

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.8.101 pertaining to)	AMENDMENT
definitions and adoption of Grade A)	
pasteurized milk ordinance and)	NO PUBLIC HEARING
associated documents)	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 the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on March 6, 2020, 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, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

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

32.8.101 DEFINITIONS AND ADOPTION OF GRADE A PASTEURIZED MILK ORDINANCE AND ASSOCIATED DOCUMENTS (1) remains the same.

(2) The Department of Livestock hereby adopts and incorporates by reference as rules of the department the following as they are now described and as they may from time to time be amended:

(a) "Grade A Pasteurized Milk Ordinance, ~~1978~~ 2017 Recommendations of the United States Public Health Service/Food and Drug Administration" (PMO) together with attached recommended administrative procedures, appendices, and index, except sections ~~9, 15,~~ 16, and 17.

(b) "Methods of Making Sanitation Ratings of Milk Supplies," ~~1978~~ 2017 edition issued by the U.S. Public Health Service/Food and Drug Administration (MMSR).

(c) ~~"Fabrication of Single-Service Containers for Milk and Milk Products, Sanitary Standards," 1978 Edition issued by the U.S. public health service/food and drug administration (SSCC).~~ "Evaluation of Milk Laboratories," 2017 edition (EML).

(d) ~~"Evaluation of Milk Laboratories," 1978 Edition (EML).~~ "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers," 2017 edition.

(e) ~~"Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, 1978 Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade A Pasteurized Milk Products" (DMO).~~

~~(f) "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers," 1997 edition.~~

(3) and (4) remain the same.

AUTH: 81-2-102, MCA

IMP: 2-4-307, 81-2-102, MCA

REASON: The department is proposing to update ARM 32.8.101 to conform with federal regulations (Grade A Pasteurized Milk Ordinance (PMO), 2017). The PMO noted in ARM 32.8.101(2)(a) is revised every two years by the National Conference of Interstate Milk Shippers (NCIMS), which includes representatives from all aspects of the dairy industry, in an effort to keep up with the ever-changing technology and challenges affecting milk safety.

Changes have been made to this document since 1978, including the inclusion of the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey" document and the "Fabrication of Single Service Containers for Milk and Milk Products, Sanitary Standards" document (now Appendix J),. The department is proposing (2)(c) and (e) be removed as stand-alone references.

Additionally, the PMO standards in Sections 9 and 15 have been amended and are no longer contrary to our Montana rules and therefore the department is proposing having them removed from exclusion in (2)(a).

Finally, the department is proposing updating the remaining stand-alone reference documents in (2)(b), (c), and (f) to the most current released versions of "Methods of Making Sanitation Ratings of Milk Supplies," "Evaluation of Milk Laboratories," and "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers."

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., March 13, 2020.

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 a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., March 13, 2020.

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 businesses who are 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 public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 6, based on approximately 60 Grade A Plants and producers who are directly affected by this proposed rule amendment.

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.

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

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

Certified to the Secretary of State February 4, 2020.