

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Gene Robertson	TELEPHONE NUMBER (601)359-1111	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL gene@mdac.ms.gov	SUBMIT DATE 7/11/13	Name or number of rule(s): Title 2, Part 1, MDAC Rules, Subpart 4, Bureau of Regulatory Services, Chapter 02, Catfish Marketing Law Labeling Regulations		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The amendments update labeling requirements, which will enable the consumer to know the country of origin and the method of production for fish.
Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 69-1-1 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Sections 100-104

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

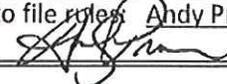
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

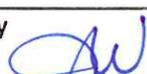
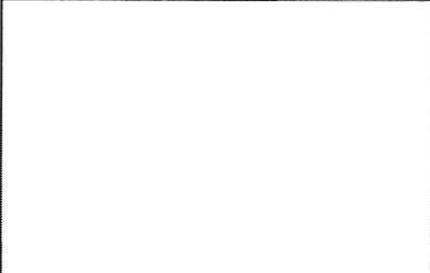
ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Prosser, Deputy Commissioner

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
 Accepted for filing by _____	 Accepted for filing by 	 Accepted for filing by _____

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



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Department of Agriculture and Commerce	CONTACT PERSON Gene Robertson	TELEPHONE NUMBER 601-359-1111
ADDRESS P O Box 1609	CITY Jackson	STATE MS
EMAIL gene@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Catfish Marketing Law Labeling Regulations	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. Section 69-7-611	Reference to Rules repealed, amended or suspended by the Proposed Rule: Catfish Labeling Sections 100-104	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

Benefits that may result include: consumer awareness of catfish and/or fish method of production and Country of Origin

2. Briefly describe the need for the proposed rule:

To protect the consumer when selecting catfish and/or fish – the consumer has a right to know where these products are from and how they were produced.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The proposed action will insure the protection of the consumer when purchasing imported catfish and/or fish informing them of the country of origin and method of production. Imported catfish and /or fish may be treated with antibiotics or chemicals that are not allowed in US aquaculture practices.

4. Estimated Cost of implementing proposed action:

- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
 Nothing Minimal Moderate Substantial Excessive

d. Economic Benefit:

Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:

Nothing Minimal Moderate Substantial Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: 500

b. Projected costs for small businesses to comply: 150

c. Statement of probable effect on impacted small businesses: The impact should be minimal, it could be accomplished by adding a permanent label to the menu

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

yes no

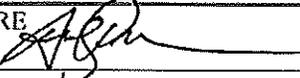
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Decisions were made after discussing implementation with the industry. In addition checking prices for menus on several web sites, the cost of a replacement menu could be \$2.00 to \$3.00 each and labels around \$.20 each. Therefore 200 menus would cost about \$400.00 to \$600.00.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Interested parties may submit written comments on the rule to the contact above. The Department will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after filing of the notice of the proposed rule.

SIGNATURE 	TITLE Deputy Commissioner
DATE 7/11/2013	PROPOSED EFFECTIVE DATE OF RULE 9/1/2013
