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Fast-Track Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation(s)	2 VAC 5-501
Regulation title(s)	Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk
Action title	Fast-track action to amend this body of regulations in order to ensure consistency with applicable portions of the federal Food and Drug Administration's 2013 Pasteurized Milk Ordinance and address changes within the dairy industry.
Date this document prepared	December 31, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The *Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk* establishes storage and cooling standards for Grade A dairy farms and for milk transported from dairy farms. The standards address requirements relating to: milk cooling, milk storage tanks, pay purpose laboratories, dairy farms and plants, permits, milk house and associated facilities, milk facility construction, and milk cooling and storage tanks; cooling and storage requirements for milk in transport; and the sampling and measuring of milk produced and sold from dairy farms and facilities. The proposed changes are consistent with the

current relevant federal standards and the Food and Drug Administration’s (FDA) 2013 revision of the Pasteurized Milk Ordinance.

The proposed amendments increase the permissible storage time of milk in a farm bulk tank from 52 hours at the completion of the first milking to 72 hours. This change will bring storage regulations in line with the 2013 federal Pasteurized Milk Ordinance.

The proposed amendments will also allow for the use of a 24-, 48-, or 168-hour (seven day) chart recorder based upon the frequency of milk pick up from producers.

The agency also proposes to delete the section that states that the regulation supersedes 2 VAC 5-500, as this section is no longer needed for the enforcement of these regulations.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

“VDACS” means Virginia Department of Agriculture and Consumer Services.

“PMO” means the federal Food and Drug Administration’s 2013 Pasteurized Milk Ordinance, which provides detailed requirements for dairy farms and milk plants.

“Dairy farm” means any place or premises where any cow, goat, sheep, water buffalo, or other mammal (except humans) is kept, from which cow, goat, sheep, water buffalo, or other mammal (except humans) any milk, dairy product, or milk product is sold or offered for sale for human consumption.

“Farm bulk cooling or holding tank” means any tank installed on a dairy farm for the purpose of cooling or storing raw milk.

“Milk” means the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, goats, sheep, water buffalo, or other mammal (except humans) intended for human consumption excluding that obtained before and after birthing, for such a period as may be necessary to render the milk practically colostrum free.

“Milk producer” means any person who operates a dairy farm and provides, sells, or offers any milk for human consumption.

“3-A Sanitary Standards” means the standards for dairy equipment and accepted practices formulated by the 3-A Sanitary Standards Committees representing the International Association for Food Protection, the U.S. Public Health Service, and the Dairy Industry Committee and published by the International Association for Food Protection.

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.

On December 10, 2015, the Board of Agriculture and Consumer Services (Board) adopted amendments to 2 VAC 5-501, *Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk*.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 3.2-109 of the Code of Virginia establishes the Board as a policy board and authorizes the Board to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-5206 of the Code of Virginia authorizes the Board to establish definitions and 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, market milk, market milk products, and those products manufactured or sold in semblance to or as substitutes for milk, milk products, market milk, or market milk products.

This section also authorizes the Board to adopt (i) any regulation or part thereof under federal law that pertains to milk or milk products, amending the federal regulation as necessary for intrastate application and (ii) any model ordinance or regulation issued under federal law including the Pasteurized Milk Ordinance and the U.S. Department of Agriculture's Milk for Manufacturing Purposes.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The proposed amendments will bring the regulation in line with current federal standards as established by the 2013 revision of the PMO. In addition to providing for consistency with current federal standards and existing Virginia regulations, these amendments will provide for sufficient flexibility regarding milk storage times for the dairy industry while continuing to protect the public's health, safety, and welfare by ensuring the safety and wholesomeness of all milk shipped from Virginia dairy farms.

Surrounding states have already updated their regulations to be consistent with the less stringent requirements established in the revised PMO governing the storage and transportation of milk. The proposed changes will facilitate interstate sales of Virginia milk producers by providing a level playing field with surrounding states in regards to the storage and transportation of milk. The proposed regulatory modifications should effect a cost savings to producers associated with the transportation of milk from farms to processing facilities with no adverse effects on the health and safety of consumers.

Rationale for using fast-track process

Please explain the rationale for using the fast-track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

The proposed amendments are noncontroversial changes requested by the dairy industry and will bring the regulation in line with current federal standards and regulations adopted by surrounding states. The proposed amendments are less stringent than those currently in place, and producers will not be required to exercise the 72-hour storage option. The additional 20 hours of storage provided for in the proposed amendments will not affect the safety of the milk supply and will reduce producer costs associated with the transportation of milk. The amendment will aid producers during extreme weather events that disrupt normal transportation by increasing the permissible storage time and reducing the need to seek emergency variances during such weather events.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

The substantive changes are as follows:

1. The addition of 20 hours of milk storage time in a farm bulk tank, allowing for the sale of milk no older than 72 hours from completion of the first milking. The current regulation allows 52 hours of storage time in a farm bulk tank.
2. Allows for a 24, 48, or 168 hour (seven day) rotation of recording charts based on the frequency of milk pick up. These changes will align the regulations with existing federal regulation and surrounding states.
3. The removal of 2 VAC 5-501-110 from the regulations since this section is no longer relevant and is unnecessary for the enforcement of 2 VAC-5-501.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

1. The primary advantage to the public of the regulation is that it allows for the safe storage and cooling of milk produced on dairy farms in Virginia and sold in intra and interstate commerce. This ensures that the public is afforded the opportunity to consume a safe product and further ensures that the dairy industry is afforded additional flexibility regarding the storage of milk.
2. The primary advantage to the agency and Commonwealth is that the regulation ensures that the Commonwealth can adequately protect the public. The requirements will also aid the continued intrastate and interstate sales of milk on a more competitive basis, which will ultimately benefit Virginia's economy.
3. The pertinent matter of interest to the regulated community, the public, and government officials is the allowance of permitted producers to sell safe, wholesome milk in intrastate and interstate commerce.

This proposed regulatory action poses no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements in the regulation that are more restrictive than applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

The proposed regulation will not impact any one locality more than another.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Alternative regulatory methods have been analyzed, and the agency feels that establishing less stringent storage regulations than those being currently proposed will result in unsafe milk being shipped for further processing. This will potentially lead to foodborne illness outbreaks and expose the public to unnecessary danger.

The current proposal will provide flexibility and cost savings to the industry while ensuring the protection of public health. In addition to not compromising the safety of dairy products, the establishment of the proposed milk storage requirements would be consistent with existing federal requirements as well as the requirements of other states. The proposed amendments would allow producers, all of which are small businesses, to remain competitive when shipping their products out of state. These amendments will have a positive impact on Virginia's dairy industry and the Commonwealth's economy because the proposed amended requirements will result in lowered transportation costs and provide new storage options for Virginia dairy producers.

The amendments proposed will not affect compliance reporting requirements.

Performance standards for the dairy industry will remain fundamentally unchanged while allowing for additional flexibility relative to bulk tank storage times.

The removal of 2VAC-5-501-110 removes outdated and irrelevant language from the storage regulations and will not affect the industry.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>There is no projected additional cost to the state to implement the proposed regulation since there are no significant changes.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There are no projected costs to localities as all Grade "A" dairy farms are inspected and permitted by the state agency.</p>
<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>The regulation affects any person or business that operates a Grade "A" dairy farm in Virginia that chooses to go to a 72-hour pick up for milk.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>The agency estimates there are 639 Grade "A" producers that potentially could be affected by the regulation. All of these businesses are small businesses. The additional storage time for producers is not mandatory.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>Affected individuals or businesses will incur no additional costs as a result of the proposed amendments because all entities are in compliance with the current requirements and the proposed amendments prescribe no additional requirements.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>Economic benefits include reduced transportation costs for the dairy industry and consistent regulation with surrounding states, thus facilitating more effective and efficient integration into interstate commerce by Virginia's dairy industry. Benefits also include the continued sale of safe and wholesome milk for intrastate and interstate sale.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The following alternatives were considered:

One alternative considered was not to amend the regulation. This alternative was rejected because the request for the change came from the regulated industry and will enhance Virginia dairy producers' ability to compete with surrounding states with regard to interstate milk shipments. The proposed amendments bring the regulation in line with the current federal requirements and the regulations adopted by surrounding states. If the Virginia dairy producers are subject to more stringent requirements governing the storage and transportation of milk, they will be at a disadvantage compared to producers in neighboring states with less stringent requirements, which would negatively impact Virginia's dairy industry and the Commonwealth's economy.

The second alternative considered was to mandate a 72-hour storage rule for all of Virginia's dairies. This alternative was rejected because it could create a burden on the Virginia producers who do not have the flexibility to enlarge storage due to the costs associated with replacing existing farm tanks or increasing their herd size. Additionally, due to recently depressed dairy prices, most producers are unable to make significant capital outlays to install newer storage equipment at this time. The proposed amendment allows flexibility for existing producers, while allowing for expansion and reduced costs in new storage construction for producers that choose to take advantage of the additional allowed milk storage time.

Public participation notice

If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Periodic review and small business impact review report of findings

If this fast-track is the result of a periodic review/small business impact review, use this form to report the agency's findings. Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This fast-track action is the result of a periodic review. The agency received no comments or complaints during the periodic review public comment period that began on August 11, 2014, and ended on September 1, 2014. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable by both regulators and the industry. The agency has determined that there is a continued need for this regulation with some revisions. Without the regulation, the safety of milk would be compromised. Although portions of the regulation are necessarily detailed to ensure milk safety, in general, the regulation is not complex and is easily understood by the regulated industry. There is minimal overlap with existing related state regulations and statutes. There is no significant duplication or overlap relative to existing federal statutes and regulations. This regulation is continually evaluated at a programmatic level to ensure that it is adequate to address issues and concerns within the dairy industry. There have been no significant changes in technology, economic conditions, and other dairy-related areas affected by the regulation since 2009, when the regulation was last amended.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulations and proposed amendments provide guidance and manageable, enforceable provisions for mitigating dairy-related risk factors known to cause foodborne illness. It is a goal of all government food safety agencies within the United States to reduce the occurrence of foodborne illness and ensure that foods available to consumers are safe. Ensuring the safety of dairy products and reducing the level of foodborne illness directly impacts the family and family stability by positively affecting a family's disposable income; improving family health; reducing medical care costs; reducing absences from the work place; and reducing mental, physical, and emotional pain and suffering.

The regulation may help increase economic self-sufficiency and disposable family income within the dairy community by reducing transportation costs and allowing for consistent regulation with surrounding states.

Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s), use this chart:

Current section	Proposed new section	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
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number	number, if applicable		
10	N/A	"Contract hauler" or "subcontract hauler" means any person who contracts; (i) to transport raw milk from a dairy farm to a milk plant, receiving station, or transfer station; or (ii) to transport raw milk or milk products between a milk plant, receiving station, or transfer station and another milk plant, receiving station, or transfer station.	The proposed change will replace the semicolon after "contracts" with a colon to ensure that formatting is consistent with guidelines in the Form, Style and Procedure Manual for Publication of Virginia Regulations. There will be no costs or impacts from this change.
10	N/A	"Transfer station" means any place, premises, or establishment where milk, dairy products, or milk products are transferred directly from one transport milk tank to another, or from one or more bulk milk pickup tankers to one or more transport milk tanks.	The proposed change would replace the references to "transport milk tank" with "milk transport tank". This change was made to reflect the correct term for this type of transport tank. There will be no costs or impacts from this change.
50 B	N/A	No person who operates a dairy farm and holds a Grade "A" dairy farm permit shall sell or offer to sell any milk as grade "A" milk if the age of the milk is older than 52 hours after the completion of the first milking.	The proposed change is to allow for a 72-hour storage time after the completion of the first milking. This change will align Virginia regulations with surrounding states and current federal regulations. There should be reduced transportation costs associated with shipping of milk, and this amendment will help Virginia producers be competitive on the interstate market. This change allows flexibility in design and construction of new dairies. This change was requested by the Virginia Dairy Association.
60 A	N/A	Requirements related to the construction of a milkhous	The proposed change will reorganize several subdivisions in this section to ensure clarity in the requirements. The change rennumbers 60(A)(2) and 60(A)(3) as 60(A)(1)(a) and 60(A)(1)(b) and changes the language to reflect that both subdivisions deal with hose port requirements; rennumbers 60(A)(4) as 60(A)(2); rennumbers 60(A)(5) and 60(A)(6) as 60(A)(2)(a) and 60(A)(2)(b) and changes the language to reflect that both subdivisions deal with outside apron construction requirements; rennumbers 60(A)(7) as 60(A)(3); rennumbers 60(A)(8) as 60(A)(4). There will be no costs or impacts from this change.

60 B 1 a	N/A	a. 3-A Sanitary Standards for Farm Milk Cooling and Holding Tanks, Document No. 13-09 (Nov. 1993)	The proposed change will reference the updated version of the document incorporated by reference. There will be no costs or impacts from this change.
60 C 2 b	N/A	Recording thermometer installation requirements	The proposed change will add the word “and” at the conclusion of this subdivision for consistency in format throughout the regulation. There will be no costs or impacts from this change.
60 C 3	N/A	Recording thermometer requirements	The proposed change will remove the catchline used in this subdivision for consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
60 C 3 b	N/A	ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum) version dated August 30, 2001	The proposed change will reference the updated version of the document incorporated by reference. There will be no costs or impacts from this change.
60 C 3 d	N/A	The recorder chart for each recording thermometer shall not exceed a maximum chart rotation time of 48 hours. Recorder charts for farm bulk cooling or holding tanks that are picked up every other day shall have a chart rotation time of 48 hours. Recorder charts for farm bulk cooling or holding tanks that are picked up every day may have a chart rotation time of 24 or 48 hours	The proposed change will allow for a recording chart to have up to 168 hours (7 days) of rotation to support a 72-hour pick up of milk. The 24- and 48-hour recording charts are still allowed, depending on the frequency of milk pick up. The frequency of milk pickup is decided by the producer. This change to recording chart rotation is to support the change to a 72 hour pickup and is compliant with federal regulations.
60 C 4	N/A	Recording thermometer operation requirements	The proposed change will remove the catchline for this subdivision to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
60 C 6	N/A	Recording thermometer requirements	The proposed change will replace the semicolon at the end of this subdivision with a period to ensure that formatting is consistent with guidelines in the Form, Style and Procedure Manual for Publication of Virginia Regulations. There will be no costs or impacts from this change.
60 D	N/A	Recorder chart requirements	The proposed change will replace “ten days” with “10 days” to ensure that

			formatting is consistent with guidelines in the Form, Style and Procedure Manual for Publication of Virginia Regulations. There will be no costs or impacts from this change.
60 E	N/A	Requirements for the handling of recording charts	The proposed change will remove the catchline from this subdivision to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
60 E 6	N/A	Requirements for the handling of recording charts	The proposed change will replace the semicolon at the end of this subdivision with a period to ensure that formatting is consistent with guidelines in the Form, Style and Procedure Manual for Publication of Virginia Regulations. There will be no costs or impacts from this change.
60 F	N/A	Maintenance of recording thermometers	The proposed change will remove the catchline from this subsection to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
60 G	N/A	Sealing of recording thermometers	The proposed change will remove the catchline from this subsection to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
70 A	N/A	Quantity measurements	The proposed change will remove the catchline from this subsection to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
70 E	N/A	Sampling	The proposed change will remove the catchline from this subsection to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
70 F	N/A	Butterfat testing	The proposed change will remove the catchline from this subsection to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
80 A 2	N/A	Requirements for farm bulk milk pickup tankers or milk transport tanks	Ensure that all appurtenances of each farm bulk milk pickup tanker or each milk transport tank including any hoses, pumps,

			<p>and fittings comply with all the requirements contained in 3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and Farm Pick-Up Service, Number 05-15 (effective as of November 24, 2013), (3-A Sanitary Standards, Incorporated) for construction and are maintained in good repair;</p> <p>The intent of this change is to reference the specific document that establishes the relevant standards within the larger 3-A Sanitary Standards document. There will be no costs or impacts from this change.</p>
80 B 10, 11, 15	N/A	Requirements for bulk milk haulers	The proposed changes replace numbers that are spelled out with numerals to ensure that formatting is consistent with guidelines in the Form, Style and Procedure Manual for Publication of Virginia Regulations. There will be no costs or impacts from this change.
80 B 26; 80 C 20	N/A	Requirements for bulk milk haulers and dairy plant samplers	The proposed change will reference the updated version of the Standard Methods for Examination of Dairy Products, a document incorporated by reference. There will be no costs or impacts from this change.
80 D, E, and F	N/A	Certain cleaning and recordkeeping requirements	The proposed change will remove the catchlines from these subsections to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.
80 G	N/A	<p>G. Protection of bulk milk and chain of custody of milk samples.</p> <p>1. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall ensure the proper protection of all milk and milk samples in his custody. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall seal or lock each opening into a bulk milk pickup tanker or milk transport tank including each manhole lid, vent, wash</p>	<p>The proposed change will remove the heading “Protection of bulk milk and chain of custody of milk samples.” and replace it with “Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall:”.</p> <p>“Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall ensure” will be struck from 80(G)(1) and replaced with “Ensure”.</p> <p>“Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall inspect” will be struck from 80(G)(2) and replaced with “Inspect”.</p>

		<p>port, and door to the pump housing and sample storage box prior to leaving the bulk milk pickup tanker or milk transport tank unattended.</p> <p>2. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall inspect the condition of the seals and locks placed on each opening into the bulk milk pickup tanker or milk transport tank upon his return after an absence to determine if the seals or locks have been tampered with.</p> <p>3. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall report immediately to the state regulatory authority instances of tampering with the seals or locks.</p> <p>4. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall hold a valid permit issued by the state regulatory authority for the collection of milk samples prior to collecting or transporting any milk or milk samples.</p>	<p>“Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall report” will be struck from 80(G)(3) and replaced with “Report”.</p> <p>“Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall hold” will be struck from 80(G)(4) and replaced with “Hold”.</p> <p>This change is proposed to ensure consistency in formatting throughout the regulation. There will be no costs or impacts from this change.</p>
80 H	N/A	Sample dipper storage requirements	This proposed change strikes redundant language to clarify this subsection. There will be no costs or impacts from this change.
90 13	N/A	Stainless steel piping requirements	The proposed change replaces the reference to the “American Iron and Steel Institute (AISI) 300 series as published in the Iron and Steel Society's Steel Products Manual for Stainless Steels, dated March 1999;” with “Iron and Steel Society's Steel Products Manual: Stainless Steels, dated March 1999” to reflect a correction in the name of this document incorporated by reference.
110	N/A	This section advises that	The intent of this change is to remove this

		Chapter 501 supersedes Chapter 500.	section from the regulations. This section contains language that is outdated and no longer relevant since 2 VAC 5-500 has already been repealed. There are no costs or impacts related to the removal of this section.
N/A	FORMS	N/A	<p>The intent of this addition is to include a list of forms relevant to the regulation. The following forms will be included:</p> <p>Application for a Dairy Farm Permit, ODF-DS-100 (rev. 6/2012)</p> <p>Dairy Farm Inspection Report, ODF-DS-102 (rev.2/2006)</p> <p>Guide for the Submission of Plans for Milking Operations, ODF-DS-104 (rev. 2/2015)</p> <p>There are no costs or impacts related to the addition of this section.</p>
Documents Inc. by reference	N/A	3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and Farm Pick-Up Service, Number 05-15, eff. November 24, 2002, 3-A Sanitary Standards, Inc.	<p>3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and Farm Pick-Up Service, Number 05-15, eff. November 24, 2002, 3-A Sanitary Standards, Incorporated, 6888 Elm Street, Suite 2D, McLean, Virginia 22101, www.3-a.org.</p> <p>Updated reference document. There will be no costs or impacts from this change.</p>
Documents Inc. by reference	N/A	N/A	<p>3-A Sanitary Standards for Farm Milk Cooling and Holding Tanks, Number 13-11, eff. July 23, 2012, 3-A Sanitary Standards, Incorporated, 6888 Elm Street, Suite 2D, McLean, Virginia 22101, www.3-a.org.</p> <p>Need to add reference document. There will be no costs or impacts from this change.</p>
Documents Inc. by reference	N/A	N/A	<p>3-A Sanitary Standards for Farm Milk Storage Tanks, Number 30-01, eff. September 9, 1984, 3-A Sanitary Standards, Incorporated, 6888 Elm Street, Suite 2D, McLean, Virginia 22101, www.3-a.org.</p> <p>Need to add reference document. There will be no costs or impacts from this</p>

			change.
Documents Inc. by reference	N/A	3-A Sanitary Standards, effective as of November 20, 2001 3-A Sanitary Standards, Inc.	Document will be deleted because the specific relevant sections of the 3-A Sanitary Standards will be incorporated by reference separately. There will be no costs or impacts from this change.
Documents Inc. by reference	N/A	UL Rated NEMA 4x Enclosure Definition as published in ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum), ANSI Approval Date August 30, 2001, American Society of Mechanical Engineers.	UL Rated NEMA 4x Enclosure Definition as published in ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum), ANSI Approval Date December 29, 2014, American Society of Mechanical Engineers. Updated reference document. There will be no costs or impacts from this change.
Documents Inc. by reference	N/A	Standard Methods for the Examination of Dairy Products, 16th Edition, 1992, American Public Health Association. Need to reference the most current document	Standard Methods for the Examination of Dairy Products, 17th Edition, 2004, American Public Health Association. Updated reference document. There will be no costs or impacts from this change.
Documents Inc. by reference	N/A	American Iron & Steel Institute (AISI) 300 Series as published in Steel Products Manual - Stainless Steels, March 1999, Iron and Steel Society.	Steel Products Manual - Stainless Steels, March 1999, Iron and Steel Society, 186 Thorn Hill Road, Warrendale, Pennsylvania 15086. Updated reference document. There will be no costs or impacts from this change.