

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Rule  
of the Department of Agriculture  
Governing Use of the Minnesota  
Grown Labeling Statements

Statement of Need  
and Reasonableness

Introduction

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture of a rule governing use of the Minnesota Grown labeling statements. Minnesota Statutes, section 17.102, subd. 6, requires the commissioner to adopt rules authorizing and licensing the use of the labeling statements. Consulting with industry representatives has led us to believe that we can adopt these rules as noncontroversial in accordance with Minnesota Statutes, section 14.22 through 14.28.

Small Business Impact

Minnesota Grown labeling statements have been developed to provide an additional marketing tool for small agricultural producers and processors in Minnesota. The program is completely voluntary and the only reporting requirement is an annual license application. The application includes a license fee as stated in Minnesota Statutes, section 17.102. Additional small business considerations are not needed as the program exists to provide marketing opportunities for small agricultural businesses.

Need for and Reasonableness of the Proposed Rule

1556.0100

This part states the statutory authority for the rule.

1556.0110

The definitions are necessary to assure that the rule is clearly understood and consistently applied by those who must use it.

1556.0120

These labeling statements are necessary to make it possible for the widest possible variety of producers and processors to use the Minnesota Grown logo.

Subp. 1. The 80% requirement is necessary to assure that the labeling statements are only used on products produced in Minnesota and to allow for a reasonable variation which may be caused by unfavorable growing conditions or other uncontrollable circumstances. The requirements for processed products are also needed to assure that only Minnesota products are being identified with the logo and to give processors the extra flexibility they need in order to make use of the labeling statements.

Subp. 2. This subpart is necessary to clearly state who may use the labeling statements.

Subp. 3. This subpart is necessary to clearly state that retailers and wholesalers may use the labeling statements without a license as stated in Minnesota Statutes, section 17.102.

1556.0130

It is reasonable to have separate labeling statement for wild rice produced and processed in Minnesota because it provides the industry with an additional marketing tool to use to protect its market from outside competition. The labeling statement tells consumers that wild rice is the official state grain of Minnesota and provides the consumer with a method to distinguish Minnesota wild rice from wild rice produced elsewhere.

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Subp. 2. This subpart is necessary to clearly state who may use the labeling statements.

Subp. 3. This subpart is necessary to clearly state that retailers and wholesalers may use the labeling statements without a license as stated in Minnesota Statutes, section 17.102.

1556.0140

A "certified organic" labeling statement is necessary to satisfy the requirements stated in Minnesota Statutes, Section 17.102, subd. 1.

Subp. 1. The 80% requirement is necessary to assure that the labeling statements are only used on products produced in Minnesota and to allow for a reasonable variation which may be caused by unfavorable growing conditions or other uncontrollable circumstances. The requirements for processed products are also needed to assure that only Minnesota products are being identified with the logo and to give processors the extra flexibility they need in order to make use of the labeling statements. It is necessary for producers to be certified by an agency designated by the commissioner in order to maintain constant standards for all producers and to insure the integrity of the labeling statement.

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Subp. 3. This subpart is necessary to clearly state that retailers and wholesalers may use the labeling statements without a license as stated in Minnesota Statutes, section 17.102.

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1556.0150

This part states that compliance with these rules does not exempt a labeling statement user from complying with other laws and rules.

1556.0160

The commisisoner's approval is necessary to satisfy requirements stated in Minnesota Statutes, Section 17.102.

1556.0170

This part is necessary to insure that the labeling statements are being used in accordance with these rules.