

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.8.205 Manner, Positioning,) AMENDMENT
and Size of Labeling)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Livestock no later than 5:00 p.m. on April 8, 2019, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, Montana, 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; or e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.8.205 MANNER, POSITIONING, AND SIZE OF LABELING (1) Labels required by ARM 32.8.203 ("Sell-By" date) must be of a color clearly contrasting with the area immediately surrounding the label. The labels may be put on by printing, stamping, or burning, a combination of any of those methods, or by some other method specifically approved in writing by the department.

(2) Labels placed on "pure paks" or similar containers must be located on the top sealing fin. Labels on molded plastic jugs may be placed anywhere on the upper half of the container (or on the printed product label) except the lid. Labels for containers must be at least 1/8 inch in height.

(3) All characters in the labels required by ARM 32.8.203 must be at least 1/8 inch in height.

(4) The "Sell-By" date must be located above any other date code label on molded plastic jugs. Labels placed on "pure paks" or similar containers must have the "Sell-By" date label to the left of any other date code label.

(5) No date code label shall be printed in a font size larger than the font of the label of the "Sell-By" date.

AUTH: 81-2-102, MCA
IMP: 81-2-102, MCA

REASON: The department proposes to amend this rule to provide standards for labeling of date code labels required in ARM 32.8.203. Current rules do not specify

how additional date codes should be placed on milk packaging. This change will provide department milk inspectors with clear and consistent standards of milk labeling, and they will be able to more efficiently and effectively review milk labels from producers. The department anticipates companies affected will be fewer than ten.

Additional date coding is optional and should have little to no effect on small businesses.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the Executive Officer, Department of Livestock, Room 308, P.O. Box 202001, Helena, Montana, 59620-2001; by faxing (406) 444-1929; or by e-mailing MDOLcomments@mt.gov to be received no later than 5:00 p.m., April 12, 2019.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the Executive Officer at the above address no later than 5:00 p.m., April 12, 2019.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be less than 10 companies because additional date coding is optional and therefore will have little to no effect on small businesses.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

/s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

Certified to the Secretary of State March 5, 2019.