

STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL HEALTH LABORATORY**

SEAN PARNELL, GOVERNOR

5251 Dr. Martin Luther King Jr. Ave
Anchorage, AK 99507-1293
Phone: (907) 375-8200 Fax: (907) 929-7335
<http://www.dec.state.ak.us/>

June 3, 2010

Dear Interested Person,

Enclosed is a public notice announcing the proposed revisions to Title 18 Chapter 32 of the Alaska Administrative Code, dealing with Milk, Milk Products, and Reindeer Slaughtering and processing. The Department of Environmental Conservation proposes to adopt a regulation within this chapter dealing with cheese production. Although there are current regulations regarding food safety and food processing, cheese is a unique dairy product that requires specific regulations to ensure safe production. 18 AAC 32 will be amended to include a new section to address the specialized equipment and processes required to produce cheese. Changes to this draft regulation have been made based on public comment received during a previous 60 day comment period. The proposed regulation defines how to process cheese safely and includes the following components:

- Sanitary construction standards of the cheese processing and product holding facility;
- Standards for pasteurized and raw milk used for cheese making;
- Sanitation requirements and personnel hygiene standards;
- Laboratory testing requirements for milk used in cheese production, as well as the laboratory testing for the final product;
- Fees for permits;
- Recordkeeping requirements for ingredients, processing steps, and production;
- Labeling requirements for finished products;
- Inspection protocols and regulatory enforcement actions;
- The appeal process for department decisions; and
- Civil fines for non-compliance.

Copies of the proposed regulation are available at the Office of the State Veterinarian and on the Internet at <http://www.state.ak.us/dec/regulations/index.htm>. You may also contact Jay Fuller at: jay.fuller@alaska.gov, 907-375-8213, or by fax at 907-929-7335, to request that a copy be mailed to you. **If you feel that your interests may be affected by these regulations, it is critical that you get a copy of the proposed regulations and read them to determine whether you want to comment on them.**

The public comment period on the proposed regulations is from June 6 to July 6, 2009. Send your comments to: Jay Fuller, Office of the State Veterinarian, 5251 Dr. MLK Jr. Ave, Anchorage, AK, 99577; by facsimile to: 907-929-7335; or by e-mail to jay.fuller@alaska.gov. **Comments must be received by 5:00 p.m., July 6, 2010.**

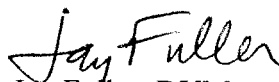


This draft is what we are proposing and is not final. We will carefully consider all comments we receive and may change this draft based on those comments. Once the regulations are final, we will prepare a summary of all comments received and what changes we made to the proposal as a result. If we do not make a change based on a comment, we'll explain why in a summary that we will mail to each person who provides a comment on the proposal. You will find enclosed the guide "Commenting on Proposed Government Regulations", which we hope will be of help to you. Thank you for taking the time to review and comment on these regulations.

Sincerely,



Robert Gerlach, VMD
State Veterinarian



Jay Fuller, DVM
Assistant State Veterinarian

Enclosures:

1. Public Notice on 18 AAC 32
2. Additional Regulations Notice Information
3. Guide to Commenting on Regulations

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation proposes to adopt regulation changes in Title 18 Chapter 32 of the Alaska Administrative Code, dealing with Milk, Milk Products, and Reindeer Slaughtering and Processing. The following new sections are proposed:

- 18 AAC 32.310 addressing the purpose and applicability of the cheese production regulations
- 18 AAC 32.315 addressing the adoption by reference of federal requirements
- 18 AAC 32.320 addressing the permit requirements for processing cheese or cheese products
- 18 AAC 32.323 addressing the water, wastewater, solid waste and plumbing requirements for cheese processing facilities
- 18 AAC 32.325 addressing the construction standards for cheese processing facilities
- 18 AAC 32.330 addressing the standards for personnel involved in cheese processing
- 18 AAC 32.335 addressing the standards for equipment and utensils utilized in cheese processing
- 18 AAC 32.340 addressing the sanitation standards for cheese processing
- 18 AAC 32.345 addressing the standards for ingredients used in cheese processing
- 18 AAC 32.350 addressing the testing standards for cheese processing
- 18 AAC 32.355 addressing the record retention requirements for cheese processing
- 18 AAC 32.360 addressing the labeling and identification standards for cheese processing
- 18 AAC 32.365 addressing the inspection standards for cheese processing
- 18 AAC 32.370 addressing the detention and destruction of cheese and cheese products
- 18 AAC 32.375 addressing the civil fines for violation of the cheese processing standards
- 18 AAC 32.380 addressing the right to appeal a decision
- 18 AAC 32.385 addressing fees

Amendments are also proposed that update the federal requirements adopted by reference in 18 AAC 32.020 and add new terms to the definitions in 18 AAC 32.990.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on October 30, 2009 and December 2, 2009 concerning these proposed regulation revisions contained in the Department of Law file number JU2009200933. **This SUPPLEMENTAL NOTICE is being issued to re-notice these regulations following changes made due to public comments.**

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jay Fuller, Assistant State Veterinarian, Division of Environmental Health, Department of Environmental Conservation, at 5251 Hinkle Rd, Anchorage, AK 99507, by facsimile at 907-929-7335, or by e-mail to jay.fuller@alaska.gov. The comments must be received no later than 5:00 p.m. on July 6, 2009.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Deb Pock at the Division of the Department of Environmental Conservation, 907-269-0291, no later than June 11, 2010, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jay Fuller at the Division of Environmental Health, Department of Environmental Conservation, at 907-375-8213 or go to the DEC's regulations website at <http://www.dec.state.ak.us/regulations/index.htm>

A public workshop will be held on June 21, 2010 at the Department of Environmental Conservation, 610 University Avenue, 610 University Avenue, Fairbanks, AK 99709 (Conference Room B & C). A telephone call-in is available at: Meet Me Line: (800) 315-6338 Pass Code X8213 (15 lines available). The workshop will be held from 4:30 p.m. until 7:00 p.m. The purpose of this workshop is to answer questions that you may have about the proposed regulations. Oral or written public comment will not be taken at this workshop.

Another public workshop will be held on June 22, 2010 at the Jarvis Office Center, CES Conference Room, Milepost 1420.5 Alaska Highway, Delta Junction, Alaska, 99737. A telephone call-in is available at: Meet Me Line: (800) 315-6338, Pass Code X8213 (15 lines available). The workshop will be held from 4:30 p.m. until 7:00 p.m. The purpose of this workshop is to answer questions that you may have about the proposed regulations. Oral or written public comment will not be taken at this workshop.

Another public workshop will be held on June 24, 2010 at the Department of Environmental Conservation, 1700 E. Bogard Road, Building B, Suite 103, Conference Room, Wasilla, AK 99654. A telephone call-in is available at: Meet Me Line: (800) 315-6338, Pass Code X8213 (15 lines available). The workshop will be held from 4:30 p.m. until 7:00 p.m. The purpose of this workshop is to answer questions that you may have about the proposed regulations. Oral or written public comment will not be taken at this workshop.

After the public comment period ends, the Department of Environmental Conservation will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 03.05.011, AS 03.05.013, AS 03.05.030, AS 03.05.040, AS 03.05.050, AS 03.05.090, AS 17.20.005, AS 17.20.010, AS 17.20.020, AS 17.20.040, AS 17.20.050, AS 17.20.060, AS 17.20.070, AS 17.20.072, AS 17.20.180, AS 17.20.190, AS 17.20.200, AS 17.20.220, AS 17.20.230, AS 17.20.240, AS 17.20.250, AS 17.20.260, AS 17.20.270, AS 17.20.280, AS 17.20.305, AS 17.20.315, AS 17.20.365, AS 44.46.020

Statutes Being Implemented, Interpreted, or Made Specific: AS 03.05.030, AS 03.05.040, AS 03.05.050, AS 17.20.070, AS 17.20.072, AS 17.20.200, AS 17.20.230, AS 17.20.270, AS 17.20.305

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: June 2, 2010

/s/
Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Milk and Milk Products
3. Citation of regulation (may be grouped): 18 AAC 32
4. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - other: (please list) _____
5. RDU/component affected: _____

6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 10	Subsequent Years FY 11
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
Federal receipts	\$ 0	\$ 0
General fund match	\$ 0	\$ 0
General fund	\$ 0	\$ 0
General fund/ program receipts	\$ 0	\$ 0
General fund/ mental health	\$ 0	\$ 0
Other funds (specify)	\$ 0	\$ 0

7. The name of the contact person for the regulations:

Name: Jay Fuller
Title: Assistant State Veterinarian
Address: 5251 Hinkle Rd.
Anchorage, AK 99507
Telephone: 907 375-8213
E-mail address: jay.fuller@alaska.gov

8. The origin of the proposed action:

- staff of state agency
- federal government
- general public
- petition for regulation change
- other (please list) _____

9. Date: June 2, 2010

Prepared by: _____
Name: Jay Fuller
Title: Assistant State Veterinarian
Telephone: 907 375-8213