

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 765

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12/28/81
DATE FOR REVIEW 1/11/82
DATE DUE 1/18/82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved / disapproved 12/29/81

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.24.81 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
Sufficiency - omits statement required by IMCAR 1.203 G.4. - statutory authority cited is different (but close) to authority cited in Order Adopting.

✓ Affidavit of Mailing Notice or rulemaking
11.19.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.23.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact no changes from Rules as Proposed

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General
no requests received

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO : MARK W. SEETIN, Commissioner
Department of Agriculture
ATTN: Special Assistant Attorney General JON MURPHY

DATE: 1/11/82

FROM : TED A. MARTINEZ TAM
Special Assistant Attorney General
530 State Office Building

PHONE: 296-0315

SUBJECT: IN THE MATTER OF THE PROPOSED REPEAL OF THE RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING THE MINNESOTA CERTIFIED QUALITY EGG PROGRAM

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:sll

Encs.

cc: Ms. Kathy Burek
430 State Office Building

Mr. Duane Harves
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, MN 55415

December 29, 1981

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Agriculture

Rule Numbers: AGR 434-457

Rule Title: Adopted Repeal of Rules Governing the Minnesota Certified Quality Egg Program

Type of Rules: Permanent x

Temporary _____

Documents Incorporated by Reference:

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
Jan 11 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Ted A. Mondale
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 11 1982
Joan Anderson Growe
Secretary of State
3:20 PM

AG copy.

Department of Agriculture

Food Inspection Division

Adopted Repeal of Rules Governing the Minnesota Certified Quality Egg Program

Rule as Adopted

Repealer. Rules Agr 434-457 are repealed.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

RECEIVED
DEC 28 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : Judith Wehrwein
Special Assistant Attorney General

DATE: 12/23/81

FROM : Gerald Heil, Director GH
Planning Division

PHONE: 6-1486

SUBJECT: Repeal of Rules Governing the Minnesota Certified Quality Egg Program (AGR 434-457)

The Department has repealed the above-mentioned rules without a public hearing, pursuant to the provisions of Minn. Stat. 15.0412, Subd. 4h. Enclosed with this memorandum are the documents required to be submitted for your review. A list of the enclosures is attached.

No written or oral comments were received on the proposed repeal of these rules. Furthermore, no one requested to be notified when the documents were submitted to the Office of the Attorney General. Consequently, those applicable forms or comments are not included in the record.

If you have any questions, please call me.

GH:dw

Enclosures

cc: Craig Lindeke, Assistant Revisor
Tom Masso, Director, Food Inspection Division

Enclosure to Letter from
Jerry Heil to Judith Wehrwein
12/23/81

LIST OF ATTACHED DOCUMENTS

A. Rule as Repealed (Original and 3 copies)

B. Order Repealing Rule (2 copies)

C. Order for Notice of Intent to Repeal Rule Without Public Hearing (1 copy)

D. Notice of Intent to Repeal Rule Without Public Hearing (1 copy)

E. Affidavit of Mailing Notice of Intent to Repeal Rule Without Public Hearing (1 copy)

F. Mailing List Certificate (1 copy)

G. Rule as Proposed for Repeal (1 copy)

H. Statement of Need and Reasonableness (1 copy)

I. Certificate of Compliance with Rulemaking Procedures (1 copy)

In the Matter of the Proposed Repeal
of Rules of the Minnesota Department of Agriculture
Governing the Minnesota Certified Quality Egg
Program (AGR 434-457)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 19th day of November, 19 81, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Repeal Rules Without Public Hearing by depositing in the Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department.

Joyce Walkosz

Subscribed and sworn to before me
this 19th day of November, 19 81.

Janet E. Gruening

JANET E. GRUENING
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 6, 1983.

STATE OF MINNESOTA)

) ss.

COUNTY OF RAMSEY)

CERTIFICATE

In the Matter of the Proposed Repeal of Rules of the Department of Agriculture Governing the Minnesota Certified Quality Egg Program (AGR 434-457)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes 15.0412, subdivision 4, that their names be placed on file with and maintained by the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 9:00 a.m., this 19th day of November, 19 81.

Gerald Heil, Director
Planning Division

DEPARTMENT OF AGRICULTURE

FOOD INSPECTION DIVISION

In the Matter of the Proposed Repeal	)	ORDER FOR NOTICE
of Rules of the Department Governing	)	OF INTENT TO REPEAL
the Minnesota Certified Quality Egg	)	RULES WITHOUT
Program (AGR 434-457)	)	PUBLIC HEARING

IT IS ORDERED this 6th day of November, 19 81, that a Notice of Intent to Repeal Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department for that purpose and be published in the State Register.

STATE OF MINNESOTA

Mark W. Seetin

COMMISSIONER OF AGRICULTURE

Rule as Proposed

Repealer. Rules Agr 434-457 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Department of Agriculture

Division

Agency Contact Gerald Heil Phone Number 296-1486

Title: Proposed Rule Repealing the Minnesota Certified Quality Egg Program

Type of Rules: Permanent X Temporary

Incorporations by References: None

Rule Number Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Available

See Additional references on back Yes No

Duplication of Statutory Language

Rule Number Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

Rule as Proposed

Repealer. Rules Agr 434-457 are repealed.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Home Improvement Loan Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Home Improvement Loan Program, pursuant to Laws of 1981, ch. 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

November 12, 1981

James J. Solem
Executive Director

Temporary Rule as Proposed

12 MCAR § 3.002 O. (Temporary) "Persons and families of low and moderate income" means:

1-3. [Unchanged.]

4. with respect to home improvement loans and accessibility improvement assistance pursuant to Chapter Six of these rules, those persons and families whose adjusted income does not exceed ~~$18,000~~ $24,000 or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

Department of Public Safety
Driver and Vehicle Services Division

Proposed Rules Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications is desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Food Inspection Division

Proposed Repeal of Rules Governing the Minnesota Certified Quality Egg Program

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the department proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed repeal of the rules.

Unless seven or more persons submit written requests for a public hearing on the proposed repeal within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f (1980).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486. If a public hearing is requested, identification of the particular objection to the repeal, and the reasons or data relied on to support the objection is desired.

Authority to adopt or repeal these rules is contained in Minnesota Statutes § 29.27. Additionally, a statement of need and reasonableness that describes the need and reasonableness of the proposed repeal and identifies the data and information relied upon to support the proposed repeal has been prepared and is available upon request from: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Upon repeal of the rule without a public hearing, the rules as repealed, this notice, the statement of need and reasonableness, and all written comments received will be delivered to the Attorney General for review. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such request to Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Please be advised that Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Bldg., St. Paul, MN 55155, (612) 296-5615.

Copies of this notice are available and may be obtained by contacting Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

November 9, 1981

Mark W. Seetin
Commissioner of Agriculture

RECEIVED
JAN 8 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Department of Agriculture

Food Inspection Division

In the Matter of the Proposed Repeal of Rules of the Department Governing the Minnesota Certified Quality Egg Program

Notice of Intent to Repeal Rules Without a Public Hearing

Notice is hereby given that the Department proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed repeal of the rules.

Unless seven or more persons submit written requests for a public hearing on the proposed repeal within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f (1980).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486. If a public hearing is requested, identification of the particular objection to the repeal, and the reasons or data relied on to support the objection is desired.

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repeal and identifies the data and information relied upon to support the proposed repeal has been prepared and is available upon request from: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Upon repeal of the rule without a public hearing, the rules as repealed, this Notice, the Statement of Need and Reasonableness, and all written comments received will be delivered to the Attorney General for review. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such request to Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Bldg., St. Paul, MN 55155, (612) 296-5615.

Copies of this Notice are available and may be obtained by contacting Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

STATE OF MINNESOTA

Robin M. Gennestown

Dated: November 9, 1981

Deputy Commissioner for Mark W. Seetin
Commissioner of Agriculture

DEPARTMENT OF AGRICULTURE
FOOD INSPECTION DIVISION

In the Matter of the Proposed
Repeal of Rules Governing the
Minnesota Certified Quality
Egg Program

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to repeal the above-entitled rules without a public hearing was published in the State Register on November 23rd, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 19th, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Minnesota Certified Quality Egg Program are repealed this 24th day of December, 1981 pursuant to authority vested in me by Minnesota Statutes section 29.021.

STATE OF MINNESOTA



MARK W. SEETIN
COMMISSIONER OF AGRICULTURE

Department of Agriculture

Food Inspection Division

Rules As Adopted

The rules proposed and published at State Register, Volume 6, Number 21, pp. 1006-1007, November 23rd (6 S.R. 1006) are now repealed.

IN THE MATTER OF THE PROPOSED REPEAL)
OF THE RULES OF THE DEPARTMENT OF) STATEMENT OF NEED
AGRICULTURE GOVERNING THE MINNESOTA) AND REASONABLENESS
CERTIFIED QUALITY EGG PROGRAM)
(AGR 434-457))

I. INTRODUCTION AND AUTHORITY

The rules governing the Minnesota Certified Quality Egg Program were first adopted in 1957. The authority to promulgate the rules is contained in Minn. Stat. Section 29.021. The rules were first adopted and filed on August 11th, 1959. Subsequently, they were amended and filed on March 23rd, 1960; on October 25th, 1961; on October 17th, 1963; and again on October 25th, 1973.

The Commissioner has determined that the repeal of these rules is non-controversial. A memorandum was sent to all program participants, indicating the Department's desire to terminate the program. The Department has received no negative reactions to the memorandum, which was mailed October 16, 1981. No requests have been received to continue the program. Morevoer, the production of quality eggs for public consumption will continue to be assured by other state and federal rules now in force.

II. HISTORY OF THE PROGRAM

The Minnesota Certified Quality Egg Program was established in 1957 under a matching fund grant from USDA (Agricultural Marketing Authority). The original purpose of the program was to assist farmers in upgrading the quality

of their eggs, and to provide consumers with an egg of certified quality. The Minnesota Certified Quality Egg Program, at the time of its creation, was a supplemental program to the Federal Fresh Fancy Quality Egg Program. The Minnesota program grew rapidly. The number of total birds in participation increased from 348,000 in 1959-60 to 3.5 million in 1971-72. The number of dealers and producers also increased, growing from 36 in 1959-60 to 61 in 1971-72.

The program, funded through a combination of participation fees and federal matching funds, was self-sustaining until 1974. However, in 1972 the United States Shell Egg Surveillance Act was passed. This legislation established mandatory grading standards for all eggs moving in interstate commerce and set uniform grades and sizes for all consumer eggs. The states were forced to accept a candled AA grade egg standard. Prior to this, the only AA grade egg that could be sold in Minnesota had to be produced under the Minnesota Certified Quality Egg Program (AGR 434-457), or the Federal-State Quality Egg Program (7 CFR Part 56, Section 56.216) for Fresh Fancy Quality Egg Program labeling.

With the advent of the Federal standards in 1972, the importance of the Minnesota Certified Egg Program steadily declined, and participation in the program decreased rapidly. Only 17 dealers and producers participated in the program during 1979-80. Moreover, the participation of these dealers and producers amounted to only 10 to 30 percent of their available AA grade eggs. The remainder of their eggs were sold as candled AA. At the present time, only 20-23 percent of the AA eggs offered at retail in Minnesota are produced from flocks under the Minnesota Certified Quality Egg Program.

III. JUSTIFICATION OF REPEAL

Termination of the Minnesota Quality Egg Program is necessary and reasonable for the following reasons:

A. Participation by dealers and producers in the program is down. Moreover, most of the participants are certifying only a small proportion of the total number of eggs they produce. The rest are sold as candled AA eggs.

B. Because of the present limited participation and the distances involved, the program is no longer self-sustaining. Fees would have to be raised to a prohibitive level to offset administrative and regulatory costs.

C. The rules governing the program do not conform with current industry production and marketing practices. Major changes would be required to bring the rules into conformity with such practices.

D. The Federal Government retained the candled AA egg standards when the federal regulations were modified October 1, 1981. Since it has been established that most AA eggs in Minnesota are being offered on a candled basis, termination of the Certified Egg Program should not present a significant economic impact on industry and producers. Additionally, consumers will continue to be assured of quality eggs through existing state and federal regulations.

The decrease in program participation was discussed above (II. History of the Program.) An explanation of points B, C, and D follows to demonstrate both the need for and reasonableness of the proposed repeal of the program.

The program is now a financial burden upon the Department. In 1972, the program generated approximately $10,000 in revenue through participation fees and federal matching funds. However, the Federal matching funds were discontinued after 1974. Last year the program cost about $5,000 to administer while generating only $1,714 in revenue. Participating dealers and producers are spread over the entire state. The required monthly inspections are not feasible because of economic and travel restrictions, unless fees are dramatically raised.

The rules and regulations governing the program do not conform with current industry production and marketing practices, i.e., establishing a base grade on a flock of 100,000 birds by breaking out and measuring only 10 eggs each month. It seems unnecessary to amend rules governing a program whose original purpose is being served by other, more current rules and regulations.

It has been determined that this action will not have a significant economic impact on industry and producers because Grade AA eggs may and will continue to be offered for sale on a candled basis. Moreover, industry is being given six months to exhaust their supply of certified cartons under which they market Minnesota Certified Quality Eggs.

IV. CONCLUSIONS

The termination of the Minnesota Certified Egg Program is necessary and reasonable since it no longer is needed, participation has decreased dramatically, and the program is only partially self-sustaining. The provision of quality eggs continues to be assured because of other existing state and federal rules and regulations. The initial purposes of the program will continue to be served by state rules (AGR 388-417) and federal regulations (7CFR Part 2856).

November 20, 1981

Date

Mark W. Seetin

Commissioner of Agriculture

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General Jon Murphy, do hereby declare that I have examined the proposed repeal of the rules governing the Minnesota Certified Quality Egg Program and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Jon Murphy
Special Assistant
Attorney General

Dated: 12/24/81