

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF PROPOSED AMENDMENTS TO
THE RULES OF THE DEPARTMENT OF AGRICULTURE
GOVERNING SEED POTATO CERTIFICATION
(MINNESOTA RULES 1555.6840, 1555.6850 AND
1555.6870)

STATEMENT OF NEED AND
REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (MDA) of amendments to the rules governing requirements for certification of seed potatoes. Minnesota Statutes, sections 21.113 to 21.118, authorize the Minnesota Department of Agriculture to adopt rules for the efficient administration and enforcement of the Minnesota Seed Potato Certification Law.

The department has determined that the proposed amendments are non-controversial in nature because they are supported by the industry as an acceptable tolerance, and will bring Minnesota's requirements for certified seed potato production into conformity with other states. Because of the noncontroversial nature of these amendments, the department has directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, sections 14.22 to 14.28. Accordingly, the rulemaking proceedings on the proposed amendments are governed by that statute and no hearing will be conducted on the proposed amendments unless, on or before July 23, 1986, 25 or more persons submit to the department a written request for such hearing. In accordance with the requirement of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

In 1951, the State of Minnesota adopted rules 1555.6840, Requirements for Certified Seed Potato Production and subsequent rules 1555.6850 and 1555.6870 which address Primary Foundation and Foundation certified seed potato production respectively and site 1555.6840 as a requirement.

The current rule, 1555.6840 Subpart 1.C., states that a field shall be rejected if it contains any varietal mixture at the time of inspection, unless all varietal mixtures are removed by the grower before the next inspection. This rule is ambiguous, inconsistent with other states and difficult to enforce. First, all seed potato certification agencies in other states allow some degree of varietal mixture. Second, due to the nature of large scale seed potato production, seldom, if ever, is a potato field 100 percent one variety. Third, because the percent of varietal mixture in a given seed lot does not increase disproportionately during subsequent generations, it does not pose a problem if the tolerances are set at the proper levels.

The proposed changes in the rule would allow for varietal mixture to exist in certified seed potato fields. The proposed tolerances would be set at 0.2 percent varietal mixture in seed potato fields classified as Certified, 0.1 percent varietal mixture in seed potato fields classified as Foundation,, and 0.0 percent varietal mixture in seed potato fields classified as Primary Foundation. These tolerances for varietal mixture conform with tolerances in North Dakota and Wisconsin which have stood the test of time. Minnesota's lack of a tolerance for varietal mixture in seed potato fields places unrealistic limitations on producers and reduces their ability to compete with neighboring states.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT TO THE RULES
1555.6840 Requirements For Certified Seed Potato Production

The amendment to the rules is reasonable because it will not jeopardize the quality of Minnesota Certified class seed potatoes or place additional restrictions on producers. The current rule prohibits the presence of varietal mixture in all certified seed potato fields. Conversely, the existence of tolerances for varietal mixture in other states which certify seed potatoes demonstrates their necessity. The tolerance of 0.2 percent, proposed in this amendment is equal to or more stringent than the tolerance in other states. Due to the nature and scale of current seed potato production, some degree of varietal mixture is inevitable. This amendment would still impose varietal purity standards yet allow for the occasional varietal mixture to occur.

IV. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT TO THE RULES
1555.6850 Requirements For Primary Foundation
Certified Seed Potato Production

The proposed amendment to the rules is reasonable because it will not effect the quality of Minnesota Primary Foundation class seed potatoes or place additional restrictions on producers. The current rule prohibits the presence of varietal mixture in seed potato fields. The proposed amendment will serve to clarify and reinforce the existing rule as it now applies to Primary Foundation class certified seed potatoes.

V. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT TO THE RULES
1555.6870 Virus Diseases

Rule 1555.6870 is actually a requirement of rule 1555.6860 Requirements For Foundation Certified Seed Potato Production. The proposed amendment is reasonable because it will not lower the quality of Minnesota Foundation class certified seed potatoes or place additional restrictions on seed growers. The current rule prohibits the presence of any varietal mixture in Foundation seed potato fields, even though other states which certify seed potatoes do allow some degree of varietal mixture. The tolerance of 0.1 percent proposed in this amendment is proportionate to tolerances imposed by other states. This amendment would still maintain a high standard for varietal purity but yet allow for an occasional mixture to occur.

VI. SMALL BUSINESS IMPACT OF THE PROPOSED AMENDMENT

As prescribed by Minnesota Statutes, section 14.115, subdivisions 1 and 2, the Department of Agriculture has considered the degree of impact the proposed rule will have on the certified seed potato industry.

The department has determined that the proposed rule essentially clarifies the present rule regarding varietal mixture and places no additional economic restraints or demands on producers. This amendment would be a positive benefit to Minnesota certified seed potato producers.