

## **1508.0035 CERTIFICATION OF PRODUCERS TO CONDUCT SAMPLING OR SAMPLING AND ANALYSIS OF ALM.**

Subpart 1. **Certification.** The department may certify producers to conduct sampling or sampling and analysis of the producer's ALM. Producers must be assessed the sampling and analysis fee in accordance with Minnesota Statutes, section 18C.551, subdivision 4, for each sample submitted to the department.

Subp. 2. **Certification to sample ALM.** Producers who wish to become certified to sample their ALM must notify the department in sufficient time for the department to send information concerning official sampling methods, an application form, and sample collection report. Producers must abide by the official methods of sampling in part 1508.0030, subpart 2. Producers must submit to the department a representative sample of the ALM as distributed sample with no less than five pounds of ALM, a completed application form, and a completed sample collection report. Certification may be denied or revoked for failure to abide by the official sampling methods in part 1508.0030, subpart 2.

Subp. 3. **Certification to sample and analyze ALM.** Producers who wish to become certified to sample and analyze ALM must notify the department in sufficient time for the department to send information concerning official sampling and analysis methods, an application form, and instructions pertaining to obtaining certification.

An application form must be completed and submitted to the department. If the application is approved, the department shall instruct the producer to submit a monthly representative sample and analysis from each of the producer's ALM production, storage, or blending sites in accordance with the methods required in part 1508.0030, subpart 2. Each monthly sample and analysis must consist of subsamples collected over four consecutive weeks. Samples submitted to the department must be analyzed by the department to determine if deviations in the analytical data exist between the department and the producer. If the analysis data between the department and the producer is within three percent for three consecutive months, certification for sampling and analysis shall be granted.

Subp. 4. **Sampling and analysis scheduling requirements.** A producer certified to sample or sample and analyze ALM must collect representative samples based on the schedule in items A to C. Producers certified to sample ALM will be assessed the sampling and analysis fee in accordance with Minnesota Statutes, section 18C.551, subdivision 4, for each sample submitted to the department.

A. Certified producers distributing greater than 40,000 tons annually must collect a representative sample weekly of the ALM as distributed from each production, storage, or blending site and analyze or submit to the department for analysis the composite of the weekly samples on a monthly basis before or during distribution.

B. Certified producers distributing 20,000 to 40,000 tons annually must collect a representative sample monthly of the ALM as distributed from each production, storage, or blending site and analyze or submit to the department for analysis the composite of the monthly samples on a quarterly basis before or during distribution.

C. Certified producers distributing less than 20,000 tons annually must collect a representative sample of the ALM as distributed from each production, storage, or blending site and analyze or submit the samples to the department for analysis. Temporary holding areas for ALM that hold less than one month's production must be sampled before distribution and a composite of these samples must be analyzed semiannually.

Subp. 5. **Reporting requirements.** Producers certified to sample and analyze ALM must report analytical data to the department semiannually on January 31 and July 31 on forms provided by the department and signed by the certified producer that list the sample identification, date collected, date analyzed, analytical results, and the minimum pounds ENP per ton.

Subp. 6. **Denial or revocation of certification.** Certification may be denied or revoked for (1) failure to abide by the methods of sampling and analysis in part 1508.0030, subpart 2, (2) failure to file a semiannual report as required in subpart 5, or (3) providing analytical data or label information that is found to be inaccurate in accordance with part 1508.0025, subpart 1, item E, or 2, item B.

**Statutory Authority:** *MS s 18C.575*

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