

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED)
AMENDMENTS AND REPEAL OF RULES)
THE DEPARTMENT OF AGRICULTURE)
GOVERNING GRADE A AND)
MANUFACTURING GRADE MILK AND)
DAIRY PRODUCTS)

STATEMENT OF NEEDS
AND REASONABLENESS

I. INTRODUCTION

The Minnesota Department of Agriculture proposes to amend these rules to stay current with the changes in federal regulations. These amendments will apply to both Grade A and Manufacturing grade milk and dairy products. The amendments are proposed for adoption pursuant to Minnesota Statutes, Section 31.11 which authorizes MDA to promulgate rules for the effective administration of Minnesota Food Law. As provided in Minnesota Statute, Section 31.002 when practicable and consistent with state law, these rules shall conform with those promulgated under federal law.

The Department had determined that the proposed amendments to the rules are noncontroversial and are supported by industry because they are necessary to allow the movement of milk and dairy products across state lines. Because of the noncontroversial nature of these amendments, the Department directs that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes Section 14.22 - 14.28. Accordingly, the rulemaking proceedings on the proposed amendments are governed by the statute and no hearing will be conducted on the proposed amendments unless 25 or more persons submit to the Department a written request for such hearings.

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 amendments were published by the State Register.

II. GENERAL OVERVIEW

Minnesota Rules and Parts 1530.0740 and 1530.0820 amended in 1986 have made a number of existing rules unnecessary. Some existing rules need to be amended to better reflect the requirement established by the rules noted above. Other amendments involve the updating of technical terms and deletion of out-dated terms which exist in the current rules associated with Grade A and Manufacturing Grade milk and dairy products.

Minnesota Statutes require the Department to maintain uniformity with federal regulations when possible in regulating the manufacture, distribution, and sale of food in Minnesota. It becomes important that Minnesota rules and regulations not be in conflict with those of the Federal Government and that they enable us to carry out proper enforcement to protect the public health.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED CHANGES IN RULES

The requested amendments to the rules will allow the State of Minnesota to maintain a milk regulatory program which will meet the minimum requirement of the Federal Food and Drug Administration Grade A program and the United States Department of Agriculture Manufacturing Grade program. These amendments will keep Minnesota in line with other states and allow for the free movement of milk and dairy products across state lines while strengthening our ability to protect public health.

Additions and deletions to parts 1525.1410, 1525.1470, Subp 2, 1525.2020, 1525.2320, 1525.2430, 1530.0750, and 1530.0810 all relate to changes to accept the most current additions of "Standard Methods for the Examination of Dairy Products" and "Official Methods of Analyses of the Association of Official Analytical Chemists." By doing this it will avoid the necessity to change our regulations each time an edition changes.

It also allows our laboratory to make use of the most current methods of analyses available. This can be very important if court action is necessary.

In 1986, we amended 1530.0740 to adopt the current addition of the "Grade A Pasteurized Milk Ordinance" and any published revisions. Parts 1525.2320, 1525.2330, 1530.0750, Subp. 2, and 1530.0810 all needed to be changed to read the same as 1530.0740 to avoid any conflict in regulating by this federal ordinance as adopted by reference.

Stating of fees in 1525.2390 and 1525.2520 have been deleted and refer to the Minnesota Statute which sets these fees. This change will prevent having to amend rules anytime the Legislature passes a change in fee schedules.

Part 1525.1110 changes the temperature requirements to the same as required by the federal regulations adopted under 1530.0740. Parts 1525.1470 and 1525.1510 eliminate the terms cream and butterfat since this type of producer no longer exists. 1525.1470 also adds Subp. 4 which is necessary to clarify how the monthly test results required by federal regulations are to be reported so producers and the regulatory agency are properly notified. Part 1530.0810 is necessary to assure that all test results reported by certified laboratories are accurate and reflect the true quality of the milk.

Part 1530.0740, Subp. 3 is necessary since the Minnesota Department of Agriculture does appoint other agencies as official regulatory agencies as allowed under federal regulations.

The following sections are to be repealed:

Section 1525.0510, 1525.0520 and 1525.0550 are processed product definitions which no longer apply due to changes in federal law. Section 1525.1470, Subp. 3 addresses a product no longer produced in Minnesota. Sections 1525.2030, 1525.2040 and 1525.2050 are all covered under the amendment to 1525.2020, and are no longer necessary. Sections 1525.2060, 1525.2070, 1525.2080, 1525.2090, 1525.2100, 1525.2110, 1525.2120, 1525.2130, 1525.2140, 1525.2150, 1525.2160, 1525.2170, 1525.2180, 1525.2190, 1525.2200, 1525.2210, 1525.2220, 1525.2230, 1525.2240, 1525.2250, 1525.2260, 1525.2270,

1525.2280, and 1525.2290 are no longer needed as regulations for milk houses for bulk tanks are now covered under 1530.0820.

IV. SMALL BUSINESS IMPACT

The amendments to the rules proposed in this document must be applied to all businesses regardless of size. These changes are necessary to protect the public health and to allow for the free movement of milk and dairy products across state lines. Establishment of less stringent compliance or reporting requirements for any individual or business could jeopardize their ability to sell products or could endanger public health.