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[www.mcpr-cca.org](http://www.mcpr-cca.org)

March 22, 2023

Chair Rick Hansen  
Environment & Natural Resources Finance and Policy Committee  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Re: **Opposition to House File 1130 and House File 1317**

Chair Hansen and Members of the House Environment & Natural Resources Finance & Policy Committee:

The Minnesota Crop Production Retailers (MCPR) is a nonprofit organization representing agricultural retailers and distributors, crop input suppliers, crop advisors, certified crop advisors, and registrants who supply Minnesota's farmers with a host of products and services.

We thank you for the opportunity to provide comments in **opposition** to the following bills that will be up for consideration in the House Environment & Natural Resources Finance & Policy Committee on Wednesday, March 22, 2023:

- **H.F. 1130** which would authorize cities to adopt certain pesticide control ordinances.
- **H.F. 1317** which would regulate the use, storage, disposal, and sale of pesticide treated seed, requires label statements for certain pesticide-treated seed, and requires the creation of consumer guidance regarding the proper use and disposal of treated seed.

While we appreciate the amendments that were adopted in the House Agriculture Finance & Policy Committee on March 9, MCPR remains opposes **H.F. 1130** as it would eliminate existing state authority that ensures safe and consistent regulatory standards for pesticide use in the state. This language would weaken the state's ability to effectively regulate pesticides that are registered and regulated by the Minnesota Department of Agriculture (MDA). These current regulations enforced by MDA ensure safe and proper pesticide use in the state through registration of pesticides, licensing of pesticide applicators, and through research and enforcement activities.

Uniform state law comprehensively regulates virtually every other aspect of labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the state. State regulation of pesticides also ensures uniformity with federal regulation, and between states and their municipalities to avoid confusion that may endanger public health or the environment from differing requirements.

In addition to making it more difficult for farmers to produce the food we all depend on, this legislation would also put our communities at risk, leading to more disease caused by more pests roaming around our homes, schools, daycare centers, hospitals, public transportation, and restaurants throughout the state.

Pesticides play an important role in agriculture Integrated Pest Management (IMP). Crop protection tools and technologies are vital to protect farmers' crops and enable farmers to grow more food using less land and resources, therein protecting farmers investments, and making food more affordable as consumers continue to see their food prices increase.

MCPR also opposes **H.F. 1317** which would regulate the use, storage, disposal, and sale of pesticide treated seed, require label statements for certain pesticide-treated seed, and require the creation of consumer guidance regarding the proper use and disposal of treated seed.

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.

Minnesota's agricultural sector is fully committed to following all laws, regulations, and guidelines for the safe use of seed and management of surplus seed. Companies who produce treated seeds work closely with grower partners to communicate the importance of following proper guidelines at every step of the process. Seed treatment pesticide products are highly regulated and it is absolutely essential that anyone who treats, handles, transports, plants, recycles, re-uses or disposes of treated seeds manage them properly and in accordance with label instructions to minimize the risk of pesticide exposure to humans and the environment.

Sections of this legislative proposal would also be redundant and unnecessary as existing cautionary statements are already regulated by the U.S. Environmental Protection Agency (EPA) per the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). Treated seeds undergo a thorough evaluation by the EPA, and applicable state agencies, prior to commercialization and periodically thereafter. Only after a product is approved by the relevant federal and state agencies, can the seed treatment product be used in accordance with the EPA-approved label. Labels for commercial seed treatment products carry language that must be placed on the seed tags accompanying treated seed packages regarding permitted & prohibited practices.

MCPR is proud to collaborate with our partners at MDA and the University of Minnesota Extension in hosting the annual Crop Pest Management Short Course in Minneapolis. The purpose of the Short Course is to provide continuing education for key crop production decision makers with research based educational programs that include a wealth of pest and crop management topics including those dealing with pesticides and seed treatments.

MCPR members who benefit from these educational offerings include agronomists, crop consultants, crop production specialists, and certified crop advisors. MCPR's members take their jobs very seriously which is memorialized in our "Mission Statement" that states the organization "exists to promote the proper use, storage, and application of crop production inputs in an environmentally safe and agronomically sound manner".

For these reasons above, the Minnesota Crop Production Retailers respectfully urges **opposition to H.F. 1130 and H.F. 1317**. We appreciate the opportunity to provide this input to you and your fellow committee members.

Sincerely,

A handwritten signature in black ink that reads "Patrick Young". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Executive Director  
Minnesota Crop Production Retailers



**To:** Members of the House Environment and Natural Resources Finance and Policy Committee

**From:** Riley Titus, CropLife America

**Date:** 3/22/2023

**RE:** Oppose – HF 1130 (Tabke) and HF 1317 (Hansen)

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Chair Hansen, and distinguished members of the House Environment and Natural Resources Finance and Policy Committee:

Thank you for the opportunity to submit written testimony about HF 1130 (Tabke) and HF 1317 (Hansen). We respectfully oppose both of these bills.

HF 1130 (Tabke), *Cities authorized to adopt pesticide control ordinances.*

We support and promote science-based policy and regulatory processes necessary in the regulation of pesticide products at both the state and federal level. Pesticides in Minnesota are registered and regulated by the Minnesota Department of Agriculture (MDA). These regulations enforced by MDA ensure safe and proper pesticide use in the state through registration of pesticides, licensing of pesticide applicators, and through research and enforcement activities. The Minnesota Office of the Legislative Auditor (OLA) evaluated MDA's pesticide regulation activities in 2006 and 2020 and concluded that the Department is more than satisfactorily performing its function to regulate pesticides.

Current Minnesota law comprehensively regulates virtually all aspects of labeling, distribution, sale, storage, transportation, education, use and application, and disposal of pesticides in the state. State regulation of pesticides also ensures uniformity with federal regulation, and between states and their municipalities to avoid confusion that may endanger public health or the environment from differing requirements across municipalities and resulting increased compliance costs to the people of Minnesota. Granting the authority to regulate or ban pesticides to cities who may lack the expertise and resources to make science-based decisions on highly regulated products may cause unintended consequences, particularly when considering products with stringent use and safety rules. It would also create confusion in the marketplace and take away important health and safety tools for consumers to control pests.

Pesticides are important public health and environmental tools, protecting people, pets and property from pests and insect-borne diseases, invasive and non-native plants, and providing safe and healthy places to live, work and play. Pesticides play an important role in agriculture and IPM (Integrated Pest Management). Crop protection tools and technologies are vital to protect farmers' crops and enable farmers to grow more food using less land and resources, therein protecting farmers' investments and making food more affordable. Pesticides are rigorously reviewed, evaluated, and approved for sale and use at the state and federal levels on an ongoing basis, ensuring they meet the most current scientific and safety standards. The manufacture, sale, and use of pesticides is extensively regulated by the MDA and the U.S. Environmental Protection Agency (EPA).

HF 1317 (Hansen), *Terms defined; Use, storage, disposal, and sale of pesticide-treated seed regulated; label statements for pesticide-treated seed required; consumer guidance required; rulemaking required; and money appropriated.*

Mandating additional cautionary statements on the label of treated seeds is redundant and unnecessary for seed

**Representing the Crop Protection Industry**

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labels with existing cautionary statements already mandated by EPA as part of its registration requirements under Section 3 of the Federal Insecticide Fungicide Rodenticide Act (or “FIFRA”) for the pesticides used in seed treatment. Furthermore, requiring additional Minnesota-only instructions on the labels of seeds treated with federally labeled and registered pesticide products moving through interstate commerce would likely violate the Interstate Commerce Clause of the Constitution and unduly burden manufacturers of seed supplied to one state when the same seed coatings are subject to uniform regulations by the EPA and the U.S. Department of Agriculture (USDA), and supplied in a consistent manner to all other states. There would be multiple supply-chain disruptions to treated seed that could be initially destined for one state but ultimately purchased or needed in Minnesota. This would likely result in a supply chain void (reduced treated seed availability) to Minnesota growers.

Seed treatments are an important tool that provide farmers with an economical means of protecting seeds and seedlings against early-season insect pests and diseases. There is no question that today’s seed treatments are enabling America’s farmers to realize greater yields and healthier crops than ever. At the same time, seed treatment technology is reducing potential risks to the environment, thanks to their highly targeted approach to controlling pests. It is important to note that pesticides applied as seed treatments undergo rigorous testing and review by federal and state regulators to ensure their safety to applicators, wildlife, and the environment.

Disposing of treated seed is heavily regulated at various levels of government, including under the Clean Water Act, Groundwater Protection Act, and Clean Air Act. In general, a few methods for disposing of treated seed exist today, each with their own permitting or regulatory requirements already in place. Various alternatives are available for solid and waste disposal offerings, but all must be permitted in accordance with relevant water, air, or solid-waste disposal rules of that state or locality. The seed industry is fully committed to following all laws, regulations, and guidelines for the safe use and management of surplus and unused seed. Seed companies also work closely with industry and grower partners to communicate the importance of following proper guidelines at every step of the process – whether they’re involved in treating, handling, transporting or planting treated seed, or managing surplus seed. Information on these practices can be found at: [www.seed-treatment-guide.com](http://www.seed-treatment-guide.com)

Federal seed laws (specifically the Federal Seed Act) regulate the sale and movement of seed in the U.S., and seed companies must abide by those regulations. Within the Federal Seed Act, there are requirements governing the labeling of treated seed. The tags on a package of treated seed must include identification of what the seed has been treated with, requirements of special guidance dependent upon the toxicity classification of compounds within the treatment recipe or risk assessment, label statements based on worker protection standards, and other applicable labeling requirements.<sup>1</sup> State-specific laws on these matters are simply unnecessary.

Sincerely,

Riley Titus  
Director, Government Affairs  
CropLife America  
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202-872-3856

CropLife America (CLA) represents the manufacturers, formulators and distributors of crop protection products in the United States. CLA member companies produce, sell and distribute virtually all the crop protection products used by American farmers.

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<sup>1</sup> Label Review Manual: Revised September 2013, Chapter 18: Unique Product Labeling, United States Environmental Protection Agency, [https://www.epa.gov/sites/production/files/2014-06/documents/chap-18\\_0.pdf](https://www.epa.gov/sites/production/files/2014-06/documents/chap-18_0.pdf)