

# MINNESOTA DEPARTMENT OF AGRICULTURE

Dairy and Meat Inspection Division

## NOTICE OF INTENT TO REPEAL OBSOLETE RULES

**Proposed Repeal of Obsolete Rules Governing the Dairy Industry, Minnesota Rules 1525.0560; 1525.0585; 1525.0600; 1525.0610; 1525.0660; 1525.0670; 1525.0680; 1525.0690; 1525.0830; 1525.0900; 1525.0920; 1525.0930; 1525.0940; 1525.0970; 1525.1020; 1525.1040; 1525.1070; 1525.1100; 1525.1310; 1525.1330; 1525.1340; 1525.1521; 1525.1530; 1525.1540; 1525.1550; 1525.1560; 1525.1570; 1525.1580; 1525.1590; 1525.1600; 1525.1610; 1525.1620; 1525.2300; 1525.2310; 1525.2320; 1525.2330; 1525.2340; 1525.2350; 1525.2360; 1525.2370; 1525.2380; 1525.2390; 1525.2400; 1525.2410; 1525.2420; 1525.2430; 1525.2440; 1525.2450; 1525.2460; 1525.2470; 1525.2480; 1525.2490; 1525.2550; 1525.2620; 1525.2900; 1525.2910; 1525.2920; 1525.2930; 1525.2940; 1525.2950; 1525.2960; 1525.2980; 1525.2990; 1525.3000; 1525.3010; 1525.3020; and 1525.3030; Revisor's ID Number RD4553**

### 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 Friday, November 9, 2018.

### Agency Contact Person

Doug Spanier, Minnesota Department of Agriculture, 625 Robert Street, St. Paul, MN 55155, (651) 201-6166, [douglas.spanier@state.mn.us](mailto:douglas.spanier@state.mn.us). You may review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>.

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

The rules proposed for repeal are related to the dairy industry, a program area within the Dairy and Meat Inspection Division of the MDA. The MDA proposes to repeal these rules in order to align the Minnesota Rules with the current Minnesota Statutes and MDA practices and to avoid confusion. Effective July 1, 2017, Minnesota Statute Chapter 32 pertaining to the Dairy Industry was repealed and replaced with *Minnesota Statute* Chapter 32D. The adoption of these new statutes made the rules proposed for repeal obsolete or duplicative.

The MDA identified the proposed obsolete rules to be repealed in its annual obsolete rules report under *Minnesota Statutes* section 14.05, subdivision 5.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. It can also be viewed at <http://www.mda.state.mn.us/ruledocket>

## **Comments**

You have until 4:30 p.m. on Friday, November 9, 2018, to submit written comments in support of or in opposition to the proposed repeal of the obsolete rules or any part or subpart of those rules. 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 to which it refers and the reason for the comment. 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 time 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 the request by 4:30 p.m. on Friday, November 9, 2018. 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 change 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 to be repealed are identical to the rules originally published in the *State Register* for repeal, then the agency will publish a notice of adopting the repealers in the *State Register*. If the final rules to be repealed are different from the rules originally published in the *State Register* for repeal, 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 question 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**

If no hearing is required, 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.

August 27, 2018

Andrea F. Vaubel  
Assistant Commissioner  
Minnesota Department of Agriculture