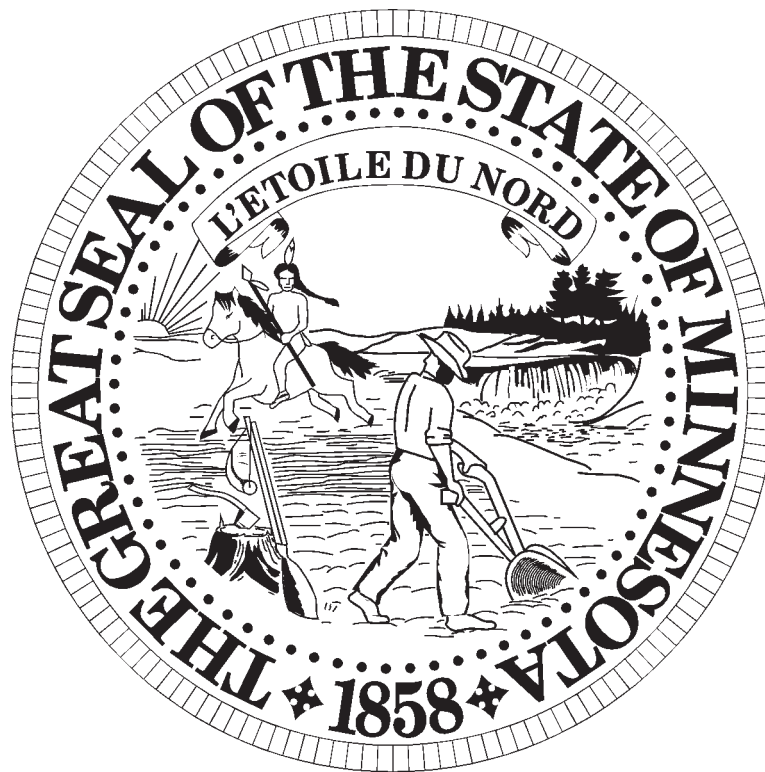


State of Minnesota

# State Register



**Rules and Official Notices Edition**

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# State Register

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#10	<b>TUESDAY 7 SEPTEMBER</b>	Noon Tuesday 31 August	Noon Wednesday 25 August
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

### Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Department of Agriculture

### Agriculture Marketing Services Division

### Agronomy and Plant Protection Division

## Proposed Permanent Rules Relating to Weed Control, Agricultural Chemicals, Commercial Fertilizer, Commercial Feed, Pet Food, Livestock Damage, Wild Rice, and Product Councils

### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Rules, Amendments to and Repeal of Rules Governing Wholesale Produce Dealers; Shade Tree Program; Anhydrous Ammonia Fertilizer; Liquid Commercial Fertilizer; Dry Commercial Fertilizer; Livestock Dealers and Weighing; Commercial Feed; Pet Food; Livestock Destroyed by Wolves; Agricultural Development Grants; Minnesota Grown Labeling Statements; and Producer Councils: Minnesota Rules 1500.1201; 1505.0060; 1505.0360; 1505.0370; 1510.0890 – 1510.1090; 1510.0370; 1510.0371; 1510.0372; 1510.0380; 1510.0400; 1510.0401; 1510.0402; 1510.0408; 1510.1930, 1510.1943, 1510.1947, 1510.2070, 1510.2170 - 1510.2200, 1510.2220, 1510.2230, 1510.2500 - 1510.2590, and 1510.2595 and Repeal of Rules 1510.1935, 1510.1940, 1510.1950, 1510.2000 – 1510.2060, 1510.2080 – 1510.2160, 1510.2210; 1515.0000 through 1515.2200; 1515.2900; 1515.3000; 1515.3100 subp 6, subp 7, and subp 8; 1515.3200; 1515.3400; 1515.3500; 1515.3600; 1515.3800; 1515.3900; 1552.0030, subp. 4; 1552.0050, subp. 1; 1556.0110, subp. 2 and 7; 1556.0120, subps. 1, 2 and 3; 1556.0120, subp. 4; 1556.0132, subp. 4; 1556.0140, subp. 1 to 4; 1556.0145, subp. 4; 1556.0160, subp. 3; 1570.0300; and 1570.0800.

**KEY: Proposed Rules Section** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules Section** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.



# Proposed Rules

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**Introduction.** The Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until September 29, 2004.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **Fax:** (651) 297-5522; **Email:** [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). **TTD** users may call the Minnesota Relay at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about new rules governing pet food, and amendments to and repeal of rules of the Agriculture Marketing Services and Agronomy and Plant Protection Divisions designed to improve uniformity with other jurisdictions, and update the rules to keep them current with statutory requirements, and industry practices including:

- A. the proposed repeal certain parts of rules governing municipal tree inspectors and yearly reports;
- B. the proposed repeal of obsolete rules governing anhydrous ammonia fertilizer;
- C. the proposed adoption of amendments is to the rules governing liquid commercial fertilizer;
- D. the proposed adoption of amendments is to the rules governing dry commercial fertilizer;
- E. the proposed adoption of amendments to rules governing commercial feed
- F. the proposed repeal of rules governing the licensing of livestock dealers and the weighing of livestock;
- G. the proposed adoption of amendments to the rules governing compensation for livestock destroyed by wolves
- H. the proposed adoption of amendments to the rules governing agricultural development grants;
- I. the use of the Minnesota grown logo and labeling statement; and
- J. amendments which update rules governing commodity councils.

The statutory authority to adopt, amend and repeal the rules is Minnesota Statutes, sections 3.737; 17.101; 17.102; 17.54, subd 4; 17.58 subd 4; 17.63; 17A.15; 18C.121; 18G.16, subd. 10; 25.40 and 27.14. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on September 29, 2004 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 29, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules unless the procedure under part 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: August 10, 2004

Sharon Clark  
Deputy Commissioner

## 1500.1201 NOTICE OF PAYMENT PROTECTION.

Wholesale produce dealers who purchase produce from sellers inside the state of Minnesota must provide the following notice of payment protection, in at least ten point, all capital type, to each seller of produce on or before payment is due:

WE ARE A LICENSED AND BONDED MINNESOTA WHOLESALE PRODUCE DEALER. AS A SUPPLIER OF PRODUCE, YOU ARE PROTECTED BY A BOND AND A WHOLESALE PRODUCE DEALERS TRUST IF YOU FILE A CLAIM WITHIN 40 DAYS AFTER THE DUE DATE WITH THE MINNESOTA DEPARTMENT OF AGRICULTURE. FOR FURTHER INFORMATION, CALL (651) 297-2200 OR WRITE: MINNESOTA DEPARTMENT OF AGRICULTURE, PLANT INDUSTRY DIVISION, 90 WEST PLATO BOULEVARD, SAINT PAUL, MINNESOTA 55107

Wholesale produce dealers need only notify each of their sellers once. A new seller must be notified on or before the time a seller is to receive his or her first payment.

## 1505.2100 DEFINITIONS.

[For text of subs 1 to 17, see M.R.]

Subp. 18. **Public water supply.** “Public water supply” has the meaning given in part ~~4720.0100~~ 4725.0100, subpart 37a.

[For text of subs 19 to 22, see M.R.]

## 1510.0370 AUTHORITY AND PURPOSE.

Parts 1510.0370 to 1510.0380 are adopted by the commissioner pursuant to *Minnesota Statutes*, section ~~17.725~~ 18C.121, to govern the storage and handling of liquid commercial fertilizer used for agricultural purposes.

## 1510.0371 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1510.0370 to 1510.0380, the terms defined in this part have the meanings given them, and “~~commercial~~ fertilizer,” “commissioner,” “grade,” “~~guaranteed analysis~~,” and “person” have the meanings given in *Minnesota Statutes*, section ~~17.713~~ 18C.005.

[For text of subs 2 to 11, see M.R.]

## 1510.0372 APPROVAL OF FACILITY AND EQUIPMENT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Review of approval.** The commissioner shall review approved facilities if the commissioner has reason to believe that existing safeguards are not sufficient to prevent hazards to people’s lives, adjoining property, or the environment. Upon determination by the commissioner that hazards to people’s lives, adjoining property, or the environment do exist, the commissioner shall proceed in accordance with *Minnesota Statutes*, section ~~17.728~~ chapter 18D.

## 1510.0380 ENFORCEMENT.

The commissioner shall proceed in accordance with *Minnesota Statutes*, section ~~17.728~~ chapter 18D, upon satisfactory evidence that the storage or handling of liquid commercial fertilizer does not meet the provisions in parts 1510.0370 to 1510.0380.

## 1510.0400 AUTHORITY AND PURPOSE.

Parts 1510.0400 to 1510.0408 are adopted by the commissioner pursuant to *Minnesota Statutes*, section ~~17.725~~ 18C.121, to govern the storage and handling of dry commercial fertilizer used for agricultural purposes.

## 1510.0401 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1510.0401 to 1510.0408, the terms defined in this part have the meanings given them, and “~~commercial~~ fertilizer,” “commissioner,” “grade,” “~~guaranteed analysis~~,” and “person” have the meanings given in *Minnesota Statutes*, section ~~17.713~~ 18C.005.

[For text of subs 2 to 10, see M.R.]

## 1510.0402 APPROVAL OF FACILITY AND EQUIPMENT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Review of approved facilities.** The commissioner shall review approved facilities if the commissioner has reason to believe that existing safeguards are not sufficient to prevent hazards to people’s lives, adjoining property, or the environment. Upon determina-

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tion by the commissioner that hazards to people's lives, adjoining property, or the environment do exist, the commissioner shall proceed in accordance with *Minnesota Statutes*, ~~section 17.728~~ chapter 18D.

## 1510.0408 ENFORCEMENT.

The commissioner shall proceed in accordance with *Minnesota Statutes*, ~~section 17.728~~ chapter 18D, upon satisfactory evidence that the storage or handling of dry commercial fertilizer does not meet the provisions in parts 1510.0401 to 1510.0408.

## 1510.1930 DEFINITIONS AND TERMS.

Subpart 1. Commercial feed terms. The names and definitions for commercial feeds ~~shall be~~ are specified in the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, ~~except as the commissioner designates otherwise in specific cases.~~

The terms used in reference to commercial feeds ~~shall be and feed ingredients are specified in~~ the Official Feed Terms adopted by the Association of American Feed Control Officials; ~~except as the commissioner designates otherwise in specific cases and published in the Official Publication of the Association of American Feed Control Officials which, for purposes of this chapter, is incorporated by reference.~~ This document can be found at the Minnesota Law Library Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

Subp. 2. Exempt commodities. The following commodities, if unadulterated under *Minnesota Statutes*, section 25.37, are exempt from the definition of commercial feed: raw meat, hay, loose salt, straw, stover, silages, cobs, husks, and hulls, if they are unground and not mixed or intermixed with other materials.

## 1510.1943 LABEL FORMAT.

Subpart 1. Commercial feed; general. Commercial feed, other than customerformula feed, must be labeled with the information prescribed in this subpart on the principal display panel of the product and in the following format:

- A. product and brand name, if any, as prescribed in part 1510.1947, subpart 2;
- B. if drugs are used, label as prescribed in part 1510.1947, subpart 3;
- C. purpose statement as prescribed in part 1510.1947, subpart 4;
- D. the guaranteed analysis as prescribed in part 1510.1947, subpart 5;
- E. feed ingredients as prescribed in part 1510.2130.
- F. directions for use and precautionary statements as prescribed in parts 1510.2170 and 1510.2180;
- G. name and principal mailing address of the manufacturer or person responsible for distributing the commercial feed as prescribed in part 1510.1947, subpart 7;
- H. quantity statement in terms defined in *Minnesota Statutes*, section 25.33, subdivision 24, with net weight displayed, if required, in both English and metric units; and
- I. label information placed as follows:
  - (1) all of the information required in items A to E, G, and H, appearing on one side of the label or on one side of the container; and
  - (2) the information required in item F, displayed in a prominent place on the label or container but not necessarily on the same side as the rest of the information. If the information required by item F, is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by this part may be subordinated or obscured by other statements or designs.

Subp. 2. Customerformula feed. Customerformula feed must be accompanied by the information prescribed in this subpart using a label, invoice, delivery ticket, or other shipping document bearing the following information:

- A. the name and address of the manufacturer;
- B. the name and address of the purchaser;
- C. the date of sale or delivery;
- D. the customerformula feed and brand name, if any;
- E. the product name and net quantity of each commercial feed and each other ingredient used in the mixture, or a guaranteed analysis and ingredient list in accordance with *Minnesota Statutes*, section 25.35, paragraph (a), clauses (2) and (3);
- F. the directions for use and precautionary statements as required by parts 1510.2170 and 1510.2180; and
- G. if a drugcontaining product is used:
  - (1) the purpose of the medication (claim statement); and
  - (2) the established name of each active drug ingredient and the level of each drug used in the final mixture in accordance with part 1510.2070, subpart 4.



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## 1510.1947 LABEL INFORMATION.

Subpart 1. **Requirement.** Commercial feed, other than customer formula feed, must be labeled with the information prescribed in this part.

Subp. 2. **Product and brand name.** The product name and brand name must be indicated in accordance with items A to I.

A. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. Feed must conform with any specific use indicated by a product name. A commercial feed for a particular animal class must be suitable for that purpose.

B. Commercial names, registered brand names, or trade names are not permitted in guarantees or ingredient listings and are only permitted in the product name of feeds produced by or for the firm holding the rights to the name used.

C. No product or brand name may identify an ingredient of a commercial feed to the exclusion of another ingredient unless:

(1) the identified ingredient imparts to the commercial feed a distinctive characteristic that is significant to the purchaser;

(2) the ingredient is quantitatively guaranteed in the guaranteed analysis of the commercial feed label; and

(3) the brand or product name is not otherwise false or misleading.

D. “Protein” is not permitted in the product name of a feed that contains added nonprotein nitrogen.

E. A product name that carries a percentage value is understood to signify crude protein, equivalent crude protein content only, or the sum of crude protein and equivalent crude protein. Other percentage values are only permitted if they are followed by the proper descriptive modifier and conform to the requirements of part 1510.1943 and this part. Digital numbers must not be used in a way that misleads or confuses the customer.

F. Single ingredient feeds must have a product name in accordance with the designated definition of feed ingredients contained in the Official Publication of the Association of American Feed Control Officials.

G. “Vitamin,” a contraction of vitamin, or a word suggesting vitamin, may only be used in the name of a feed that is represented as a vitamin supplement and labeled with the minimum content of each vitamin declared, as specified in part 1510.2070, subpart 3.

H. The term “mineralized” must not be used in the name of a feed except for “trace mineralized salt.”

I. The term “meat” or “meat byproducts” must be qualified to designate the animal from which the meat and meat byproducts are derived unless the meat and meat byproducts are made from cattle, swine, sheep, or goats.

Subp. 3. **Drug usage.** If a drug is used in the product:

A. the word “medicated” must appear directly following and below the product name in type size no smaller than one-half the type size of the product name;

B. there must be a purpose statement as required in subpart 4;

C. the purpose of the medication must be stated; and

D. there must be an active ingredient statement listing the active drug ingredients by their established names and the amounts in accordance with part 1510.2070, subpart 4.

Subp. 4. **Purpose statement.** A purpose statement must be included in accordance with items A to E.

A. The purpose statement must identify the specific species and animal classes for which the feed is intended.

B. The purpose statement may be excluded from the label if the product name includes a description of the species and animal classes for which the product is intended.

C. The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state “For Further Manufacture of Feed” if the nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds.

D. The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products, or molasses products may exclude the animal class and species and state “For Further Manufacture of Feed” if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds.

E. The purpose statement of a product must include a statement of enzyme functionality if enzymatic activity is represented in any manner.

Subp. 5. **Guarantees.**

A. If they are stated, guarantees must be in the following sequence: crude protein, equivalent crude protein from nonprotein nitrogen, amino acids, crude fat, crude fiber, acid detergent fiber, calcium, phosphorus, salt, and sodium. Other required and voluntary guarantees must follow so that the units of measure used to express guarantees are listed in a sequence that provides a consistent grouping of the units of measure.

B. The required guarantees of grain mixtures, with or without molasses, and other feeds must include the following items, unless exempted in subitem (3), in the order listed:

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(1) animal classes and species for which the product is intended;

(2) guaranteed analysis in the following order:

(a) minimum percentage crude protein;

(b) maximum or minimum percentage of equivalent crude protein from nonprotein nitrogen as required in part 1510.2070, subpart

5;

(c) minimum percentage of crude fat;

(d) maximum percentage of crude fiber;

(e) minerals in formula feeds, in the following order:

i. minimum and maximum percentages of calcium;

ii. minimum percentage of phosphorus;

iii. minimum and maximum percentage of salt, with minimum and maximum percentage of total sodium guaranteed only when

total sodium exceeds that furnished by the maximum salt guarantee;

(f) other minerals;

(g) minerals in feed ingredients as specified by the Official Publication of the Association of American Feed Control Officials;

(h) vitamins in terms specified in part 1510.2070, subpart 3;

(i) total sugars as invert on dried molasses products or products being sold primarily for their sugar content; and

(j) viable lactic acid-producing microorganisms for use in silages in terms specified in part 1510.2070, subpart 7.

C. The packaging on a commercial feed intended to provide a specialized nutritional source for use in the manufacture of other feeds must state its intended purpose and guarantee those nutrients relevant to the stated purpose.

D. Exemptions:

(1) A mineral guarantee for feed, excluding feed manufactured as complete feed or for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, veal, and herd milk replacers, are not required when:

(a) the feed or feed ingredient is not intended or represented or does not serve as a principal source of that mineral to the animal; or

(b) the feed or feed ingredient is intended for nonfood-producing animals and contains less than 6.5 percent total minerals.

(2) Guarantees for vitamins are not required if the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(3) Guarantees for crude protein, crude fat, and crude fiber are not required if the commercial feed is intended for purposes other than to furnish these substances or the substances are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(4) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish microorganisms or microorganisms are of minor significance relating to the primary purpose of the product and no specific label claims are made.

Subp. 6. **Feed ingredients; collective terms.** Feed ingredients must be listed in accordance with items A and B.

A. The name of each ingredient must be given, as defined in the Official Publication of the Association of American Feed Control Officials. If there is no official ingredient name, the common or usual name of the ingredient must be used.

B. Collective terms may be used for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients, provided that:

(1) if a collective term for a group of ingredients is used on the label, individual ingredients defined by the collective term must not be listed on the label; and

(2) the manufacturer must provide the commissioner, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

Subp. 7. **Name; principal mailing address.** The name and principal mailing address of the manufacturer or person responsible for distributing the product must include the street address, city, state, and zip code. The street address may be omitted if it is shown in the current city directory or telephone directory for the city listed on the label.

## **1510.2070 EXPRESSION OF GUARANTEES.**

Subpart 1. **Protein; amino acids; fat; fiber.** The guarantees for crude protein, amino acids, equivalent crude protein from nonprotein nitrogen, crude fat, crude fiber, and mineral guarantees (when required) will acid detergent fiber must be in terms of percentage by weight, as is.

Subp. 2. **Mineral guarantees.**

A. Calcium, salt, and sodium guarantees given in the guaranteed analysis must be stated and conform to the following:

(1) if the minimum is below 2.5 percent, the maximum must not exceed the minimum by more than 0.5 percentage point;

(2) if the minimum is 2.5 percent, but less than 5.0 percent, the maximum must not exceed the minimum by more than one percentage

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point; and

(3) if the minimum is 5.0 percent or greater, the maximum must not exceed the minimum by more than 20 percent of the minimum, and in no case may the maximum exceed the minimum by more than five percentage points.

B. Any guarantees for minimum and maximum total sodium and salt, minimum potassium, minimum magnesium, minimum sulfur, minimum phosphorus, and maximum fluorine must be in terms of percentage by weight, as is. Other minimum mineral guarantees must be stated in parts per million (ppm), as is, when the concentration is less than 10,000 ppm and in percentage by weight, as is, when the concentration is 10,000 ppm (one percent) or greater.

C. Products labeled with a quantity statement, such as tablets, capsules, granules, or liquids, may state mineral guarantees in milligrams (mg) per unit, consistent with the quantity statement and directions for use.

Subp. 3. **Minimum vitamin content.** Guarantees for minimum vitamin content of commercial feeds must be stated in mg/lb or in units consistent with those employed for the quantity statement and must be listed in the following order:

A. vitamin A, other than precursors of vitamin A, in international units per pound;

B. vitamin D3 in products offered for poultry feeding, in international chick units per pound;

C. vitamin D for other uses, international units per pound;

D. vitamin E, in international units per pound;

E. concentrated oils and feed additive premixes containing vitamins A, D, and E may, at the option of the distributor, be stated in units per gram instead of units per pound;

F. vitamin B12, in milligrams or micrograms per pound; and

G. all other vitamin guarantees in milligrams per pound in terms of the following: menadione, riboflavin, pantothenic acid, thiamine, niacin, vitamin B6, folic acid, choline, biotin, inositol, pantoic acid, ascorbic acid, and carotene.

Subp. 4. **Drug guarantees.** Guarantees for drugs must be stated in terms of percent by weight, except as specified in items A to D.

A. Antibiotics present at less than 2,000 grams per ton (total) of commercial feed must be stated in grams per ton of commercial feed.

B. Antibiotics present at 2,000 or more grams per ton (total) of commercial feed must be stated in grams per pound of commercial feed.

C. Labels for commercial feeds containing growth promotion or feed efficiency levels of antibiotics which are to be fed continuously as the sole ration are not required to make quantitative guarantees except as specifically noted in *Code of Federal Regulations*, title 21, chapter 558, federal Food Additive Regulations for certain antibiotics, where quantitative guarantees are required regardless of the level or purpose of the antibiotic.

D. The term "milligrams per pound" may be used for drugs or antibiotics if a dosage is given in "milligrams" in the feeding directions.

Subp. 5. **Added nonprotein nitrogen.** Commercial feeds containing added nonprotein nitrogen must be labeled according to items A and B.

A. For ruminants,

(1) complete feeds, supplements, and concentrates containing added nonprotein nitrogen and more than five percent protein from natural sources must be guaranteed as follows:

(a) crude protein, minimum, ..... percent;

(b) (this includes not more than ..... percent equivalent crude protein from nonprotein nitrogen);

(2) mixed feed concentrates and supplements containing less than five percent protein from natural sources may exclude the guarantee for crude protein; and

(3) ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials must be guaranteed as follows:

(a) nitrogen, minimum, ..... percent;

(b) equivalent crude protein from nonprotein nitrogen, minimum, ..... percent.

B. For nonruminants,

(1) complete feeds, supplements, and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, must be labeled as follows:

(a) crude protein, minimum ..... percent;

(b) (this includes not more than ..... percent equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended));

(2) premixes, concentrates, or supplements intended for nonruminants containing more than 1.25 percent equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING:

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THIS FEED MUST BE USED ONLY IN ACCORDANCE WITH DIRECTIONS FURNISHED ON THE LABEL.”

Subp. 6. Mineral phosphatic materials. Mineral phosphatic materials for feeding purposes must be labeled with the guarantee for minimum and maximum percentage of calcium, when present, the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Subp. 7. Microorganisms. Guarantees for microorganisms must be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colonyforming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee must list each species in order of predominance.

Subp. 8. Enzymes. Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity must be specified, such as: Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./milligram. Two or more sources that have the same type of activity must be listed in order of predominance based on the amount of enzymatic activity provided.

## 1510.2130 INGREDIENTS.

Subpart 1. Name. The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the official or tentative ingredient name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, or, if an official or tentative ingredient name is not published, the common or usual name, or one approved by the commissioner, and for the ingredient may be used if the ingredient has a common accepted name that requires no definition, such as sugar.

Subp. 2. Format. The name of each ingredient must be shown in letters or type of the same size, font, and color. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a commercial feed. The term “dehydrated” may precede the name of any product that has been artificially dried.

Subp. 3. Single ingredient product. A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

Subp. 4. Iodized. If the word “iodized” is used in connection with a feed ingredient, the feed ingredient must contain not less than 0.007 percent iodine, uniformly distributed.

## 1510.2180 NONPROTEIN NITROGEN.

Subpart 1. Equivalent crude protein; caution. Urea and other nonprotein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds. If the commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, exceeds onethird of the total crude protein, the label shall must bear adequate directions for the safe use of feeds and a precautionary statement: “CAUTION: USE AS DIRECTED.” The directions for use and the precautionary statement shall must be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

Subp. 2. Nutrients other than equivalent crude protein. Nonprotein nitrogen ingredients defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources used in nonruminant rations must not exceed 1.25 percent of the total daily ration.

Subp. 3. Exception. On labels such as those for medicated feeds which bear adequate feeding directions and/or precautionary statements, the presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of nonprotein nitrogen.

## 1510.2190 DRUG AND FEED ADDITIVES.

Prior to approval of a registration application and/or approval of a label for commercial feeds which contain additives including drugs, special purpose additives, or nonnutritive additives the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label. Satisfactory evidence of safety and efficacy of a commercial feed may be Feed ingredients, including drugs, other special purpose additives, and nonnutritive additives may be used in the formulation of a commercial feed if the ingredient’s safety, efficacy, and utility are established under one of the following conditions:

A. when the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the *Code of Federal Regulations*, title 21, or which are “prior sanctioned”, “informal review sanctioned,” or “generally recognized as safe” for such use; or

B. when the commercial feed is itself a drug as defined in *Minnesota Statutes*, section 25.33, subdivision 8, and is generally recog-

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nized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under *United States Code*, title 21, section 360(b);

C. when one of the purposes for feeding a commercial feed is to impart immunity, the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum, and Toxins Act of 1913, as amended; or

D. when the commercial feed is a directfed microbial and:

(1) the product meets the particular fermentation product definition defined by the Association of American Feed Control Officials;

(2) the microbial content statement, appearing on the label, is limited to the following: "Contains a source of live (viable) naturally occurring microorganism"; and

(3) the source is stated with a corresponding guarantee expressed in accordance with part 1510.2070, subpart 7;

E. when the commercial feed is an enzyme product and:

(1) the product meets the particular definition defined by the Association of American Feed Control Officials; and

(2) the enzyme is stated with a corresponding guarantee expressed in accordance with part 1510.2070, subpart 8.

### 1510.2200 ADULTERANTS.

**Subpart 1. Definition.** For the purpose of *Minnesota Statutes*, section 25.37, ~~clause (A) paragraph (a), the terms term~~ "poisonous or deleterious substances" ~~include includes, but are is~~ not limited to, the following:

A. fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20 percent for breeding and dairy cattle; 0.30 percent for slaughter cattle; ~~0.35~~ 0.30 percent for sheep; 0.35 percent for lambs; 0.45 percent for swine; and 0.60 percent for poultry;

B. fluorinebearing ingredients when used in such amounts that they raise the fluorine content of the total ration, exclusive of roughage, above the following amounts: 0.004 percent for breeding and dairy cattle; 0.009 percent for slaughter cattle; ~~0.01~~ 0.006 percent for sheep; 0.01 percent for lambs; ~~0.014~~ 0.015 percent for swine; and 0.035 percent for poultry;

C. fluorinebearing ingredients incorporated in any feed that is fed directly to cattle, sheep, or goats consuming roughage, with or without limited amounts or grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight;

D. soybean meal, flakes, or pellets or other vegetable meals, flakes, or pellets which have been extracted with trichlorethylene or other chlorinated solvents; and

~~D. E.~~ sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B<sub>1</sub> (Thiamine); and

E. artificial color that has not been cleared for safety for use in feeds. Evidence of safety must include a clearance for use of these color additives under the provisions of the federal Food, Drug and Cosmetic Act, not listed and not used within the conditions, limitations, and tolerances prescribed for each coloring substance in *Code of Federal Regulations*, title 21, part 73A, for food coloring exempt from certification, or in *Code of Federal Regulations*, title 21, part 74A, for food coloring subject to certification. No artificial color material shall be used to enhance the natural color of the feed or feed ingredient whereby inferiority would be concealed.

**Subp. 2. Weed seeds.** All screenings or byproducts of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the consumer, must be ground fine enough or otherwise treated to destroy the viability of the weed seeds so that the level of such viable weed seeds in the finished product does not exceed the levels specified in *Minnesota Statutes*, sections 21.71 to 21.78.

### 1510.2220 GOOD MANUFACTURING PRACTICES.

For the purposes of enforcement of *Minnesota Statutes*, section 25.37, paragraph (b), clause (H) (3), the commissioner adopts the following as current good manufacturing practices:

A. the regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in the *Code of Federal Regulations*, title 21, part ~~133 225~~, sections ~~133.100 to 133.110~~ 225.1 through 225.202; and

B. the regulations prescribing good manufacturing practices for Type A medicated ~~premises~~ articles as published in the *Code of Federal Regulations*, title 21, part ~~133 226~~, sections ~~133.200 to 133.210~~ 226.1 through 226.115.

### 1510.2230 MAMMALIAN PROTEINS PROHIBITED IN RUMINANT FEED.

Pursuant to *Minnesota Statutes*, section 25.40, subdivision 1, paragraph (b), the commissioner adopts *Code of Federal Regulations*, title 21, section 589.2000.

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## RULES FOR PET FOOD AND SPECIALTY PET FOOD

### 1510.2500 DEFINITIONS AND TERMS.

Subpart 1. **Scope.** The definitions in this part and *Minnesota Statutes*, section 25.33, apply to parts 1510.2500 to 1510.2595.

Subp. 2. **All life stages.** “All life stages” means gestation/lactations, growth, and adult maintenance life stages.

Subp. 3. **Family.** “Family” means a group of products that are nutritionally adequate for any or all life stages based on nutritional similarity to a lead product, which has been successfully testfed according to an AAFCO feeding protocol.

Subp. 4. **Immediate container.** “Immediate container” means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

Subp. 5. **Ingredient statement.** “Ingredient statement” means a collective and contiguous listing on a label of the ingredients making up the pet food or specialty pet food.

Subp. 6. **Principal display panel.** “Principal display panel” means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

### 1510.2510 LABEL FORMAT AND LABELING.

Subpart 1. **Required information.** Pet food and specialty pet food must be labeled with the following information:

A. the product name and brand name, if any, on the principal display panel as specified in part 1510.2520;

B. a statement specifying the species name of the pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;

C. a quantity statement as defined in *Minnesota Statutes*, section 25.33, subdivision 24, on the principal display panel;

D. guaranteed analysis as specified in part 1510.2530;

E. an ingredient statement as specified in part 1510.2540, subpart 1;

F. a statement of nutritional adequacy or purpose if required under part 1510.2560;

G. feeding directions if required under part 1510.2570; and

H. the name and address of the manufacturer or distributor as specified in part 1510.2595.

Subp. 2. **Outer containers.** If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information must appear on the outer container or wrapper.

Subp. 3. **Graphics.** A vignette, graphic, or pictorial representation on a pet food or specialty pet food label must not misrepresent the contents of the package.

Subp. 4. **Use of “proven.”** The use of the term “proven” in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.

Subp. 5. **Comparison.** No statement may appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Subp. 6. **Endorsement.** A personal or commercial endorsement is permitted on a pet food or specialty pet food label if it is not false or misleading.

Subp. 7. **“New” or “improved” claims.** A statement on a pet food or specialty pet food label stating “improved,” “new,” or a similar designation must be substantiated and limited to six months’ production.

Subp. 8. **Preference.** A statement on a pet food or specialty pet food label stating preference or comparative attribute claims must be substantiated and is limited to one year of production, after which the claim must be removed or resubstantiated.

### 1510.2520 BRAND AND PRODUCT NAMES.

Subpart 1. **Certain terms.** The terms “100 percent,” “all,” or similar terms must not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient, not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.

Subp. 2. **Ingredients in name.** An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food if:

A. the ingredients derived from animals, poultry, or fish constitute at least 95 percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage, however, the ingredients must constitute at least 70 percent of the total product weight;

B. any ingredient constitutes at least 25 percent of the weight of the product, provided that:

(1) water sufficient for processing may be excluded when calculating the percentage, as long as the ingredients constitute at least ten percent of the total product weight;

(2) a descriptor is used with the ingredient names, implying that other ingredients are included in the product formula. Examples of descriptors include “dinner,” “platter,” “entree,” “formula,” and “recipe”; and

(3) the descriptor is in the same size, style, and color print as the ingredient names;

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C. the combination of ingredients included in the product name complies with the following:

- (1) each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;
- (2) the names of the ingredients appear in the order of respective predominance by weight in the product; and
- (3) all the ingredient names appear on the label in the same size, style, and color print.

Subp. 3. **With ingredient.** If the name of an ingredient appears in the product name of a pet food or specialty pet food or elsewhere on the product label and includes a descriptor such as “with” or similar designation, the named ingredients must each constitute at least three percent of the product weight exclusive of water for processing. If the names of more than one ingredient are shown, they appear in respective order of predominance by weight in the product. The threepercent minimum level does not apply to claims for condiments or nutrients, such as, but not limited to, vitamins, minerals, and fatty acids. The word “with,” or similar designation, and named ingredients must be in the same size, style, color, and case print and be of no greater size than:

Panel Size	Maximum “With Claim” Type Size
<5 square inches	1/8 inch
5-25 square inches	1/4 inch
25-100 square inches	3/8 inch
100-400 square inches	1/2 inch
400+ square inches	1 inch

Subp. 4. **Flavor.** A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food if the flavor designation meets the following requirements:

A. the flavor designation:

- (1) conforms to the name of the ingredient as listed in the ingredient statement; or
- (2) is identified by the source of the flavor in the ingredient statement; and

B. the word “flavor” is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation.

Subp. 5. **Derivation from ingredient.** The product name of the pet food or specialty pet food must not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by subpart 2 or 3, except that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

A. the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser; or

B. it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

Subp. 6. **Contractions; coined names.** Contractions or coined names referring to ingredients must not be used in the brand name of a pet food or specialty pet food unless they comply with subpart 2, 3, or 4.

## 1510.2530 EXPRESSION OF GUARANTEES.

Subpart 1. **Order and format.** The guaranteed analysis statements must comply with items A to D:

A. A pet food or specialty pet food label must list the following guarantees in the following order:

- (1) minimum percentage of crude protein;
- (2) minimum percentage of crude fat;
- (3) maximum percentage of crude fat, if required by part 1510.2590;
- (4) maximum percentage of crude fiber;
- (5) maximum percentage of moisture; and
- (6) other guarantees.

B. If ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it must be guaranteed as a maximum percentage and must immediately follow the moisture guarantee.

C. A dog or cat food label must list other required or voluntary guarantees in the same order and units of the nutrients in the AAFCO Dog or Cat Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog or Cat Food Nutrient Profiles, or not otherwise provided for in items A to D, must immediately follow the listing of the recognized nutrients and be accompanied by an asterisk referring to the disclaimer “not recognized as an essential nutrient by the AAFCO Dog or Cat Food Nutrient Profiles.” The disclaimer must appear immediately after the last guarantee under this item in the same size type as the guarantee.

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D. A specialty pet food label must list other required or voluntary guarantees as required by part 1510.1943.

Subp. 2. **Sliding scale method.** The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, “Minimum crude protein 1518 percent”) is prohibited.

Subp. 3. **Mineral supplement.** The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement must include:

A. minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCOrecognized nutrient profile, expressed as the element in units specified in the nutrient profile;

B. minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in part 1510.2070, subpart 2, item B, if no species-specific nutrient profile has been recognized by AAFCO;

C. mineral guarantees required by this subpart may be expressed in milligrams (mg) per unit, such as tablets, capsules, granules, or liquids, consistent with those employed in the quantity statement and directions for use; and

D. a weight equivalent such as 1 fluid ounce = 28 grams, for liquid products.

Subp. 4. **Vitamin supplement.** The label of a pet food or a specialty pet food that is formulated as and represented to be a vitamin supplement must include:

A. minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCOrecognized nutrient profile, expressed in units specified in the nutrient profile;

B. minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in part 1510.2070, subpart 3, if no species-specific nutrient profile has been recognized by AAFCO;

C. vitamin guarantees required by this subpart may be expressed in approved units, such as IU, mg, or g, per unit, such as tablets, capsules, granules, or liquids, consistent with those employed in the quantity statement and directions for use; and

D. a weight equivalent (1 fluid ounce = 28 grams) for liquid products.

Subp. 5. **Nutrient comparison.** If the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCOrecognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, items A to D apply.

A. The product must meet the AAFCOrecognized nutrient profile.

B. The statement of comparison must be preceded by a statement that the product meets the AAFCOrecognized profile. That statement is not required, however, if the nutritional adequacy statement required by part 1510.2560 or 1510.2570 appears elsewhere on the product label.

C. The statement of comparison of the nutrient content must constitute a guarantee, but need not be repeated in the guaranteed analysis.

D. The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

Subp. 6. **Maximum moisture.** The maximum moisture declared on a pet food or specialty pet food label must not exceed 78 percent or the natural moisture content of the ingredients, whichever is higher, except when the pet food or specialty pet food is not intended to be and is not labeled as complete and balanced for any or all life stages.

Subp. 7. **Crude protein, crude fat, or crude fiber.** Guarantees for crude protein, crude fat, and crude fiber are not required if the pet food or specialty pet food is intended for purposes other than to furnish the substances or the substances are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Subp. 8. **Microorganisms and enzymes.** Guarantees for microorganisms and enzymes shall be stated in the format specified in part 1510.2070.

## 1510.2540 INGREDIENTS.

Subpart 1. **Format.** Each ingredient of a pet food or specialty pet food must be listed in the ingredient statement in compliance with items A to D.

A. The names of all ingredients in the ingredient statement must be shown in letters or type of the same size.

B. The ingredients must be listed in descending order by predominance by weight in nonquantitative terms.

C. Ingredients must be listed and identified by the name and definition established by AAFCO.

D. Any ingredient with no established name and definition must be identified by the common or usual name of the ingredient.

Subp. 2. **Meat; meat byproducts.** The ingredients “meat” or “meat byproducts” must be qualified to designate the animal from which the meat or meat byproducts are derived unless the meat or meat byproducts are derived from cattle, swine, sheep, goats, or any combination of those animals. For example, ingredients derived from horses must be listed as “horsemeat” or “horsemeat byproducts.”

Subp. 3. **Brand or trade names.** Brand or trade names must not be used in an ingredient statement.

Subp. 4. **Ingredient attribute.** A reference to the quality, nature, form, or other attribute of an ingredient is allowed if the reference meets the following requirements:

- A. the designation is not false or misleading;
- B. the ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and
- C. a reference to quality or grade of the ingredient does not appear in the ingredient statement.

## **1510.2550 DRUGS AND PET FOOD ADDITIVES.**

Subpart 1. **Artificial color.** An artificial color may be used in a pet food or specialty pet food if it is listed in *Code of Federal Regulations*, title 21, part 73A, for food coloring exempt from certification, or in *Code of Federal Regulations*, title 21, part 74A, for food coloring subject to certification. The coloring must be used within the conditions, limitations, and tolerances prescribed for the specific coloring substance.

Subp. 2. **Safety, efficacy, and utility.** Feed ingredients, including drugs, other special purpose additives, and nonnutritive additives may be used in the formulation of a pet or specialty pet food if the ingredient's safety, efficacy, and utility are established under one of the following methods:

A. the pet food or specialty pet food contains additives, the use of which conforms to the requirements of the applicable regulation in *Code of Federal Regulations*, title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for use; or

B. the pet food or specialty pet food is a drug or contains a drug as defined in *Minnesota Statutes*, section 25.33, subdivision 8, and is "generally recognized as safe and effective" for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under *United States Code*, title 21, section 360(b).

Subp. 3. **Included drugs.** If a drug is included in a pet food or specialty pet food, the format required by part 1510.1947, subpart 3, for labeling medicated feeds must be used for branded products, and part 1510.1943, subpart 2, item G, must be used for customer formula products.

## **1510.2560 NUTRITIONAL ADEQUACY.**

Subpart 1. **Label claims.** The label of a pet food or specialty pet food that is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:

A. the product meets the nutrient requirements for all life stages established by an AAFCO recognized nutrient profile;

B. the product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO recognized animal feeding protocol; or

C. the product is a member of a product family that is nutritionally similar to a lead product containing a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, and:

(1) the nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(2) the family product meets the criteria for all life stages.

Subp. 2. **Qualified claim.** The label of a pet food or specialty pet food that is intended for a limited purpose or a specific life stage, but not for all life stages, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if the product and claim meets all of the following:

A. the claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, such as, "complete and balanced for puppies or kittens," and the claim and the required qualification is juxtaposed on the same label panel and in the same size, style, and color print; and

B. the product meets at least one of the following:

(1) the nutrient requirements for the limited purpose or specific life stage established by an AAFCO recognized nutrient profile;

(2) the criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO recognized animal feeding protocol; or

(3) the requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for the limited purpose, will satisfy the nutrient requirements for the limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and:

(a) the nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(b) the family product meets the criteria for the limited purpose.

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**Subp. 3. Nutritional adequacy statement.** Dog and cat food labels must include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a “snack” or “treat.” The statement must consist of one of the following:

A. a claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. The claim must be stated verbatim as one of the following:

(1) “(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for .....” (Blank is to be completed by using the stage or stages of the pet’s life, such as, gestation/lactation, growth, maintenance, or the words “All Life Stages”);

(2) “Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for .....” (Blank is to be completed by using the stage or stages of the pet’s life tested, such as, gestation/lactation, growth, maintenance, or the words “All Life Stages”); or

(3) “(Name of Product) provides complete and balanced nutrition for .....” (Blank is to be completed by using the stage or stages of the pet’s life, such as gestation/lactation, growth, maintenance, or the words “All Life Stages”) and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests;

B. a nutritional or dietary claim for purposes other than those listed in subpart 1 or 2, if the claim is scientifically substantiated; or

C. the statement “This product is intended for intermittent or supplemental feeding only,” if a product does not meet the requirements of this part or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

**Subp. 4. Veterinary supervision.** A product intended for use by a veterinarian, or under the supervision or direction of a veterinarian must contain a statement in accordance with part 1510.2560, subpart 3.

**Subp. 5. Acceptable basis for claim.** The following AAFCO recognized nutritional authority, nutrient profile, and animal feeding protocol are acceptable as the basis for a claim of nutritional adequacy:

A. as an AAFCO recognized nutrient profile or nutritional authority:

(1) for dogs, the AAFCO Dog Food Nutrient Profiles;

(2) for cats, the AAFCO Cat Food Nutrient Profiles; and

(3) for specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended; and

B. as an AAFCO recognized animal feeding protocol, the AAFCO Dog and Cat Food Feeding Protocols.

## 1510.2570 FEEDING DIRECTIONS.

**Subpart 1. Labeling requirements.** Feeding directions must be listed on the product label of all dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in part 1510.2560, subpart 3, except those pet foods labeled in accordance with part 1510.2560, subpart 4. The directions must be consistent with the intended use indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere, such as “adult formula.” These directions must be expressed in common terms and must appear prominently on the label. Feeding directions must, at a minimum, state, “Feed (weight/unit of product) per (weight only) of dog (or cat).” The frequency of feeding must also be specified.

**Subp. 2. Veterinary supervision.** If a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: “Use only as directed by your veterinarian” may be used in lieu of feeding directions.

**Subp. 3. Specialty pet foods.** Feeding directions must be listed on the product label of all specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in part 1510.2560, subpart 1. These feeding directions must be adequate to meet the nutrient requirements of the intended species of specialty pet as recommended by the AAFCO recognized nutritional authority. These directions must be expressed in common terms and must appear prominently on the label. The frequency of feeding must also be specified.

## 1510.2580 STATEMENTS OF CALORIE CONTENT.

**Subpart 1. Label requirements.** Except as required in part 1510.2590, the label of a dog or cat food may bear a statement of calorie content if the label complies with items A to E.

A. The statement must be separate and distinct from the guaranteed analysis and must appear under the heading “Calorie Content.”

B. The statement must be measured in terms of metabolizable energy (ME) on an “as fed” basis and must be expressed as “kilocalories per kilogram” (kcal/kg) of product, and may also be expressed as kilocalories per familiar household measure, such as cans, cups, or pounds.

C. The calorie content must be determined by one of the following methods:

(1) by calculation using the “Modified Atwater” formula:

$$ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$$



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Where: ME = Metabolizable Energy

CP = % crude protein as "as fed"

CF = % crude fat "as fed"

NFE = % nitrogenfree extract (carbohydrate) "as fed"

and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) in accordance with a testing procedure established by AAFCO.

D. An affidavit must be provided upon request to the commissioner when a laboratory analysis of the dog or cat food performed by the department under authority of *Minnesota Statutes*, section 25.41, has found that the calorie count differs from the label calorie statement, substantiating that the calorie content was determined by:

(1) item C, subitem (1), in which case the results of all the analyses used in the calculation must accompany the affidavit; or

(2) item C, subitem (2), in which case the summary data used in the determination of calorie content shall accompany the affidavit.

E. The calorie content statement must appear as one of the following:

(1) the claim on the label or other labeling must be followed parenthetically by the term "calculated" if the calorie content is determined in accordance with item C, subitem (1); or

(2) the value of calorie content stated on the label which is determined in accordance with item C, subitem (2), must not exceed or understate the value determined in accordance with item C, subitem (1), by more than 15 percent.

Subp. 2. **Comparative claims.** Comparative claims must not be false, misleading, or given undue emphasis and must be based on the same methodology for the products compared.

## 1510.2590 DESCRIPTIVE TERMS.

### Subpart 1. Calorie terms.

A. A dog food product that bears on its label the terms "light," "lite," "low calorie," or words of similar designation must:

(1) contain no more than 3,100 kcal ME/kg for products containing less than 20 percent moisture, no more than 2,500 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 900 kcal ME/kg for products containing 65 percent or more moisture;

(2) include on the label a calorie content statement:

(a) in accordance with the format provided in part 1510.2580; and

(b) which states no more than 3,100 kcal ME/kg for products containing less than 20 percent moisture, no more than 2,500 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 900 kcal ME/kg for products containing 65 percent or more moisture; and

(3) include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

B. A cat food product that bears on its label the terms "light," "lite," "low calorie," or words of similar designation must:

(1) contain no more than 3,250 kcal ME/kg for products containing less than 20 percent moisture, no more than 2,650 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 950 kcal ME/kg for products containing 65 percent or more moisture; and

(2) include on the label a calorie content statement:

(a) in accordance with the format provided in part 1510.2580; and

(b) which states no more than 3,250 kcal ME/KG for products containing less than 20 percent moisture, no more than 2,650 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 950 kcal ME/kg for products containing 65 percent or more moisture; and

(3) include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

C. A dog or cat food product that bears on its label a claim of "fewer calories," "reduced calories," or words of similar designation, must include on the label:

(1) the name of the product of comparison and the percentage of calorie reduction, expressed on an equal weight basis, explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;

(2) the comparative statement printed in type of the same color and style and at least one-half the type size used in the claim;

(3) a calorie content statement in accordance with the format provided in part 1510.2580; and

(4) feeding directions that reflect a reduction in calories compared to feeding directions for the product of comparison. A comparison between products in different categories of moisture content, for example, less than 20 percent, 20 percent or more but less than 65

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percent, 65 percent or more, is misleading.

## Subp. 2. Fat terms.

A. A dog food product that bears on its label the terms “lean,” “low fat,” or words of similar designation must:

(1) contain no more than nine percent crude fat for products containing less than 20 percent moisture, no more than seven percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than four percent crude fat for products containing 65 percent or more moisture;

(2) include on the product label in the guaranteed analysis:

(a) a maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in part 1510.2530, subpart 1, item A; and

(b) a maximum crude fat guarantee that is no more than nine percent crude fat for products containing less than 20 percent moisture, no more than seven percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than four percent crude fat for products containing 65 percent or more moisture.

B. A cat food product that bears on its label the terms “lean,” “low fat,” or words of similar designation must:

(1) contain a maximum percentage of crude fat that is no more than ten percent crude fat for products containing less than 20 percent moisture, no more than eight percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than five percent crude fat for products containing 65 percent or more moisture; and

(2) include on the product label in the guaranteed analysis:

(a) a maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in part 1510.2530, subpart 1, item A; and

(b) a maximum crude fat guarantee that is no more than ten percent crude fat for products containing less than 20 percent moisture, no more than eight percent for products containing 20 percent or more but less than 65 percent moisture, and no more than five percent crude fat for products containing 65 percent or more moisture.

C. A dog or cat food product that bears on its label a claim of “less fat,” “reduced fat,” or words of similar designation, must include on the label:

(1) the name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;

(2) a maximum crude fat guarantee in the guaranteed analysis immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in part 1510.2530, subpart 1, item A; and

(3) the comparative statement printed in type of the same color and style and at least one-half the type size used in the claim. A comparison on the label between products in different categories of moisture content, for example, less than 20 percent, 20 percent or more but less than 65 percent, 65 percent or more, is misleading.

## 1510.2595 MANUFACTURER OR DISTRIBUTOR; NAME AND ADDRESS.

Subpart 1. **General rule.** The label of a pet food or specialty pet food must specify the name and address of the manufacturer or distributor. The statement of the place of business must include the street address, city, state, and zip code. However, the street address may be omitted if the street address is shown in a current city directory or telephone directory for the city listed on the label.

Subp. 2. **Specific plants.** If a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from which each package is to be distributed.

## 1515.3000 AUTHORITY.

Parts 1515.3000 to ~~1515.3700~~ 1515.3800 are prescribed pursuant to *Minnesota Statutes* ~~1977 Supplement~~, section 3.737 by the commissioner of agriculture to implement procedures to compensate livestock owners for livestock that is destroyed, or is crippled and must be destroyed, by ~~an animal classified as endangered under the federal Endangered Species Act of 1973~~ a wolf. The procedures specified in parts 1515.3000 to ~~1515.3700~~ 1515.3800 are in addition to those set forth in the ~~act~~ statute itself.

## 1515.3100 DEFINITIONS.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Livestock.** “Livestock” means cattle, sheep, poultry, swine, horses, mules, ~~and goats, and~~ farmed cervidae, as defined in *Minnesota Statutes*, section 17.451, subdivision 2; llamas, as defined in *Minnesota Statutes*, section 17.455, subdivision 2; ~~ratitae, as defined in~~ *Minnesota Statutes*, section 17.453, subdivision 3; and bison.

Subp. 8. **Livestock owner.** “Livestock owner” means any individual, firm, corporation, copartnership, or association with an interest in livestock destroyed or crippled so that it must be destroyed by ~~an endangered species~~ a wolf.

Subp. 9. **Loss.** “Loss” means livestock destroyed, or crippled so that it must be destroyed, by ~~an endangered species~~ a wolf.

## 1515.3200 REPORTING.

It ~~shall be~~ is the responsibility of the livestock owner to notify either the conservation officer or the county extension agent of a suspected loss within ~~two weeks of March 13, 1978, or 24~~ 48 hours of the discovery of a loss, ~~whichever is later~~. The livestock owner shall provide all information required to investigate the loss to the conservation officer or the county extension agent. A telephone call or personal contact ~~shall constitute~~ constitutes notification.

## 1515.3400 SIGNED STATEMENT FROM LIVESTOCK OWNER.

The conservation officer or the county extension agent shall secure from the livestock owner a signed statement setting forth: all persons owning an interest in the livestock involved; the existence and details of any insurance coverage on the livestock; a statement that in the owner's best judgment the destroyed livestock was killed by ~~an endangered species~~ a wolf, and the facts underlying that judgment; ~~and a description of the livestock owner's plan to dispose of the carcass, which must be approved by the conservation officer or the county extension agent.~~

## 1515.3500 INVESTIGATION.

The conservation officer or the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing on the claim form regarding whether the livestock was destroyed or crippled by ~~an endangered species, the type of endangered species that caused the loss~~ a wolf, and the owner's eligibility for compensation under these rules. Such a finding shall be based upon physical and circumstantial evidence including: the livestock carcass presence and condition; animal tracks; the number and location of animal bites on the carcass; the area of the state where the loss occurred; ~~sitings~~ sightings of ~~endangered species~~ a wolf in the area; ~~and or~~ any other circumstances determined to be pertinent by the conservation officer and the county extension agent. The absence of any affirmative evidence may be grounds for denial of a claim.

## 1515.3600 PAYMENT LIVESTOCK VALUE.

The ~~conservation officer and the~~ county extension agent shall make a written finding on the claim form of the actual fair market value of the destroyed livestock, ~~not to exceed \$400 per animal~~, based upon any of the following criteria deemed to be pertinent by the county extension agent ~~or the conservation officer~~: the number of livestock determined by the conservation officer or the county extension agent in the loss; the type of livestock; the breed and breeding of the livestock; the estimated size and weight of the livestock; the estimated age of the livestock; registration of the livestock, upon proof of registration; selling price of livestock at the nearest public stockyard at the time of loss; and the replacement cost of the livestock.

## 1515.3800 INSURANCE COVERAGE.

If insurance coverage exists on the livestock, the commissioner shall withhold payment under these rules until the insurance claim has been paid, and evidence of payment has been submitted to the commissioner, at which time that insurance payment shall be deducted from the determined actual fair market value ~~or \$400 per animal, whichever is less. In no case shall the payment exceed \$400 per animal.~~

## 1552.0050 APPLICATION PROCEDURES.

Subpart 1. **Submission of application.** An applicant for an agricultural development grant shall submit to the commissioner an original ~~and five copies of a~~ completed application. Applications must be received by the commissioner by the application deadline.

[For text of subs 2 to 4, see M.R.]

## 1556.0110 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this section apply to this chapter.

Subp. 2. **Agricultural products.** "Agricultural products" means livestock or livestock products, dairy products, poultry or poultry products, fish, fruit, vegetables, grains, including natural and cultivated wild rice, bees, apiary products, maple syrup and maple products, Christmas trees, and floral and nursery crops.

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Produced in Minnesota.** "Produced in Minnesota" means dairy animals, poultry, or other livestock that were fed in Minnesota for at least 60 days prior to milking, processing, or slaughtering, maple syrup or maple products that were collected from trees growing in Minnesota, Christmas trees grown in Minnesota for not less than one year, or fruits, vegetables, grains, or floral and nursery crops that have been grown in Minnesota for at least 90 days prior to sale.

[For text of subs 8 to 10, see M.R.]

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## 1556.0120 “MINNESOTA GROWN” AND ~~“2,000 MILES FRESHER”~~ “FRESH FROM YOUR NEIGHBOR” LABELING STATEMENTS.

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be packaged with “Minnesota grown” and ~~“2,000 miles fresher”~~ “Fresh from your neighbor” labeling statements.

[For text of items A and B, see M.R.]

Subp. 2. **Use of the “Minnesota grown” and ~~“2,000 miles fresher”~~ “Fresh from your neighbor” labeling statements.** A producer licensed under part 1556.0160 may use the “Minnesota grown” and ~~“2,000 miles fresher”~~ “Fresh from your neighbor” labeling statements on an eligible agricultural product. A processor licensed under part 1556.0160 may use the “Minnesota grown” and ~~“2,000 miles fresher”~~ “Fresh from your neighbor” labeling statements on an eligible agricultural product if it was processed or manufactured in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the “Minnesota grown” and ~~“2,000 miles fresher”~~ “Fresh from your neighbor” labeling statements without a license in order to display and advertise products that qualify for use of those statements.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination, ~~except on cultivated wild rice or products containing cultivated wild rice labeling statements may not be printed in navy blue and red or other color combinations designed to make the labeling statement similar in appearance to the “hand harvested wild rice” labeling statement.~~

## 1556.0132 “HAND HARVESTED WILD RICE” LABELING STATEMENT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Availability and appearance of labeling statement.** The labeling statement may ~~only be purchased from the commissioner at cost in the form of stickers. The stickers will only be made available in the color combination of navy blue and red.~~ added to an eligible product or display in any color or color combination.

## 1556.0134 “CULTIVATED WILD RICE” LABELING STATEMENT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination ~~except navy blue and red or other color combinations designed to make the labeling statement similar in appearance to the “hand harvested wild rice” labeling statement.~~

## 1556.0145 “FEATURING” LABELING STATEMENT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination, ~~except that on cultivated wild rice or products containing cultivated wild rice labeling statements may not be printed in navy blue and red or other color combinations designed to make the labeling statement similar in appearance to the “hand harvested wild rice” labeling statement.~~

## 1556.0160 LICENSING; AUTHORIZATION.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **License to use labeling statements.** An applicant who has an application approved must receive a license valid for one year, beginning January 1. Licensees shall apply for renewal of each license before the expiration date of the current license. ~~The commissioner shall charge a late fee, as established by *Minnesota Statutes*, section 17.102, for renewal of a license that has expired.~~

## 1570.0700 ELECTIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Subsequent council elections.** In addition to the procedures for electing the first council in subpart 1, the commissioner shall take the following actions in subsequent council elections:

- A. determine the manner of selecting the nominating committee;
- B. set the time limit for accepting nominations; and
- C. set the times and places of subsequent elections.

Subp. 2a. **Elections after redistricting.** If a council chooses to redistrict, the term of all present council board members terminates when a new council is elected and takes office. Present council members may run in the newly formed district for the next term. The term of each council member is determined by lot in accordance with *Minnesota Statutes*, section 17.54, subdivision 5.

[For text of subs 3 and 4, see M.R.]

## 1570.0800 GENERAL POLLING PROCEDURES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Mail balloting.** For any election or referendum conducted by mail, the procedures in items A to E must be followed:

A. A council must make available ballot request cards and advertise the forthcoming board elections or referenda starting no later than its annual meeting and continuing up to the mail balloting period or provide a complete list of its participating producers before an election or a referendum can be conducted by mail. The 40 days prior to the election or referendum. A list of eligible voters must be submitted by the council to the commissioner at least 45 days before the starting date of the election or referendum. Ballot request cards and eligible voter lists submitted to the commissioner less than 45 days before the starting date of an election or referendum must not be included in the list of eligible voters for that election or referendum, but those names must be added to the list for future elections and referenda.

[For text of items B to E, see M.R.]

[For text of subps 6 and 7, see M.R.]

**REPEALER.** Minnesota Rules, parts 1505.0060; 1505.0360; 1505.0370; 1510.0890; 1510.0900; 1510.0910; 1510.0920; 1510.0930; 1510.0940; 1510.0950; 1510.0960; 1510.0970; 1510.0980; 1510.0990; 1510.1000; 1510.1010; 1510.1020; 1510.1030; 1510.1040; 1510.1050; 1510.1060; 1510.1070; 1510.1080; 1510.1090; 1510.1935; 1510.1940; 1510.1950; 1510.2000; 1510.2010; 1510.2020; 1510.2030; 1510.2040; 1510.2050; 1510.2060; 1510.2080; 1510.2090; 1510.2100; 1510.2110; 1510.2120; 1510.2140; 1510.2150; 1510.2160; 1510.2210; 1515.0100; 1515.0200; 1515.0300; 1515.0400; 1515.0500; 1515.0600; 1515.0700; 1515.0800; 1515.0900; 1515.1000; 1515.1100; 1515.1200; 1515.1300; 1515.1400; 1515.1500; 1515.1600; 1515.1700; 1515.1800; 1515.1900; 1515.2000; 1515.2100; 1515.2200; 1515.2500; 1515.2550; 1515.2600; 1515.2700; 1515.2800; 1515.2900; 1515.3100, subpart 6; 1515.3900; 1552.0030, subpart 4; and 1556.0140, are repealed.

**KEY: Proposed Rules Section - Underlining** indicates additions to existing rule language. **Strikeouts** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules Section - Underlining** indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.



## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

### Minnesota Comprehensive Health Association Notice of Meeting of the Enrollee Appeal Committee

**NOTICE IS HEREBY GIVEN** given that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 9:00 a.m. on Thursday, September 2, 2004, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to *Minnesota Statutes* 62E.10, subd. 4. For additional information, please call Lynn Gruber at (952) 593-9609.

### Department of Employment and Economic Development Division of Business and Community Development Minnesota Public Facilities Authority **REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Water Pollution Control Revolving Fund and Drinking Water Revolving Fund, Minnesota Rules, Chapter 7380**

**Subject of Rules.** The Minnesota Department of Employment and Economic Development requests comments on its possible amendment to rules governing the Water Pollution Control Revolving Fund and Drinking Water Revolving Fund. The Water Pollution Control Revolving Fund provides below market rate loans to municipalities for wastewater treatment projects. The Drinking Water Revolving Fund provides below market rate loans for public drinking water systems. Because the Funds are administered in a similar manner, the rules are being revised to bring uniformity to both programs where allowed under federal and state laws and regulations. The interest rate discounts are being modified to provide equivalent subsidy levels for both programs and to adjust the discount levels for various demographic criteria. The interest rate methodology is being amended to allow for the interest rate to be set at the time the loan is made, based on the current market rates, and to have the interest rate more closely match the term and structure of the loan.

**Persons Affected.** The amendment to the rules would affect clients who borrow funds from the Minnesota Public Facilities Authority for wastewater and drinking water projects, primarily municipalities.

**Statutory Authority.** *Minnesota Statutes*, §§ 446A and 116J.035, Subd 2, authorize the Commissioner of the Department of Trade and Economic Development, now with the Department of Employment and Economic Development, to adopt rules. Section 446A specifically authorizes rules governing loans awarded under this section.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on November 1, 2004. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** The Department has not yet prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Nancy Johnson at the Minnesota Department of Employment and Economic Development, 500 Metro Square, 121 7<sup>th</sup> Place East, St. Paul, Minnesota 55101-2146. The phone is (651) 297-1677, fax is (651) 296-8833, and the e-mail address is [Nancy.Lc.Johnson@state.mn.us](mailto:Nancy.Lc.Johnson@state.mn.us). TTY users may call the Department at (651) 296-3900 or 1-800-657-3973.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: August 30, 2004

Matt Kramer, Commissioner  
Department of Employment and Economic Development

**Executive Council  
State Board of Investment  
Land Exchange Board  
Investment Advisory Council****Official Notice of Meetings of the Executive Council, State Board of Investment,  
Land Exchange Board, and the Investment Advisory Council**

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 8, 2004 at 9:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 7, 2004 at 2:00 P.M. at the State Board of Investment, Board Room (MainFloor), 60 Empire Drive, St. Paul, MN.

**Minnesota Higher Education Facilities Authority  
Notice of Public Hearing on Revenue Obligations for the College of St.  
Scholastica**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to the proposal to issue revenue bonds or other obligations on behalf of the College of St. Scholastica, Inc. (the "College"), as owner and operator of the College of St. Scholastica, at the Authority's offices at 380 Jackson Street, Suite 450, St. Paul, Minnesota on Wednesday, September 15, 2004 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an aggregate principal amount of approximately \$14,300,000 to finance a portion of the costs of the acquisition, construction, furnishing and equipping of an approximately 90,000 square foot, 270-bed student residence facility; including appurtenant site improvements and all owned and operated by the College and located on its main campus, the principal street address of which is 1200 Kenwood Avenue, Duluth, Minnesota. At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: August 30, 2004.

By Order of the  
Minnesota Higher Education Facilities Authority  
Marianne Remedios  
Executive Director

**Department of Human Services  
Notice of Availability of the Minnesota Health Care Programs Provider Participation  
List [Also Known as DHS Rule 101 Provider Compliance List]**

**NOTICE IS HEREBY GIVEN** that the Minnesota Health Care Programs provider participation list for August 2004 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Kelly Crawford, Rule 101 Specialist, at (651) 296-0766 or toll-free at 1 (800) 366-5411. You may fax your request to (651) 296-5690 or mail to the Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Kevin Goodno, Commissioner  
Department of Human Services

# Official Notices

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## Minnesota Department of Natural Resources CORRECTION to Order Approving Names of Geographic Features

Pursuant to the authority granted by *Minnesota Statutes*, Section 83A.02 (2004), I hereby approve the naming/renaming of the following geographic features of the state as stated herein:

- Unnamed Lake, Minnesota Public Water No. 82-391, located in Section 12, Township 29 North, Range 21 West, Washington County, Minnesota, is named "Veronica Pond."
- Long Lake, Minnesota Public Water No. 47-17, located in Section 23 and 24, Township 118 North, Range 29 West, Meeker County, Minnesota, is renamed "Collins Lake."

Dated: 15 July 2004 for Veronica Pond  
27 July 2004 for Collins Lake

Gene Merriam, Commissioner  
Department of Natural Resources

## Department of Natural Resources Division of Lands and Minerals Public Hearing on Sale of State Lands

**NOTICE IS HEREBY GIVEN**, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the 4<sup>th</sup> Floor Conference Room of the Department of Natural Resources Building, 500 Lafayette Road, Saint Paul, Minnesota, on September 15, 2004 at 1:30 p.m.

The purpose of the hearing is for public input regarding the sale of state land situated in the County of Pennington, and described as:

The southerly 700 feet of the northerly 1,475 feet of the easterly 500 feet of the westerly 1,157 feet of the following described tract: The West Half of the Northeast Quarter (W1/2-NE1/4) of Section 8, Township 153 North, Range 40 West, except that portion thereof which is included in a 1.50 acre tract described in deed from Arnt Geving and wife to Pennington County, which deed is recorded in the office of the Pennington County Recorder in Book 52 on Page 263, containing 8.04 acres.

*Minnesota Statutes*, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The parcels are designated as part of the Goodridge Wildlife Management Area.

It is proposed that this parcel of land be offered for sale by the Department of Natural Resources at public auction in October 2004. The parcel is no longer needed for resource management purposes. If, after public hearing, the disposal of the land is in the public interest, the Commissioner of Natural Resources may vacate the parcel from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Vicki Hubred at (651) 296-1068.

Dated August 23, 2004

Gene Merriam  
Commissioner of Natural Resources  
By James E. Lawler, Assistant Director  
Division of Lands and Minerals

## Teachers Retirement Association Notice of Meeting of the Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, September 16, 2004 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

**Department of Transportation****Office of EEO Contract Management****Notice of Intent to Solicit Outside Information and Opinion on Proposed Disadvantaged Business Enterprise (DBE) Program Annual Goal Federal Fiscal Year 2005**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Transportation's (Mn/DOT) Office of EEO Contract Management proposes to set its annual goal for DBE participation on all U.S. Department of Transportation (DOT) assisted contracts at 5.8%.

In accordance with DOT regulations 49 CFR Part 26, Mn/DOT has established a Disadvantaged Business Enterprise (DBE) Program, which mandates setting DBE program annual goals.

This annual goal represents the percentages of all DOT funds that Mn/DOT expended during FY 2004 with DBE's for construction contracts, materials, supplies and equipment and professional service for the period of June 1, 2003 through May 31, 2004. Mn/DOT will advertise annually for public comment on its DBE program and on proposed DBE participation.

The DBE annual goal and its rationale are available for public inspection during normal business hours from 8:00 a.m. to 4:30 p.m. at the Office of EEO Contract Management, located on the first floor of the Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155. The goals and rationale are available for 30 days from the date of publication of this notice. Mn/DOT's goal of 5.8% for FY2005 may be adjusted in response to comments received during the forty-five (45) day comment period.

Address all written comments to:

Joanne Wagner, Director  
Office of EEO Contract Management  
Minnesota Department of Transportation  
395 John Ireland Blvd., M.S. 170  
St. Paul Minnesota 55155  
**Email:** [joanne.wagner@dot.state.mn.us](mailto:joanne.wagner@dot.state.mn.us)  
**Fax:** (651) 297-2158

**State Grants & Loans**

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

**Department of Employment and Economic Development****Business & Community Development Division****Request for Applications for the Urban Initiative Program**

The Urban Initiative Loan Program provides grants to qualified organizations, which use these funds to make loans to startup or expanding businesses located in low income areas. The overall objective of the program is to encourage private investment, provide jobs for minority persons and others, create and strengthen minority business enterprises, and promote economic development in a low-income area.

**NOTICE IS HEREBY GIVEN** that the Urban Initiative Board is accepting applications from non-profit organizations in the Twin Cities area to participate in the Urban Initiative Loan Program. Eligible groups are nonprofit corporations which demonstrate a capacity to make business loans, provide appropriate technical assistance to loan clients, and strengthen minority business enterprises. The amount of the grant to any one organization depends on a variety of factors including the availability of funds and experience of the lending organization. State funds must be matched by private sources. A full copy of the Request for Application is available upon request.

For more information contact:

Bart Bevins  
Department of Employment and Economic Development  
500 Metro Square  
121 E. 7th Place

# State Grants & Loans

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St. Paul, MN 55101-2146

(651) 297-1170

**E-mail:** [bart.bevins@state.mn.us](mailto:bart.bevins@state.mn.us)

This is the only person designated to answer questions regarding application for this grant program.

**Applicants have until 5:00 p.m. on October 8, 2004 to submit applications to the Board. If mailed, applications must be received by that date.**

## Department of Human Services

### Request for Proposals to Provide Assistance and Representation to Individuals Applying for Supplemental Security Income (SSI) Benefits

The Department of Human Services requests proposals to provide assistance and representation to individuals who are applying for Supplemental Security Income (SSI) benefits. Historically, the Department has maintained contractual relationships with certain "Qualified Providers" to provide assistance to individuals who are applying for SSI or who are appealing denial decisions by the Social Security Administration. DHS is seeking to encourage more comprehensive approaches that would include identifying potentially eligible SSI beneficiaries and providing them with assistance in completing the SSI application and submitting the application to the Social Security Administration.

The funds available under this RFP generally are intended to serve individuals applying for or participating in a variety of publicly funded programs. Please review the full RFP for more information on populations that may be served with the funds available under this RFP.

To receive a copy of the RFP, please contact Dennis Albrecht, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3833. **Fax:** (651) 215-1818. **E-mail:** [dennis.k.albrecht@state.mn.us](mailto:dennis.k.albrecht@state.mn.us). The RFP can be downloaded from the DHS web site by going to the following address and looking for the "SSI Advocacy RFP":

[http://www.dhs.state.mn.us/main/groups/business\\_partners/documents/pub/DHS\\_id\\_000102.hcsp](http://www.dhs.state.mn.us/main/groups/business_partners/documents/pub/DHS_id_000102.hcsp).

A Responders Conference will be held on September 24, 2004, 1:30 – 3:00 at the DHS Central Office located at the address above. Proposals are due October 12, 2004.

## Department of Public Safety

### Office of Justice Programs

#### Multi-Jurisdictional Narcotics Task Force Funding

**Purpose:** The purpose of this funding is to support multi-jurisdictional task force programs that integrate federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations. It is an approach that is intended to disrupt drug distribution networks and the related patterns of serious criminal activity that may be beyond the investigative resources of individual agencies.

**Eligible Applicants:** Local units of government, county sheriff's offices, county attorney offices, and police departments are eligible to apply for funding. In Minnesota, a multi-jurisdictional narcotics task force must be structured in a way that incorporates elements that have been proven successful (see application for additional detail).

**Source of Funds and Legislative Authority:** Projects will be funded through the Byrne Memorial Grant Program, United States Department of Justice, Bureau of Justice Assistance. P.L. 100-690 and P.L. 104-208.

**Total Funding Available:** There is \$2.6 million available for funded projects.

**Match Requirement:** There is a minimum cash match requirement of 25 percent of the total project cost.

**Project Period:** Funded projects will be for 12 months and will begin January 1, 2005.

**Application Materials:** Effective September 1, 2004, a full application description and materials may be accessed at [www.ojp.state.mn.us](http://www.ojp.state.mn.us) or by contacting Sue Perkins at [sue.perkins@state.mn.us](mailto:sue.perkins@state.mn.us) or (651) 284-3329. Any information updates regarding this request for proposals will be posted on the above website.

**Submission deadline:** All proposals must be postmarked no later than Wednesday, October 6, 2004. Delivered applications must be received by 4:30 p.m. that same day. Emailed, faxed and late applications will not be accepted.

**Submission details:** Mail or deliver an original, ten (10) copies and a copy on disk or CD-ROM of the completed proposal to:



Sue Perkins  
Office of Justice Programs  
444 Cedar Street, Suite 100  
St. Paul, MN 55101-5100

## Department of Revenue

### Request for Proposals for Grants to Provide Taxpayer Assistance Services to Low Income and Disadvantaged Minnesota Residents

#### Program Background

The Minnesota Department of Revenue is soliciting proposals from one or more non-profit organizations, qualifying under §501(c)(3) of the Internal Revenue Code of 1986, to receive grants to coordinate, facilitate, encourage, and aid in the provision of taxpayer assistance services.

“Taxpayer-assistance services” include accounting and tax-preparation services provided by volunteers to low-income and disadvantaged Minnesota residents to help them file federal and state income tax returns, Minnesota property tax refund claims and to provide personal representation before the Minnesota Department of Revenue and the Internal Revenue Service.

Pursuant to *Laws of Minnesota 2003, First Special Session*, Chapter 21, Article 11, Section 36, the Commissioner of Revenue has authority to issue grants totaling \$200,000 for the 2004-2005 biennium. The Department of Revenue issued grants totaling \$97,315 during fiscal year 2004. This RFP is for issuance of the remaining funds for the second year of the biennium. The Department intends to issue grants totaling \$102,685 for fiscal year 2005. Any portion that is not awarded will revert back to the general fund and will no longer be available.

#### Funded Activities

1. Recruitment of volunteers to provide taxpayer-assistance services
2. Training of volunteers to provide taxpayer-assistance services
3. Provision of free taxpayer-assistance services to low-income or disadvantaged people
4. Materials that directly aids in tax preparation

Organizations awarded grant funding will be notified on or about October 15, 2004.

All proposals must be received no later than 2:00 p.m., October 1, 2004, in the manner specified in the Request for Proposals document. Late proposals will not be accepted.

A complete paper copy of the Request for Proposals may be obtained from:

Larry Collette  
Minnesota Department of Revenue  
600 North Robert Street  
Mail Station 1400  
St. Paul, MN 55146-1400  
**Email:** [dor.rfp@state.mn.us](mailto:dor.rfp@state.mn.us)  
**Fax:** (651) 556-3111

Please refer to this notice in your written request. In your request include your complete street mailing address, email address, phone number and fax number.

Copies of the Request for Proposals are available on paper only.

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

## Department of Human Services

### Child and Adolescent Behavioral Health Services

#### Notice of Availability of Contract for Professional Recruitment Services for Child and Adolescent Psychiatric Physicians

The Minnesota Department of Human Services, Child and Adolescent Behavioral Health Services (CABHS), which provides mental health services to children and adolescents who have a serious emotional disturbance, is requesting proposals for the services of a professional recruitment firm to identify child and adolescent psychiatric physician candidates to be employed by CABHS.

A standard state professional/technical contract will be utilized for these services.

Work is proposed to start on November 1, 2004.

A Request for Proposals will be available by mail from this office through September 10, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After September 10, 2004 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Colleen Wroolie  
Administrative Assistant  
11800 State Highway 18  
Brainerd, MN 56401  
Fax number (218) 828-2207

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than September 20, 2004 by 2:30 p.m. CST. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Transportation

### Engineering Services Division

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's web site at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

**Note: DUE DATE:**

**APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

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