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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 16, 2010

Honorable Russell Redding, Secretary
Department of Agriculture
211 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110

Re: Regulation #2-160 (IRRC #2777)
Department of Agriculture
Milk Sanitation

Dear Secretary Redding:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Because of *sine die* adjournment of the legislature, the Commission may not deliver the order to the standing committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later. 1 P.S. §745.7(c.1). Upon receipt of this order, the standing committees have 14 days to review this regulation and report to the state House of Representatives and Senate a concurrent resolution. If this 14-day period expires and neither committee reports a concurrent resolution, the committees will be deemed to have approved the regulation. Accordingly, the Board may proceed with promulgation of this regulation. 71 P.S. § 745.7(d).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Silvan B. Lutkewitte, III

Chairman

sfh

Enclosure

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 16, 2010

Silvan B. Lutkewitte, III, Chairman
George D. Bedwick, Vice Chairman
Arthur Coccodrilli
S. David Fineman, Esq.
John F. Mizner, Esq.

Regulation No. 2-160 (#2777)
Department of Agriculture
Milk Sanitation

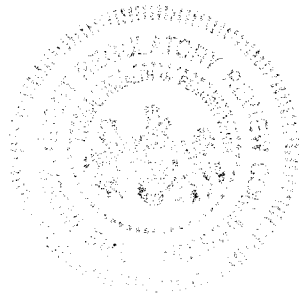
On July 21, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking rescinds 7 Pa. Code Chapter 59 and replaces it with a new Chapter 59a. The proposed regulation was published in the August 1, 2009 *Pennsylvania Bulletin* with a 60-day public comment period. At its October 7, 2010 public meeting, the Commission voted to disapprove the final-form regulation. On November 22, 2010, the Department submitted its report containing the revised final-form regulation to the Commission.

This final-form rulemaking reflects developments in the dairy industry, brings Pennsylvania's sanitation standards into alignment with federal standards and requirements, and consolidates and updates provisions addressing the production of raw milk for human consumption.

We have determined this regulation is consistent with the statutory authority of the Department (31 P.S. § 660(c) and 31 P.S. § 20.13) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.



A handwritten signature in black ink, reading "Silvan B. Lutkewitte, III".

Silvan B. Lutkewitte, III, Chairman