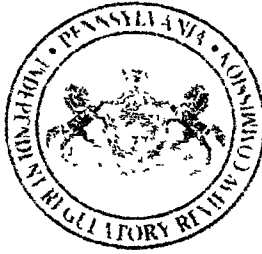


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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

September 10, 2004

Honorable Dennis C. Wolff, Secretary
Department of Agriculture
211 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110

Re: Regulation #2-146 (IRRC #2431)
Department of Agriculture
Amendments to Lifetime Licensure

Dear Secretary Wolff:

In our review of this regulation, we noted a provision that could be clarified. We discussed this item with your staff on September 10, 2004.

Section 21.51(e)(6) references implantation of a microchip by a licensed veterinarian. We suggest that the first sentence in this subsection be revised to eliminate the direct reference to the veterinarian implanting the microchip. Instead, the Department should reference "a person authorized to implant a microchip consistent with the provisions of the Veterinary Medicine Practice Act and the regulations promulgated thereunder at Title 49 of the *Pennsylvania Code*, Chapter 31 (49 Pa. Code § 31.1 *et. seq.*)." This revision would make this subsection consistent with the Department's approach in Sections 21.51(c), 21.51(e)(1) and 21.51(e)(5). It would also provide flexibility if the State Board of Veterinary Medicine, through its regulations, authorizes a person other than a licensed veterinarian to implant microchips.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on October 6, 2004, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

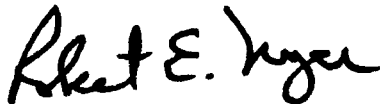
Honorable Dennis C. Wolff, Secretary
September 10, 2004
Page 2 of 2

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on October 7, 2004. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please call me at 783-5506 if you have any questions.

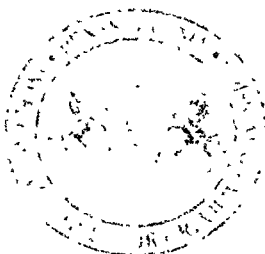
Sincerely,



Robert E. Nyce
Executive Director
evp
Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs Committee
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs Committee
Honorable Mike Waugh, Chairman, Senate Agriculture and Rural Affairs Committee
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs Committee
Robert A. Mulle, Esq., Office of Attorney General
David J. DeVries, Esq., Office of General Counsel
David C. Kennedy, Esq., Assistant Counsel, Department of Agriculture

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

September 24, 2004

Honorable Dennis C. Wolff, Secretary
Department of Agriculture
211 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110

Re: Regulation #2-146 (IRRC #2431)
Department of Agriculture
Amendments to Lifetime Licensure

Dear Secretary Wolff:

The Commission does not object to tolling the time for review of the above regulation.

Pursuant to Sections 5.1(g)(3) and (j.2) of the Act (71 P.S. §§ 745.5a(g)(3) and (j.2)), the Committees will have until October 6, 2004, to complete their review. The Commission will act on this regulation at its public meeting on October 7, 2004.

If you have any questions, please contact me at 783-5506 or bnyce@irrc.state.pa.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Nyce".

Robert E. Nyce
Executive Director

evp

cc: Honorable Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs Committee
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs Committee
Honorable Mike Waugh, Chairman, Senate Agriculture and Rural Affairs Committee
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs Committee
Robert A. Mülle, Esq., Office of Attorney General
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David C. Kennedy, Esq., Assistant Counsel, Department of Agriculture