

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1554
Version: As introduced

DATE: March 11, 2015

Authors: Anderson, P. and others

Subject: Agriculture policy

Analyst: Colbey Sullivan

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Overview

This is Governor Dayton's omnibus policy bill for the Minnesota Department of Agriculture (MDA). The bill addresses such topics as agricultural chemicals (i.e., pesticide and fertilizer), seed, food safety, and grain storage.

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 **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 five days after each pesticide application. Requires applicators to conspicuously post a complete application record after applying pesticide in a public building.
- 4 **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.

Section

- 5 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 Requires persons to update the plan every three years, or whenever plan information becomes outdated, whichever comes first.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.
- 6 Requirements.** Requires a regulated entity to clearly mark or inform MDA in writing of any pesticide-related documents submitted to, or obtained by, MDA, if the entity believes that the documents contain trade secrets, commercial information, financial information, or proprietary information.
- 7 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 5. Provides that a person who prepares a pesticide incident response plan is not required to also maintain a separate fertilizer plan.
- 8 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.
- 9 Investigation authority.** Authorizes MDA to obtain photos, videos, or electronic data when performing an agricultural chemical investigation.
- 10 Address.** Defines the term for purposes of the Minnesota Seed Law.
- 11 Total viable.** Defines the term for purposes of the Minnesota Seed Law.
- 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.** Authorizes MDA to exempt qualifying seed sales or exchanges from specific seed labeling requirements. All labeling-exempt sales must have MDA approval. Establishes exemption denial and nullification standards.

Section

- 17** **Permits; issuance and revocation.** Requires initial labelers who sell native grasses and wildflower seeds in commercial or agricultural quantities to obtain the same permit and pay the same permit fee as initial labelers who sell vegetable, flower, and wildflower seed packed for use in home gardens or household plantings.
- 18** **Seed fee permits.** Increases seed permit fees and creates a new category for gross seed sales greater than \$1 million. The fee for this new category would be \$4,500. Increases the seed permit application fee. Increases the permit fee for agricultural seed and creates a specific soybean seed permit fee.
- 19** **Brand name registration fee.** Increases the seed brand name registration fee.
- 20** **Embargo, seizure, and condemnation.** Expands MDA's food embargo, seizure, and condemnation authority to include equipment and facilities.
- 21** **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.
- 22** **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 the June 30, 2015 expiration date for the Agricultural Growth, Research, and Innovation program (§ 41A.12, subd. 4).