



NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI

DEPARTMENT OF AGRICULTURE AND COMMERCE

Mrs. Jennifer Thompson, Director
Petroleum Products Division
P.O. Box 1609
Jackson, MS 39215-1609
601-359-1111
Jennifer@mdac.state.ms.us

Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code Ann. § 75-55-3(3)

Reference to Rules repealed, amended or suspended by the
Proposed Rule:
New rule

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The increased market for biodiesel fuels necessitates a rule for state standards of these products for proper marketing and safety considerations as well as equity in the marketplace.

This rule is proposed as a [X] Final Rule, and/or a [ ] Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: (Check one box below)

[ ] An oral proceeding is scheduled on this rule on Date: Time:
Place:

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

[X] An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: (Check one box below)

[ ] The agency has determined that an economic impact statement is not required for this rule, or
[X] The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: July 22, 2009

Proposed Effective Date of Rule: September 28, 2009

[Signature]
Lester Spell, Jr., D.V.M., Commissioner

[Signature]
Dr. Kevin Armbrust, State Chemist
21 July 21, 2009

**CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT**

**STATE OF MISSISSIPPI**

**DEPARTMENT OF AGRICULTURE AND COMMERCE**

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**Specific Legal Authority Authorizing the promulgation of  
Rule: Miss. Code Ann. §75-55-3(3)**

**Reference to Rules repealed, amended or suspended by the  
Proposed Rule:  
New Rule**

**An Economic Impact Statement is required for this propose rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of States Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.**

**Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons make may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.**

**a. Description of the need for and the benefits of the proposed rule: To insure the quality of biodiesel, biodiesel blends, renewable diesel and co-processed renewable diesel fuels purchased in the State of Mississippi. At present time, no regulations exist to protect neither the consumer nor the distributor from purchasing a non-quality product.**

**b. Cost estimate to the agency and other state or local government entities: Minimal costs to process samples at MSCL, and minimal costs to MDAC in the acquisition and processing of samples.**

**c. Estimate of the cost or economic benefit to all persons: Implementation of Regulation would insure quality product to all, thereby saving potential hardship to all persons through receipt off an spec product.**

**d. Analysis of the impact on small business: Potential faulty products could cause irreversible economic hardship to small business on both a consumer side as well as distributor side.**

**e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule: Detrimental if product is not monitored for quality.**

**f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule: N/A**

**g. Description of reasonable alternative methods and reasons for rejection of the alternative methods: N/A**

**h. Data and methodology in making the estimates in the economic impact statement: All recommendations in regulation are National Standards and accepted testing methods.**

**Date Rule Proposed:**

**Proposed Effective Date of Rule:**

  
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Commissioner Lester Spell, Jr., D.V.M.