

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 1594

(SENATE AUTHORS: MURPHY)

DATE
03/01/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Agriculture and Rural Development Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; making policy changes related to treated seed; requiring
1.3 treated seed enrollment; amending Minnesota Statutes 2020, sections 18B.01,
1.4 subdivisions 8, 31, by adding subdivisions; 18B.03, subdivisions 1, 4; 18B.04;
1.5 18B.305, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.6 chapter 18B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2020, section 18B.01, subdivision 8, is amended to read:

1.9 Subd. 8. **Distribute.** "Distribute" means offer for sale, sell, barter, ship, deliver for
1.10 shipment, receive and deliver, and offer to deliver pesticides or treated seed in this state or
1.11 into this state.

1.12 Sec. 2. Minnesota Statutes 2020, section 18B.01, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 30b. **Treated seed.** "Treated seed" means seed that has an agricultural pesticide
1.15 directly applied to the seed before planting and classified by the United States Environmental
1.16 Protection Agency as a "treated article or substance" under Code of Federal Regulations,
1.17 title 40, section 152.25(a).

1.18 Sec. 3. Minnesota Statutes 2020, section 18B.01, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 30c. **Treated seed dealer.** "Treated seed dealer" means a person who distributes
1.21 treated seed in the state or into the state to a treated seed end user.

2.1 Sec. 4. Minnesota Statutes 2020, section 18B.01, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 30d. **Treated seed distributor.** "Treated seed distributor" means a person that
2.4 applies an agricultural pesticide to seed and who distributes treated seed in the state or into
2.5 the state.

2.6 Sec. 5. Minnesota Statutes 2020, section 18B.01, is amended by adding a subdivision to
2.7 read:

2.8 Subd. 30e. **Treated seed end user.** "Treated seed end user" means a person who plants
2.9 or intends to plant treated seed. A treated seed end user does not include a treated seed
2.10 dealer or a treated seed distributor.

2.11 Sec. 6. Minnesota Statutes 2020, section 18B.01, subdivision 31, is amended to read:

2.12 Subd. 31. **Unreasonable adverse effects on the environment.** "Unreasonable adverse
2.13 effects on the environment" means any unreasonable risk to humans or the environment,
2.14 taking into account the economic, social, and environmental costs and benefits of the use
2.15 of any pesticide or treated seed.

2.16 Sec. 7. Minnesota Statutes 2020, section 18B.03, subdivision 1, is amended to read:

2.17 Subdivision 1. **Administration by commissioner.** The commissioner shall administer,
2.18 implement, and enforce this chapter and the Department of Agriculture is the lead state
2.19 agency for the regulation of pesticides and treated seed. The commissioner has the sole
2.20 regulatory authority over the terrestrial application of pesticides, including, but not limited
2.21 to, the application of pesticides to agricultural crops, structures, and other nonaquatic
2.22 environments. Except as provided in subdivision 3, a state agency other than the Department
2.23 of Agriculture shall not regulate or require permits for the terrestrial or nonaquatic application
2.24 of pesticides.

2.25 Sec. 8. Minnesota Statutes 2020, section 18B.03, subdivision 4, is amended to read:

2.26 Subd. 4. **Pollinator enforcement.** The commissioner may take enforcement action under
2.27 chapter 18D for a violation of this chapter, or any rule adopted under this chapter, that results
2.28 in harm to pollinators, including but not limited to the use of treated seed, applying a pesticide
2.29 in a manner inconsistent with the pesticide product's label or labeling and resulting in
2.30 pollinator death or willfully applying pesticide in a manner inconsistent with the pesticide

3.1 product's label or labeling. The commissioner must deposit any penalty collected under this
3.2 subdivision in the pesticide regulatory account in section 18B.05.

3.3 Sec. 9. Minnesota Statutes 2020, section 18B.04, is amended to read:

3.4 **18B.04 PESTICIDE IMPACT ON ENVIRONMENT.**

3.5 (a) The commissioner shall:

3.6 (1) determine the impact of pesticides on the environment, including the impacts on
3.7 surface water and groundwater in this state;

3.8 (2) develop best management practices involving pesticide or treated seed distribution,
3.9 storage, handling, use, and disposal; and

3.10 (3) cooperate with and assist other state agencies and local governments to protect public
3.11 health, pollinators, and the environment from harmful exposure to pesticides or treated seed.

3.12 (b) The commissioner may assemble a group of experts under section 16C.10, subdivision
3.13 2, to consult in the investigation of pollinator deaths or illnesses. The group of experts may
3.14 include representatives from local, state, and federal agencies; academia, including the
3.15 University of Minnesota; the state pollinator bank; or other professionals as deemed necessary
3.16 by the commissioner. The amount necessary for the purposes of this paragraph, not to exceed
3.17 \$100,000 per fiscal year, is appropriated from the pesticide regulatory account in section
3.18 18B.05.

3.19 (c) The commissioner may engage the University of Minnesota and others in conducting
3.20 research and demonstration projects related to treated seed, and developing recommended
3.21 best management practices for the use of treated seed.

3.22 Sec. 10. Minnesota Statutes 2020, section 18B.305, subdivision 1, is amended to read:

3.23 Subdivision 1. **Education and training.** (a) The commissioner, as the lead agency, shall
3.24 develop, implement or approve, and evaluate, in consultation with University of Minnesota
3.25 Extension, the Minnesota State Colleges and Universities system, and other educational
3.26 institutions, innovative educational and training programs addressing pesticide and pest
3.27 management concerns including:

3.28 (1) water quality protection;

3.29 (2) endangered species protection;

3.30 (3) minimizing pesticide residues in food and water;

- 4.1 (4) worker protection and applicator safety;
- 4.2 (5) chronic toxicity;
- 4.3 (6) integrated pest management and pest resistance;
- 4.4 (7) pesticide disposal;
- 4.5 (8) pesticide drift;
- 4.6 (9) treated seed;
- 4.7 ~~(9)~~ (10) relevant laws including pesticide labels and labeling and state and federal rules
- 4.8 and regulations;
- 4.9 ~~(10)~~ (11) current science and technology updates; and
- 4.10 ~~(11)~~ (12) thresholds and guidance to reduce the impacts of insecticide on pollinators.
- 4.11 (b) The commissioner shall appoint educational planning committees which must include
- 4.12 representatives of industry and applicators.
- 4.13 (c) Specific current regulatory concerns must be discussed and, if appropriate,
- 4.14 incorporated into each training session. Relevant changes to pesticide product labels or
- 4.15 labeling or state and federal rules and regulations may be included.
- 4.16 (d) The commissioner may approve programs from private industry, higher education
- 4.17 institutions, and nonprofit organizations that meet minimum requirements for education,
- 4.18 training, and certification.

4.19 Sec. 11. **[18B.306] TREATED SEED DISTRIBUTOR ENROLLMENT AND**

4.20 **REPORTING.**

4.21 Subdivision 1. Requirement. (a) A treated seed distributor must not distribute treated

4.22 seed for use in the state without first enrolling with the commissioner pursuant to subdivision

4.23 4.

4.24 (b) Each location or place of business from which a treated seed distributor distributes

4.25 treated seed for use in the state is required to have a separate treated seed distributor

4.26 enrollment.

4.27 Subd. 2. Exemption. A person who is a treated seed dealer or treated seed end user

4.28 under this chapter is exempt from the requirement of subdivision 1.

4.29 Subd. 3. Enrollment. A treated seed distributor's enrollment certification:

5.1 (1) is issued by the commissioner upon receipt and review of a completed initial or
5.2 renewal application;

5.3 (2) is valid for one year and expires on January 31 of each year;

5.4 (3) is not transferable from one location or place of business to another location or place
5.5 of business; and

5.6 (4) must be maintained at the treated seed distributor's place of business.

5.7 Subd. 4. **Application.** (a) A person must apply for enrollment of a treated seed distributor
5.8 location to the commissioner on forms and in a manner approved by the commissioner.

5.9 (b) The applicant must be the person in charge of each location or place of business from
5.10 which treated seed is distributed for use in the state.

5.11 (c) The commissioner may require that the applicant provide other information considered
5.12 pertinent by the commissioner.

5.13 (d) An enrolled treated seed distributor who changes the distributor's name, address, or
5.14 place of business must immediately notify the commissioner of the change.

5.15 (e) Beginning January 31, 2023, an application for renewal of a treated seed enrollment
5.16 is complete only when a satisfactory report under subdivision 6 is received by the
5.17 commissioner.

5.18 Subd. 5. **Records.** A person enrolled as a treated seed distributor must maintain for five
5.19 years at the person's principal place of business accurate records of distributions for use in
5.20 the state of treated seed, including those of its branch locations. The records shall be made
5.21 available for audit under this chapter and chapter 18D.

5.22 Subd. 6. **Report of treated seed distribution to commissioner.** A person who is a
5.23 treated seed distributor who distributes for use in the state treated seed shall, no later than
5.24 January 31 of each year, report to commissioner the amount and type of each agricultural
5.25 pesticide used to produce treated seed distributed for use in the state. The commissioner
5.26 shall specify the form of the report or approve the method for submittal of the report and
5.27 may require additional information deemed necessary to determine the amount and type of
5.28 agricultural pesticide annually distributed for use in the state. The information required shall
5.29 include the brand names, United States Environmental Protection Agency registration
5.30 numbers, and amount of each agricultural pesticides applied to treated seed distributed for
5.31 use in the state. The information collected, if made public, shall be reported in a manner
5.32 that does not identify a specific brand name in the report.