

HOUSE RESEARCH

Bill Summary

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Overview

This bill proposes several changes to the funding and administration of state pesticide and fertilizer regulatory activities. Affected programs include waste pesticide collection; the annual registration of nonagricultural fertilizer products; and the annual licensing of certain fertilizer manufacturers, suppliers, and applicators.

The Minnesota Department of Agriculture (MDA) collects unused agricultural and nonagricultural pesticide products via the waste pesticide collection program. Both the scope and funding of this program were debated during the last legislative biennium.

State law regulates the manipulation and distribution/sale of fertilizers. Only nonagricultural—or specialty—fertilizer products must be registered and pre-approved for sale in Minnesota. Licensure and reporting are required of a business that stores/sells bulk fertilizer for use on agricultural land; custom applies agricultural or turf fertilizer products; or manufactures, blends, or otherwise manipulates fertilizer.

Section

- 1 Implementation.** Modifies the waste pesticide collection program to allow the MDA to limit the type and quantity of waste pesticide accepted and charge pesticide end users a collection fee.
- 2 Disposal site requirement.** Modifies the waste pesticide collection program to a person collecting waste pesticide to record—for each product collected—the quantity collected and either the U.S. EPA pesticide product registration number or the product's name and active chemical ingredient(s). Requires the person to record this information on a standard MDA form.
- 3 Effective period.** Clarifies that fertilizer manufacturer/distributor/retailer/custom applicator licenses are valid for a calendar year and must be renewed before January 1.

4 Distributor's tonnage report.

Subdivision. 1. ~~Semiannual statement~~ Annual tonnage report. Changes the semiannual fertilizer quantity reporting requirement to an annual report due July 31 and reflecting the tonnage distributed during the previous calendar year. Clarifies that a custom applicator must submit a tonnage report unless the person only distributes fertilizer via custom application. Allows a person to report this information in a substitute format approved by the MDA. Clarifies that the person must report the number of net tons and grade of each raw fertilizer material distributed in the state. Eliminates the requirement that licensed entities who sell to the ultimate consumer submit records or invoices demonstrating that a person earlier in the fertilizer supply chain (e.g. a manufacturer or wholesaler) paid the required inspection fee.

Subd. 2. No change.

Subd. 3. Late annual report and inspection fee penalty. Increases the late penalty from \$25 to \$50. Authorizes the MDA to use its full agricultural chemical law enforcement powers to enforce the reporting and inspection fee requirements.

Subd. 4. ~~Responsibility for inspection fees.~~ Removes a provision stating that if more than one person is involved in the distribution of fertilizer, the person responsible for the inspection fee is the one who imports/manufactures/produces the fertilizer or who registers the specialty fertilizer/soil amendment/plant amendment.

Subd. 5. Verification of ~~statements~~ annual tonnage report. Technical change reflecting the move to annual reporting provided in subdivision 1 above.

5 Fee for late application. Clarifies that if a person fails to renew their annual license or product registration by December 31st, that person must pay a late fee in addition to the standard renewal fee. (The late fee remains unchanged at 50 percent of the applicable renewal fee.)

6 Payment of inspection fees fee. (a) Clarifies that a person must pay an inspection fee if they register and distribute a specialty (i.e. non-agricultural) fertilizer, soil amendment, or plant amendment in Minnesota. (b) States that a licensed fertilizer distributor, custom applicator, or manufacturer who distributes product to an unlicensed person is responsible for the inspection fee on that product unless the person distributes fertilizer only via custom application. (d) Requires a product registrant or a fertilizer licensee to retain for three years any invoices that substantiate the amount of product distributed and any inspection fees paid.