

Department of Agriculture and Rural Development

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

2018 PA 94, Seed Potato Act. MCL 286.687, eff. June 24, 2018: “In addition to any other duties provided in this act, the director shall do both of the following: (a) Administer and enforce this act. (b) Promulgate rules necessary for the administration and enforcement of this act, including rules that do all of the following: (i) Establish requirements for compliance. (ii) Allow for the random selection of 10% of potato growers subject to the annual records review required under section 5(2). (iii) Establish methods for determining whether there are unacceptable levels of disease beyond the level of tolerance established under 1959 PA 221, MCL 286.71 to 286.75, and the rules promulgated under that act for seed potatoes planted under section 4(3). (iv). Set a schedule of fees for services performed by the department.”

The Department completed a Request for Rulemaking and received authorization to move forward with drafting. The Department expects to have a draft of these new proposed rules to MOAHR by the end of July 2019 and is working on the Regulatory Impact Statement.

2014 PA 547, Industrial Hemp Research and Development Act, amendments effective January 15, 2019. Under MCL 286.854, the Department shall establish rules for testing of hemp, and under MCL 286.858 shall establish rules for overall implementation of the Act. The Department has been researching what content should be included in rules and expects to go through the rulemaking process through the next year.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

No rules have been identified for rescission at this time, but review is ongoing.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

2011 PA 15, Shopping Reform and Modernization Act. MCL 445.313: “As the state director of weights and measures, he or she shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement and administer sections 7 and 8.” To date, the Department has not found that the language of the Act needs additional clarification for implementation; therefore no rules are needed.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

MDARD has reviewed our regulations and continues to do so to ensure that our rules meet the needs of both the regulated industries and of the public health and environment. We have not received written comments from any of the industries impacted by existing rules calling for changes.

- A. Whether there is a continued need for the rules.

In several current work groups looking at potential legislative updates, we are including rules as part of the discussion.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department received comments relayed to the Office of Regulatory Reinvention from one individual asserting that multiple rules are in need of updates, with no details provided or evidence as to what was alleged to be out of date.

C. The complexity of complying with the rules.

We have not gotten complaints about complexity of complying with any MDARD rules

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

We are not aware of any conflicts or duplicative rules.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The comprehensive review of MDARD's rules was done in 2011 and annual reviews have been conducted since. MDARD has repealed 423 rules, 45%, since 2011.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/mdard/0,4610,7-125-2968_4823---,00.html

6. Please provide a list of the items identified for action in the 2017 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

We have no items outstanding.