

# Notice of Intent to Repeal Obsolete Rules

## Minnesota Department of Agriculture

**Proposed Repeal of Obsolete Rules Relating to Private Applicator Certification Requirements, as well as certain uses and procedures, *Minnesota Rules part 1505.1080 and part 1505.0980, Subparts A and C*; Revisor's ID Number RD4960; OAH Docket Number 24-9024-41157**

**Introduction.** The Minnesota 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 **4:30 p.m. on January 9, 2026**.

**Subject of Rules.** The proposed obsolete rules are eliminating uses and procedures of the following inorganic arsenical compounds: sodium arsenite, sodium arsenate, arsenic trioxide, arsenic acid, and arsenic pentoxide, sodium fluoroacetate, compound 1080, fluoroacetamide (1081), and phosphorus paste, including any mixture, formulation, dilution, or combination thereof. These compounds are no longer in use for pest control in Minnesota. In addition, the obsolete rules are eliminating two options private applicators could take to obtain a certification from the Department. The options being eliminated are using a home study course and being interviewed by the Commissioner of Agriculture. The Department have never used these options for any private applicator in the past, and these options are not in compliance with federal rules.

**Statutory Authority.** The agency identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5.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. The initial statutory authority under which these rules were created is found in Minnesota Statutes, sections 18B.06 and 18B.39, which gives the Commissioner of Agriculture the authority to make rules relating to the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers, as well as rules to enforce and implement Minnesota Statutes Chapter 18B.

**Publication of Proposed Rules.** A copy of the proposed obsolete rules to be repealed is published in the *State Register* and attached to this notice as mailed. The proposed obsolete rules to be repealed may be viewed at: <https://www.mda.state.mn.us/opportunities-public-involvement-mda-rules>

**Agency Contact Person.** The agency contact person is Doug Spanier at the Minnesota Department of Agriculture, 629 Robert Street, St. Paul, MN., 55155, 651-201-6166, douglas.spanier@state.mn.us. You may contact the agency contact person with questions about the rules.

**Public Comment.** You have until **4:30 p.m. on January 9, 2026** 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. 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 that you have on the legality of the proposed rules during this comment period. If the proposed repeal of obsolete rules affects you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comments via the [Office of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/), by U.S. Mail delivered to the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, or by fax (651) 539-0310].

All comments or responses received are public data and will be available for review on the eComments website.

**Request for Hearing.** In addition to submitting comments, you may also request that the agency hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on January 9, 2026**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed repealed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed 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.

**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 (for example, 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 repealer(s) 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*.

**Repeal and Review of Obsolete Rules.** If no hearing is required, the agency may repeal the obsolete rules after the end of the comment period. The agency will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the repealed obsolete rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

9/29/2025

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[Date]

DocuSigned by:

Patrice Bailey

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[Name] Patrice Bailey

[Commissioner/Director] Assistant Commissioner

*[Signature is required on the Notice. OAH Rules, part 1400.2085, subpart 2, item O.]*