



DELBERT HOSEMAN
Secretary of State

ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A **PDF** document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 601-576-7847
ADDRESS 570 East Woodrow Wilson	CITY Jackson	STATE MS
EMAIL Ingrid.williams@msdh.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Title 15, Part 13, Food Protection, Subpart 74, Chapter 4, Milk and Dairy	
Specific Legal Authority Authorizing the promulgation of Rule: Section 75-31-65	Reference to Rules repealed, amended or suspended by the Proposed Rule: 1.1.4; 2.1.5; 3.1.1-3.1.19	

SIGNATURE 	TITLE Mitchell Adcock, Chief Administrative Officer
DATE 5/25/18	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing

1. Describe the need for the proposed action:

Amend the fee schedule in accordance with 2016 HB 289 for providing better protection and safety to individuals that consume milk and dairy products.

2. Describe the benefits which will likely accrue as the result of the proposed action:

These regulation amendments will benefit Mississippi citizens that consume milk and dairy products. Benefits will include, but are not limited to, safe and sanitary facilities and ensuring compliance with state regulations by ensuring a continued inspection program.

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

The proposed action will provide for better overall health, safety, and welfare of individuals that consume milk and dairy products by ensuring continued sampling and inspections of dairies and milk producer/processors.

4. Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:

There will be no additional cost to other state or local government entities. There will be no increase in paperwork and no effect on state or local revenues.

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action:

Costs would increase by 15% to producer processors in the milk industry. This increase in fees and the implementation of new fees will allow the inspection program for the milk program to continue. Without an inspection program, the shipment of milk across state lines would discontinue and shut down the milk industry.

6. Provide an analysis of the impact of the proposed rule on small business: See 5 above.

a. Identify and estimate the number of small businesses subject to the proposed regulation:

Approximately 10 in-state producer/processors and 120 out-of-state producer/processors.

b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:

There will be no costs associated with reporting, recordkeeping or administrative/professional skills. The minimal fee increase will most likely be passed to the consumer by the industry to absorb the cost to industry.

c. State the probable effect on impacted small businesses:

Increase in annual permit fees and the creation of new fees would mainly affect larger producer processors. The effect on smaller producer processor would be minimal and limited to annual permit fees.

d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:

- i. The establishment of less stringent compliance or reporting requirements for small businesses;
- ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
- iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:

The MSDH believes that citizens of Mississippi should be afforded a health and safety program to regulate milk and milk products. There are no less intrusive or less costly alternative methods to achieving the purpose of the proposed regulations. If we do not increase fees, the health and safety of the public could be at risk due to impacts on the inspection program. Without an inspection program, the shipment of milk across state lines would discontinue and shut down the milk industry.

7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:

If the rule is not adopted, the cost to the providers will remain the same. They may see a decrease in inspections and be subject to violations and fines if they cannot comply with the regulations. A robust inspection program ensures better compliance and more protection of public health from

injury or disease. Additionally, the milk industry could be at risk of losing the ability to ship milk across state lines which would cripple the industry.

8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:

It has been determined that there are no less costly methods for achieving the purpose of the proposed rule. The schedule of fees was determined by conducting a workload analysis of cost to the agency to conduct inspections and maintain the program and through the direction to agencies in 2016 HB 289.

9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:

There are no other reasonable alternative methods. By not adopting the proposed action our office will not be able to continue to conduct the inspections and actions required by state and federal standards.

10. State reasons for rejecting alternative methods that were described in #9 above:

Not applicable.

11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:

Fees were determined through a detailed workload analysis. Calculations included time to conduct activity (FTE hourly costs), cost of travel, IT support, equipment, calibration, supervisory approval, administrative review, training, and overhead.

Attachment

Subpart 74, Milk and Dairy

Rule 1.1.18