

## Minnesota Department of Agriculture

### NOTICE OF INTENT TO REPEAL OBSOLETE RULES

#### Proposed Repeal of Obsolete Rules Governing

- **Grain Warehouse Examinations, *Minnesota Rules*, 1562.1100, subparts 1-3**
- **Seed Tolerances and Requirements, *Minnesota Rules*, 1510.0050-100, 1510.0231, 1510.0261, 1510.0271, 1510.0320**
- **Wholesale Produce Bonding and Regulation, *Minnesota Rules*, 1500.0201 subpart 2, 1500.0601, 1500.0801, 1500.1900**

#### Revisor's ID Number [RD4719]

**Introduction.** The Department of Agriculture intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments on the proposed repeal of obsolete rules until January 28, 2022.

**Agency Contact Person.** You must submit comments or questions on the rules to: Mark Abrahamson at Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155, ph: 651-201-6505, fx: 651-201-6108, [mark.abrahamson@state.mn.us](mailto:mark.abrahamson@state.mn.us)

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

#### **Subject of the Repeal of Obsolete Rules and Statutory Authority.**

- **Grain warehouse examinations:** Minnesota Statutes 232: Grain Storage, was revised during the 2019 legislative session. Revisions included reducing the required number of examinations for grain warehouses from two to one. This makes section 1562, subparts 1-3 obsolete as they provide an opportunity for a third party to conduct the second inspection which is no longer required.
- **Seed tolerances and requirements:** Minnesota Statutes 21.80-21.92: Seed Law, was revised during the 2020 legislative session. One revision inserted language that references federal seed law for calculating tolerances around seed germination rates. This brought Minnesota law into harmony with federal regulations as well as other states and made sections 1510.0050-0.100, 1510.0231 and 1510.0261 obsolete since they provide information for making tolerance calculations that are now out-of-date.

Another revision made to the Seed Law during the 2020 legislative session was to create a process for the Commissioner of Agriculture to maintain a list of prohibited and restricted noxious seeds in consultation with a formal advisory group. This made 1510.0271 and 1510.0320 obsolete as they contain lists for prohibited (.0271) and restricted (.0320) noxious weed seeds that are now out-of-date.

- **Wholesale produce bonding and regulation:** Specifically, Minnesota Statute 27, Farm Products Dealers, was revised during the 2020 legislative session. Revisions included removing the requirement for purchasers of farm products to be licensed or to hold a bond. This makes certain sections of the current rule obsolete including:
  - 1500.0201 subpart 2 which defines a bond
  - 1500.0601 – which lays out requirements for financial statements related to licensing
  - 1500.0801 – which lays out procedures for making a claim against a bond
  - 1500.1900 – which lays out consequences for operating without a license and bond

The agency identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. A copy of the proposed obsolete rules to be repealed is published in the State Register and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on January 28, 2022 to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

**Request for Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on January 28, 2021. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the agency will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

**Modifications.** The agency might modify its choice of these designated rules or parts proposed for repeal (e.g. fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the agency. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the agency encourages you to participate in the rulemaking process.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Repeal and Review of Obsolete Rules.** The agency may repeal the obsolete rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

11/10/2021

Date

*Mark Abrahamson*

Mark Abrahamson

Director Plant Pesticide Division