

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1554

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Version: The delete everything amendment (H1554DE1)

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Subject: Agriculture policy

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Overview

The DE1 amendment would replace the contents of HF 1554, as introduced.

DE1 sections that differ from HF 1554 are sections 3 (from the H1554A1 amendment adopted by the Agriculture Policy committee on March 11), 4 (also from H1554A1), 7 (technical modification), 16 (modified), 17 (modified), 19 (HF 216, the first engrossment), and 20 (modified). HF 1554 sections not included in the DE1 are sections 6, 9, and 17-19.

Section

- 1** **Permitting efficiency goal and report.** Eliminates one of two permitting efficiency reports submitted by MDA to the legislature each year.
- 2** **Loans issued to borrower.** Doubles loan limits for the Agriculture Best Management Practices (AgBMP) loan program.
- 3** **Disposal site requirement.** Modifies the waste pesticide collection program statute by removing the requirement that collections are offered in every county. Modifies data gathering requirements so that only the weight of agricultural pesticides must be recorded.
- 4** **Cooperative agreements.** Removes the requirement that collections are offered in every county.
- 5** **Commercial and noncommercial applicators.** Modifies recordkeeping requirements for commercial and noncommercial pesticide applicators. Requires the applicator to record the application rate, rather than the dosage. Eliminates the applicator signature requirement. Eliminates page limits for records. Requires applicators to complete the record no more than

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five days after each pesticide application. Requires applicators to conspicuously post a complete application record after applying pesticide in a public building.

- 6 **Structural pest control applicators.** Modifies recordkeeping requirements for structural pest control applicators. Eliminates the applicator signature requirement. Eliminates the one-page limit for records. Requires applicators to complete the record no more than five days after each pesticide application. Requires applicators to conspicuously post a complete application record after applying pesticide in a public building.
- 7 **Incident response plan.** Requires a person required to obtain a license to store or produce bulk agricultural chemicals (i.e., fertilizer and/or pesticide) to prepare and maintain an incident response plan. Requires all persons required to develop and maintain a plan to include all information that MDA deems necessary to respond to an emergency incident. Requires MDA to make a sample incident response plan form available. Requires persons to update the plan every three years, or whenever plan information becomes outdated, whichever comes first. Also requires persons to review the plan with their employees at least once per year, make the plan available to local first responders, and document compliance with this requirement.
- 8 **Plan required.** Requires a person who sells or distributes bulk fertilizer to prepare an incident response plan. Establishes plan requirements substantially similar to the pesticide incident plan requirements in section 7. Provides that a person who prepares a pesticide incident response plan is not required to also maintain a separate fertilizer plan.
- 9 **Discontinuance of specialty fertilizer, soil amendment, and plan amendment registration.** Establishes requirements that apply when a registrant chooses to discontinue their registration for a specialty fertilizer, soil amendment, or plant amendment.
- 10 **Address.** Defines the term for purposes of labeling and permit application requirements in the Minnesota Seed Law.
- 11 **Total viable.** Defines the term for purposes of the Minnesota Seed Law and the following section.
- 12 **Content.** Modifies seed labeling requirements to require the heading of “total viable” for the label data representing the combined percentages of germination and hard seed or dormant seed.
- 13 **Hybrid seed corn.** Modifies hybrid seed corn labeling requirements so that the day classification is expressed as the number of growing season days that is within three days of the maturity rating determined by the University of Minnesota in comparative trials.
- 14 **Seed laboratory.** Establishes laboratory procedures for MDA’s testing of official seed samples to coincide with those published annually by the Association of Official Seed Analysts, or if procedures do not exist for a particular seed type, then MDA may use procedures from other recognized seed testing sources.
- 15 **Prohibited and restricted weeds.** Requires MDA to identify prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence of the latter.
- 16 **Exemption.** Exempts from seed law requirements people who share seeds for home, educational, charitable, or personal noncommercial use, subject to specified restrictions.

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- 17 Embargo, seizure, and condemnation.** Expands MDA's food embargo, seizure, and condemnation authority to include equipment and facilities. Authorizes MDA to halt or control the movement of food during an emergency declared by the governor, the Board of Animal Health, or the federal government.
- 18 Statement of grain storage; reports.** Modifies reporting requirements for public grain warehouses to include liability for grain in open storage or stored for feed processing.
- 19 Agritourism; immunity from liability.** Defines key terms and provides civil lawsuit immunity for agritourism professionals. An agritourism professional would not be liable for injury, damage, or death of a participant resulting from the inherent danger of farming, ranching, winemaking, and other agritourism activities. Immunity is provided whether the participant pays to participate in the agritourism activity or not.
- However, an agritourism professional would not be immune from lawsuits stemming from (1) the professional's negligence or willful or wanton disregard for the participant's safety, (2) the professional's failure to warn the participant about dangerous conditions or the dangerous propensity of a particular animal, (3) a professional intentionally injuring a participant, or (4) the professional failing to post a sign warning participants of the inherent risks of agritourism.
- Effective date:** This bill would be effective on August 1, 2015, and applies to actions arising from incidents occurring on or after that date.
- 20 Repealer.** Eliminates the existing requirement that persons keep fertilizer/soil amendment/plant amendment contingency response plans at the primary business site and furnish MDA with the plan upon request (§ 18C.235, subd. 2). Eliminates an existing labeling rule for hybrid corn that is substantially similar to the statutory language proposed in section 13 (Minn. Rule, part 1510.0111).