



Obsolete Rules Report

As required by MINN. STAT. 14.05 Subd. 5

12/02/2024

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

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 are identifying the following rules 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 2026 through the processes outlined in Minnesota Statutes, sections 14.3895 and 14.47, subd. 6(b).

1. 1505.1080

This rule prohibits the use and procedures of certain arsenic chemicals involved in pest control. These rules have become obsolete as these chemicals are already not allowed for use in pest control in Minnesota due to safety concerns and the Environmental Protection Agency (EPA) restricting the use of such chemicals.

2. 1505.0980, Subpart 1(a) and (c)

This rule dealt with certain allowable test procedures for obtaining a certification for restricted use pesticide application. In working with the EPA to obtain the Department's Certification Plan approved by EPA, these test procedures are not allowed by EPA.

Status of rules that were identified in the Minnesota Department of Agriculture's 2023 Annual Rules Report:

1. 1558.0010-1558.0090

These rules deal with genetically engineered organism. The rules have become obsolete as the Department moved all requirements into the statutes. They can be found in Minnesota Statutes Chapter 18F.

Status of rules that were identified in the Minnesota Department of Agriculture's 2022 Annual Rules Report:

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 These rules have been repealed.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 These rules have been repealed.

3. 1562.1100 subparts 1-3

These rules deal with grain warehouse examinations and has been replaced in statute. These rules have been repealed.

We do not have any rules that we identified for the 2021 Annual Rules Report.

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 2024.

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. 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 2024 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. 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 2024 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. 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 2024 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 2024 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, at 651-201-6166 or douglas.spanier@state.mn.us.