

Regulatory Analysis Form

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(1) Agency

Department of Agriculture

INDEPENDENT REGULATORY
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

2-154

IRRC Number:

2592

(3) Short Title

Deletion of Outdated Regulations (John's Disease; Certified Apple Program; Fiscal Aid for Stem Rust Control; Quarantine Provisions; Chemsweep Pesticide Disposal Program – Statement of Policy)

(4) PA Code Cite

7 Pa. Code Chapters 11,
Subchapters B and C, 95, 123, 125 and
128a

(5) Agency Contacts & Telephone Numbers

Primary Contact: Dwight-Jared Smith, Asst. Counsel
(717) 787-8744
Secondary Contact: Leo Pandeladis, Chief Counsel
(717) 787-8744

(6) Type of Rulemaking (check one)

- ☐ Proposed Rulemaking
☒ Final Order Adopting Regulation
☐ Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- ☒ No
☐ Yes: By the Attorney General
☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation will rescind outdated and unneeded regulations administered by the Pennsylvania Department of Agriculture (PDA).

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The deletion of provisions in Chapter 11 (relating to John's disease) is authorized under the Domestic Animal Law (3 Pa.C.S.A. §§ 2301 – 2389), at 3 Pa.C.S.A. § 2305.

The deletion of provisions in Chapter 95 (relating to certified apple program) is authorized under the act of April 4, 1929 (P.L. 144, No. 148) (3 P.S. §§ 21 – 33), at 3 P.S. § 30.

The deletion of provisions in Chapter 123 (relating to fiscal aid for stem rust control) is authorized under the act of July 28, 1953 (P.L. 652, No. 193) (3 P.S. §§ 251 – 252), at 3 P.S. § 251.

The deletion of provisions in Chapter 125 (relating to quarantine provisions) is authorized under the Plant Pest Act (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1 – 258.27), at 3 P.S. § 258.3.

The deletion of provisions in Chapter 128a (relating to Chemsweep pesticide disposal program – statement of policy) is authorized under the Pennsylvania Pesticide Control Act of 1973 (act of March 11, 1974, P.L. 90. No. 24) (3 P.S. §§ 111.21 – 111.61), at 3 P.S. § 111.27(b).

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulation will do away with outdated or unnecessary regulatory requirements, and present less of a burden to the regulated communities.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

No such risks are associated with nonregulation.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Owners of cattle and goats, apple producers, the horticultural industry and pesticide users will benefit from the deletion of the various regulatory provisions accomplished by this regulation. Since these benefits will result in a lessening of the likelihood of confusion and a slight lightening of the regulatory burden, and since these benefits are spread across such a wide variety of interests, their value cannot readily be quantified.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No entity will be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The regulation simply deletes outdated or unnecessary regulatory provisions, and does not establish any new compliance requirements.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

None.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

No measurable costs or savings are expected to result from this regulation.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

No such costs or savings are anticipated.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

No such costs or savings are anticipated.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

No such costs or savings are anticipated.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Bureau of Animal Health and Diagnostic Services (Bureau Budget)	\$7.9 million (estimate)	\$7,971,212	\$8,563,712	\$8,563,712
Bureau of Plant Industry (relevant budgetary provision for related programs)	\$200,000	\$200,000	\$200,000	\$0
Bureau of Market Development	\$0	\$0	\$0	\$0

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

No costs are expected to result from the regulations. The expected benefits will be rather intangible, but will certainly outweigh the costs.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The regulation will not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No such special provisions have been developed.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will take effect upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

PDA assesses the need for regulations on an ongoing basis.

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WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

2592.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL _____

☒ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

(AGENCY)
DOCUMENT/FISCAL NOTE NO. 2-154

DATE OF ADOPTION May 1, 2007

BY *Dennis C Wolff*
DENNIS C WOLFF

TITLE
SECRETARY
Pennsylvania Department of Agriculture

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY *Andrew C. Clark*
Andrew C. Clark

DATE OF APPROVAL
MAY 24 2007
(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike Inappropriate title)

☒ Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

Notice of Final-Form Regulation

Title 7 – AGRICULTURE

7 Pa. Code Chapters 11, Subchapters B and C, 95, 123, 125 and 128a

**Johne's Disease; Certified Apple Program;
Fiscal Aid for Stem Rust Control; Quarantine Provisions;
Chemsweep Pesticide Disposal Program – Statement of Policy**

FINAL RULEMAKING

Title 7 – AGRICULTURE DEPARTMENT OF AGRICULTURE [7 PA. CODE CHS. 11, 95, 123, 125 AND 128a] Deletion of Outdated Regulations

The Department of Agriculture (Department) hereby rescinds Chapters 11, Subchapters B and C, 95, 123, 125 and 128a to read as set forth in Annex A. The chapters are deleted because the regulations are outdated or unnecessary.

Statutory Authority

The rescission of Chapter 11, Subchapters B and C (relating to Johne's disease) is authorized under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law), which addresses subjects such as animal health and disease detection and eradication. Under 3 Pa.C.S. § 2305 (relating to keeping and handling of domestic animals), the Department is authorized to regulate as necessary to exclude or contain dangerous transmissible diseases of animals. The rescission of Chapter 11 is driven by new testing and procedures that obviate the need for these provisions. In addition, 3 Pa.C.S. Chapter 23 affords the Department adequate authority to quickly impose a quarantine to deal with any problems related to the presence of Johne's disease in an animal.

The rescission of Chapter 95 (relating to certified apple program) is authorized under the act of April 4, 1929 (P. L. 144, No. 148) (Act 148) (3 P. S. §§ 21--33), which addresses standards for farm products. Section 10 of Act 148 (3 P. S. § 30) authorizes the Department to regulate as necessary to carry out the provisions of that statute. Chapter 95 has long been obsolete, as the apple industry has moved on to other quality assurance standards and programs.

The rescission of Chapter 123 (relating to fiscal aid for stem rust control) is authorized under the act of July 28, 1953 (P. L. 652, No. 193) (Act 193) (3 P. S. §§ 251 and 252), which addresses barberry bushes and stem rust disease. Section 1 of Act 193 (3 P. S. § 251) authorizes the Department to regulate a program to reimburse counties for expenses relating to the eradication of rust from barberry bushes and stem rust disease in certain other plant species. The rescission of Chapter 123 is driven by the fact that the fiscal aid that had once been available for stem rust control has long been gone.

The rescission of Chapter 125 (relating to quarantine provisions) is authorized under the Plant Pest Act (3 P. S. §§ 258.1--258.27), which addresses plant diseases. Section 3 of the Plant Pest Act (3 P. S. § 258.3) authorizes the Department to regulate as necessary to carry out the provisions of the Plant Pest Act. The various plant pest quarantines addressed in Chapter 125 are no longer necessary; and the Department retains the ability to quickly address the presence of any plant pests by use of the quarantine authority provided it under the Plant Pest Act.

Although Chapter 128a (relating to CHEMSWEEP Pesticide Disposal Program--statement of policy) is a statement of policy, rather than a regulation, and could be rescinded without going through the formal regulatory promulgation process, the Department has included the rescission of this statement of policy in this final order. Chapter 128a is authorized under the Pennsylvania Pesticide Control Act of 1973 (act) (3 P. S. §§ 111.21--111.61), which addresses pesticide use and disposal. Section 7(b) of the act (3 P. S. § 111.27(b)) authorizes the Department to regulate as necessary to carry out the provisions of the act. The rescission of Chapter 128a is driven by the fact that this chapter has been entirely supplanted by the subsequent regulation at Chapter 128b (relating to Chemsweep Pesticide Disposal Program).

Purpose of the Final-Form Rulemaking

The final-form rulemaking rescinds outdated or unneeded regulatory provisions that are currently administered and enforced by the Department.

Comments and Responses

A notice of proposed rulemaking was published at 37 *Pennsylvania Bulletin* 951 (February 24, 2007), affording the public, the Legislature and the Independent Regulatory Review Commission (IRRC) the opportunity to offer comments. No objections, comments or recommendations were offered.

Fiscal Impact

Commonwealth--The final-form rulemaking imposes no costs and has no fiscal impact on the Commonwealth.

Political subdivisions--The final-form rulemaking imposes no costs and has no fiscal impact upon political subdivisions.

Private sector--The final-form rulemaking imposes no costs and has no fiscal impact on the private sector.

General public--The final-form rulemaking imposes no costs and has no fiscal impact on the general public.

Paperwork Requirements

The final-form rulemaking will not impact upon the paperwork generated by the Department or the regulated communities.

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Individuals who need information about the final-form rulemaking should contact Angela M. Black, Pennsylvania Department of Agriculture, Legal Office, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 13, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 951, to the IRRC and the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment.

Under section 5(c) of the Regulatory Review Act, although the Department was required to provide IRRC and the Committees with copies of any comments received during the public comment period, no such comments were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on _____, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2007, and the final-form rulemaking was approved/deemed approved on that date.

Findings

The Department finds that:

(1) Public notice of intention to adopt this final-form rulemaking has been 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law; and no comments were received were considered.

(3) No amendments were made to this final-form rulemaking, as no comments were offered with respect to the proposal published at 37 Pa.B. 951.

(4) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statutes, orders the following:

(1) The following regulations of the Department at 7 Pa. Code are hereby rescinded, to read as set forth in Annex A:

- (a) Chapters 11, Subchapters B and C
- (b) Chapter 95
- (c) Chapter 123
- (d) Chapter 125

(2) The statement of policy of the Department at 7 Pa. Code Chapter 128a is hereby rescinded, to read as set forth in Annex A.

(3) The Secretary of Agriculture shall submit this order, 37 Pa.B. 951 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(4) The Secretary of Agriculture shall certify and deposit this order, 37 Pa.B. 951 and Annex A with the Legislative Reference Bureau as required by law.

(5) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DENNIS C WOLFF, Secretary

Annex A

TITLE 7. AGRICULTURE

PART I. BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES

CHAPTER 11. JOHNE'S DISEASE

Subchapter B. (Reserved)

§§ 11.11--11.18. (Reserved).

Subchapter C. (Reserved)

§ 11.21. (Reserved).

§ 11.22. (Reserved).

PART IV. BUREAU OF MARKET DEVELOPMENT

CHAPTER 95. (Reserved)

§§ 95.1--95.7. (Reserved).

PART V. BUREAU OF PLANT INDUSTRY

CHAPTER 123. (Reserved)

§§ 123.1--123.6. (Reserved).

CHAPTER 125. (Reserved)

Subchapter A. (Reserved)

§§ 125.1--125.8. (Reserved).

§ 125.11. (Reserved).

§ 125.12. (Reserved).

§§ 125.21--125.25. (Reserved).

§§ 125.31--125.33. (Reserved).

Subchapter B. (Reserved)

§§ 125.41--125.47. (Reserved).

Subchapter C. (Reserved)

§§ 125.51--125.56. (Reserved).

Subchapter D. (Reserved)

§§ 125.61--125.65. (Reserved).

§§ 125.71--125.78. (Reserved).

Subchapter F. (Reserved)

§§ 125.131--125.137. (Reserved).

CHAPTER 128a. (Reserved)

§§ 128a.1--128a.18. (Reserved).

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 11, 95, 123, 125 AND 128a]

Deletion of Outdated Regulations

The Department of Agriculture (Department) proposes to rescind Chapters 11, Subchapters B and C, 95, 123, 125 and 128a to read as set forth in Annex A. The chapters are deleted because the regulations are outdated or unnecessary.

Statutory Authority

The proposed rescission of Chapter 11, Subchapters B and C (relating to John's disease) is authorized under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law), which addresses subjects such as animal health and disease detection and eradication. Under 3 Pa.C.S. § 2305 (relating to keeping and handling of domestic animals), the Department is authorized to regulate as necessary to exclude or contain dangerous transmissible diseases of animals.

The proposed rescission of Chapter 95 (relating to certified apple program) is authorized under the act of April 4, 1929 (P.L. 144, No. 148) (Act 148) (3 P.S. §§ 21—33), which addresses standards for farm products. Section 10 of Act 148 (3 P.S. § 30) authorizes the Department to regulate as necessary to carry out the provisions of that statute.

The proposed rescission of Chapter 123 (relating to fiscal aid for stem rust control) is authorized under the act of July 28, 1953 (P.L. 652, No. 193) (Act 193) (3 P.S. §§ 251 and 252), which addresses barberry bushes and stem rust disease. Section 1 of Act 193 (3 P.S. § 251) authorizes the Department to regulate a program to reimburse counties for expenses relating to the eradication of rust from barberry bushes and stem rust disease in certain other plant species.

The proposed rescission of Chapter 125 (relating to quarantine provisions) is authorized under the Plant Pest Act (3 P.S. §§ 258.1—258.27), which addresses plant diseases. Section 3 of the Plant Pest Act (3 P.S. § 258.3) authorizes the Department to regulate as necessary to carry out the provisions of the Plant Pest Act.

Although Chapter 128a (relating to CHEMSWEEP Pesticide Disposal Program—statement of policy) could be rescinded without going through the formal regulatory promulgation process, the Department references its intention to rescind this statement of policy in this proposed rulemaking, will consider comments offered on this subject as this document proceeds through the promulgation process and proposes to rescind this statement of policy in the same final order that rescinds the regulatory provisions described previously. Chapter 128a is authorized under the Pennsylvania Pesticide Control Act of 1973 (act) (3 P.S. §§ 111.21—111.61), which addresses pesticide use and disposal. Section 7(b) of the act (3 P.S. § 111.27(b)) authorizes the Department to regulate as necessary to carry out the provisions of the act.

Purpose

The proposed rulemaking rescinds outdated or unneeded regulatory provisions that are currently administered and enforced by the Department.

Background

The Department administers and enforces regulations addressing a wide range of statutory subjects. The need for some of these regulations has ended, whether due to changes in the authorizing statutes, subsequent regulations, changes in the regulated industries, technological advances or other factors.

The proposed rescission of Chapter 11 is driven by new testing and procedures that obviate the need for these provisions. In addition, 3 Pa.C.S. Chapter 23 affords the Department adequate authority to quickly impose a quarantine to deal with any problems regarding the presence of John's disease in an animal.

The Certified Apple Program addressed in Chapter 95 has long been obsolete, as the apple industry has moved on to other quality assurance standards and programs.

Chapter 123 is proposed for rescission because the fiscal aid that had once been available for stem rust control has long been gone.

The various plant pest quarantines addressed in Chapter 125 are no longer necessary. The Department retains the ability to quickly address the presence of any plant pests by use of the quarantine authority provided it under the Plant Pest Act.

The proposed rescission of the statement of policy in Chapter 128a is driven by the fact that this document has been entirely supplanted by Chapter 128b (relating to CHEMSWEEP Pesticide Disposal Program).

Need for Proposed Rulemaking

The proposed rulemaking is necessary to remove outdated and unnecessary regulatory provisions.

The Department is satisfied there are no reasonable alternatives to proceeding with the proposed rulemaking.

Overview of the Major Provisions of the Proposed Rulemaking

The proposed rulemaking accomplishes a straightforward deletion of outdated or unnecessary regulations.

Affected Individuals and Organizations

The proposed rulemaking would have no adverse impact on the various regulated communities.

The deletion of the outdated or unnecessary provisions addressed in the proposed rulemaking would likely help avoid confusion in the regulated communities.

Fiscal Impact

Commonwealth—The proposed rulemaking would impose no costs and have no fiscal impact on the Commonwealth.

Political subdivisions—The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

Private sector—The proposed rulemaking would impose no costs and have no fiscal impact on the private sector.

General public—The proposed rulemaking would impose no costs and have no fiscal impact on the general public.

Paperwork Requirements

The proposed rulemaking is not likely to impact upon the paperwork generated by the Department or the regulated communities.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date for the proposed rulemaking.

Public Comment Period/Contact Person

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin* to the Department of Agriculture, Legal Office, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Angela M. Black.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 13, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

DENNIS C WOLFF,
Secretary

Fiscal Note: 2-154. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 7. AGRICULTURE****PART I. BUREAU OF ANIMAL HEALTH AND
DIAGNOSTIC SERVICES****CHAPTER 11. JOHNE'S DISEASE****Subchapter B. (Reserved)**

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 11.11—11.18, which appears in 7 Pa. Code pages 11-4—11-6, serial pages (276652) to (276654).)

§§ 11.11—11.18. (Reserved).

Subchapter C. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 11.21 and 11.22, which appears in 7 Pa. Code pages 11-6—11-7, serial pages (276654) to (276655).)

§ 11.21. (Reserved).

§ 11.22. (Reserved).

PART IV. BUREAU OF MARKET DEVELOPMENT**CHAPTER 95. (Reserved)**

(Editor's Note: The Department is proposing to delete Chapter 95 in its entirety. The present text of Chapter 95, which appears in 7 Pa. Code pages 95-1—95-2, serial pages (266875) to (266876).)

§§ 95.1—95.7. (Reserved).

PART V. BUREAU OF PLANT INDUSTRY**CHAPTER 123. (Reserved)**

(Editor's Note: The Department is proposing to delete Chapter 123 in its entirety. The present text of Chapter 123 appears in 7 Pa. Code pages 123-1—123-2, serial pages (276811) to (276812).)

§§ 123.1—123.6. (Reserved).

CHAPTER 125. (Reserved)**Subchapter A. (Reserved)**

(Editor's Note: The Department is proposing to delete Chapter 125, Subchapter A in its entirety. The present text of Chapter 125, Subchapter A appears in 7 Pa. Code pages 125-1—125-5, serial pages (276813) to (276817).)

§§ 125.1—125.8. (Reserved).

§ 125.11. (Reserved).

§ 125.12. (Reserved).

§§ 125.21—125.25. (Reserved).

§§ 125.31—125.33. (Reserved).

Subchapter B. (Reserved)

(Editor's Note: The Department is proposing to delete Chapter 125, Subchapter B in its entirety. The present text of Chapter 125, Subchapter B appears in 7 Pa. Code pages 125-6—125-7, serial pages (276818) to (276819).)

§§ 125.41—125.47. (Reserved).

Subchapter C. (Reserved)

(Editor's Note: The Department is proposing to delete Chapter 125, Subchapter C in its entirety. The present text of Chapter 125, Subchapter C appears in 7 Pa. Code pages 125-7—125-8, serial pages (276819) to (276820).)

§§ 125.51—125.56. (Reserved).

Subchapter D. (Reserved)

(Editor's Note: The Department is proposing to delete Chapter 125, Subchapter D in its entirety. The present text of Chapter 125, Subchapter D appears in 7 Pa. Code pages 125-9—125-12, serial pages (276821) to (276824).)

§§ 125.61—125.65. (Reserved).

§§ 125.71—125.78. (Reserved).

Subchapter F. (Reserved)

(Editor's Note: The Department is proposing to delete Chapter 125, Subchapter F in its entirety. The present text of Chapter 125, Subchapter F appears in 7 Pa. Code pages 125-14—125-15, serial pages (276826) to (276827).)

§§ 125.131—125.137. (Reserved).

CHAPTER 128a. (Reserved)

(Editor's Note: The Department is proposing to delete Chapter 128a in its entirety. The present text of Chapter 128a appears in 7 Pa. Code pages 128a-1—128a-10, serial pages (279345) to (279354).)

§§ 128a.1—128a.18. (Reserved).

[Pa.B. Doc. No. 07-308. Filed for public inspection February 23, 2007, 9:00 a.m.]



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF AGRICULTURE
2301 N. Cameron Street • Room 201
Harrisburg, Pennsylvania 17110-9408

OFFICE OF CHIEF COUNSEL

Tel: 717-787-8744
Fax: 717-787-1270

June 13, 2007

Independent Regulatory Review Commission
ATTN: Kim Kaufman, Director
333 Market Street, 14TH Floor
Harrisburg, PA 17120

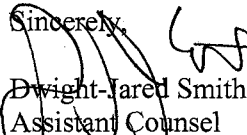
RE: FINAL-FORM REGULATION - Department of Agriculture
7 Pa. Code Chapters 11, 95, 123, 125 and 128a
Johne's Disease; Certified Apple Program; Fiscal Aid for Stem Rust
Control; Quarantine Provisions; Chemsweep Pesticide Disposal Program –
Statement of Policy
I.D. No. 2-154
Proposed Rulemaking: 37 Pa. Bulletin 951 (February 24, 2007)
Approved by Office of General Counsel: May 24, 2007

Dear Mr. Kaufman:

Please find enclosed a copy of the above-referenced final-form regulation. This material includes copies of the Preamble and Annex "A". Copies of the Notice of Proposed Rulemaking and Regulatory Analysis Form are also enclosed. I respectfully request the Independent Regulatory Review Commission review and approve the above-referenced final-form regulation in accordance with the requirements and procedures of the Regulatory Review Act.

No comments were received with respect to the proposed regulation. Copies of this final-form regulation have been delivered to the appropriate Legislative Committees (the House and Senate Agricultural and Rural Affairs Committees). In response to the requirement (at 71 P.S. § 745.5a(b) and 1 Pa. Code § 307.2(c)(7)) that this Department provide the names and addresses of commentators who requested additional information on the final-form regulation, the Department hereby confirms that there were no such commentators.

The Department will provide you with any assistance you may require to facilitate a thorough review of this final-form regulation. Thank you for your attention to this matter.

Sincerely,

Dwight-Jared Smith
Assistant Counsel

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 2-154

SUBJECT: JOHNE'S DISEASE; CERTIFIED APPLE PROGRAM; FISCAL AID FOR STEM
RUST CONTROL; QUARANTINE PROVISIONS; CHEMSWEEP PESTICIDE
DISPOSAL PROGRAM

AGENCY: DEPARTMENT OF AGRICULTURE

TYPE OF REGULATION

Proposed Regulation

X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a.

With Revisions

b.

Without Revisions

RECEIVED
2007 JUN 13 PM 3:08
INDEPENDENT REGULATORY
REVIEW COMMISSION

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

6-13-07

Hanna M Jones

HANNA

HOUSE COMMITTEE ON AGRICULTURE & RURAL
AFFAIRS

6-13-07

Kenneth Kiser

HERSHEY

6-13-07

Robert R. Brestle

BRUBAKER

SENATE COMMITTEE ON AGRICULTURE & RURAL
AFFAIRS

6-13-07

Judith McEagle

DOE/PAKE

6-13-07

Kathy Cooper

IRRRC

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL (for Final Omitted only)

LEGISLATIVE REFERENCE BUREAU (for Proposed only)

May 24, 2007