

# Minnesota Department of Labor and Industry

## Division of Occupational Safety and Health

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

#### **Proposed Amendment to Rules Regulating the Filing and Service of Various Notices and Documents, *Minnesota Rules*, parts 5210.0007, 5210.0536, and 5210.0539; Revisor's ID Number RD4190**

**Introduction.** The Department of Labor and Industry, Division of Occupational Safety and Health (the "Department"), intends to adopt rules without a public hearing following the procedures in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28 and the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules or a written request that a hearing be held on the rules, or both, until Thursday, December 12, 2013.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the Department's contact person. The contact person for this rulemaking is Patricia Munkel-Olson at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5006, FAX (651) 284-5725, or *email* to [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about permitting affected parties to file with the Department notices of contest and letters of contest, progress reports, and other abatement documentation by email or other reliable method of electronic transmission. The statutory authority to adopt the rules is *Minnesota Statutes* § 182.657. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules are also posted on the Department's rulemaking docket, which is located at [http://www.dli.mn.gov/PDF/docket/5210\\_docket.pdf](http://www.dli.mn.gov/PDF/docket/5210_docket.pdf).

**Comments.** You have until 4:30 p.m. on Thursday, December 12, 2013, 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 the agency contact person must receive it by the due date. The Department encourages comment. 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. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a public hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Thursday, December 12, 2013. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. 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 valid written request for a hearing, the Department will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Department will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the Department, and the adopted rules may not be substantially different than these proposed rules, unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Statement of Need and Reasonableness.** The statement of need and reasonableness 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. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. Alternatively, the statement of need and reasonableness is posted on the Department's rulemaking docket located at: [http://www.dli.mn.gov/PDF/docket/5210\\_docket.pdf](http://www.dli.mn.gov/PDF/docket/5210_docket.pdf).

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

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

October 29, 2013

/s/Cynthia Valentine  
Cynthia Valentine, Director  
Workplace Safety  
Occupational Safety and Health Division  
Minnesota Department of Labor and Industry