

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**Person(s) Preparing Statement:** Brian R. Warren  
**Telephone:** 225-342-7514  
**Return Address:** 628 N 4<sup>th</sup> Street, Baton Rouge, LA 70821

**Department:** Louisiana Department of Health, Office of Public Health  
**Rule Title:** Regulation of Milk Products – Updated Citations

**Effective Date:** January 20, 2017

**SUMMARY** (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Louisiana Department of Health (LDH), Office of Public Health (OPH) proposes to amend Title 51, Part VI, Section 101 of the Public Health Sanitary Code related to Regulation of Milk Products. The proposed rule change is essentially technical. In Section 101, the proposed rule modifies a number of definitions to specify appropriate citations of other documents, including the Code of Federal Regulations, the Pasteurized Milk Ordinance, and Methods of Making Sanitation Ratings of Milk Shippers.

It is not anticipated that the proposed action will result in any implementation costs to the state or local governmental units. The proposed rule changes will result in an estimated cost of \$373 to publish the notice of intent and final rule in the *Louisiana Register*. OPH has sufficient funds in its annual operating budget to implement the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS.**

There are no anticipated effects on revenue collections of state or local governmental units anticipated as a result of promulgating the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary).**

There are no estimated costs or benefits to any affected persons or non-governmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary).**

There are no effects on competition and employment anticipated as a result of these proposed rule changes.

M. Beth Scalco, Assistant Secretary  
DHH/Office of Public Health

Legislative Fiscal Officer or Designee

Date of Signature

Date of Signature

**RECEIVED**

APR 10 2017

Legislative Fiscal Office

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).**

In Section 101 of Part VII of Title 51, the proposed rule modifies a number of definitions to specify appropriate citations of other documents, including the Code of Federal Regulations, the Pasteurized Milk Ordinance, and Methods of Making Sanitation Ratings of Milk Shippers.

**Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulations.** The changes to the legal citations are required in order for the citations to reference the most current version (as of this writing) of the Pasteurized Milk Ordinance as well as portions of the Code of Federal Regulations. The changes are necessary because if the department is required to initiate enforcement proceedings against a regulated entity and the citations in the regulations are demonstrated to be incorrect, the compliance activities could be rendered null and void due to this technicality.

**B. Compliance with Act 11 of the 1986 First Extraordinary Session:**

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.** Yes, OPH is expected to expend \$373 in operating expenses to pay the Office of the State Register to publish the Notice of Intent and Final Rule in the *Louisiana Register*.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

(a) \_\_\_\_\_ Yes. If yes, attach documentation.  
(b)   X   No. If no, provide justification as to why this rule change should be published at this time:

OPH currently has sufficient funds to implement the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

Costs	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
Personal Services	\$0	\$0	\$0
Operating Expenses	\$373	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
<b>TOTAL</b>	\$373	\$0	\$0
Major Repair/Construction	\$0	\$0	\$0
<b>POSITIONS</b>	\$0	\$0	\$0

2. Provide a narrative explanation of the costs or savings shown in "A.1", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs. The proposed rule changes will result in an estimated cost of \$373 to publish the Notice of Intent and Final Rule in the *Louisiana Register*. This is based on an estimated 3 pages of Notice of Intent and 2 pages of Final Rule at \$213 per page.

3. Sources of funding for implementing the proposed rule or rule change.

Source	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
Agency Gen. Fund	\$373	\$0	\$0
Agency Self Gen.	\$0	\$0	\$0
Dedicated	\$0	\$0	\$0
Federal	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
Total	\$373	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?  
Yes, OPH currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact. No impact is anticipated by these proposed actions local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.  
N/A

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS.

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/ DECREASE	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
State General Fund	\$0	\$0	\$0
Agency Self-Gen.	\$0	\$0	\$0
Restricted*	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

\*Specify particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.  
No increase of decrease in revenues is anticipated as a result of these changes.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS.

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.  
The rule change is not anticipated to result in costs or benefits to any stakeholders.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to their groups.  
See III A.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There are no effects on competition and employment anticipated as a result of these rule changes.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**Person(s) Preparing Statement:** Brian R. Warren  
**Telephone:** 225-342-7514  
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**Department:** Louisiana Department of Health, Office of Public Health  
**Rule Title:** Regulation of Milk Products – Updated Citations

**Effective Date:** January 20, 2017

**SUMMARY** (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Louisiana Department of Health (LDH), Office of Public Health (OPH) proposes to amend Title 51, Part VII, Section 101 of the Public Health Sanitary Code related to Regulation of Milk Products. The proposed rule change is essentially technical. In Section 101, the proposed rule modifies a number of definitions to specify appropriate citations of other documents, including the Code of Federal Regulations, the Pasteurized Milk Ordinance, and Methods of Making Sanitation Ratings of Milk Shippers.

It is not anticipated that the proposed action will result in any implementation costs to the state or local governmental units. The proposed rule changes will result in an estimated cost of \$373 to publish the notice of intent and final rule in the *Louisiana Register*. OPH has sufficient funds in its annual operating budget to implement the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS.**

There are no anticipated effects on revenue collections of state or local governmental units anticipated as a result of promulgating the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary).**

There are no estimated costs or benefits to any affected persons or non-governmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary).**

There are no effects on competition and employment anticipated as a result of these proposed rule changes.

---

M. Beth Scalco, Assistant Secretary  
DHH/Office of Public Health

Legislative Fiscal Officer or Designee

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Date of Signature

Date of Signature

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**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

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**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS.** *State or*

There are no anticipated effects on revenue collections of local governmental units anticipated as a result of promulgating the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary).**

There are no estimated costs or benefits ~~to the proposed rule change~~ to any affected persons or non-governmental groups *as a result of the proposed rule change.*

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary).**

There are no effects on competition and employment anticipated as a result of these proposed rule changes.

\_\_\_\_\_  
M. Beth Scalco, Assistant Secretary  
DHH/Office of Public Health

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
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## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

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**B. Compliance with Act 11 of the 1986 First Extraordinary Session:**

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.** Yes, OPH is expected to expend \$373 in operating expenses to pay the Office of the State Register to publish the Notice of Intent and Final Rule in the *Louisiana Register*.
- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

- (a) \_\_\_\_\_ Yes. If yes, attach documentation.  
(b)   X   No. If no, provide justification as to why this rule change should be published at this time:

OPH currently has sufficient funds to implement the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

Costs	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
Personal Services	\$0	\$0	\$0
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TOTAL	\$373	\$0	\$0
Major Repair/Construction	\$0	\$0	\$0
POSITIONS	\$0	\$0	\$0

2. Provide a narrative explanation of the costs or savings shown in "A.1", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs. The proposed rule changes will result in an estimated cost of \$373 to publish the Notice of Intent and Final Rule in the *Louisiana Register*. This is based on an estimated 3 pages of Notice of Intent and 2 pages of Final Rule at \$213 per page.

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Other (Specify)	\$0	\$0	\$0
Total	\$373	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?  
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B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact. No impact is anticipated by these proposed actions local governmental units.



2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.  
N/A

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS.

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/ DECREASE	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
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III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS.

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.  
The rule change is not anticipated to result in costs or benefits to any stakeholders.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to their groups.  
See III A.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.  
There are no effects on competition and employment anticipated as a result of these rule changes.

NOTICE OF INTENT  
Department of Health  
Office of Public Health

Regulation of Dairy Products  
– (LAC 51:VII.101)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 *et seq.*, the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part VII (Dairy Products Regulations) of Title 51. These amendments are being proposed to update the references to the most current version of the federal Food and Drug Administration's Pasteurized Milk Ordinance (PMO) as well as revising certain references to the Code of Federal Regulations (CFR) cited in the text. Such amendments are required in order for LDH-OPH to be able to enforce the 2015 PMO regulations over the production and distribution of milk and dairy products.

Title 51  
PUBLIC HEALTH—SANITARY CODE  
Part VII. Dairy Products Regulations

Chapter 1. Milk and Dairy Products  
§101. Definitions

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\* \* \*

*Code of Federal Regulations (CFR)*—~~Except as otherwise indicated,~~ the April 1, 2010 edition, as amended, of Title 21 (21 CFR = Food and Drugs) and the January 1, 2010 edition, as amended, of Title 7 (7 CFR = Agriculture) of the document, so titled and published by the United States Office of the Federal Register, National Archives and Records Administration.

\* \* \*

*Good Manufacturing Practices (GMP)*—practices used in the manufacturing, packing, or holding of dairy products that comply with the requirements contained in this Part and in 21 CFR 110 and 21 CFR 117 as revised on April 1, 2016, when applicable.

\* \* \*

*Methods of Making Sanitation Ratings of Milk Shippers*—2007 Revision, as amended, published by the U. S. Department of Health and Human Services, Public Health Service, FDA; (Internet URL address:

~~<http://www.cfsan.fda.gov/~eas/methods.html>~~  
<http://www.fda.gov/downloads/Food/GuidanceRegulation/UCM290758.pdf>).

\* \* \*

*PMO*—the ~~2009~~2015 Edition, as amended, of the *Grade “A” Pasteurized Milk Ordinance*, Public Health Service/Food and Drug Administration.

\* \* \*

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40. This Part is promulgated in accordance with specific provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:5.A.(2)(3)(5)(7) (15)(17) and R.S. 40:922.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1258 (June 2002), amended LR 37:2633 (September 2011), LR 38:2793 (November 2012), amended by the Louisiana Department of Health, Office of Public Health, LR 43:

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FOR ADMINISTRATIVE RULES**

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**Telephone:** 225-342-7514

**Return Address:** 628 N 4<sup>th</sup> Street, Baton Rouge, LA 70821

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The Louisiana Department of Health (LDH), Office of Public Health (OPH) proposes to amend Title 51, Part VII of the Public Health Sanitary Code related to Regulation of Milk Products.

In Section 101 of Part VII of Title 51, the proposed rule modifies a number of definitions to specify appropriate citations of other documents, including the Code of Federal Regulations, the Pasteurized Milk Ordinance, and Methods of Making Sanitation Ratings of Milk Shippers.

Additionally, in LAC51:VII.525, 527, 923, and 2907, language referring to the former Louisiana State Plumbing Code (LAC51:XIV) has been replaced with references to the relevant sections of LAC17:1 (Uniform Construction Code), which superseded the former plumbing code effective January 1, 2016 (see LR 41: 2545-2575).

Minor grammatical errors in the text are also proposed for correction.

It is not anticipated that the proposed action will result in any significant implementation costs to local governmental units. The proposed rule changes will result in an estimated cost of \$373 to publish the notice of intent and final rule in the *Louisiana Register*. OPH has sufficient funds in its annual operating budget to implement the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS.**

There are no anticipated effects on revenue collections of local governmental units anticipated as a result of promulgating the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary).**

The proposed rule change is essentially administrative and necessary for the continued routine operations of the Milk and Dairy Unit of the Office of Public Health. There are no estimated costs or benefits to this change to any stakeholders.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary).**

There are no effects on competition and employment anticipated as a result of these proposed rule changes.

*M. Beth Scalco*  
M. Beth Scalco, Assistant Secretary  
DHH/Office of Public Health

Legislative Fiscal Officer or Designee

Date of Signature

*3-17-2017*

Date of Signature

**RECEIVED**

**MAR 17 2017**

Legislative Fiscal Office

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- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

(a) \_\_\_\_\_ Yes. If yes, attach documentation.  
(b)   X   No. If no, provide justification as to why this rule change should be published at this time:

OPH currently has sufficient funds to implement the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT  
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TOTAL	\$373	\$0	\$0
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2. Provide a narrative explanation of the costs or savings shown in "A.1", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs. The proposed rule changes will result in an estimated cost of \$373 to publish the Notice of Intent and Final Rule in the *Louisiana Register*. This is based on an estimated 3 pages of Notice of Intent and 2 pages of Final Rule at \$213 per page.

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4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds? Yes, OPH currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact. No impact is anticipated by these proposed actions local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.  
N/A

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS.

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/ DECREASE	FY 2016-2017	FY 2017-2018	FY 2018 - 2019
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TOTAL	\$0	\$0	\$0

\*Specify particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.  
No increase of decrease in revenues is anticipated as a result of these changes.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS.

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.  
The rule change is not anticipated to result in costs or benefits to any stakeholders.
- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to their groups.  
See III A.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.  
There are no effects on competition and employment anticipated as a result of these rule changes.