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The Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

November 17, 2010

Dear IRRC Committee Members,

This letter is in regard to the recent vote by the IRRC against the Pennsylvania Department of Agriculture's proposal to update the Milk Regulation Chapter 59 and replace it with the updated Chapter 59a.

I am writing on behalf of HP Hood LLC. We operate two Grade A dairy plants in the State of Pennsylvania – one in Philadelphia and one in Hatfield (Rosenberger's Dairies). Both of these plants operate under the guidance of the Pennsylvania Milk Regulation Chapter 59 as well as the Pasteurized Milk Ordinance under the jurisdiction of the National Conference on Interstate Milk Shipments (NCIMS).

I was disappointed to learn that the IRRC Committee voted down (3-2) the PDA Milk Division request to update the Milk Regulation Titled Chapter 59a. The regulations published in this document are meant to protect the public health and safety of the residents of Pennsylvania and all the other states where Pennsylvania processed dairy products are distributed, sold, and consumed. It appears the major concern of the committee was Subchapter F – raw milk for human consumption. That section would not apply to our company.

The National Conference on Interstate Milk Shipments (NCIMS) was formed out of the necessity for a nationwide uniform public health regulation as it was related to milk. The NCIMS is a federal (FDA), and State (all 50 States) cooperative program. Under the NCIMS program, the FDA is obligated to perform a periodic State Evaluation. This evaluation ensures that the State is operating under the guidelines set forth by the NCIMS for the interstate shipment of Grade A dairy products. Pennsylvania was put on warning at the last FDA State Evaluation that it must update its current milk regulation. By presenting Milk Regulation Chapter 59a for the IRRC's approval, PDA was attempting to comply with this request. As members of the Grade A segment of the Pennsylvania Dairy Industry, we are fully supportive of the new regulation 59a. The adoption of this regulation would provide uniformity to our plants on regulatory compliance requirements.

If the new proposed regulation does not get implemented by the April 2011 NCIMS Conference Meeting (the NCIMS meets every other year) the FDA could recommend that Pennsylvania be Black Starred. If the NCIMS Conference agrees Pennsylvania, would lose its right to participate and vote at the Conference. The state of Pennsylvania would not have not input at the Conference where national regulations are crafted.

I strongly support 59a as written and encourage the IRRC to reconsider and pass 59a for adoption. At a minimum, the Grade A dairy industry and the State Department of Agriculture need the portion relating to Grade A dairy products for interstate shipment passed into regulation. Without this the farmers who supply the milk, and the processors who process, distribute and sell the Grade A dairy products could be at a competitive disadvantage in the marketplace. In a worst case scenario, we could be banned from selling products outside of the State of Pennsylvania.

Thank you for your consideration of this matter.

Rebecca L. Piston
Director of Quality Assurance, HP Hood LLC

CC: Secretary Russell C. Redding