

**Department of Agriculture, Dairy and Feed Safety Program**  
**Notice of Hearing on Proposed**  
**Administrative Regulation, Statewide**

A public hearing will be conducted at 10:00 a.m. on November 2, 2023, in the 1<sup>st</sup> floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of a proposed regulation. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at <https://kansasag.zoom.us/meeting/register/tZYodOuprzkjHdc6WknFVu1FEj7VG-CruohA>. After registering, you will receive a confirmation email containing information about joining the meeting.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments regarding the proposed regulation. All interested parties may submit written comments prior to the hearing by mail or email to Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, Kansas 66502, or [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). Comments may also be made via the Kansas Department of Agriculture's website at <https://www.agriculture.ks.gov/document-services/public-comment>.

All interested parties will also be given a reasonable opportunity to orally present their views regarding the adoption of the proposed regulation during the hearing. To provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and the economic impact follows:

The Kansas Department of Agriculture (KDA) is proposing revisions to K.A.R. 4-7-716 to update references to the current Grade A Pasteurized Milk Ordinance, the current Methods of Making Sanitation Ratings of Milk Shippers, the current Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, and the current Evaluation of Milk Laboratories documents. These Food and Drug Administration documents are the standards that are adopted and used by state departments of agriculture dairy programs to ensure public health compliance in the production, transportation and processing of milk and dairy products. While these regulations are not mandated by the federal government, they are necessary if the state wishes to ship milk interstate under state inspection and K.S.A. 65-775 requires that the Secretary promulgate regulations that conform, insofar as possible, with the pasteurized milk ordinance, and the policies adopted by the interstate milk shippers conference. The updates to these adoptions by reference do not change the scope or intent of the current regulation and simply reflect changes to dairy industry practices, technology, and science.

The proposed regulation is not mandated by the federal government, and the adopted standards do not exceed any requirements of the federal government. The Food and Drug Administration documents adopted by reference are the standards that are adopted by every state dairy program to ensure public health compliance. If the most current versions of these documents are not adopted into the state Dairy Law, it may impose an embargo on Kansas products.

The proposed regulation does not significantly change the existing requirements imposed on the Kansas dairy industry. KDA does not anticipate that the proposed regulation will

significantly enhance or restrict business activity or growth in Kansas or present significant implementation and compliance costs to any of the state's businesses, sectors, public utility ratepayers, individuals, or local governments. The proposed regulation will have no effect or a very minimal effect on the state economy as a whole. The benefits of the proposed regulation significantly outweigh the costs because the proposed updates allow Kansas to be consistent with other states' regulations, meet FDA requirements, and allow for interstate movement of Kansas produced or processed milk.

KDA does not anticipate that the proposed regulation will significantly increase or decrease revenues of cities, counties, or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability. Letters of request were sent to the League of Kansas Municipalities, the Kansas Association of School Boards, and the Kansas Association of Counties. No responses were received from those entities.

KDA also consulted with the regulated public by submitting letters to all license holders and stakeholders, including the Kansas Livestock Association, the Kansas Dairy Association, and the Kansas Farm Bureau describing the proposed changes to the Kansas Dairy Law.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton, via telephone at (785) 564-6715 or via fax at (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan, and is accessible to individuals with disabilities.

Copies of the regulation, the updated Kansas Food Code, and the economic impact statement may be obtained by contacting the KDA via mail at Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Drive, Manhattan, KS 66502, via telephone at (785) 564-6715, or via the Department's website at [agriculture.ks.gov](http://agriculture.ks.gov).

Michael M. Beam  
Secretary  
Kansas Department of Agriculture