

Department of Agriculture and Rural Development

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Reg. 634 – Commercial Fertilizers. General updates and alignment to current national standards.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

Public Act 132 of 2019 made substantial changes to the Animal Industry Act, PA 466 of 1987. Some of the changes made provisions in the Animal Industry rules promulgated under Act 466 obsolete. The Department is currently reviewing both the Act and rules and expects that portions of the rules will be able to be repealed.

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.

The Department regularly engages the food and agriculture industry through a variety of stakeholder meetings and events to seek input about the current state of legislative and regulatory provisions.

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

We do not have records of complaints or comments about MDARD rules from the public.

- 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. In 2019, the Department conducted a thorough review of our animal feed rules as part of the self-assessment for the Food and Drug Administration’s Animal Feeds Regulatory Program Standards. No conflicts were identified. A review of the Commercial Fertilizers rules has

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identified some areas where the language is no longer consistent with national standards, and the Department is working on a request for rulemaking to begin that process.

- 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.

MDARD conducted a comprehensive review of rules per the Executive Directive in 2011 and annual reviews have been conducted since. Since 2011, MDARD has repealed 45% of its rules.

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

https://www.michigan.gov/mdard/0,4610,7-125-1572_97884---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

The review of the rules for the Animal Industry Act in light of 2019 amendments still needs to be completed. The review of Reg. 600 – Cherry Pests took place and there were initial discussions with the industry, but no consensus on how to update or modify the regulation.