

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 Jennifer Thompson	TELEPHONE NUMBER (601)359-1144	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL jennifer@mdac.ms.gov	SUBMIT DATE 7/18/2016	Name or number of rule(s): Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 8, Section 113 of the Petroleum Products Inspection Law Regs		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The reason for the amendment to 113 is to bring the regulation in line with the Federal Regulations. The rule adopts 16 CFR Part 306, except for quantities up to 5% biodiesel.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-55-3 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Section 113

**ORAL PROCEEDING:**

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

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

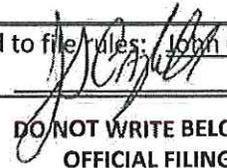
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) 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.

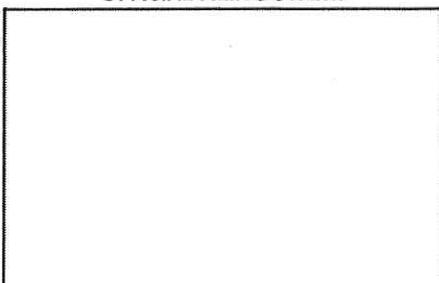
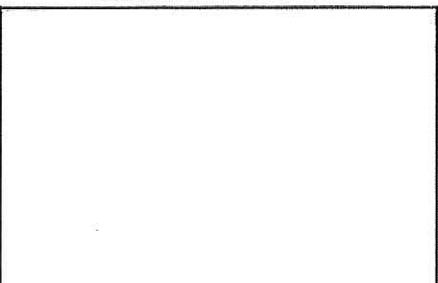
**ECONOMIC IMPACT STATEMENT:**

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

Printed name and Title of person authorized to file rules: John Campbell, Deputy Commissioner

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP  Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP  Accepted for filing by #22090 	OFFICIAL FILING STAMP  Accepted for filing by
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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 MS Department of Agriculture	CONTACT PERSON Jennifer Thompson	TELEPHONE NUMBER 601-359-1144
ADDRESS P.O. Box 1609	CITY Jackson	STATE Ms
EMAIL jennifer@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Petroleum Products Inspection Rules	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. 75-55-3	Reference to Rules repealed, amended or suspended by the Proposed Rule: Title 2, Part 1 MDAC Rules, Subpart 4, Section 113 of the Petroleum Products Inspection Law Regs	

**A. Estimated Costs and Benefits**

1. Briefly summarize the benefits that may result from this regulation and who will benefit:  
The benefit that results is that the consumer is not confused by the biodiesel labeling, as it will now be consistent with other states in the country, and follows the federal register.
2. Briefly describe the need for the proposed rule: The Department has received distributor complaints that the current rule is inconsistent with other states in which biodiesel blends are sold, thereby requiring specific labeling of biodiesel blend products in the state.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:  
The effect of the rule will allow the consumer to make an informed decision consistent with biodiesel fuel purchases in other states.
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:
  - a. Estimate of the number of small businesses subject to the proposed regulation: 2850
  - b. Projected costs for small businesses to comply: N/A

c. Statement of probable effect on impacted small businesses: The cost will be nothing if the small business is currently posting the required federal decal for biodiesel fuel blends. If a small business selling biodiesel fuel blends does not currently post the FTC label as required by 16 CFR Part 306, the cost will be minimal, ranging from \$1.29/decal - \$1.69/decal depending on quantity ordered. Most small business will have 1-4 dispensers at \$1.69/decal resulting in \$10.00 or less per location.

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

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**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.)

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**C. Data and Methodology**

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Searched websites online and found the costs to be minimal when purchasing the decals.

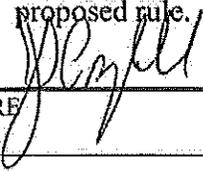
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**D. Public Notice**

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.

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SIGNATURE



TITLE

Deputy Commissioner

DATE

7/18/2016

PROPOSED EFFECTIVE DATE OF RULE

September 13, 2016