



To: SF780 Agriculture Omnibus Bill Conference Committee Members

April 25, 2017

Dear Agriculture and Housing Appropriations Omnibus Bill Conferees:

On behalf of the undersigned organizations and their hundreds of thousands of Minnesota members, we would like to highlight a number of provisions in the Omnibus Agriculture and Housing Appropriations Bill (SF780) that are of great concern and interest for the environment and conservation communities.

**We urge you to support amendments to SF 780 on the following three provisions.**

**Forever Green:**

- **Adopt the Senate's position of \$296,000 in funding to the Minnesota Department of Agriculture (MDA) to support this University of Minnesota Initiative;**  
(Lines 13.25 – 13.35)
- **Add funding for this priority to restore it to \$2 million; and**
- **Remove rider "onetime" appropriation language.** (Line 13.33)

Ongoing funding for long-term research on the development of high-efficiency smart cropping systems is required. Since 2014, the Legislature has provided one-time funding to the University of Minnesota's Forever Green Initiative, which has been effective in the first stages of developing Minnesota's next generation crops, such as perennial crops like Kernza and cover crops like pennycress. These prevent runoff into lakes, rivers and streams with their long root systems and by providing continuous living cover to the land. They also improve soil quality by replenishing their own nutrients and don't require extensive fertilization. In addition, many of the crops being developed have forage value, helping get more livestock back on the land in ways that improve water quality.

Key to this program's success, however, is ongoing funding to do the necessary research over multiple growing seasons. This public investment is needed to produce the public good of clean water and healthy soils.

## **Pesticide Label Compliance:**

- **Remove Senate language undermining MDA’s fundamental authority to ensure pesticides are used safely and according to their labels.** (Lines 15.21-15.25)

We are deeply concerned that the Senate language will undermine a cornerstone of the Minnesota Department of Agriculture’s (MDA) enforcement authority and hamper the agency’s ability to protect the health and livelihoods of Minnesota farmers and residents.

Specifically (lines 15.21-15.25):

*Label compliance. Unless explicitly required by the FIFRA [Federal Insecticide, Fungicide, and Rodenticide Act], the [MDA] commissioner must not require an applicator to demonstrate label compliance or need prior to applying a pesticide.*

Because, in Minnesota, “the label is the law”—or the place where the specific use requirements for a pesticide are found—this language may prevent MDA from enforcing fundamental aspects of the state’s pesticide law. For example, it may be read to prevent MDA from requiring pesticide applicators to demonstrate basic competency for certification or from denying licenses to repeat violators. At the very least, because it is somewhat vague, this new language will encourage costly litigation against MDA, even in response to commonplace enforcement actions.

This language has major implications which have not been adequately addressed. It applies to all pesticides, not just neonicotinoid insecticides (neonics). Minnesotans—especially rural residents, farmers, pesticide applicators, and beekeepers—depend on MDA to ensure that pesticides are used safely and according to the label. Undercutting the department’s ability to do that job could have high costs for Minnesotans.

## **Pollinator Protection Account:**

- **Restore MDA’s proposed language and funding**

As introduced, SF 780 provided for the protection of Minnesota’s pollinators through the creation and funding of the Pollinator Protection Account as proposed by MDA after its two-year review of neonicotinoids. The language as introduced included a \$1 million general fund appropriation of:

- \$500,000 the first year and \$500,000 the second year, and would transfer to the pollinator protection account in the agricultural fund.

As introduced, SF 780 also included this corresponding language:

Minnesota Statutes 2016, section 18B.05, is amended to read:

### **18B.05 PESTICIDE REGULATORY ACCOUNT.**

**Subdivision 1. Establishment.** A pesticide regulatory account is established in the agricultural fund. Fees, assessments, and penalties collected under this chapter, except for fees collected under section 18B.26, subdivision 3, paragraphs (m) and (n), must be deposited in the agricultural fund and credited to the pesticide regulatory account. Money in the account, including interest, is appropriated to the commissioner for the administration and enforcement of this chapter and up to \$20,000 per fiscal year may also be used by the commissioner for purposes of section [18H.14](#), paragraph (e).

**Sec. 3. [18B.051] POLLINATOR PROTECTION ACCOUNT.**

A pollinator protection account is established in the agricultural fund. Fees collected under section 18B.26, subdivision 3, paragraphs (m) and (n), must be deposited in the agricultural fund and credited to the pollinator protection account. Money in the account, including interest, is appropriated to the commissioner for the administration of pollinator protection from potential negative impacts from pesticides and may include supporting research, education campaigns, and development of economic thresholds or stewardship materials, and for grants for research, implementation, and educational activities.

Minnesota Statutes 2016, section 18B.26, subdivision 3, is amended to read:

.....(m) For agricultural and nonagricultural pesticide products labeled for an outdoor use and containing a bee-toxic pesticide, registrants shall pay an additional annual pollinator protection registration application fee of \$150. The fee is due by December 31 preceding the year for which the application for registration is made. The fee is nonrefundable. (n) An additional fee of 50 percent of the pollinator protection registration application fee must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

This account would fund integrated pest management research, outreach, and education to reduce pollinator exposure to harmful pesticides. The account, however, was dropped from the bill in the committee process.

The House bill does allocate \$500,000 in funding for the University of Minnesota to carry out research on pollinator habitat, and we support this as a small but important first step toward better understanding and remedying the current bee crisis. (Lines 2.14 – 2.17; 25.8 – 25.12) The University funding, however, is not a replacement for the Pollinator Protection Account, which would identify opportunities to reduce the use of pesticides that harm pollinators without jeopardizing farmer success. We urge the conference committee to fund *both* the Pollinator Protection Account and habitat research at the University of Minnesota.

Thank you for your consideration.



Steve Morse  
Minnesota Environmental Partnership

Alliance for Sustainability  
Audubon Chapter of Minneapolis  
Center for Biological Diversity  
Clean Water Action  
CURE (Clean Up the River Environment)  
Friends of Minnesota Scientific & Natural Areas  
Friends of the Boundary Waters Wilderness  
Friends of the Cloquet Valley State Forest  
Friends of the Mississippi River  
Institute for Local Self Reliance  
Izaak Walton League – Minnesota Division  
Land Stewardship Project  
League of Women Voters Minnesota

Lower Phalen Creek Project  
Minnesota Center for Environmental Advocacy  
Minnesota Conservation Federation  
Minnesota Native Plant Society  
Minnesota Ornithologists Union  
Minnesota River Valley Audubon Chapter  
MN350  
Pesticide Action Network  
Pollinate Minnesota  
Renewing the Countryside  
Save Our Sky Blue Waters  
Transit for Livable Communities

