

4420.0050 RELEASE PERMIT MODIFICATION, SUSPENSION, AND REVOCATION NOT INITIATED BY PERMITTEE.

Subpart 1. **Initiation.** Any person or agency may request the board to modify, suspend, or revoke a release permit. The requester must file a written request including:

A. a prima facie showing by affidavit or other documentation that:

(1) a violation of the terms and conditions of a release permit to release genetically engineered organisms has occurred or is likely to occur;

(2) a failure to disclose fully all facts or the submission of false or misleading information by the permittee; or

(3) the terms and conditions of the release permit are inadequate to avoid unreasonable or material adverse effects on human health or the environment; and

B. the action the person or agency is requesting the board to take.

The chair must place the matter on the agenda of the next regular or special meeting of the board according to part 4405.0600 for consideration of an action to modify, suspend, or revoke the release permit.

Subp. 2. **Notice.** The chair must notify in writing the permittee, local governmental units within whose boundaries the release is permitted, governmental units with approval authority over the release, and the persons registered pursuant to part 4420.0060, subpart 2, of the allegations and proposed action. The permittee must be given at least ten days from receipt of the notice to prepare a response to the allegation and proposed action for presentation at the board meeting unless the permittee requests or agrees that the board meeting be held less than ten days after notification. However, the chair may determine that there is imminent and substantial danger to human health or the environment requiring immediate board action and call a special meeting of the board less than ten days after notification.

Subp. 3. **Emergency corrective action.** To assure an adequate response to an emergency, the chair may order corrective action without following the procedures of subpart 2 if the chair determines that the release constitutes a clear and immediate danger requiring immediate action to prevent, minimize, or mitigate damage to human health or the environment.

Subp. 4. **Contested case hearing.** The person or agency initiating the action or the permittee may request the board to hold a contested case hearing pursuant to Minnesota Statutes, sections 14.57 to 14.62, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402. The board must determine the need for a contested case hearing according to part 4420.0030, subpart 9.

Subp. 5. **Board action.** When the board makes a finding of subpart 1, item A, subitem (1), (2), or (3), it may take action to modify, suspend, or revoke the permit. The board may, at any time, consider suspension or termination of its action if the permittee has undertaken effective corrective or mitigative measures to correct the violations or potential problems.

Subp. 6. **Scope of suspension.** An action by the board to suspend a release permit must be limited to the following:

A. the determination of the corrective or mitigative measures necessary to correct the violations or potential problems; and

B. the time period necessary for the permittee to complete the required corrective or mitigative measures.

Subp. 7. **Scope of modification.** An action by the board to modify the release permit must be according to part 4420.0035 and be limited to the addition or modification of conditions to provide mitigation or minimization of significant or material adverse impacts on human health or the environment.

Subp. 8. **Scope of revocation.** When the board finds any item of part 4420.0035, subpart 2, the board may revoke a release permit.

Statutory Authority: *MS s 116C.94*

History: *17 SR 139*

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