

**Michigan Office of Administrative Hearings and Rules**

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Agriculture and Rural Development

**Division/Bureau/Office:**

Pesticide and Plant Pest Management Division

**Name of person completing this form:**

Jamie Guardiola

**Phone number of person completing this form:**

517-284-5730

**E-mail of person completing this form:**

GuardiolaJ1@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Brad Deacon

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2019-33 AC

**Title of proposed rule set:**

Seed Potatoes

**3. Purpose for the proposed rules and background:**

The Michigan potato industry pushed this legislation to keep up with industry standards of seed potato certification across the nation. Certification helps prevent disease in crops. The purpose of these rules is to regulate distribution and planting of seed potatoes that meet the requirements of certified seed in 1959 PA 221, MCL 286.71 to 286.75, and the rules promulgated under that act. Furthermore, these rules will regulate exceptions that would allow farmers to plant uncertified seed in instances when there are insufficient volumes of any cultivator of certified seed potatoes on lots of 1-acre or greater.

**4. Summary of proposed rules:**

The proposed rules are to regulate distribution and planting of seed potatoes that meet the requirements of certified seed in 1959 PA 221, MCL 286.71 et seq., and the rules promulgated under that act. Furthermore, these rules will regulate exceptions that would allow farmers to plant uncertified seed in instances when there are insufficient volumes of any cultivator of certified seed potatoes on lots of 1 acre or greater.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

- Kalamazoo Gazette on November 21, 2019
- Cadillac News on November 22, 2019
- Escanaba Daily Press on November 25, 2019
- Michigan Register on December 1, 2019

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

12/1/2019

**7. Date, time, and location of public hearing:**

12/19/2019 09:00 AM at Greenstone Farm Credit Services , 3515 West Rd, East Lansing, MI 48823

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

[https://dtmb.state.mi.us/ARS\\_Public/Transaction/RFRTtransaction?TransactionID=48](https://dtmb.state.mi.us/ARS_Public/Transaction/RFRTtransaction?TransactionID=48)

**9. List of the name and title of agency representative(s) attending public hearing:**

Brad Deacon, Regulatory Affairs Officer; Robin Rosenbaum, Plant Health Section Manager; Elizabeth Dorman, Plant Pathology Program Manager; Jamie Guardiola, Office of Legal Affairs Assistant.

**10. Persons submitting comments of support:**

No comments were received. Only one member of the public attended, and he was a former legal intern who worked for the Department and assisted with research and development of the proposed rules. It is important to note that the seed potato industry was included throughout the process through the statutorily created Advisory and they had input into the substance and language of the draft rules and reviewed the regulatory impact statement. They were also notified about the public hearing and the public comment period.

**11. Persons submitting comments of opposition:**

No comments were received.

**12. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for change</b>	<b>Rule number &amp; citation changed</b>
1	None	None		N/A	None

**13. Date report completed:**

1/21/2020