



Annual Rules Report 2021

Deputy Commissioner Andrea Vaubel, 651-201-6551
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November 20, 2021

Governor Tim Walz

Sen. Torrey Westrom, Sen.torrey.westrom@senate.mn
Agriculture, Rural Development, and Housing Finance Committee

Rep. Mike Sundin, mike.sundin@house.mn
Agriculture and Food Finance and Policy Committee

Michelle Weber, Director
Legislative Coordinating Commission, lcc@lcc.leg.mn

Ryan Inman, Revisor
Minnesota Revisor of Statutes, ryan.inman@revisor.mn.us

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by Minnesota Statutes, section 14.05, subdivision 5

Dear Governor Walz, Senators, Representatives, Revisor Inman, Director Hubinger:

Minnesota Statutes, section 14.05, subd. 5, directs the Minnesota Department of Agriculture (MDA) to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

MDA has reviewed its rules and have the following rules in 2021 that are or have become obsolete, unnecessary, or duplicative over the course of the last year. MDA's timetable for completing the following rulemaking is by January 2022 through the processes outlined in Minnesota Statutes, sections 14.3895 and 14.47, subd. 6(b).

1. 1500.0201, subpart 2, 1500.0601, 1500.0801, 1500.1900

These rules pertain to wholesale produce bonding and regulation. These rules were replaced in statute. These rules are currently in the process of being repealed.

2. 1510.0050-1510.0100, 1510.0231, 1510.0261, 1510.0271, 1510.0320

These rules pertain to seed tolerances and seed requirements, including prohibited and restricted weed seed, all of which have been moved to statutes. They can be found at Minnesota Statutes Section 21.84 BS 21.85. These rules are currently in the process of being repealed.

3. 1562.1100 subparts 1-3

These rules deal with grain warehouse examinations, and has been replaced in statute. These rules are currently in the process of being repealed.

Status of rules identified in the Minnesota Department of Agriculture's 2018 Annual Rules Reports.

1. **1525.1470 subparts 1, 2 and 4** These rules pertain to the regulation of the dairy industry. MDA proposes to repeal these rules because either the statutes related to these rules were repealed, or they are duplicative and not needed because the Federal Pasteurized Milk Ordinance (PMO) or USDA Rules on Milk for Manufacturing Purposes already cover it and Minnesota has adopted them. The Department plans to have these rules repealed by the end of 2022.

Status of rules identified in the Minnesota Department of Agriculture's 2015 Annual Rules Reports.

1. **1545.2050 - 1545.3170.** These rules regulate the processing of fish for human consumption. The MDA proposes to repeal these rules as duplicative and unnecessary. Fish processing is subject to the Minnesota Food Code, Minn. R. ch. 4626, as well as to the federal food and drugs rules and fishery products rules. These federal rules have been incorporated into Minnesota law by *Minnesota Statutes*, section 31.101. Each of the rules in chapter 1545 proposed to be repealed is substantively addressed by the Minnesota Food Code, the federal rules, or Minnesota Statutes, as illustrated in the attached table. MDA believes that repealing the proposed rules will eliminate confusion and streamline the regulatory process for both the regulated parties and the agency, without any detriment to food safety. MDA has not started this process but plans to repeal these rules in 2022 using the process set forth in Minnesota Statutes, section 14.3895.

2. **1550.1255-1550.1530.** These rules pertain to bakeries. The MDA proposes to repeal these rules as duplicative and unnecessary. Bakeries are subject to the Minnesota Food Code, Minn. R. ch. 4626, as well as to the federal food and drugs rules. These federal rules have been incorporated into Minnesota law by Minnesota Statutes, section 31.101. Each of the bakery rules in chapter 1550 proposed to be repealed is substantively addressed by the Minnesota Food Code, the federal rules, or a provision of Minnesota Statutes, as illustrated in the attached table. MDA believes that repealing the proposed rules will eliminate confusion and streamline the regulatory process for both the regulated parties and the agency, without any detriment to food safety. MDA has not started the process but plans to repeal these rules in 2022 by using the process set forth in Minnesota Statutes, section 14.3895.

3. **1550.1540-1550.1700.** These rules contain requirements for the manufacture of nonalcoholic beverages, beer, and other malt beverages. MDA believes these rules are duplicative and unnecessary. Beverage manufacturers are subject to the Minnesota Food Code, Minn. R. ch. 4626, as well as to the federal food and drugs rules. These federal rules have been incorporated into Minnesota law by Minnesota Statutes, section 31.101. Each of the beverage rules in chapter 1550 proposed to be repealed is substantively addressed by the Minnesota Food Code, the federal rules, or Minnesota Statutes, as illustrated in the attached table. MDA believes that repealing the proposed rules will eliminate confusion and streamline the regulatory process for both the regulated parties and the agency, without any detriment to food safety. MDA has not started the process but plans to repeal these rules in 2022 using the process contained in Minnesota Statutes, section 14.3895.

Status of rules identified in the Minnesota Department of Agriculture's 2013 and 2014 Annual Rules Reports.

The obsolete rules identified in MDA's 2013 and 2014 Annual Rules Reports are in the process of being repealed. These rules were to be repealed by legislation that did not pass and become law. 1562.0100

Subpart 2C, 1562.0300 have been repealed in 2019. Repeal of 1510.0340 -1510.0360, and 1510.0161 will be done in 2022 using the process set forth in Minn. Stat. 14.3895.

If you have any questions regarding this report, please contact Doug Spanier, MDA Administrative Rules Coordinator (651-201-6166 or Douglas.Spanier@state.mn.us).

The cost of preparing this report.

In compliance with Minnesota Statutes 3.197, the cost of preparing this report is \$70. This includes time for review of rules, legal research and writing the report.

Sincerely,

A handwritten signature in cursive script that reads "Andrea F. Vaubel".

Andrea Vaubel
Deputy Commissioner