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April 5, 2022

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

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

On behalf of the Minnesota Crop Production Retailers (MCPR), I thank you for the opportunity to provide comments regarding the DE Amendment to H.F. 4366. Our organization appreciates the time and effort you and your fellow committee members have put in to craft the Omnibus Agriculture Supplemental Finance & Policy Bill that is before the committee this week.

MCPR is a nonprofit organization representing agricultural retailers and distributors, crop input suppliers, crop advisors, and registrants who manufacture crop inputs for farmers throughout Minnesota. Our organization strives to promote the proper use, storage, and application of crop production inputs in an environmentally safe and agronomically sound manner.

Among the provisions included in the DE Amendment to H.F. 4366, MCPR is strongly opposed to several sections that are included in Article 2 dealing with 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.

The first provision in the DE Amendment to H.F. 4366 that MCPR opposes is:

- **The prohibition on the sale or application of pesticides and fertilizers that are coated with plastic or another material that is not readily biodegradable.**

This language is included in **Sections 14, 15, and 17-22 of Article 2**. It is also the underlying language contained in H.F. 3751 which was heard this session by the Agriculture Committee.

The prohibition called for in this proposed legislation would deny Minnesota's farmers existing products that have gone through a science-based registration process implemented by the Environmental Protection Agency and the Minnesota Department of Agriculture under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Food Quality Protection Act (FQPA), and Minnesota's Pesticide Control Law.

Minnesota's ag retail industry has worked together with our national partners for years, along with state and federal agencies, in adhering to guidelines that regulate pesticides and fertilizers. This includes seed treatments which undergo rigorous testing and review by EPA prior to being permitted to be used commercially.

One of the key components used in seed treatments are polymers which help bind the active ingredients to the seed. These polymers help ensure active ingredients do their job in the soil, as well as reduce dust, which is a requirement of regulatory approval in the United States. In addition, polymers help with flow of the seed through planters, lessens the need for pesticides to be applied in soil or over the top, improves use efficiency, reduces loss, and allow farmers to have access to the newest technologies. If enacted into law, this proposed legislation would undoubtedly lead to increased soil applications or over the top applications which would set back decades of sustainability advancement.

Another consequence of this proposed legislation would be a requirement that companies who manufacture these products would have to segregate what seed gets shipped into Minnesota. For Minnesota to be an island surrounded by other states who do not have these types of 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.

In addition, another provision in the DE Amendment to H.F. 4366 that MCPR opposes is:

- **The requirement that MDA develop and maintain consumer guidance regarding the proper use and disposal of neonicotinoid-treated seed.**

This language is included in **Section 23 of Article 2** and is also the underlying language contained in H.F. 766 which was also heard this session by the Agriculture Committee.

The agricultural sector as a whole 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 the agricultural industry and 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.

Treated seeds undergo a thorough evaluation by the U.S. 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 and prohibited practices.

Treated seeds that are damaged, do not meet quality specifications, or have become nonviable may require disposal. There are several ways surplus treated seed is managed, including:

- Alternative Fuel Source for Power Plants or Cement Kilns
  - There are a number of power plants and cement companies that utilize alternative fuels. The EPA National Electric Energy Data System includes a list of power plants utilizing biomass, municipal solid waste, or non-fossil waste as an alternative fuel.
- Alternative Fuel Source for Ethanol Plants
  - A very limited number of ethanol plants in the U.S. have the permits necessary to dispose of treated seed through the ethanol fermentation process. None of these plants are located in Minnesota. In all situations, byproducts from the ethanol production process cannot enter the food or feed channels and no measurable pesticide residues are allowed. The same situation applies for wastewater and air emissions, as well.
- High-Temperature Incineration by a Waste Management Facility
  - These waste management facilities run a disposal business and confirmation of the proper permits is required.
- Disposal in Approved Municipal Landfills
  - State rules vary in approach. In addition, treated seed, and the resultant seed dust, are subject to solid waste regulations at the state and local levels.

In closing, MCPR once again thanks you for the opportunity to provide these comments related to the DE Amendment to H.F. 4366.

Sincerely,

A handwritten signature in black ink that reads "Patrick Young". The signature is written in a cursive, flowing style.

Executive Director  
Minnesota Crop Production Retailers