

Department of Agriculture and Rural Development

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

Eggs. Under the Animal Industry Act, MCL 287.746, shell eggs sold in the state beginning December 31, 2024, will have to comply with standards described in that section. MDARD is pursuing statutory changes to the Michigan Food Law to address compliance, certification, and labeling needs. Rulemaking for this change is not planned at this time.

Fertilizer. Reg. 641, Commercial Fertilizer Bulk Storage. The Department would like to implement general updates as well review of prevention provisions relating to secondary containment and emergency response.

Feed. Reg. 635, Commercial Feed. After a Departmental review, several provisions are out of date and no longer in alignment with federal and national standards.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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.

Obsolete:

R.285.112.1 Importation of Dogs

R 285.600.1 Cherry Pests (obsolete only in part)

R 285.601.1 Raspberry plant inspection and certification.

R 285.606.1 Blueberry nursery stock.

R 285.609.1 Strawberry plant inspection and certification.

R 285.617.1 Black stem rust of small grains.

Least Important:

R 285.505 (Honey), R 285.537 (Cucumbers for Pickling), and R 285.552 (Unclassified Potatoes) are not actively used by the Department. The rules may be used by industry.

Further investigation is needed to ensure there are no negative impacts if rescinded.

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 will continue to do so to ensure that rules meet the needs of both the public and the regulated industries. No comments calling for changes of existing rules have been received from any of the regulated industries.

A. Describe whether there is a continued need for the rules.

Annual Regulatory Plan 2024-2025

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. Provide a summary of any complaints or comments received from the public concerning the rules.

No comments or complaints about rules have been received.

C. Describe the complexity of complying with the rules.

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

D. Describe 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 2024, 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. As some of the animal feed rules have not been updated in many years, there are some gaps where Michigan is not in alignment with national standards.

E. Provide 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/about/laws>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed: Bodies of Dead Animals Act rules update.