

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1259 05.0009.0075

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-20-86
DATE FOR REVIEW 3-28-86
DATE DUE 4-3-86

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

Approved 3/31/86 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 3-31-86 Revisor approved 3.21.86 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.18.86 Date

N/A 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 no small biz statement

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

✓ Mailing list Certificate

? Publication in State Register no small biz statement
2.10.86 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

N/A Agency's Findings of Fact

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement of beneficial impact on small biz

N/A Petition for Adoption of a Rule

✓ 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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JIM NICHOLS, Commisisoner
Department of Agriculture

DATE: 3/31/86

ATTN: JON MURPHY
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Rule of the Department of Agriculture Governing Milk and Cream Grading

The above-referenced rule has been approved as to its legality by the Attorney General on March 31, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1259

Department of Agriculture

Adopted Rules Relating to Milk and Cream Grading

Rules as Adopted

1530.0740 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Grade A Pasteurized Milk Ordinance.** "Grade A Pasteurized Milk Ordinance" means the "Grade A Pasteurized Milk Ordinance--1978 Recommendations" and the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey--Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations," including all footnotes, appendixes, and published revisions of the United States Department of Health and Human Services, Food and Drug Administration. A copy of this ordinance and all revisions must be filed in the office of the regulatory agency.

Subp. 3. [Unchanged.]

1530.0820 GRADING PROCEDURE FOR MILK AND CREAM.

All milk and cream offered for sale and purchased for manufacturing purposes must meet all grading and inspection standards as published in the Federal Register, volume 50, number 166, pages 34726 to 34729, on Tuesday, August 27, 1985, as stated under the Agricultural Marketing Service "Notice to Revise the Requirements Recommended for Adoption by State Regulatory Agencies Regarding Milk for Manufacturing Purposes and its Production and Processing."

REPEALER. Minnesota Rules, parts 1530.0830; 1530.0840; 1530.0850; 1530.0860; 1530.0870; 1530.0880; 1530.0890; 1530.0900; 1530.0910; 1530.0920; 1530.0930; 1530.0940; 1530.0950; 1530.0960; 1530.1120; 1530.1130; 1530.1140; 1530.1150; 1530.1160; 1530.1170; 1530.1180; 1530.1190; 1530.1200; 1530.1210; 1530.1220; 1530.1230; 1530.1240; 1530.1250; 1530.1260; 1530.1270; 1530.1280; 1530.1290; 1530.1300; 1530.1310; 1530.1320; 1530.1330; and 1530.1340 are repealed.

EFFECTIVE DATE. These rules are effective July 1, 1986.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 31 1986
Joan Anderson Growe
Secretary of State
11:07 AM

APPROVED AS TO FORM AND LEGALITY

3/31 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Department of Agriculture

Proposed Rules Relating to Milk and Cream Grading

Rules as Proposed

1530.0740 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Grade A Pasteurized Milk Ordinance.** "Grade A Pasteurized Milk Ordinance" ~~shall mean~~ means the "Grade A Pasteurized Milk Ordinance--1978 Recommendations" and the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey--Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations," including all footnotes ~~and~~, appendixes, ~~standards~~ and published revisions of the United States ~~Public~~ Department of Health ~~Service/Food~~ and Human Services, Food and Drug Administration. A copy of this ordinance ~~shall~~ and all revisions must be filed in the office of the regulatory agency.

Subp. 3. [Unchanged.]

1530.0820 GRADING PROCEDURE FOR MILK AND CREAM.

All milk and cream offered for sale and purchased for manufacturing purposes ~~shall be purchased and paid for on the grades adopted herein. All of the following tests shall be used in determining the grades for milk for manufacturing purposes at the frequencies established by these rules: bacterial content estimates test; sediment test; abnormalities detectable by sight and odor test; antibiotics and bacterial growth inhibitors test; and abnormal milk test.~~ must meet all grading and inspection standards as published in the Federal Register, volume 50, number 166, pages 34726 to 34729, on Tuesday, August 27, 1985, as stated under the Agricultural Marketing Service "Notice to Revise the Requirements Recommended for Adoption by State Regulatory Agencies Regarding Milk for Manufacturing Purposes and its Production and Processing."

REPEALER. Minnesota Rules, parts 1530.0830; 1530.0840;

APPROVED BY THE REVISOR OF STATUTES OFFICE BY: Robert P. Kittel

1530.0850; 1530.0860; 1530.0870; 1530.0880; 1530.0890; 1530.0900; 1530.0910; 1530.0920; 1530.0930; 1530.0940; 1530.0950; 1530.0960; 1530.1120; 1530.1130; 1530.1140; 1530.1150; 1530.1160; 1530.1170; 1530.1180; 1530.1190; 1530.1200; 1530.1210; 1530.1220; 1530.1230; 1530.1240; 1530.1250; 1530.1260; 1530.1270; 1530.1280; 1530.1290; 1530.1300; 1530.1310; 1530.1320; 1530.1330; and 1530.1340 are repealed.

EFFECTIVE DATE. These rules are effective July 1, 1986.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD885

Agency: Department of Agriculture

Division:

Agency Contact: Carol Milligan

Minnesota Rules: Parts 1530.0740 and 1530.0820

Title: Proposed Rules Relating to Milk and Cream Grading

Type of Rules: Permanent

Incorporations by Reference:

Rule Number:	Material Incorporated:
1530.0820	Federal Register, volume 50, number 166, pages 34726 to 34729

Steven C. Cross
Revisor of Statutes

Robert P. Kittel
Assistant Deputy Revisor
Phone: 296-0218
Date: December 27, 1985

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Rule
of the Department of Agriculture
Governing Milk and Cream Grading
(Minnesota Rules Pts. 1530.0740, 1530.0820 - 1530.0960
and 1530.1120 - 1530.1340).

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on February 10, 1986, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, Section 14.22 on February 5, 1986. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 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 rule,

NOW, THEREFORE, IT IS ORDERED that this rule identified as the Rule Governing Milk and Cream Grading adopted this 18th day of March, 1986, pursuant to authority vested in me by Minnesota Statutes, section 31.10.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER
DEPARTMENT OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Amendments to the Rules of the
Department of Agriculture Governing
Grading and Inspection of Milk and Cream
(Minnesota Rules pts. 1530.0740, 1530.0820,
1530.0830-1530.0960 and 1530.1120-1530.1340)

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 23rd day of January, 1986, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Agriculture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Jim Nichols

Commissioner of Agriculture

Department of Agriculture
Dairy Industry Division
In the Matter of the Proposed Amendments to the
Rules Governing Grading and Inspection of Milk and Cream
(Minnesota Rules pts. 1530.0740, 1530.0820,
1530.0830-1530.0960 and 1530.1120-1530.1340).

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Agriculture proposes to amend the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Sections 31.10. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed amendment has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Mr. Heil.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

STATE OF MINNESOTA

Date: January 23, 1986

Jim Nichols

Commissioner of Agriculture

In the Matter of the Proposed
Amendments to the Rules of the
Department of Agriculture Governing
Grading and Inspection of Milk and Cream
(Minnesota Rules pts. 1530.0740, 1530.0820,
1530.0830-1530.0960 and 1530.1120-1530.1340)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being first duly sworn, deposes and says:

That on the 5 day of February, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on 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.

Marie Skerbitz

Subscribed and sworn to before me
this 5th day of February, 1986.

Diane M. Windham

DIANE M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Amendments to the Rules of the
Department of Agriculture Governing
Grading and Inspection of Milk and Cream
(Minnesota Rules pts. 1530.0740, 1530.0820,
1530.0830-1530.0960 and 1530.1120-1530.1340)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, 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 10 :00 a. .m., this 5th day of February, 1986.

Carol Milligan

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture

Proposed Rules Relating to Milk and Cream Grading

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to amend the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Section 31.10. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed amendment has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Mr. Heil.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

January 23, 1986

Jim Nichols
Commissioner of Agriculture

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.

Rules as Proposed

1530.0740 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Grade A Pasteurized Milk Ordinance.** "Grade A Pasteurized Milk Ordinance" ~~shall mean~~ means the "Grade A Pasteurized Milk Ordinance—1978 Recommendations" and the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade A Pasteurized Milk Ordinance 1978 Recommendations," including all footnotes ~~and~~, appendixes, ~~standards~~ and published revisions of the United States ~~Public~~ Department of Health ~~Service/Food~~ and Human Services, Food and Drug Administration. A copy of this ordinance ~~shall~~ and all revisions must be filed in the office of the regulatory agency.

Subp. 3. [Unchanged.]

1530.0820 GRADING PROCEDURE FOR MILK AND CREAM.

All milk and cream offered for sale and purchased for manufacturing purposes ~~shall be purchased and paid for on the grades adopted herein. All of the following tests shall be used in determining the grades for milk for manufacturing purposes at the frequencies established by these rules: bacterial content estimates test; sediment test; abnormalities detectable by sight and odor test; antibiotics and bacterial growth inhibitors test; and abnormal milk test.~~ must meet all grading and inspection standards as published in the Federal Register, volume 50, number 166, pages 34726 to 34729, on Tuesday, August 27, 1985, as stated under the Agricultural Marketing Service "Notice to Revise the Requirements Recommended for Adoption by State Regulatory Agencies Regarding Milk for Manufacturing Purposes and its Production and Processing."

REPEALER. Minnesota Rules, parts 1530.0830; 1530.0840; 1530.0850; 1530.0860; 1530.0870; 1530.0880; 1530.0890; 1530.0900; 1530.0910; 1530.0920; 1530.0930; 1530.0940; 1530.0950; 1530.0960; 1530.1120; 1530.1130; 1530.1140; 1530.1150; 1530.1160; 1530.1170; 1530.1180; 1530.1190; 1530.1200; 1530.1210; 1530.1220; 1530.1230; 1530.1240; 1530.1250; 1530.1260; 1530.1270; 1530.1280; 1530.1290; 1530.1300; 1530.1310; 1530.1320; 1530.1330; and 1530.1340 are repealed.

EFFECTIVE DATE. These rules are effective July 1, 1986.

Department of Health

Proposed Rules Relating to Review of Care and Classification of Residents in Facilities Participating in the Medical Assistance Program

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the Minnesota Veteran's Home Auditorium, Building 15, 5101 Minnehaha Avenue, Minneapolis, Minnesota 55417 on March 12, 13 and 14, 1986 commencing at 9:00 a.m. and continuing until all interested or affected parties have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

The hearing on these rules will be part of a hearing on Minnesota Department of Human Services Proposed Rules parts 9549.0050 to 9549.0059. The Department of Human Services Rules will implement a case mix reimbursement system for long term care facilities. All references to parts 9549.0050 to 9549.0059 found in these rules are to the rules as proposed.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the proposed rules. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415; telephone (612) 341-7608 either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the hearing record, the Administrative Law Judge will write a report as provided for in Minnesota Statutes,

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO THE RULES OF
THE DEPARTMENT OF AGRICULTURE
GOVERNING GRADING AND INSPECTION
OF MILK AND CREAM

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (MDA) of amendments to the rules governing grading and inspection of milk and cream. The MDA is responsible for regulating the dairy industry in Minnesota. Minnesota Statute, Section 31.10 authorizes the MDA to adopt or amend rules that set food quality standards and to accept standard and definitions fixed by the United States Department of Health and Human Services.

The Department has determined that the proposed amendments are noncontroversial because they are supported by industry and they conform to the Federal requirements which must be followed to ship milk or dairy products across state lines. Because of the noncontroversial nature of these amendments, rulemaking proceedings will be conducted in accordance with the statuatory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, Section 14.22-14.28. Accordingly, the rulemaking proceedings on the proposed amendments are governed by that statute and no hearing will be conducted on the proposed amendments unless, on or before March 12, 1986, 25 or more persons submit to the Department a written request for such hearing.

In accordance with the requirement of Minnesota Statutes, Section 14.23 and Minnesota Rules pt. 1400.0500, this Statement of Need and Reasonableness

justifies the need for and reasonableness of the proposed amendments and was prepared and completed prior to the date that the proposed amendments were published in the State Register.

II. GENERAL OVERVIEW

The MDA has already adopted federal Grade A dairy regulations in Minnesota Rules pt. 1530.0740 by defining Grade A Pasteurized Milk Ordinance as the "Grade A Pasteurized Milk Ordinance - 1978 Recommendations" and the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement I to the Grade A Pasteurized Milk Ordinance - 1978 Recommendations" of the U.S. Department of Health and Human Services. However, there is no provision in the rule for adopting published revisions to the 1978 federal ordinance. Therefore, the Department cannot stay current with federal standards.

In addition, the U.S. Department of Agriculture is changing its requirements for the production and processing of milk for manufacturing purposes. These requirements must be followed by any Minnesota dairy plant that moves products across state lines or sells to the government. This includes about 80 percent of the Minnesota milk supply. Minnesota Rules pt. 1530.0820 and the rules that are proposed to be repealed are in conflict with these new requirements which take effect July 1, 1986.

Minnesota statutes require the Department to maintain uniformity with federal regulations when possible in regulating the manufacture, distribution or sale of food in Minnesota. It will be important to the marketing of milk and dairy products that our rules and regulations not be in conflict with those of the Federal government.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENTS

Minnesota Rules pt. 1530.0740

The proposed amendment is necessary to enable the Department to stay current with federal regulations by including published revisions to the "Grade A Pasteurized Milk Ordinance - 1978 Recommendations" as part of Minnesota's Grade A Milk Ordinance.

This is reasonable because it will keep Minnesota in line with all other states and allow for the free movement of Grade A milk and dairy products.

Minnesota Rules pt. 1530.0820

The proposed amendment will adopt by reference the newly recommended requirements for milk for manufacturing purposes as printed in the Federal Register volume 50, Number 166, pages 34726 to 34729 on Tuesday, August 27, 1985. This federal regulation will become effective July 1, 1986.

It is necessary and reasonable for the Department to adopt these federal requirements because compliance with these standards is required by any state that wishes to sell manufactured milk or dairy products across state lines or to the Federal government.

The dairy industry in Minnesota relies on this inter-state and government trade.

Minnesota Rules pt. 1530.0830 - 1530.0960 and 1530.1120 - 1530.1340

The proposed repeal of these rules is necessary and reasonable because they are being replaced by or are in conflict with the standards adopted in Minnesota Rules pt. 1530.0820.

IV. SMALL BUSINESS IMPACT

As prescribed by Minnesota Statutes, Section 14.115, Subds. 1 and 2, the Department has considered the degree of impact the proposed amendments will have on the dairy industry in Minnesota. Since 80 percent of Minnesota's milk production is shipped out of state or sold to the government, it is vital to the state's dairy farms, all of which are small businesses, and the whole dairy industry that federal regulations are followed so that this inter-state trade is not stopped.

In the Matter of the Proposed
Rule of the Department of
Agriculture Governing Milk and
Cream Grading
(Minnesota Rules Pts. 1530.0740, 1530.0820 - 1530.0960
and 1530.1120 - 1530.1340)

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Jon Murphy, do hereby declare that I have examined the rule 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.

Special Assistant Attorney General

Date: 3/18/86

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Rule as Adopted (Original and three copies).

B. Order Adopting the Rule (two copies).

C. Order for Notice of Intent to Adopt Rule Without Public Hearing.

D. Notice of Intent to Adopt a Rule Without Public Hearing.

E. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing.

F. Mailing List Certificate.

G. Rule as Proposed.

H. Statement of Need and Reasonableness.

I. Certificate of Compliance with Rulemaking Procedures.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO: Judith Wehrwein
Administration - Finance Division
Office of the Attorney General

DATE: 03/14/86

FROM: Carol Milligan, Management Analyst
Planning Division

PHONE: 296-6909

SUBJECT: Review of Rules Governing Milk and Cream Grading
(Minnesota Rules 1530.0740, 1530.0820 - 1530.0960
and 1530.1120 - 1530.1340).

The Department of Agriculture adopted the above-mentioned rules pursuant to Minnesota Statutes, sections 14.22-14.28. Enclosed with this memorandum are the documents which are required to be submitted to the Attorney General for review prior to final approval of the rule. A list of the documents is attached for your convenience.

The Department did not receive any comments, requests for a public hearing or requests for notification when these documents were submitted to the Attorney General.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Rollin Dennistoun, Ph.D., Deputy Commissioner
Anne Kanten, Assistant Commissioner
Jon Murphy, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
Bill Coleman, Director, Dairy Industries Division