

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of Obsolete Rules of the
Department of Agriculture Relating to the
Dairy Industry

**ORDER ON REVIEW OF ADDITIONAL
NOTICE PLAN**

This matter came before Chief Administrative Law Judge Tammy L. Pust upon the Minnesota Department of Agriculture's (Department) request for review of an Additional Notice Plan for the proposed repeal of obsolete rules pursuant to Minn. Stat. 14.3895, subd. 2 (2018). The Department's request was filed on August 9, 2018.

In its submissions, the Department included the following:

- a Revised Additional Notice Plan;
- a proposed Notice of Intent to Repeal Obsolete Rules;
- the repealer and certification from the Minnesota Office of Revisor of Statutes, identifying the rules to be repealed; and
- the Department's Annual Rules Report, dated November 21, 2017.

On August 1, 2018, the Department filed its first request for approval of its Additional Notice Plan with respect to the above-entitled matter. On August 7, 2018, the Chief Administrative Law Judge issued an order disapproving the Additional Notice Plan and identifying the reasons for disapproval. Specifically, the Chief Judge recommended that the Department more specifically describe the groups and individuals identified on Additional Notice Plan, and make minor clarifications and corrections to the Notice of Intent to Repeal Obsolete Rules.

On August 9, 2018, the Department filed a request for review of its Revised Additional Notice Plan. The request remedied the issues identified in the Chief Judge's Order of August 7, 2018.

The revised Additional Notice Plan states that the following groups and individuals will be served with a copy of the Notice of Intent to Repeal Obsolete Rules:

- the Minnesota Milk Producers Association;
- the Midwest Dairy Association;
- the Upper Midwest Dairy Industry Association (UMDIA);
- the Department's rulemaking mailing list; and
- the Department's "Dairy and Meat Inspection - dairy list"¹.

In addition, the Department noted that it will post the Notice of Intent to Repeal Obsolete Rules and a copy of the obsolete rules on its website for public viewing and comment; and will mail notices to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules to be repealed, as required by Minn. Stat. § 14.3895, subd. 3.

The Chief Administrative Law Judge finds that the Department has corrected the defects in its previous submission² and, therefore,

IT IS HEREBY ORDERED THAT:

The Additional Notice Plan is **APPROVED**.

Dated: August 13, 2018



TAMMY L. PUST
Chief Administrative Law Judge

¹ In its revised Additional Notice Plan, the Department clarified that the "Dairy and Meat Inspection – dairy list" is an email list of over 230 dairy field representatives, dairy plant representatives, and industry people compiled by the Department who wish to receive a quarterly newsletter about dairy topics that the Department sends out.

² While the Department did not include the Minnesota Dairy Association (a/k/a "Midwest DairyTM"), as recommended by the Chief Judge in her Order of August 7, 2018, or explain why it did not include this trade association, the Chief Judge defers to the Department in determining the "classes of persons who may be significantly affected by the rule repeal," as set forth in Minn. Stat. § 14.3895, subd. 2.