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March 25, 2022

Chair Mike Sundin
House Agriculture Finance and Policy Committee
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: **Opposition to House File 766**

Dear Chair Sundin and Members of the House Agriculture Finance & Policy Committee:

We thank you for the opportunity to provide comments in **opposition to House File 766** and the **DE2 Amendment**. Provisions in these pieces of legislation would amend Minnesota's Seed Law by requiring additional seed label information, prohibit certain seed uses, implement a product stewardship program that collects and disposes of unsold or unwanted corn or soybean seed coated or treated with neonicotinoid pesticide, as well as the development and maintenance of consumer guidance regarding the proper use and disposal of seed treated with neonicotinoid pesticide.

For background, a seed treatment is the application of biological organisms/products and chemical ingredients to a seed with the intent to suppress, control, or repel plant pathogens, insects, or other pests that attack seed, seedlings, or plants. They are used to help protect the developing seed during its most vulnerable time—planting through germination and emergence – from early-season insect and disease damage that can severely impact crop establishment and yields. Treated seeds provide a sustainable solution to farmers in a highly targeted and precise approach that also means less impact on the surrounding environment. Treated seeds are one of the many valuable and innovative tools that enable Minnesota's farmers to be more productive, while using less – which is beneficial for farmer's bottom line and for the environment.

For the environment, this means less impact on natural resources and non-target organisms. For farmers, it means higher, more consistent yields, and use of sustainable agricultural practices like cover crops and no-till farming, resulting in a better return on investment. For consumers, it means access to high-quality, affordable food we all count on for our families. Without seed treatments, farmers would be forced to rely on crop protection solutions that are potentially less selective and must be applied over the top of the field with more passes, and most often a higher usage rate.

In addition, farmers use treated seeds as they are an important part of Integrated Pest Management and have been widely adopted by growers for good reason – not only are they highly effective but their targeted, extremely precise approach reduces the need for farmers to apply products over the entire field. If neonicotinoid seed treatments were not available, each pound of neonicotinoids would be replaced by nearly five pounds of other insecticides, resulting in an increase in application rate per acre of 375 percent and hundreds of millions of dollars in additional costs to farming operations.

Minnesota cropped land would need to increase dramatically to offset losses in yield and quality, much of which would come from the Conservation Reserve Program (CRP), environmentally sensitive land established to preserve water, soil, and wildlife. There would also be impacts to climate from increased carbon releases from additional tractor passes to replant due to poor crop establishment or apply foliar pesticides. There would also be degradation and compaction of soil from additional tractor passes on the field.

Regarding safety, pesticides authorized as seed treatments undergo rigorous testing and review by federal and state regulators to ensure their safety to applicators, wildlife, consumers, and the environment. Seed treatments protect the seed and seedling - where soil pests attack. This targeted, local protection helps reduce the potential for off-field environmental exposure. Additional actions have also been taken to protect pollinators, including enhanced coating polymers and application processes to increase pesticide adherence to seeds, as well as new flowability agents and enhancements to planting equipment that help ensure the treatment remains with the seed, including during planting.

House File 766 and the DE2 Amendment would deny Minnesota's farmers existing products that have gone through a science-based registration process implemented by the Environmental Protection Agency (EPA) and the Minnesota Department of Agriculture (MDA) under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Food Quality Protection Act (FQPA), and the State of Minnesota's Seed Law.

In addition, the provision in House File 766 that would establish a product stewardship program for corn and soybean seed coated or treated with neonicotinoid pesticide is unnecessary as the existing layers of federal and state regulations are sufficient and protective. Disposal of treated seed is critical to full life-cycle stewardship and is recognized by the industry as a main priority. Further regulation through the creation of this program is unwarranted and duplicative.

Lastly, another consequence and likely violation of the Interstate Commerce Clause contained within the proposed legislation is that companies who manufacture these products would have to segregate what seed gets shipped into Minnesota. For Minnesota to be an island surrounded by our neighboring states who do not have these prohibitions in place would be yet another hit to an already stressed industry which is our state's second largest economic driver that contributes billions of dollars and tens of thousands of jobs to the economy.

For these reasons above, the undersigned groups respectfully **oppose House File 766 and the DE2 Amendment**. We appreciate the opportunity to provide this input to you and your committee members.

Sincerely,

Minnesota Crop Production Retailers
BASF
Bayer
Biotechnology Innovation Organization
Cooperative Network
Corteva
Midwest Food Products Association

Minnesota AgriGrowth Council
Minnesota Corn Growers Association
Minnesota Farm Bureau
Minnesota Grain & Feed Association
Minnesota Soybean Growers Association
Syngenta