

Minnesota Department of Agriculture
2012 Rules Report
Laws of Minnesota 2012, chapter 238, sec. 3

1500 Wholesale Produce Dealers

The rules provide additional definitions and guidelines not contained in the statute for the applicability and enforcement of the wholesale produce dealer's law, such as the options available to a person with a claim against a wholesale produce dealer (i.e. wholesale produce dealer's bond, wholesale produce dealer's trust, arbitration, mediation). The rules are current and need not be changed.

1505.0751-1505.0758 Agricultural Inspectors

The rules provide guidelines for the training and activities of county agricultural inspectors which includes annual work reports, training and meeting attendance needed to carry out responsibilities related to seeds, noxious weeds and screenings.

1505.0830-1505.4130 Pesticides

These parts address a number of individual programs and rules that relate to a variety of agricultural programs. The rules are necessary to explain reexamination procedures when an applicant fails to receive a passing score on an examination; define procedures for the proper licensure of pesticide applicators; to describe prohibitions on the sale and purchase of restricted use pesticides; to insure protection of ground and surface water from fertilizer/pesticide contamination from missing/malfunctioning/inoperable antipollution equipment or a lack of equipment maintenance in chemigation systems; and to protect citizens, employees and the environment from the potential damage caused by improper storage of bulk pesticides and prevent of off-site releases to save the state and industry from liability and cleanup costs.

1506 Damage by Elk Compensation

The rule provides additional definitions and guidelines not contained in the statute to determine who is eligible to make a claim and the verification needed to substantiate a claim. This rule spells out the claims procedure for producers that have crops damaged by elk. It is current and does not need to be changed.

1508 Agriculture Liming Material

This chapter prescribes conditions for license and inspection fee qualifications, label information, analytical and sampling methods, certification to conduct sampling or sampling and analysis, and distribution of agricultural liming material. The rule is necessary because it provides protections for purchasers of agricultural lime against non-standard materials and analyses.

1509 Waste Pesticide Collection

This chapter administrates a collection program establishing a process that is designed to protect human health and the environment from uncontrolled release of waste

pesticide. The rule is necessary because large volumes of waste pesticide continue to be collected from end users that otherwise may not be disposed of legally or properly.

1510.0011 — 1510.0360 Agricultural Seeds

These parts establish procedures, tolerances and standards that are necessary for proper enforcement of the Minnesota Seed Law (M.S. § 21.80 to 21.92), as well as clarification of statutory concepts necessary for a consistent understanding among the regulated clientele. Seed labeling and advertising requirements protect consumers and promote fair competition. Obsolete rules are in the process of being repealed and others updated to provide greater harmonization with federal regulations and nationally recognized standards.

1510.0370— 1510.0434 Fertilizers, Feeds

These parts prescribe uniform regulations and conditions of retail fertilizer nutrients, sets standards of safe storage and handling of fertilizers to protect citizens and the environment and allow for the proper application of these products for economic and environmental benefit. The rule is necessary because it provides standards for the use, storage, handling and distribution of seed, fertilizer and feed.

1510.1930 – 1510.2200; 1510.2500-1510.2595 Commercial and Pet Feeds.

These parts are necessary to provide a clear understanding of the intent of the Minnesota Commercial Feed Law to the regulated community and to provide a consistent basis for enforcement of the Minnesota Commercial Feed Law which has a direct impact on human and animal food/feed safety.

1510.2300 -1510.2355 Seed Potato

The seed potato rules provide standards for inspection, certification, production and marketing of certified seed potatoes. The rules provide the specific disease tolerances, and field inspection and winter-test requirements to ensure a viable seed potato industry in Minnesota. There are no federal standards or requirements in this field. Without the tolerances and inspection requirements for primary foundation, foundation, pre-nuclear, generation and certified seed class potato production and the certification program, the seed potato industry in Minnesota would not be able to provide certified seed stock to Minnesota growers or export certified stock to domestic and foreign growers. The rules are current and need not be changed.

Chapter 1512 SOIL TESTING LABORATORIES; AGRICULTURAL CHEMICAL RESPONSE COMPENSATION

This chapter is necessary to implement the Soil Testing Certification program. This program insures that soil testing labs are using approved testing methods, can conduct the lab analysis within given statistical guidelines for the various tests offered and report the results in a standardized and understandable format.

This chapter also contains procedures for claims made to the Agricultural Chemical Compensation Board under program provisions and the Agricultural Chemical

Response and Reimbursement Account. This part is necessary in order to provide consistency in reimbursement application and award processes.

CHAPTER 1513 ANHYDROUS AMMONIA

This chapter regulates the design, construction, repair, alteration, location, installation and operation of agricultural anhydrous ammonia systems with products used or intended for use as a fertilizer. Anhydrous ammonia is an extremely hazardous substance, and the conditions set forth in this chapter protect the public and the environment. The rule is necessary to protect consumers and distributors of anhydrous ammonia from injury and or death.

1515.2300 and 1515.2400 Livestock Market Agencies

These parts describe the required information to be recorded upon sale of feeder pigs and confirm the commissioner's access to those records. These sections are relevant because the department continues to monitor feeder pig sales.

1515.3000-1515.3800 Compensation for Livestock Destroyed by Gray Wolves.

The rules provide additional definitions and guidelines not contained in the statute to determine who is eligible to make a claim and the investigative procedures and verification needed to substantiate a claim to receive fair market value for livestock killed by wolves. The rules spell out the claims procedure for producers that have livestock (cattle, sheep, poultry, swine, horses, donkeys, mules, goats, and farmed cervidae) lost to depredation by gray wolves. The rule was revised in 2011.

1520 Poultry and Eggs

The federal government primarily regulates poultry and eggs, but Chapter 1520 is necessary because it addresses requirements for hatcheries, plant sanitation and retail labeling identification requirements of eggs and affiliation with the National Poultry Improvement Plan which are not included in the federal requirements.

1525 Dairy Industry

This chapter is necessary to describe standards for dairy products or processes for which no federal standards exist. This chapter is being reviewed to ensure current rules are still necessary given industry changes and federal regulatory changes that have occurred.

1540 Meat Inspection

The federal government primarily regulates the meat industry, however, Minnesota does have a state meat inspection program for a substantial number of custom exempt operators. These rules address issues unique to Minnesota and its operators and primarily address issues that are not explicitly covered in the federal requirements. The rules are being reviewed to repeal conflicting rules, duplicating rules and update rules to reflect the current processing standards.

1545 Meat, Fish and Poultry Industry

This chapter contains rules that are specifically applied to meat processors that are licensed but not an official establishment in the USDA or state meat inspection program. These rules are important to outline facility requirements for exempt processors, particularly for poultry. This chapter is being reviewed to determine the appropriateness of specific sections of the chapter and whether or not they can be removed due to duplication with the Federal Code of Regulations.

1550 Food; General Rules

This chapter contains provisions not included in federal food safety regulations. The rules contain standards for salvaged foods operations, quality assurance dating, food delivery equipment, nonalcoholic and alcoholic beverage manufacturing, commercial canning, bakeries, cold storage warehouses, water vending and other miscellaneous labeling and product requirements not specifically covered in federal regulations adopted by the state. The rules were reviewed previously and provisions conflicting with federal regulations were repealed.

1552 Agricultural Development Grants

This chapter is necessary as it provides the criteria and procedures for the administration of the grants. MN Statutes, sec. 17.101 states "The commissioner shall make permanent rules for the administration of these grants and contracts." These grants are used frequently as a tool to encourage and promote the production and marketing of Minnesota agricultural products. No changes are recommended at this time.

1556 Minnesota Grown Labeling Statements

This chapter is necessary because it contains definitions for products eligible to use the Minnesota Grown logo. The section is relevant since the number of farmers and processors licensed to use the logo continues to increase each year. More than 1,200 licenses to use the logo were issued this year. No changes are recommended at this time.

1558 Genetically Engineered Organisms

This chapter is essential to maintain the department's ability to fulfill its responsibilities under M.S. § 116D. The rules define the categories of genetically engineered organism release permits and exemptions, provide the criteria for each permit, describe the considerations in determining whether permits should be issued, and describe the procedures and application requirements and conditions. The state receives and reviews over 60 applications for the release of genetically engineered organisms each year.

1562 Buying and Storing of Grain

This chapter supports MS Chapters 223 and 232 and adds clarification to license requirements, contract and receipt language requirements, and instructions for filing bond claims against licensed entities. Obsolete and redundant language was repealed in Laws 2012, chapter 244, article 1, section 83,

1570 Commodity Councils; Promotion Councils

This chapter is necessary because it contains key definitions and details regarding the creation and organization of commodity councils, meetings of the councils, polling procedures for elections and referenda, and the process for requesting and issuing refunds. The rules are relevant because there are thirteen commodity councils operating in Minnesota. No changes are recommended at this time.

1572 Agricultural Contracts

This chapter should remain in effect because it provides protections for producers when they contract their services or commodities. Such protections are needed to compensate for the unbalance of power when producers contract with large businesses. The rules also create an avenue for dispute resolution in the event of a disagreement between the parties to the contract. The dispute resolution process is quicker and cheaper than going to court, which is a benefit to many producers.