**POLLINATOR FRIENDLY ALLIANCE**
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## In support of better stewardship of pesticide coated seed to protect the health of people, pollinators and environment HF766

Date: March 30, 2022
To: Minnesota House of Representatives, Environment and Natural Resources Finance Policy Committee

Currently, there are not adequate federal or Minnesota state safeguards for the health of people and the environment from pesticide contamination from coated seed nor is insecticide-coated seed currently regulated as a pesticide in Minnesota. The following no-nonsense provisions are necessary to protect us, pollinators and the environment from contamination disasters and chronic pesticide contamination.

Thank you for your support of the treated seed provisions in HF766 calling to prohibit insecticide-treated seed to be used for food, feed, oil, or ethanol feedstock and deals with proper disposal of insecticide-treated seed.

Pollinator Friendly Alliance is a Minnesota conservation organization with a membership of individuals, scientists, businesses and ecologists from around Minnesota and beyond. We urge state legislators to step up in the absence of a fail-safe system to protect our waters, land and people from pesticide seed contamination. This is not a big ask - to simply strengthen the existing system for better stewardship and the rewards for health are great. Some countries have banned neonicotinoid pesticides entirely and communities around the U.S. are further restricting use. Almost fifty Minnesota communities have adopted resolutions to cease neonicotinoid pesticide use.

The wealthy pesticide industry can sell more insecticide coated seed using a loophole in federal pesticide law - **"treated article exemption" which permits seeds to be coated with toxic pesticides without assessment by the EPA for health or environmental effects.** This allows insecticide coated seeds to be used without proper oversight. The result of this negligence is evidenced by water contamination in Minnesota and an entire community in Nebraska taking ill from pesticide coated seed contamination. Labels do not always protect us from improper handling, storage or mis-use either. Labels are very difficult to enforce because they are often impossible to interpret, the meaning is unclear and often not defined – for example what is a "measurable residue"? The label does not explain if the seed can be burned or re-used such was the case in the Nebraska catastrophe. The label needs to be specific and cover all important points.

I come from a farm family and live in a rural area, so I know first-hand corn and soybean farmers often drill 1,000's of acres of pesticide coated seed at a time. The pesticide dust floats and moves through the air, and afterward piles of seed are leftover laying in fields where birds and wildlife eat them, and ground water is contaminated. "Suggested" best practices are not going to protect us or

wildlife and the environment. A law is needed to require proper stewarding of insecticide-coated seed.

**Neonicotinoid contamination has been studied repeatedly and reported on for years – it is no secret that neonicotinoid insecticides on coated seeds are toxic. Recent science shows** neonics have human health effects, pesticides kill pollinators outright and sicken them at sublethal doses, neonics contaminate water (Five surface water pesticides of concern, Minnesota MDA 2020), birds are effected (Neonic reduces migration in songbirds, Eng 2019) and most recently large mammals such as deer (Effects of neonics on physiology and reproduction of white-tailed deer, Berheim 2019). Two flagship species- monarch butterfly and rusty patched bumble bee (Minnesota state bee) - are under the watchful eyes of pollinator researchers and declining numbers of monarchs tell us that pollinators are at a critical point for extinction requiring immediate action.

**These small steps to steward pesticide coated seed will help keep Minnesota communities safe.**

Thank you,
POLLINATOR FRIENDLY ALLIANCE
www.pollinatorfriendly.org

## Selected support references:


**HUMAN HEALTH EFFECTS OF NEONICS** National toxicology report from US Dept. of Health and Human Services ISSN: 2473-4756 https://ntp.niehs.nih.gov/ntp/results/pubs/rr/reports/rr15_508.pdf

**NRDC BRIEFING TO CONGRESS** on Neonic Pesticide Human Health Harms, October 2019.
https://www.nrdc.org/experts/jennifer-sass/nrdc-briefs-congress-neonic-pesticide-human-health-harms

**PESTICIDES IN MINNESOTA WATERS:** Minnesota Department of Agriculture, *surface water pesticides of concern* (2020)
https://www.mda.state.mn.us/surface-water-pesticides-concern

**INSECTICIDE COATED SEED CONTAMINATES NEBRASKA COMMUNITY AT ETHANOL PLANT**
January 2021: https://www.theguardian.com/us-news/2021/jan/10/mead-nebraska-ethanol-plant-pollution-danger

**POLLINATOR DECLINE:** Xerces Society: *The science behind the role neonics play in harming bees*. Jennifer Hopwood, Aimee Code, Mace Vaughan et al. (2016)
https://xerces.org/sites/default/files/2018-05/16-023_01_XercesSoc_ExecSummary_How-Neonicotinoids-Can-Kill-Bees_web.pdf

**NEONIC EFFECTS ON LARGE MAMMALS**: Scientific Reports: *Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer*. Elise Hughes Berheim, Jonathan A. Jenks, Jonathan G. Lundgren, et al. volume 9, Article number: 4534 (2019)
https://www.nature.com/articles/s41598-019-40994-9

**RESULTS OF PESTICIDE STUDY OF NEONIC EXPOSURE TO WHITE-TAILED DEER IN MINNESOTA**
March 1, 201, Minnesota Department of Natural Resources

https://www.dnr.state.mn.us/news/2021/03/01/preliminary-results-pesticide-study-show-widespread-neonicotinoid-exposure-minnesota-white-tailed-deer

**NEONIC EFFECTS ON SONGBIRDS:** Science: *A neonicotinoid insecticide reduces fueling and delays migration in songbirds.* Margaret L. Eng, LeBridget, J. M. Stutchbury, Christy A. Morrissey. Issue 13 Sep 2019: Vol. 365, Issue 6458, pp. 1177-1180.
https://science.sciencemag.org/content/365/6458/1177

**POLLINATOR PROTECTION RESOLUTION:** *Model resolution for cities, counties, state agencies, school districts.* Pollinator Friendly Alliance, Humming for Bees, Pesticide Action Network, Pollinator Minnesota 2020.
https://static1.squarespace.com/static/59fcf40ab1ffb6ee9911ad2a/t/5f8fb7dcac3e6348089291a2/1603254237712/MODEL+resolution+2020.pdf

Testimony statement provided March 30, 2022 to the
ENVIRONMENTAL COMMITTEE MINNESOTA HOUSE OF REPRESENTATIVES
regarding LEGISLATIVE BILL HF0766

**Introduction:** My name is Dr. Judy Wu-Smart and I'm an assistant professor and extension specialist at the University of Nebraska-Lincoln in the Department of Entomology. I want to first thank Rep. Rick Hansen and the committee for this opportunity to testify regarding **HF766** which seeks to require product stewardship for corn and soybean seed treated with systemic pesticides. I'm acting in my own personal capacity as an expert and not as a representative of the university. I'm the director of the University Nebraska -Lincoln Bee Lab, and I testified last year regarding the consistent bee losses we were experiencing due to systemic pesticide pollution caused by a facility practicing treated-seed disposal through ethanol processing that produced solid and liquid byproduct wastes highly contaminated with pesticide residues.

**Main areas of concern:** One year later there remains no regulatory division at EPA to respond to pollinator losses and concerns related to systemic pesticide pollution. Pollinator protection policies are governed by the Department of Agriculture and The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), however, the federal loophole that allows treated articles, such as pesticide treated seeds, to become exempt from pesticide regulation is still in place. This exemption continues to challenge individual states responding to concerns over safety, use, and disposal of treated seeds. I have helped lawmakers better understand these complex issues and concerns in not just NE, and MN, but also in VT and NY and so I understand that having a piece-meal approach and different state regulations can complicate matters for businesses but there are some commonsense improvements that could easily be adopted and is, frankly, made necessary by the federal exemption. For example, is there clear language regarding at what point and when in the life of a treated seed does it become classified as hazardous waste? This has been at the root of the problems in the NE case and the company argued for years that they don't produce a waste but economically valued byproducts which was sold and distributed to farmers without knowledge of contaminates for years. Does the treated seed become considered hazardous waste when the pesticide is no longer effective or when the seed is no longer viable? Or should it be when the product (treated seed) is no longer being used for its intended purpose? A simple expiration date based on seed viability AND product effectiveness clearly printed on seed bags would help clarify that.

Also, there already exists robust regulations on solid waste, air, soil, and water pollution but the residues of systemic pesticides can move across matrices, from waste and into water, into soil, and into vegetation. Are regulatory agencies prepared and supported to monitor non-target movement of these residues? Not unless they are able to determine the amounts and types of chemicals initially introduced into a system and intentionally introduced. Only then can agencies determine where unintended movement and risk of exposure has occurred. Systemic neonicotinoid products are widely available for agricultural and urban uses and while they have been shown to be less toxic to mammals they have also been shown to cause a suite of ecological harm. ***Chemical overloading*** from multiple sources and chemical types, as it is in the case in NE, can cause "too much complexity and uncertainty to rule out potential adverse harm to the environmental and humans" which is how EPA responded to our situation through email exchanges with NDEE officials (Sept & Jan 2021).

The lack of regulatory oversight has caused confusion and concerns for state officials and local communities. I'm receiving very personal emails from community members wondering if it's safe for their kids to play outside, whether produce grown in their gardens are safe to consume. Are my tomatoes safe to eat? And unfortunately, I don't have the answers for them because we don't know enough about how these compounds act in natural settings. And while what is happening in Nebraska is certainty an extreme example with unprecedented contamination loads, it echos real concerns people

have about the many unknowns surrounding these compounds. Bees are bioindicators of our environment and can help guide us to become better stewards of our land. Many may not care about losing a few bugs, but widespread loss of insects hinders ecological services (including pollination, pest control, and nutrient cycling) critical for sustaining natural resources. It also reduces vital food web support for other wildlife and critters.

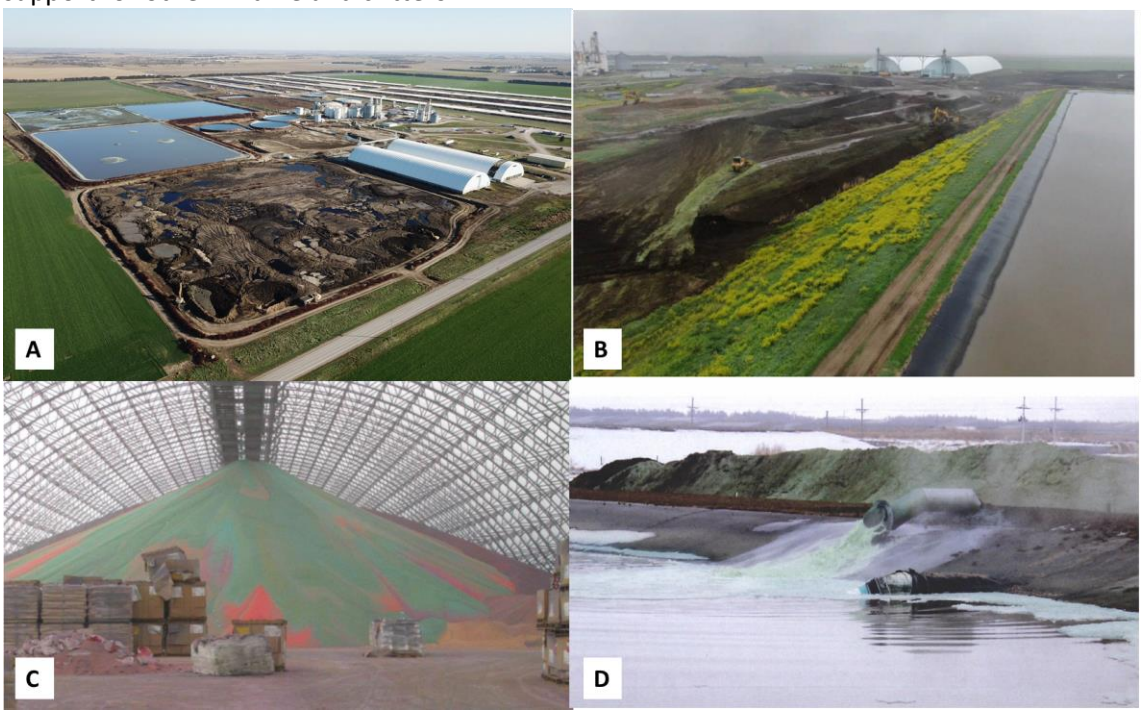


**Photo A:** Drone image (taken by Dr. J. Schalles, Creighton University) in Nov 2021 shows pesticide-laden wetcake piles located near several waste lagoons with visible pieces of the damaged protective liners floating up indicating leaching of pesticides into the ground below. **Photo B:** Drone image (from NDEE May 2021 report) shows large areas of blooming flowers that have likely taken up harmful levels of systemic pesticides and may be lethal to visiting pollinators. **Photo C:** Image inside white hoop structures (taken from NDA 2019 report) storing a large pile of discarded surplus and pesticide treated crop seeds which was received from seed companies. The colorant added to seeds indicates the presence of pesticides on seed coats. **Photo D:** Image of lagoon from NDEE Feb 2021 report which estimated 100,000 gallons of pesticide-laden effluent was produced per day. This pesticide-laden effluent along with wetcake waste was applied to farms as soil conditioners from 2018-2019 without farmer's knowledge of pesticides because of the unclear language and classification surrounding treated articles.

I'd like to end by noting the benefit of individual state responses to systemic pesticide concerns is that there's an opportunity to evaluate where these compounds are beneficial and in which scenarios are they not. Eliminating and or reducing uses where there is little to no value allows us to better conserve these products for the systems that truly do rely on them. The lack of knowledge regarding the use, movement, spread, persistence, and toxicity highlights the need to reevaluate benefits and risks of systemic pesticides, like neonicotinoids, and HF766 begins to address these knowledge gaps.

I thank the committee for the opportunity to testify and I welcome any questions.

Judy Wu-Smart
Assistant Professor & Extension Specialist
Director of University of Nebraska-Lincoln Bee Lab
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Website: https://entomology.unl.edu/unl-bee-lab

Humming for Bees

www.hummingforbees.org

P. O. Box 712, Excelsior, MN 55331 / info@hummingforbees.org

March 30, 2022

To: Minnesota House Environment and Natural Resources Finance and Policy Committee

Subject: Support for HF766

Dear Rep. Hansen and Committee Members,

Humming for Bees, along with our members and supporters, strongly support HF766 strengthening labeling requirements for treated seeds. With this action, Minnesota will better protect our lands, wildlife, and waters through more responsible handling of pesticide treated seeds. Better management of these pesticides, including neonicotinoids, will reduce residual amounts that can remain in our environment, be consumed by wildlife and affect ground water. The growing body of evidence is showing neonicotinoids, as well as other chemicals when not managed properly, have negative and lethal effects on pollinators, insect life, water born life, birds and even mammals. Proper disposal of unplanted seeds must be encouraged and needs to happen.

Please continue Minnesota's leadership and stewardship in the valuing of the quality and diversity of our environment and move this bill forward.

Thank you,

Jeff Dinsmore

Patricia Hauser

Co-founders, Humming for Bees

March 30, 2022

Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee

Testimony in Support of House File 766

**The Xerces Society for Invertebrate Conservation (Xerces Society) is pleased to support HF 766.** We work with farmers across Minnesota to identify pollination and pest control needs, create habitat, and mitigate pesticide impacts to pollinators. These farmers range from fruit growers in need of pollination services, to large row crop farmers committed to supporting wildlife on marginal lands, to livestock operations interested in bringing in more forage for bees to their pasture and rangeland. **As a conservation organization working directly with farmers, we are well-versed in the importance of balancing pest management and wildlife conservation.**

**North America's wild pollinators are facing precipitous declines:** 28% of our bumble bee species are at risk of extinction, most notably the rusty-patched bumble bee – formerly one of Minnesota's most common bumble bees and now lost from 87% of its range. Similarly, roughly 17% of North American butterflies are at risk of extinction, including the well-known monarch butterfly, which has declined in numbers by about 90% since the 1990s.

**Pollinators need both habitat and protection from pesticides.** Habitat goals tend to be non-controversial and it can be tempting to focus solely on creating habitat. But if habitat isn't protected from harmful pesticide contamination, it is not truly supporting pollinator conservation. We need to focus on increasing habitat *and* reducing pesticide exposure.

**Neonicotinoid insecticides, or neonics, are a priority concern for pollinators because they are long-lived, highly toxic, and systemic.** They are also very prevalent in our landscape, as they are applied to the vast majority of corn and soybean seed planted. Neonics can have both lethal and sublethal impacts on pollinators, including direct mortality, impaired navigation, reduced growth and reproduction, and more. Pollinators are faced with numerous pathways for neonicotinoid exposure from treated seed, including uptake into crop or non-crop plants, soil contamination, dust-off at planting, and movement through waterways into off-field areas.

Clearly, planting of neonic-treated seed poses risk to pollinators. In addition, another risk that came to light last year relates to the disposal of neonic-treated seed in ethanol plants. In response to severe neonicotinoid contamination at and around an ethanol plant in Nebraska that processes treated seed, **HF 766 prohibits the use of treated seed in ethanol production.** Processing treated seed into ethanol in Nebraska resulted in highly contaminated wastewater and distillers grain byproducts, with neonicotinoid concentrations up to 554,000 ppb – far above levels that can harm

pollinators or aquatic species (invertebrates can be negatively affected at levels as low as 1 ppb). This extensive contamination has been linked to bee die-offs and illnesses in local pets and wildlife.

Although ethanol processing is clearly an inappropriate disposal method for treated seed, industry guides intended to advise farmers and seed dealers on how to handle excess treated seed *still recommend ethanol plants*. These guides also include vague language about the permits that plants need to accept treated seed – but in reality, these permits do not exist. In the year since this issue was uncovered, the seed industry has not provided any information about how excess seed is now being handled to avoid contamination. Clearly, industry guidance is inadequate to prevent disasters on this scale. **Because treated seed is exempted from federal pesticide regulation, a similar situation could arise in Minnesota if this activity is not expressly prohibited.** HF 766 does just that, and also calls for guidance and rulemaking on the proper disposal of excess treated seed.

**Rulemaking is necessary to ensure that excess treated seed is handled appropriately.** In Nebraska, the lack of clarity about how excess treated seed should be properly handled and what state agencies were responsible for oversight hindered the state's response to the contamination in Mead. Directing MPCA to adopt rules regarding treated seed disposal in Minnesota will both ensure that disposal is handled appropriately, and that state agencies' responsibilities are clear in the event of contamination linked to disposal.

Unfortunately, the impacts of neonicotinoid treated seed can extend far beyond its use in fields, and there are heavy costs from the growing trend of planting seeds pretreated with systemic insecticides. **HF 766 is a small, but critical, step forward to reduce the risk that unplanted treated seed can pose to pollinators and communities across Minnesota, and the Xerces Society is pleased to support the bill.**

Thank you,

Sarah Hoyle, Pesticide Program Specialist

Sarah Foltz Jordan, Senior Pollinator Conservation Specialist

Background on the Xerces Society

The Xerces Society is an international nonprofit organization that protects wildlife through the conservation of invertebrates and their habitat. We have offices throughout the United States, including in Minnesota. The Xerces Society is a global leader in pollinator conservation, and has the largest pollinator conservation team worldwide. The Society's work is based on the latest science and is increasingly recognized as the standard for pollinator conservation by organizations such as the United Nations Food and Agriculture Organization, the White House, the U.S. Department of Agriculture's Natural Resources Conservation Service, members of the U.S. Congress, the organic and natural foods industry, and the sustainable agriculture community, including farmers and farm organizations from across the United States and abroad. Our work has led to 1.25 million acres of pollinator habitat restored on farms over the last decade. Through our Bee City USA initiative, more than 200 city and campus communities are improving habitat for pollinators and spreading awareness about these essential animals. We have also conducted hundreds of workshops and short courses on native pollinators; over 21,000 people have learned how to conserve invertebrates through our outreach and education programs.

Date: March 25, 2022
To: Minnesota House of Representatives, Environment and Natural Resources Finance and Policy Committee
Re: Support of HF 766

I grew up on and continue to own our 135 year old family farm in Meeker County. Over the last 15 years, in our area, use of neonic treated corn and soybean seed has increased tremendously and accounts for nearly 100% of land planted to those crops.

Because of poor oversight, education and labeling most of my neighbors don't know that their seed is treated with harmful insecticides and as a result the seed that is spilled or that is left over after planting isn't viewed as the toxic substance that it is. Farmers are not acting with malice or disregard to wild critters or the environment and most, I bet, would abide by any requirements for safe disposal and safe use.

It is not unusual to see deer, pheasants, turkeys, sandhill cranes and other wildlife feeding on spilled or uncovered seed. Although the toxic impacts of neonics to wildlife and the environment is well documented that fact has been poorly communicated to the users of the seed.

Studies prove that the insecticide coating easily washes off the seed into the soil and waterways. This, I believe, is greatly contributing to the drastic population decline to beneficial insects such as dragonflys and pollinators that I've observed on our farm. It's frightening that these declines are accelerating especially when scientific studies back up those observations.

Hf 766 is urgently needed and is a reasonable first step in controlling the terrible impacts of neonics.

Greg Larson
25535 Orchard Circle
Excelsior, Minnesota
612 325-7308

March 30, 2022

Members of the Minnesota House of Representatives Environment and Natural Resources Finance Division
Chair Hansen, Committee members:

Margot Monson, entomologist and beekeeper,

I ask for your support for HF 766 requiring additional seed labeling information, prohibiting certain seed uses, and for ethical and responsible stewardship for corn and soybean seeds coated or treated with any of the neonicotinoid pesticides.

**For over a decade** research worldwide has documented that the use of systemic insecticides, including neonicotinoids, negatively affects native bees and honey bees, *and that aquatic invertebrates* have also been impacted from chemical runoff from agricultural fields into aquatic habitats.

In Jan 2021, there was large scale landscape contamination resulting in serious health problems in Mead NE, because excess supplies of corn seeds previously treated with insecticides, including neonicotinoids and fungicides, which were recycled and used to produce ethanol at the AltEn plant. The end products were too contaminated with pesticides to feed to animals, and some of the waste water was applied to acreage, leading to concern for residents dependent on well water. The levels of neonics found in the plant's waste water were many times higher than state recommended safety levels .

This contamination resulted in the accumulation of thousands of pounds of green mash from fermented grains that were spread on farm filed as **"***soil conditioners***",** and photos clearly showed large piles of the left over grain on the grounds of the AltEn plant. It was not long before poor air quality and eye and respiratory problems were reported among residents.

In addition, the EPA bench marks were exceeded many times for the levels of neonics for humans and freshwater invertebrates that were found in the fermented piles on land, as well as in wastewater lagoons, as reported by NE state officials.

The NRDC recommended that the situation in Mead calls for more strict regulations of pesticide coated seeds.

UNE scientist, Prof Wu-Smart, stated that every single honeybee hive on a university research farm within a mile from Mead died off, coinciding with AltEn's use of neonic treated seeds. She also has video recordings of what appears to be neurologically impaired birds and butterflies.

The evidence of the dangers of systemic pesticides in the environment and the implications from AltEn's poor handling of treated seeds, reach far beyond Mead NE.

We do not want to experience what happened in NE in MN. MN needs regulations that restrict the use of treated and coated seeds so they cannot be sold as food, feed, oil, or ethanol, and that any excess seed must be properly disposed of so no contamination occurs to soil, adjacent waterways and human and wildlife communities.

**Please support HF 766** .

Thank you for your consideration.

Margot Monson
22 Ludlow Ave
St Paul, MN 55108

**To:** **Chair Hansen, and Members of the Minnesota House Environment and Natural Resources Finance & Policy Committee**

**From:** **Riley Titus, CropLife America (CLA), and Pat Miller, American Seed Trade Association (ASTA)**

**Date:** **March 30, 2022**

**RE:** **HF 766**

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

Thank you for the opportunity to submit written testimony about HF 766. House File 766 would require development of duplicative guidance and rulemaking and create unnecessary requirements for disposal and use of treated seeds. We respectfully oppose HF 766 and urge you to do the same.

Additions to the Federal labeling process are redundant and unnecessary for treated seed which is already labeled with instruction and cautionary statements regulated by the Environmental Protection Agency (EPA) and required under Section 3 of the Federal Insecticide Fungicide Rodenticide Act (FIFRA). Requiring additional restrictions on the labels of certain seed products specific to one state which are moving through interstate commerce would likely violate the Interstate Commerce Clause of the Constitution and create registration and availability challenges. The same seed coatings are subject to uniform regulations by the EPA and supplied in the same consistent manner to all 50 states.

**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. Seed treatment technology provides several advantages to farmers as part of their IPM programs. Seed treatments reduce potential risks to the environment and applicators, by placing microscopic amounts of pesticide on the seed coating, rather than having to rely upon foliar application spraying of entire fields. The seed treatments are highly regulated, just as foliar and soil-applied pesticides are. Seed treatment products undergo a thorough evaluation by the U.S. Environmental Protection Agency (EPA), and by applicable state agencies prior to commercialization. FIFRA allows products that are treated with registered and approved pesticides *to continue to be considered as a treated article* – and this is known as the "treated article exemption." A misnomer, because as you may have heard, it is not an exemption from regulation. All pesticide treated seeds are registered as a treated article if: 1) the article contains or is treated with a registered pesticide; 2) the pesticide is intended to protect the article itself; and 3) the pesticide is registered for that use and pest control.

**Neonicotinoids** are also unfairly singled out in HF 766. The neonicotinoid (also known as "neonics") class of chemistries represent one of the most significant advances in insecticide technology in recent history and are among the safest pesticides for people and the environment. Initially registered as a reduced risk pesticide, neonicotinoids are an important crop protection technology and vital agricultural tools that protect a wide variety of crops. In 2013, the EPA made labeling changes to neonicotinoids labeled for outdoor foliar use to minimize exposure to pollinators. The label changes included a "Pollinator Protection Box," as well as new pollinator language to the Directions for Use section of each label, and that information is now found on every container of these products. On January 30, 2020, EPA

released Proposed Interim Decisions (PIDs) for several neonicotinoids under their registration review process.[1] The PIDs contained new mitigations to reduce potential ecological risks, particularly to pollinators, and protect public health. Additionally, the EPA requested that registrants implement a national stewardship program to increase grower awareness and use of best management practices to reduce ecological risks. As part of this process, the EPA published a Federal Register notice, and allowed for public comment on the proposals for 60 days. EPA is currently reviewing and responding to comments and will issue final interim decisions in 2022. Taking any action on neonicotinoids prior to EPA releasing their interim decisions, after reviewing the most contemporary science, data and information available, is premature.

The health of pollinators and the environment is of paramount importance to everyone, particularly CropLife America, the American Seed Trade Association, and our customer-farmers. Pesticide registrants have invested both time and resources into bee health and supporting stewardship initiatives. Comprehensive reports by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describe a broad range of issues or "stressors" negatively affecting bees, including habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens. The research and data collected nationally[2] shows the leading stressor to honeybee colonies is overwhelmingly varroa mites. We support initiatives to promote pollinator health and believe its complexity calls for thoughtful, stakeholder engaged solutions.

**Treated seed that is unused, discarded or disposed**: Treated seeds that are damaged, do not meet quality specifications or have become nonviable may require disposal and/or return to the seed supplier. Disposing of treated seed is heavily regulated at many levels of government: often times by cities, counties, states, and federal environmental and health protection laws (including the Clean Water Act, Groundwater Protection Act, Food Quality Protection Act, Food Drug & Cosmetic Act, Toxic Substances Control Act and Clean Air Act). The regulations vary depending on the circumstances of the geography, resources, government structure and programs.

In general, four methods for disposing of treated seed exist today, each with their own permitting or regulatory requirements already in place:

- **Alternative Fuel Source for Power Plants or Cement Kilns**: There are a number of power plants and cement companies that utilize alternative fuels/feedstocks. 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 – none in Minnesota – have the permits necessary to dispose of treated seed through the ethanol fermentation process. The Minnesota Pollution Control Agency (MPCA) already retains jurisdiction for any new requests in Minnesota. In all situations, byproducts from the ethanol

[1] United States Environmental Protection Agency, Pollinator Protection, Schedule for Review of Neonicotinoid Pesticides, https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides

[2] Honey Bee Colonies" Released August 2, 2021, by the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, United States Department of Agriculture (USDA), https://downloads.usda.library.cornell.edu/usda-esmis/files/rn301137d/8g84nk42x/00000x890/hcny0821.pdf

production process cannot enter the food or feed channels and no measurable pesticide residues are allowed. The same situation also applies for wastewater and air emissions.

- **High-temperature incineration by a licensed waste management facility**: These facilities run a disposal business and confirmation of the proper permits is required by the party disposing of the product.
- **Disposal in Approved Municipal Landfills**: This is allowed in some states, depending on the specific products used to treat the seed. State rules vary in approach – but again, the MPCA retains oversight of any such requested uses in Minnesota. In addition, treated seed, and the resultant seed dust, are subject to solid waste regulations at local levels as well.

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

For the reasons stated herein, we respectfully urge you to oppose HF 766.

Sincerely,

Riley Titus

Director, State Government Relations

CropLife America

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(202)872-3856

Pat Miller

Director, State Affairs

American Seed Trade Association

pmiller@betterseed.org

(512) 259-2118

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.

Founded in 1883, the American Seed Trade Association (ASTA) is one of the oldest trade organizations in the United States. ASTA works on behalf of the seed industry to promote the research, development and movement of quality seed to meet the world's demand for food, feed, fiber and fuel.

Minnesota Crop Production Retailers

601 Carlson Parkway, Suite 450 | Minnetonka, MN 55305 | P: 763.235.6466
www.mcpr-cca.org

March 30, 2022

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

Re: **Opposition to House File 766**

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

We thank you for the opportunity to provide comments in **opposition** to **House File 766** as amended in the House Agriculture Finance & Policy Committee on March 28, 2022. Provisions in this amended version of the bill directs the Minnesota Department of Agriculture in consultation with Pollution Control Agency to develop and maintain consumer guidance regarding the proper use and disposal of seed treated with neonicotinoid pesticide, prohibits several disposal methods of treated seed, and requires rulemaking as it relates to the development of the consumer guide.

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 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 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, we once again thank you for the opportunity to provide comments in **opposition** to **House File 766**.

Sincerely,

Minnesota Crop Production Retailers
Bayer
Biotechnology Innovation Organization
Cooperative Network
Midwest Food Products Association
Minnesota AgriGrowth Council
Minnesota Corn Growers Association
Minnesota Farm Bureau
Minnesota Grain & Feed Association
Minnesota Soybean Growers Association
Syngenta