

FEB 2 1995

Department : Agriculture

STATE OF MINNESOTA  
**Office Memorandum**

Date : February 1, 1995

To : Maryanne Hruby, Director  
LCRAR

From : Carol Milligan *cm*  
Agriculture Planning Division

Phone : 296-6906

Subject : **Submittal of Statement of Need and Reasonableness**

As required by Minnesota Statutes, sections 14.131 and 14.23, attached is the Statement of Need and Reasonableness for rules governing soil and plant amendment labeling. The Notice of Intent to Adopt Rules and the rules will be published in the *State Register* on 2/20/95.

Please call me if you have any questions.

Attachment

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed	)	
Amendments to the Rules of the	)	STATEMENT OF NEED
Department of Agriculture governing	)	AND
Soil and Plant Amendment Labels and	)	REASONABLENESS
Labeling Requirements Minnesota Rules	)	
parts (1510.0430-1510.0434)	)	

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**INTRODUCTION**

The subject of this rule making is the proposed amendments to rules of the Minnesota Department of Agriculture governing soil and plant amendment labels and labeling. The amendments to these rules are proposed for adoption pursuant to Minnesota Statutes, section 18C.121, subdivision 1, which authorizes the MDA to establish rules necessary to implement and enforce Minnesota Statutes Chapter 18C Fertilizers, Soil Amendments, Agricultural Liming Materials and Plant Amendments Law (MS. Chapter 18C).

**BACKGROUND**

The current Soil and Plant Amendment rules were adopted in 1982. The current rules are adequate, however they lack clarity. These amendments to the rules do not change the existing requirements to a great extent but will clarify to readers and users, sections of the rule that are not precisely defined.

**IMPACT ON SMALL BUSINESS**

The proposed amendments to the rules for labels and labeling of soil and plant amendments will pertain to all soil amendments sold or distributed in Minnesota.

Many registrants of soil or plant amendments complying with the proposed rule are small businesses. Representatives of these industries have been consulted in developing these proposed rules and their comments have been taken into consideration. The proposed rules were closely examined in order to minimize any negative impact on small businesses.

The MDA has examined methods for reducing the impact of this rule on small

businesses as per Minnesota Statutes, section 14.115, subd. 2. (a) through (e) and can not do so because; (a) less stringent compliance; (b) less stringent schedules for compliance and; (c) consolidation of compliance requirements would jeopardize the purpose of the rule which is to provide consumer protection and promote fairness of trade among registrants through truth in labeling. (d) The establishment of performance standard is not applicable since design or operational standards are not a requirement of this rule. (e) Exemption of small business from this rule is not practical since statute requires the labeling of all soil and plant amendments and the MDA goal is to standardize the requirements in order to aid the entire industry.

Since a vast majority of the products registered with the department already comply with the proposed amendments the industry would not face an economic burden. These proposed amendments to the rules clarify practices already used within the industry.

### **EXPENDITURE OF PUBLIC MONEY**

The proposed rule will not require the expenditure of public money by local public bodies.

### **NEED FOR REASONABLENESS OF THE PROPOSED AMENDMENTS TO THE RULE**

#### **Section 1510.0430 Authority and Purpose:**

This part of the rule is amended and is necessary and reasonable to clarify the current authority by which the Commissioner proposes the amendments to the rules.

#### **Section 1510.0431 Definitions:**

This part of the rule is amended and is necessary to clarify definitions of terms used in the rule for readers and users of the rule and to delete definitions no longer used. The inclusion of new definitions and deletion of old definitions is reasonable so that MDA may consistently apply the rule to those who must comply with it.

#### **Section 1510.0432 Label Requirements:**

Subpart 1. C. This subpart of the rule contains amendments to the present rule. These amendments are necessary since the current rule does not provide an example of a standard guaranteed analysis format to be used. This is also necessary to assure that consumers will be able to determine a products content prior to purchasing a soil

or plant amendment product. This is reasonable for industry because the content, form and order are consistent with national standards and are accepted by the industry. It is also reasonable that consumers be assured that they have adequate information in order to make informed buying decisions and to be able to compare the content of more than one soil or plant amendment in a consistent manner.

Subpart 1. G. This subpart has been deleted and is necessary because the requirement has become obsolete and few if any states require this as part of the labeling requirements. In the past soil amendments typically did not contain plant nutrients. Today many materials being promoted and sold as soil amendments also contain plant nutrients. It is reasonable that a consumer not be misinformed about the plant nutrient content of a soil amendment so that they can take this information into consideration and adjust the rate of fertilizer application if necessary. It is also reasonable to delete this subpart since it is inconsistent with the requirements of other states and by continuing may cause an economic burden on industry.

Subpart 1. H. This subpart of the rule has been deleted here and is necessary because the requirement has been restated in 1510.0432, subd 1. C. (1). The change is reasonable because it makes the rule easier to read and understand.

Subpart 3 a. This subpart is all new material and is necessary to inform users and readers of this rule of other options allowed that are sufficient to meet the labeling requirements for sewage sludge that is transferred between parties without charge. It is reasonable because Minnesota Statute, section 18C.135, subdivision 1. and subd. 2. specifies that this option is acceptable.

Subpart 4. This is a technical amendment and is necessary since as currently written this part of the rule can be interpreted that the label information may not appear on the back of the container. This requirement is contrary to that required by all other states. It is unreasonable to require the label information to be placed on the back of the label only since that is not the intent and because it is inconsistent with national standards.

Subpart 5. Amendments have been made to this subpart and are necessary to clarify this subpart. These amendments are reasonable since they are similar to the requirements for furnishing labels to customers that purchase bulk fertilizers.

#### **Section 1510.0433 Labeling and Labels:**

Subpart 2. This part of the rule is new material and is necessary to provide consumers with enough information concerning product content prior to making a purchase. It is reasonable that consumers are not misled to believe the product they purchase is different than that listed on the label. This standard is consistent with

national standards

Subpart 3. and 4. These parts are necessary to prevent misleading and unsubstantiated claims concerning the environmental and safety aspects of a soil or plant amendment. These parts are reasonable since claims of this type give consumers a false impression that reasonable handling and safety precautions are not necessary and to provide for fairness of trade among all products. It is further reasonable since there is no discrete definition for these terms.

Subpart 5. This is all new material and is necessary to provide uniform product information to assure that consumers have adequate knowledge regarding the content and quality of a product. This standard is reasonable to prevent consumers from being misled and to maintain uniform standards to maintain fairness of trade among industry.

**Section 1510.0434 Enforcement:**

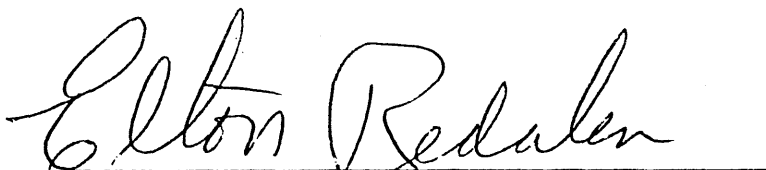
This amendment is necessary to update the statutory authority under which enforcement of these rules is granted.

**REPEALER**

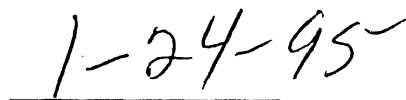
**Section 1510.0432 Label Requirements:**

Subpart 2. This subpart of the rule has been repealed and is necessary since Minnesota Statutes, sections 17.711 to 17.729 has been repealed making this subpart no longer valid. It is not reasonable to retain old rules when new governing statutes exist.

Subpart 3. This subpart has been repealed and is necessary since the requirements specified are those previously required by Minnesota Pollution Control Agency (MPCA) rules. MPCA rules have since changed and are likely to be amended in the future since they are based on United States Environmental Protection Agency standards that are subject to periodic review and change. It is not reasonable to retain obsolete rules which may cause undo hardship on industry.



Elton Redalen, Commissioner of Agriculture



Date