

March 22, 2021

Testimony in Support of HF 766

The Xerces Society for Invertebrate Conservation (Xerces Society) is pleased to support HF 766. As a conservation organization that works directly with farmers, we are well versed in the importance of balancing pest management strategies and environmental protections.

Wild pollinators are facing precipitous declines: 28% of North American bumble bee species are at risk of extinction, including the rusty-patched bumble bee—a federally listed species that has declined in abundance by over 90% but is still hanging on in some areas of MN. Similarly, roughly 17% of North American butterflies are at risk of extinction. The eastern monarch population has declined by 26% since last year alone, and formerly-common butterflies like the Poweshiek skipperling have been recently lost from the state.

HF 766 requires adding a caution statement to neonicotinoid treated seed labels noting their risk to pollinators. Neonicotinoids are a priority concern for pollinators because they are long-lived, highly toxic, and systemic (they move into plant tissue, including pollen and nectar). In addition, neonicotinoids are increasingly prevalent in our landscape; it is estimated that more than 90% of corn and roughly $\frac{2}{3}$ of soybean seed in the US are coated with neonicotinoids. **Despite their widespread use, treated seeds fall outside of federal pesticide regulations due to a loophole that exempts them from being regulated as pesticides (“treated article exemption”).** Pollinators are faced with numerous pathways for neonicotinoid exposure, including uptake into crop or non-crop plants, soil contamination, dust-off at planting, and movement through waterways into off-field areas. “Disposal” in ethanol facilities is another pathway for neonicotinoid contamination from treated seed that has recently come to light.

In response to severe neonicotinoid contamination at and around an ethanol plant in Nebraska that processes treated seed, **HF 766 prohibits the use of treated seed in ethanol production.** Processing treated seed into ethanol in Nebraska resulted in highly contaminated wastewater and distillers grain byproducts, with neonicotinoid concentrations up to 554,000 ppb—far above levels that can harm pollinators or aquatic species (invertebrates can be negatively affected at levels as low as 1 ppb). This extensive contamination has been linked to bee die-offs and illnesses in local pets and wildlife.

Although ethanol processing is an inappropriate disposal method for treated seed, this activity has been sanctioned by seed companies in industry guides that advise farmers and seed dealers on how to handle excess treated seed. Clearly, this guidance is inadequate to prevent disasters on this scale. **Because treated seed is exempted from federal pesticide regulation, a similar situation could arise in Minnesota if this activity is not expressly prohibited.** HF 766 does just that, and also calls for the seed industry to create a product stewardship program to collect excess seed. **This**

product stewardship program for treated seed would help address the potential harms from inappropriate disposal without placing a burden on farmers. These programs have been implemented successfully to deal with other challenging waste categories, including some types of electronic waste.

Unfortunately, the impacts of neonicotinoid treated seed can extend far beyond its use in fields, and there are heavy costs from the growing trend of planting seeds pretreated with systemic insecticides. **HF 766 is a small, but critical, step forward to reduce the risk that treated seed can pose to pollinators and communities across Minnesota, and the Xerces Society is pleased to support the bill.**

Sincerely,

Sarah Hoyle, Pesticide Program Specialist

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Background on the Xerces Society

The Xerces Society is an international nonprofit organization that protects wildlife through the conservation of invertebrates and their habitat. We are based in Oregon and have offices throughout the United States, including in Minnesota. The Xerces Society is a global leader in pollinator conservation. The Society's work is based on the latest science and is increasingly recognized as the standard for pollinator conservation by organizations such as the United Nations Food and Agriculture Organization, the U.S. Department of Agriculture's Natural Resources Conservation Service, the organic and natural foods industry, and farmers and farm organizations across the United States and abroad.