

3-1-2006



## Office Memorandum

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DATE: 2/24/06

TO: Kim Gunderson  
Legislative Reference Library

FROM: Carol Milligan  
Commissioner's Office

PHONE: 651/201-6606

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

As required by Minnesota Statutes, sections 14.23, enclosed is the Statement of Need and Reasonableness for amendments to rules governing seed potato certification. The Notice of Intent to Adopt Rules and the rules will be published in the *State Register* on 3/13/06.

Please feel free to call me if you have any questions.

**MINNESOTA DEPARTMENT OF AGRICULTURE**  
**Plant Protection Division**

**STATEMENT OF NEED AND REASONABLENESS**

**Proposed Amendments to Rules Governing Seed Potato Certification; Minnesota Rules 1505.00610 thru 1505.0670.**

**I. INTRODUCTION:**

The subject of this rulemaking is the proposed adoption of amendments to the rules governing seed potato certification. The purpose of the amendment is to allow shipment of certified seed potatoes with an excess of "hollow heart". The statutory authority to adopt this rule is Minnesota Statutes, section 21.118. This statement was made available for public review on February 22, 2006.

**II. DESCRIPTION OF CLASSES OF PEOPLE AFFECTED BY THE RULES.**

The classes of people affected by the proposed rules are Minnesota seed potato growers and potato growers buying Minnesota certified seed potatoes. There are no costs associated with the proposed amendments. The classes of people who will benefit from the proposed rules are Minnesota certified seed potato growers and potato growers buying Minnesota certified seed potatoes.

**III. PROBABLE COST TO THE AGENCY AND EFFECT ON REVENUE.**

The amendments will not affect costs or revenues for this agency or any other agency.

**IV. DETERMINATION OF A LESS COSTLY OR LESS INTRUSIVE METHOD.**

It has been determined that there is no less costly or intrusive method of achieving the purpose of the proposed rules.

**V. DESCRIPTION OF ALTERNATIVE METHODS.**

The department considered no alternative methods.

**VI. PROBABLE COST OF COMPLYING.**

The rule amendments will not incur costs for affected parties.

The proposed rules were submitted to the Department of Finance for consultation on the fiscal impact and benefit of the proposed rule on local units of government. Finance did not comment on the rule.

In accordance with M.S. 14.127 the agency has determined that the cost of complying with the rule will not exceed \$25,000 for a business with less than 50 people or a city with less than 10 full time employees because the amendment does not affect the operations of the industry.

**VII. PROBABLE COSTS OR CONSEQUENCES OF NOT ADOPTING THE RULE.**

The probable costs or consequences of not adopting the proposed rule for affected regulated industry, governmental units or individuals are decreased revenue for seed potato growers and a short supply of seeds for potato producers.

VIII. DIFFERENCES BETWEEN FEDERAL AND STATE REGULATIONS.

Federal regulations do not provide an exemption for "Hollow Heart", but seed potato producers can choose to have seeds inspected and certified by Minnesota standards or federal standards. Therefore, the difference does not hinder seed potato regulation or business.

IX. PERFORMANCE BASED REGULATORY SYSTEMS.

In developing the rules, the department considered and implemented the legislative policy supporting performance-based regulatory systems by adding flexibility to the standards. The change does not jeopardize plant health, but it allows seed potato buyers to purchase product that was previously prohibited. The rule assures that the buyer is informed of the seed condition.

X. EFFORTS TO PROVIDE NOTICE TO PERSONS TO BE AFFECTED BY THE RULE.

The rules and notice of intent to adopt these rules without a public hearing will be published in the Minnesota Certified Seed Potato Growers Newsletter.

XI. NEED FOR AND REASONABLENESS FOR THE PROPOSED RULE:

**1510.2355, subp. 2. A; subp. 2. C 1a; Subp. 3a. A; and Subp. 3a. C 1a**

The amendments remove unnecessary restrictions that prevent seed potato producers from selling a viable and useful product because of a condition that affects only appearance. The amendments will also allow producers to meet the increasing demand for seed potatoes.

The amendments are reasonable because hollow heart affects appearance but does not influence plant health or performance characteristics of the seed potato, and labeling requirements insure that purchasers are aware of the condition of the seed potatoes being purchased.

ALTERNATIVE FORMAT: Upon request, this Statement can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Carol Milligan at Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538, 651/201-6606, and fax: 651201-6118. TDD users may call the Department of Agriculture at 800/627-3529.