



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 490
Regulation title	Regulations Governing Grade "A" Milk
Action title	Amend
Final agency action date	May 17, 2007
Document preparation date	May 18, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Description

The final regulation adopts the requirements contained in the 2005 Pasteurized Milk Ordinance (PMO). The PMO is a federal model regulation for adoption by the states governing the production, processing, distribution and sale of milk and milk products in the United States.

The only change between the final regulation and the proposed regulation establishes an effective date for the final regulation of May 23, 2007.

The final regulation continues existing regulations governing: (1) the requirements to produce and sell Grade "A" milk for pasteurization; the requirements to process and sell fluid milk products (milk, yogurt, and cottage cheese); (2) that milk used for Grade "A" purposes be pasteurized; (3) the requirement for a permit to produce or process Grade "A" milk; and (4)

minimum standards that dairy farms and dairy plants must meet in producing and processing Grade “A” milk, including pasteurization, cooling, storage, quality-control tests, packaging, and labeling requirements.

Statutory Authority and Exemption from Administrative Process Act

The Board of Agriculture and Consumer Services is authorized by § 3.1-530.1 of the Code of Virginia (1950), as amended to establish definitions, standards of quality and identity and to adopt and enforce regulations dealing with the issuance of permits, production, importation, processing, grading, labeling and sanitary standards for milk, milk products and those products manufactured or sold in semblance to or as substitutes therefor. Any regulation adopted pursuant to § 3.1-530.1 shall, unless a later effective date is specified in the regulation, be effective upon filing with the Registrar of Regulations, who shall publish the regulation as a final regulation in the Virginia Register of Regulations. Neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to § 3.1-530.1. Prior to promulgating any regulation pursuant to § 3.1-530.1, the Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations. The notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) instructions on how to obtain the complete text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. The notice of opportunity to comment shall be made at least ninety days in advance of the last date prescribed in the notice for submittals of public comment. The legislative review provisions of § 2.2-4014 shall apply to the promulgation or final adoption process of regulations under section § 3.1-530.1. The Board shall consider and keep on file all public comments received for any regulation adopted pursuant to § 3.1-530.1.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Board of Agriculture and Consumer Services adopted final regulation 2 VAC 5 – 490, Regulations Governing Grade “A” Milk on May 17, 2007.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The final regulation has no impact on the institution of the family or on family stability.