HOUSE RESEARCH

Bill Summary

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Authors: Anderson, P. and others

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Analyst: Colbey Sullivan

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Overview

This bill pertains to the pesticide control jurisdictions of the Minnesota Department of Agriculture (MDA) and the Minnesota Pollution Control Agency (MPCA).
In 2009, a federal court ruled that pesticides are a point source of pollution under the federal Clean Water Act (*National Cotton Council, et. al., v. United States Environmental Protection Agency*).
Beginning October 31, 2011, a pesticide applicator must obtain a National Pollutant Discharge Elimination System permit (NPDES) before applying chemical pesticides directly to, over, or near waters of the United States where excess or residual pesticide product ends up in the water.
In Minnesota, the federal government has delegated MPCA the authority to issue the federal NPDES permits. The MPCA, in cooperation with MDA and the Department of Natural Resources, is currently developing an NPDES/State Disposal System Pesticide General Permit.

1 **Aquatic application of pesticides.** Modifies water pollution control law by authorizing MPCA to issue NPDES permits for pesticide applications to waters of the United States if an NPDES is required by federal law. Prohibits MPCA from going beyond federal requirements and mandating an NPDES permit for other applications. Prohibits MPCA from regulating terrestrial (i.e. land) applications.

2 **Administration by commissioner.** Modifies pesticide control law to prohibit any other agency (e.g., MPCA) from regulating terrestrial applications.