

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1417
DATE RECEIVED 11/05/87
REVIEW DATE 11/14/87
DUE DATE 11/19/87

APPROVED 11.19.87 mjc
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0986
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED ✓
REVISOR DISAPPROVED
FILED W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
7/28/86 Date published in State Register
yes Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
31.94 Statutory Authority
~~yes~~ Small Business Statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness
yes Small Business Statement
n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
8/5/87 Date (30)/25 days before adoption

✓ Publication in State Register
8/10/87 Date (30)/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting
10/23/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Kevin Staunton Name of SAAG representing agency

✓ Notice of Submission to Attorney General

✓ Affidavit of Mailing Notice to Attorney General

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : November 24, 1987

TO : CAROL MILLIGAN, Management Analyst
Planning Division
Department of Agriculture

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to Organic Food

The above-referenced rule has been approved as to its legality by the Attorney General on November 19, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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.

MJC:nah
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG Copy

Department of Agriculture

Adopted Permanent Rules Relating to Organic Food

Rules as Adopted

1555.0005 DEFINITIONS.

Subpart 1. **Scope.** The definitions in subparts 2 to 13 apply to parts 1555.0005 to 1555.0012.

Subp. 2. **Certification.** "Certification" means the process by which an organization, business, or firm concerned with production, processing, distribution, or general promotion of organic foods verifies that a given farm or processor meets that organization's standards.

Subp. 3. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 4. **Drug.** "Drug" means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of an animal's body.

Subp. 5. **Fertilizer material.** "Fertilizer material" means a substance containing nitrogen, phosphorus, potassium, or a recognized plant food nutrient, or a compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

Subp. 6. **Horticultural oils.** "Horticultural oils" means a highly refined paraffinic petroleum product made solely for use on plants at specific dosages to act as an insecticide or miticide.

Subp. 7. **Natural organic fertilizer.** "Natural organic fertilizer" means materials derived from either plant or animal products containing one or more elements (other than carbon, hydrogen, and oxygen) which are essential for plant growth. These materials may be subjected to biological degradation

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processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic or anaerobic or aerobic bacterial action, or any combination of these. These materials must not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by physical manipulation such as drying, cooking, chopping, grinding, shredding, or pelleting.

Subp. 8. **Pesticide.** "Pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subp. 9. **Plant amendment.** "Plant amendment" means a substance applied to plants or seeds which is intended to improve conditions which facilitate germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, and pesticides.

Subp. 10. **Soap.** "Soap" means fatty acids and their salts if the fatty acid occurs in nature.

Subp. 11. **Soil amendment.** "Soil amendment" means (1) an aggregant, additive, or organic chemical substances, (2) a chemically or physically modified natural substance, (3) a naturally occurring substance, or (4) a manufacturing by-product, mixed or unmixed, which is represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of the soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

Subp. 12. **Synthetic.** "Synthetic" means a complex compound artificially produced usually by chemical synthesis of elements or simple compounds.

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Subp. 13. **Verification.** "Verification" means a procedure by which a certifying body determines that foods represented as organic are in compliance with their standards through the use of questionaires, affidavits, farm inspections, residue tests, record audits, or other procedures.

1555.0006 ORGANIC FOOD REQUIREMENTS.

Food for which the terms "organic food," "organically grown food," or a derivative of the word "organic" are used must be food which:

A. was produced, harvested, cleaned, stored, transported, distributed, processed, and packaged without the use of artificial irradiation, synthetic pesticides, synthetic plant or soil amendments, or fertilizer materials except natural organic fertilizers or as specifically allowed in part 1555.0007;

B. contains no added artificial coloring, artificial flavoring, or artificial preservative;

C. in the case of perennial crops, was grown in soil or growth medium free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as specifically allowed in part 1555.0007, for three years before and throughout the entire growing and harvesting season of the crop;

D. in the case of annual crops and two-year crops, was grown in soil free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as allowed in part 1555.0007, for three years before planting or transplanting and throughout the entire growing and harvesting of the crop;

E. in the case of meat, poultry, wild or domesticated game, shell fish, other nonplant life, or fish, was raised for at least the final 60 percent of its sale weight:

(1) on food produced in conformity with item C or D;

(2) without the application of any synthetic pesticides or drugs;

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by Revisor _____

(3) in a habitat for growth or culture that has been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least three years, except as allowed in part 1555.0007;

(4) without any drug or synthetic pesticides administered or introduced by any method, except for treatment of a specific disease or malady as diagnosed by a veterinarian not less than 90 days before the slaughter for meat, poultry, wild or domestic game, shell fish, other nonplant life, or fish; and

F. in the case of milk or eggs, was produced by animals raised in accordance with item E, except that no synthetic pesticide or drug was administered or introduced less than 30 days before the production of the milk or eggs.

1555.0007 EXCEPTIONS.

Exceptions to part 1555.0006 include:

A. enzyme sources;

B. cultures of living or killed microorganisms;

C. bordeaux mixtures;

D. elemental sulfur and lime sulfur;

E. gypsum;

F. diatomaceous earth;

G. basic copper sulfate;

H. horticultural oils;

I. fish emulsion that is not synthetically produced;

J. soap;

K. naturally occurring mineral materials that are not chemically modified;

L. botanically derived pesticides containing no other active pesticidal ingredient, which are not synthetically produced but which may contain synthetic compounds such as emulsifiers, synergists, and carriers; and

M. pesticide or other toxic chemical residues, not to exceed ten percent of the tolerance established by the United States Food and Drug Administration or Environmental Protection

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Agency.

1555.0008 TREATED SEED, TRANSPLANTS AND PROPAGATING PARTS.

Subpart 1. **Organic food producers.** If organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the department that useable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

Subp. 2. **Certified organic food producers.** If certified organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the certifying agency at the time of certification that useable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

1555.0009 RECORDS.

Subpart 1. **Producer.** A producer who sells food derived from a crop which the producer has grown and which is identified as organic, organically grown, or by a derivative of the word "organic," shall accurately keep the following records: year and type of crop; location of the acreage used for growing that crop; additions made to the soil or applied to that crop; use of any treated seed, treated transplants, or treated propagating parts; and quantity, date, and acreage harvested. These records must be retained for three years after the food is sold and delivered by the producer.

Subp. 2. **Processors and manufacturers.** A person who processes or manufactures a food which is sold or identified as organic, organically grown, or by a derivative of the word

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"organic," shall keep accurate records of the ingredients of that food, the names and addresses of persons from whom the ingredients were purchased, the date and quantity of ingredients purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 3. **Vendors.** A person who sells a food subject to subpart 1 or 2, shall keep accurate records of the names and addresses of persons from whom that food was purchased, the date and quantity of food purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 4. **Provision of information.** A producer, processor, manufacturer, or vendor of food subject to subpart 1, 2, or 3 shall provide the department, on demand, relevant information from the records required under this part.

1555.0010 INSPECTION AUTHORITY.

The department may inspect at reasonable times an area where food identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," is grown, processed, manufactured, stored, or sold.

1555.0011 CERTIFICATION OR VERIFICATION.

No food which is identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," may be identified, labeled, or advertised as "certified" or "verified" unless the name of the person or organization that provides that certification or verification is stated on any identification, label, or advertisement.

1555.0012 PROHIBITIONS.

No claim or implication may be made in the identification, labeling, advertising, or promotion of a food product, including processed food products, that the food product is organic, organically grown, or by a derivative of the word "organic," unless the product, including all of its ingredients, conforms to the requirements of parts 1555.0005 to 1555.0012.

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Food that contains one or more organic ingredients may contain an information statement on the label, such as: "Contains organic rye flour," in letters not to exceed one-half the height of the letters used in the product identity. The word "organic" also must precede the name of each organic ingredient identified in the list of ingredients.

EFFECTIVE DATE. Parts 1555.0005 to 1555.0010 become effective March 1, 1988. Parts 1555.0011 and 1555.0012 become effective September 1, 1988.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 24 1987
Joan Anderson Growe
Secretary of State

10:19 AM

APPROVED AS TO FORM AND LEGALITY
November 19 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Agriculture
Food Inspection Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Organic Foods.

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose rules governing organic food standards and marketing practices. The adoption of these rules is authorized by M.S. sec. 31.94.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements of information and comment may be addressed to:

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment must be received by August 25, 1986. Any written material received by the Department shall become part of the rulemaking record.

July 8, 1986

Jim Nichols
Commissioner

Department of Agriculture

Proposed Permanent Rules Relating to Organic Food

Rules as Proposed (all new material)

1555.0005 DEFINITIONS.

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C. in the case of perennial crops, was grown in soil or growth medium free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as specifically allowed in part 1555.0007, for three years before and throughout the entire growing and harvesting season of the crop;

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(2) without the application of any synthetic pesticides or drugs;

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(3) in a habitat for growth or culture that has been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least three years, except as allowed in part 1555.0007;

(4) without any drug or synthetic pesticides administered or introduced by any method, except for treatment of a specific disease or malady as diagnosed by a veterinarian not less than 90 days before the slaughter for meat, poultry, wild or domestic game, shell fish, other nonplant life, or fish; and

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B. cultures of living or killed microorganisms;

C. bordeaux mixtures;

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1555.0009 RECORDS.

Subpart 1. **Producer.** A producer who sells food derived from a crop which the producer has grown and which is identified as organic, organically grown, or by a derivative of the word "organic," shall accurately keep the following records: year and type of crop; location of the acreage used for growing that crop; additions made to the soil or applied to that crop; use of any treated seed, treated transplants, or treated propagating parts; and quantity, date, and acreage harvested. These records must be retained for three years after the food is sold and delivered by the producer.

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that food, the names and addresses of persons from whom the ingredients were purchased, the date and quantity of ingredients purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

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1555.0010 INSPECTION AUTHORITY.

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1555.0012 PROHIBITIONS.

No claim or implication may be made in the identification, labeling, advertising, or promotion of a food product, including processed food products, that the food product is organic, organically grown, or by a derivative of the word "organic," unless the product, including all of its ingredients, conforms to the requirements of parts 1555.0005 to 1555.0012.

Food that contains one or more organic ingredients may

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contain an information statement on the label, such as: "Contains organic rye flour," in letters not to exceed one-half the height of the letters used in the product identity. The word "organic" also must precede the name of each organic ingredient identified in the list of ingredients.

EFFECTIVE DATE. Parts 1555.0005 to 1555.0010 become effective March 1, 1988. Parts 1555.0011 and 1555.0012 become effective September 1, 1988.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Organic Food

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1555

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Department of Agriculture
Food Inspection Division

In the Matter of the Proposed
Adoption of the Rules of the Department
of Agriculture Governing Organic Food

NOTICE OF INTENT TO
ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28. The statutory authority to adopt these rules is Minnesota Statutes, Section 31.94.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to Minnesota Statutes, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed rules 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 rules as noticed.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Ms. Milligan.

The proposed rules would impact processors, manufacturers and retailers of organic food by imposing standards and requiring records to be kept. However, since most businesses impacted are small businesses, any allowances made for small businesses would seriously undermine the effectiveness of the rules.

If no hearing is required, upon adoption of the final rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rules must submit a written request to Ms. Milligan.

STATE OF MINNESOTA

Date: July 15, 1987

Jim Nichols

Jim Nichols, Commissioner
Department of Agriculture

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED RULE OF THE DEPARTMENT OF AGRICULTURE GOVERNING ORGANIC FOOD (MINNESOTA RULES PART 1555.0005 - 1555.0012)

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (MDA) of new rules governing the requirements for the growing, handling, labeling and selling of organic food. The rule is proposed for adoption pursuant to Minnesota Statutes, section 31.94, which authorizes the MDA to adopt rules that clarify organic food standards and marketing practices. As provided in Minnesota Statute, section 31.002, when practicable and consistent with state law, these rules must conform with those promulgated under Federal Law.

The Department has determined that the proposed amendment to the rule is noncontroversial in nature because it is supported by industry and is in conformity with Federal Regulations. The Food and Drug Administration (FDA) does not now nor has it ever had specific requirements, outside of labeling, for organic food products. Because of the noncontroversial nature of this rule, the Department directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, section 14.21 to 14.28. Accordingly, the rulemaking proceedings on the proposed amendment to the rule are governed by that statute and no hearing will be conducted on the proposed rule unless, twenty-five or more persons submit to the Department a written request for such hearing during the 30 day comment period required by Chapter 14.

In accordance with the requirement of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

Minnesota Statutes, Chapter 31, was amended by the 1985-86 Legislature to include sections 31.92 to 31.94 to recognize as a public benefit the establishment of standards for food products marketed and labeled using the term "organic" or a derivative of the term organic. It was recognized that the standards would facilitate the development of out-of-state markets for Minnesota food which was grown by organic methods.

The Department of Agriculture was required by the statute to enforce those requirements found in the statute and could adopt rules to further clarify organic food standards, labeling and the marketing of those products. The Organic Food Statutes became effective April 1, 1986. Through the help of the organic growers and sellers, a compromise rule draft, acceptable to all parties, was written to clarify and broaden the requirements of the Organic Food Statutes.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT TO THE RULES.

The need for and reasonableness of the proposed new rules governing Organic Food follows:

Minnesota Rules, parts 1555.0005 to 1555.0012.

1555.0005 Definitions.

This rule is needed to define the wording used in the following rules which determine where and how food must be grown to use the term organic. Definitions are a reasonable part of any set of rules.

1555.0006 Organic Food Requirements.

1555.0007 Exceptions

Minnesota Statute 31.93 sets certain limits as to how and where a food defined as "organic" can be grown and sold. The statute also says that the Department shall enforce those provisions relating to the sale, labeling and advertising of such food by adoption of rules to clarify organic food standards and marketing practices. This rule is needed to clarify, specify and provide minimum standards needed to meet the statute. These rules are reasonable with the exceptions that are allowed in the rules because they allow growers to use natural substances, not synthetic, to promote growth and to protect the food with natural pesticides.

Since there has been a widespread use of chemicals and pesticides, a percentage of the established tolerances set by the FDA and EPA was allowed because it is now almost impossible for the earth to be completely free of agricultural pesticides and chemicals.

1555.0008 Treated Seed, Transplants and Propagating Parts.

The organic food statute allows the use of treated seed in situations where untreated seed is unavailable. This rule is needed to spell out the circumstances and situations whereby a person may purchase such seed and yet is reasonable because it does not make it an impossible task to purchase such seed if proper requests and records are maintained.

1555.0009 Records.

Records must be maintained by a producer, processor and retailer so that compliance to both the statute and rules can be investigated during both routine inspections and special investigations which may involve complaints against products labeled as organic. This rule is, therefore, a needed part to the Organic Food Rules and is reasonable because it provides support and protection to the producer, processor and retailer.

1555.0010 Inspection Authority

This rule is necessary to both the statute and the rule to define limits of enforcement, times of inspection and who can be inspected and is, therefore, reasonable to any requirement for rules.

1555.0011 Certification or Verification

1555.0012 Prohibitions

These rules permit any food to be certified by an organization or person providing the food conforms to all the requirements of the Organic Food Law and these rules and the certifying or verifying organization is identified on labeling and in advertising of organic food.

This identification is reasonable by the promotion of organic food through certification by knowing that food products are truthfully represented as being grown by organic methods.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULES

As prescribed by Minnesota Statutes, Section 14.115, subdivions 1 and 2, the Department has considered the degree of impact the proposed rule will have on small businesses and the alternative methods for lessening that impact.

The Department has determined that some persons, processors/manufacturers and retailers of organic food products will be impacted by the implementation of these new rules because they are now producing product labeled as organic food but have not maintained records or fully met some of the requirements of the new rules. However, the adoption of this new rule will result in development of new markets, both in Minnesota and out-of-state for Minnesota food grown by organic methods. The degree of market sales cannot be known at this time. Very few states have rules covering the organic food industry and, therefore, the adoption of these rules will be a great asset to the Minnesota grown organic food industry.

These rules also are in conformity to federal regulations and, therefore, pose no barrier to trade between states.

In the Matter of the Proposed
Adoption of Rules of the Department
of Agriculture Governing Organic Food

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT
TO ADOPT A RULE
WITHOUT A PUBLIC
HEARING AND
CERTIFICATE OF
MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Milligan, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. State § 14.14, subd. 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list is accurate, complete and current as of this 5th day of August, 1987.

That on the 5th day of August, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed 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 a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

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

Carol Milligan
Carol Milligan
Management Analyst

Subscribed and sworn to before me
this 5th day of August, 1987.

Diane M. Windham

.3600; .3700; .3800; .3900; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600 (proposed emergency) 152
8400.3100 s.34,36 (proposed emergency repealer) 153

Teaching Board

8700.7600; .7700 (withdrawn) 59

Veterans Affairs Department

9050.0100-.3900 (proposed) 191

Waste Management Board

9200.6200; .6300; .6500; .6600; .6700; .6800; .8220; .8300; .8500; .8600; .9000; .9100 (proposed) 138
9200.6900-.6906 (proposed) 143
7035.6500-.7600 (proposed repealer) 143

Human Services Department

9530.2800; .5300; .6600; .6605; .6630; .6635; .6640; .6645; .6650; .6655; .6800-.7030 (adopted) 53
9550.0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370 (proposed) 133
.9550.6210; .6220 (adopted) 102
9555.5105; .5205; .5305; .5405; .5415; .5505; .5605; .5705; .6105; .6115; .6125; .6145; .6155; .6165; .6167; .6175; .6185; .6195; .6205; .6215; .6225; .6233; .6245; .6255; .6265 (adopted) 148
9555.5100; .5200; .5300; .5400; .6100; .6200; .6300; .6400 (repealed) 148

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 Permanent Rules Relating to Organic Food

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes,* Sections 14.22-14.28. The statutory authority to adopt these rules is *Minnesota Statutes,* Section 31.94.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

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.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed rules 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 rules as noticed.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Ms. Milligan.

The proposed rules would impact processors, manufacturers and retailers of organic food by imposing standards and requiring records to be kept. However, since most businesses impacted are small businesses, any allowances made for small businesses would seriously undermine the effectiveness of the rules.

If no hearing is required, upon adoption of the final rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rules must submit a written request to Ms. Milligan.

Dated: 15 July 1987

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1555.0005 DEFINITIONS.

Subpart 1. **Scope.** The definitions in subparts 2 to 13 apply to parts 1555.0005 to 1555.0012.

Subp. 2. **Certification.** "Certification" means the process by which an organization, business, or firm concerned with production, processing, distribution, or general promotion of organic foods verifies that a given farm or processor meets that organization's standards.

Subp. 3. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 4. **Drug.** "Drug" means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of an animal's body.

Subp. 5. **Fertilizer material.** "Fertilizer material" means a substance containing nitrogen, phosphorus, potassium, or a recognized plant food nutrient, or a compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

Subp. 6. **Horticultural oils.** "Horticultural oils" means a highly refined paraffinic petroleum product made solely for use on plants at specific dosages to act as an insecticide or miticide.

Subp. 7. **Natural organic fertilizer.** "Natural organic fertilizer" means materials derived from either plant or animal products containing one or more elements (other than carbon, hydrogen, and oxygen) which are essential for plant growth. These materials may be subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic or anaerobic or aerobic bacterial action, or any combination of these. These materials must not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by physical manipulation such as drying, cooking, chopping, grinding, shredding, or pelleting.

Subp. 8. **Pesticide.** "Pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subp. 9. **Plant amendment.** "Plant amendment" means a substance applied to plants or seeds which is intended to improve conditions which facilitate germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, and pesticides.

Subp. 10. **Soap.** "Soap" means fatty acids and their salts if the fatty acid occurs in nature.

Subp. 11. **Soil amendment.** "Soil amendment" means (1) an aggregant, additive, or organic chemical substances, (2) a chemically or physically modified natural substance, (3) a naturally occurring substance, or (4) a manufacturing by-product, mixed or unmixed, which is represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of the soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

Subp. 12. **Synthetic.** "Synthetic" means a complex compound artificially produced usually by chemical synthesis of elements or simple compounds.

Subp. 13. **Verification.** "Verification" means a procedure by which a certifying body determines that foods represented as organic are in compliance with their standards through the use of questionaires, affidavits, farm inspections, residue tests, record audits, or other procedures.

1555.0006 ORGANIC FOOD REQUIREMENTS.

Food for which the terms "organic food," "organically grown food," or a derivative of the word "organic" are used must be food which:

A. was produced, harvested, cleaned, stored, transported, distributed, processed, and packaged without the use of artificial irradiation, synthetic pesticides, synthetic plant or soil amendments, or fertilizer materials except natural organic fertilizers or as specifically allowed in part 1555.0007;

B. contains no added artificial coloring, artificial flavoring, or artificial preservative;

C. in the case of perennial crops, was grown in soil or growth medium free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as specifically allowed in part 1555.0007, for three years before and throughout the entire growing and harvesting season of the crop;

D. in the case of annual crops and two-year crops, was grown in soil free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as allowed in part 1555.0007, for three years before planting or transplanting and throughout the entire growing and harvesting of the crop;

E. in the case of meat, poultry, wild or domesticated game, shell fish, other nonplant life, or fish, was raised for at least the final 60 percent of its sale weight:

(1) on food produced in conformity with item C or D;

(2) without the application of any synthetic pesticides or drugs;

(3) in a habitat for growth or culture that has been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least three years, except as allowed in part 1555.0007;

(4) without any drug or synthetic pesticides administered or introduced by any method, except for treatment of a specific disease or malady as diagnosed by a veterinarian not less than 90 days before the slaughter for meat, poultry, wild or domestic game, shell fish, other nonplant life, or fish; and

F. in the case of milk or eggs, was produced by animals raised in accordance with item E, except that no synthetic pesticide or drug was administered or introduced less than 30 days before the production of the milk or eggs.

1555.0007 EXCEPTIONS.

Exceptions to part 1555.0006 include:

A. enzyme sources;

B. cultures of living or killed microorganisms;

C. bordeaux mixtures;

D. elemental sulfur and lime sulfur;

E. gypsum;

F. diatomaceous earth;

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G. basic copper sulfate;

H. horticultural oils;

I. fish emulsion that is not synthetically produced;

J. soap;

K. naturally occurring mineral materials that are not chemically modified;

L. botanically derived pesticides containing no other active pesticidal ingredient but which may contain synthetic compounds such as emulsifiers, synergists, and carriers; and

M. pesticide or other toxic chemical residues, not to exceed ten percent of the tolerance established by the United States Food and Drug Administration or Environmental Protection Agency.

1555.0008 TREATED SEED, TRANSPLANTS AND PROPAGATING PARTS.

Subpart 1. **Organic food producers.** If organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the department that useable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

Subp. 2. **Certified organic food producers.** If certified organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the certifying agency at the time of certification that useable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

1555.0009 RECORDS.

Subpart 1. **Producer.** A producer who sells food derived from a crop which the producer has grown and which is identified as organic, organically grown, or by a derivative of the word "organic," shall accurately keep the following records: year and type of crop; location of the acreage used for growing that crop; additions made to the soil or applied to that crop; use of any treated seed, treated transplants, or treated propagating parts; and quantity, date, and acreage harvested. These records must be retained for three years after the food is sold and delivered by the producer.

Subp. 2. **Processors and manufacturers.** A person who processes or manufactures a food which is sold or identified as organic, organically grown, or by a derivative of the word "organic," shall keep accurate records of the ingredients of that food, the names and addresses of persons from whom the ingredients were purchased, the date and quantity of ingredients purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 3. **Vendors.** A person who sells a food subject to subpart 1 or 2, shall keep accurate records of the names and addresses of persons from whom that food was purchased, the date and quantity of food purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 4. **Provision of information.** A producer, processor, manufacturer, or vendor of food subject to subpart 1, 2, or 3 shall provide the department, on demand, relevant information from the records required under this part.

1555.0010 INSPECTION AUTHORITY.

The department may inspect at reasonable times an area where food identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," is grown, processed, manufactured, stored, or sold.

1555.0011 CERTIFICATION OR VERIFICATION.

No food which is identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," may be identified, labeled, or advertised as "certified" or "verified" unless the name of the person or organization that provides that certification or verification is stated on any identification, label, or advertisement.

1555.0012 PROHIBITIONS.

No claim or implication may be made in the identification, labeling, advertising, or promotion of a food product, including processed food products, that the food product is organic, organically grown, or by a derivative of the word "organic," unless the product, including all of its ingredients, conforms to the requirements of parts 1555.0005 to 1555.0012.

Food that contains one or more organic ingredients may contain an information statement on the label, such as: "Contains organic rye flour," in letters not to exceed one-half the height of the letters used in the product identity. The word "organic" also must precede the name of each organic ingredient identified in the list of ingredients.

EFFECTIVE DATE. Parts 1555.0005 to 1555.0010 become effective March 1, 1988. Parts 1555.0011 and 1555.0012 become effective September 1, 1988.

Department of Commerce

Proposed Permanent Rules Relating to the Medical Joint Underwriting Association

Notice of Hearing

Notice is given that a public hearing will be held pursuant to *Minnesota Statutes* Section 14.14, subdivision 1 (1984), in the above-entitled matter in the Large Hearing Room, 500 Metro Square Building, St. Paul, MN 55101 on Sept. 10, 1987 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements, briefs or written material may be submitted within the comment period described in this notice without appearing at the hearing by sending them to Administrative Law Judge, Jon Lunde, Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, MN 55415 telephone (612) 341-7645. The rule hearing procedure is governed by *Minnesota Statutes* Section 14.14-14.20 and by *Minnesota Rules* Parts 1400.0200-1400.1200. Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner is seeking to determine if there is medical malpractice insurance available in the voluntary market for surgical assistants. If it is determined that such insurance is not available, the Commissioner will issue a rule authorizing the Joint Underwriting Association, established by *Minnesota Statutes* Chapter 62F, to issue medical malpractice insurance on a primary basis to surgical assistants who are unable to obtain the coverage.

The Department has elected to consider the authorization to issue medical malpractice insurance by the Joint Underwriting Association to be a rule and is accordingly proceeding pursuant to Chapter 14 of *Minnesota Statutes* in regard to the rule and proceeding pursuant to its authority in Chapter 62F and *Minnesota Statutes* section 45.023.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Department of Commerce and is available at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all of the evidence and arguments which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Department of Commerce or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to *Minnesota Statutes* Section 14.155, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in greater detail in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rule may be modified.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to extend 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period will be available for review at the Office of Administrative Hearings. Following the five to twenty day comment period, there will be a three day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three day period. The written responses will be added to the record of the proceedings.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available after which date the Department of Commerce may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request

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Department of Agriculture
Food Inspection Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Organic Foods

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose rules governing organic food standards and marketing practices. The adoption of these rules is authorized by M.S. sec. 31.94.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements of information and comment may be addressed to:

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment will be received by August 25, 1986. Any written material received by the Department shall become part of the rulemaking record.

July 8, 1986

Jim Nichols
Commissioner

Minnesota Historical Society

Grants Review Committee Meeting

A meeting of the Minnesota Historical Society's Grants Review Committee will be held on Thursday, August 14, 1986 at 7:00 p.m. in the Fort Snelling History Center, St. Paul, MN, to consider grant applications for the federal Historic Preservation Fund Certified Local Government Program.

Notice of Public Hearing on Bond Issue

Minnesota Housing Finance Agency

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 103(k) of the Internal Revenue Code of 1985, as amended, on August 12, 1986, at 9 a.m., 3rd Floor, 400 Sibley Street, Saint Paul, Minnesota, 55101, on a proposed issue of Housing Development bonds in an aggregate principal amount not to exceed $19,632,000 for the purpose of financing the facilities described below as residential rental projects and for the purpose of funding bond reserve accounts. The general functional description of the type and use of each facility, the maximum aggregate face amount of bonds to be issued with respect to it, the initial owner, operator, or manager of the facility, and its prospective location are as follows:

Description	Maximum Bond Amount	Initial Owner; Operator or Manager	Location
Rehabilitation of five apartment buildings (approx. 163 units)	$4,000,000	A partnership, corporation or other entity, one or more of the members of which is Brighton Development Corp., Richard Brustad, David D. and Margaret E. Lucas, Keith and Linda Donaldson, Neighborhood Improvement Co.; or a related party.	1400-1420 Portland Ave. and 600 E. 15th St.; Minneapolis; MN.
New apartment building (approx. 58 units)	$3,485,000	A partnership, corporation or other entity, one or more of the members of which is Brutger Companies Inc.; or a related party.	S.E. corner of Victoria & Hwy. 36; Roseville, MN.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF AGRICULTURE GOVERNING ORGANIC FOOD

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on August 10, 1987, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 14.14, subd. 1a and 14.22 on August 5, 1987. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the department.

Based on the comments and evidence in the record before the department, I find the following:

The insertian of "not synthetically produced" proposed for 155.0007, L, was accepted because it does not change the requirements of the rule, but it does further clarify the intent of the rule. However, the recommendation to delete language from 1555.0007, L, was not accepted because pesticides of botanical origin require petroleum based synthetic carriers to be usable as pesticides. Minnesota Statutes, section 31.93, forbids the use of synthetic pesticides, hormones, antibiotics, growth stimulants and arsenicals, but it does not forbid the use of synthetic fluids which suspend organically based pesticides in solutions.

The suggested amendments to 1555.0007, M, were not accepted because the ten percent level of the U.S. Environmental Protection Agency's established tolerance was intended to allow for residue that occurrs from any environmental contaminants including the possiblity of unintentional drift. The ten percent level of residue allowed would not provide for any intentional, low application rates of pesticide. Additionally, since legal pesticide application does not always leave residue in or on food at either the highest permissable level or at lower levels, it should not be argued that this exemption is unenforceable. Even an application of legal dosage rates would not necessarily be detectable by chemical assay of a crop in the market place. It should also be pointed out that any person involved in growing, processing, or selling organic food must meet the requirements of all applicable statutes and rules in addition to those governing organic food.

The amendment suggested for 1555.0008, subp. 1, was not accepted because Minnesota Statutes, Cahpter 31.93, allows that "Where untreated seed is available, treated seed may be used."

Rule 1555.0008 clarifies the statute by requiring the grower to notify the department prior to the use of treated seed, transplants and propagating parts and maintain records. The treatment of seed, transplants and propagating parts, as stated in the previous comment, does not pose a problem of carry over to the final product.

Currently, most of a producers product is sold direct to consumers, and since this Department does not license the producer/farmer, the products are sold without labeling. Requiring a double set of labels creates undo expense for the producer, processor and vendor.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Rule Governing Organic Food as modified is adopted this 23rd day of October 1987, pursuant to authority vested in me by Minnesota Statutes, section 31.94.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF AGRICULTURE GOVERNING ORGANIC FOOD

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STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of the Rule of the Minnesota Department of Agriculture Governing Organic Food

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, November 4, 1987, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on August 10, 1987, has been modified. A copy of the rule as modified is enclosed with this notice.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Telephone Number: (612) 296-6906

Carol Milligan
Carol Milligan
Management Analyst

Dated: 11/4/87

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Organic Food

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being sworn, says:

That on the 4th day of November, 1987, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the United States Mail, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Marie Skerbitz
Mail Room Clerk

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

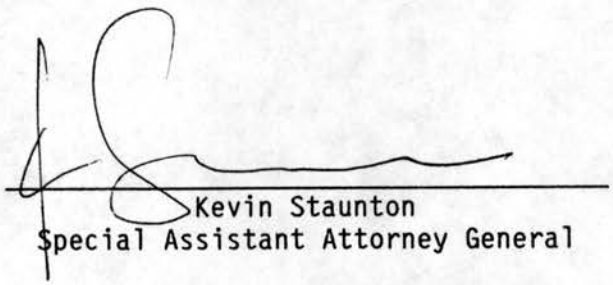
Subscribed and sworn to before me this 4th day of November, 19 87.

Diane M. Windham

In the Matter of the Adoption of the
Rule of the Minnesota Department of
Agriculture Governing Organic Food

DECLARATION
OF COUNSEL

I, Kevin Staunton, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, Chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0986.



Kevin Staunton
Special Assistant Attorney General

Date: 10/27/87

SF-00006-05 (4/86)

DEPARTMENT : OF AGRICULTURE

STATE OF MINNESOTA

Office Memorandum

DATE : November 3, 1987

TO : Rita Desmond
Administration - Finance Division
Office of the Attorney General

FROM : Carol Milligan, Management Analyst
Planning Division

PHONE : 296-6909

SUBJECT : Review of Proposed Rules Governing Organic Food

The Department of Agriculture adopted the above-mentioned rule 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.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Anne Kanten, Assistant Commissioner
Paul Strandberg, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
Tom Masso, Director, Food Inspection Division
Howard Anderson, Assistant Director, Food Inspection Division

RECEIVED
ATTORNEY GENERAL'S OFFICE
NOV 05 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Notice of Solicitation of Outside Opinion

B. Rule as Proposed.

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

D. Statement of Need and Reasonableness.

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

F. State Register Photocopy of Notice of Interest

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

H. Findings of Fact and Conclusions, and Order Adopting.

I. Comments.

J. Declaration of Counsel.

K. Notice of Submission of Rule to the Attorney General.

L. Affidavit of Mailing Notice of Submission.