

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF PROPOSED AMENDMENTS TO)
THE RULES OF THE DEPARTMENT OF AGRICULTURE) STATEMENT OF NEED AND
GOVERNING SEED POTATO CERTIFICATION) REASONABLENESS
MINNESOTA RULE 1555.6950)

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 noncontroversial 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, section 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 12/24/86, 25 or more persons submit to the department a written request for such hearing. In accordance with the requirements 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 rule 1555.6950, Minnesota Certified Seed Potato Grades and Tolerances. Subpart 2.A. of this rule states that blue tag grade certified seed potatoes must be free from serious damage caused by sunburn. Likewise, Subpart 3.A. places the same restriction on yellow tag grade certified seed potatoes.

Minnesota's tolerance for sunburn is unfounded and inconsistent with other states. Sunburn is strictly an appearance factor and does not effect seed potato quality. Other states which certify seed potatoes, such as North Dakota, base their grades on the United States Standards for Seed Potatoes (37 F.R. 8667, sec. 51.3007) which specifically excludes sunburn as a factor. As a result, Minnesota's present tolerance for sunburn in seed potatoes places unjustified limitations on seed potato producers and restricts their ability to compete with neighboring states. The proposed amendment would eliminate sunburn as a factor in blue tag grade and yellow tag grade certified seed potatoes. This change would bring Minnesota into conformity with other states and USDA standards.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT TO RULES.

1555.6950 Minnesota Certified Seed Potato Grades and Tolerances.

The proposed amendment to the rules is reasonable because it will not diminish the quality of Minnesota blue tag or yellow tag grade seed potatoes or place additional restrictions on producers. The current rule prohibits serious damage caused by sunburn. This rule is inconsistent with the United States Standards For Seed Potatoes as well as the standards of several other states. This amendment would eliminate these contradictions.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED AMENDMENT.

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

The Department has determined that the proposed change would simplify the present rules regarding seed potato grades and places no additional economic restraints or demands on producers. This amendment would be a positive benefit to Minnesota Certified Seed Potato Producers.