citation to the Act, as well as a quote from the Act. We have three recommendations. First, the Board should include the citation to the Act in its preamble rather than in the text of the regulation. Second, statutory language may be explained, but there is no need to quote it. Finally, for greater clarity and readability, the final-form regulation should be written in the active voice.

Subsections (b)(1) and (b)(2).

Subsection (b)(1) includes the phrase “a purchase subject to minimum pricing fixed by the Board” and Subsection (b)(2) includes the phrase “a purchase not subject to minimum pricing fixed by the Board.” How does a purchase subject to minimum pricing differ from a purchase **not** subject to minimum pricing? The Board should clarify in the final-form regulation the type of purchases included in each category.

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Sharon L. Grottola
Agency: Milk Marketing Board
Phone: 7-4194
Fax: 3-6492
Email: sgrottola@agric.state.pa.us

From: Kristine M. Shomper
Deputy Director for Administration
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-6417
Fax: (717) 783-2664

Date: October 12, 2000
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Milk Marketing Board's regulation #47-7 (#2137). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Sharon L. Grottola Date: 10-12-00