

1558.0070 COMMERCIAL USE EXEMPTION.

Subpart 1. **Commercial use.** Any GEO that has passed the USDA procedure for delisting by petition, or similar procedures of the USDA or other federal regulatory agencies, may be considered for a commercial use exemption. Releases where the primary goal is experimental or developmental do not fall in this category.

Subp. 2. **Procedures.** Granting of exemptions must be based on federal delisting or deregulation, experience from past releases, and the considerations in part 1558.0030, subpart 1. GEOs that have a commercial use exemption need not obtain a release permit.

A. An applicant must submit any federal documents needed to address the considerations in part 1558.0030, subpart 1.

B. Supplemental notice of Federal Register items regarding delisting or deregulation of agriculturally related GEOs must be published in the EQB Monitor and sent to the Minnesota Department of Agriculture GEO mailing list. The Minnesota Department of Agriculture shall accept comments during the federal comment period. Notice of the exemption of GEOs to allow for commercial use must be published in the EQB Monitor at least 30 days prior to commercial use.

C. The commissioner may require additional use conditions or marketing limits to mitigate or lower risk for adverse effects on humans or the environment resulting from commercial use of a GEO.

D. The commissioner may allow an exemption from item A, B, or C for commercial use of individual GEOs or classes of GEOs based on a history of past releases. There will be public notice in the first available EQB Monitor for individual exemptions. For class exemptions there must be a 30-day public comment period.

E. The commissioner may reject an application for a GEO commercial use exemption based on adverse effects on humans or the environment.

F. The commissioner may modify, suspend, or revoke the commercial use exemption should any evidence of unreasonable adverse effects on human health or the environment be observed.

Statutory Authority: *MS s 18F.12*

History: *20 SR 1037*

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