

Minnesota House of Representatives,
Agriculture Finance and Policy Committee

Testimony in Support of Select Items in Omnibus Bill HF 1524 DE2

Sarah Foltz Jordan, Senior Pollinator Conservation Specialist
Sarah Hoyle, Pesticide Program Specialist
The Xerces Society for Invertebrate Conservation

April 6th, 2021

The Xerces Society supports three pesticide-related items that offer targeted steps forward for pollinators and farmers: Article 2, Sections 9, 10 and 11 (parts of HF 766); HF 670; and HF 450.

We work with farmers across Minnesota to identify pollination and pest control needs, create habitat, and mitigate pesticide impacts to pollinators. These farmers range from fruit growers in need of pollination services, to large row crop farmers committed to supporting wildlife on marginal lands, to livestock operations interested in bringing in more forage for bees to their pasture & rangeland. **As an organization working directly with farmers, we are well-versed in the importance of balancing pest management and wildlife conservation.**

North America's wild pollinators are facing precipitous declines: 28% of our bumble bee species are at risk of extinction, most notably the rusty-patched bumble bee - formerly one of MN's most common bumble bees and now lost from 87% of its range. Similarly, roughly 17% of butterflies are threatened with extinction, including the well-known monarch butterfly, which has declined in numbers by ~90% since the 1990s.

Pollinators need both habitat and protection from pesticides. Habitat goals tend to be non-controversial and it can be tempting to focus solely on creating habitat. But if habitat isn't protected from harmful pesticide contamination, it is not truly supporting pollinator conservation. We need to focus on both habitat increases and pesticide reduction.

The following language in HF 1524 DE2 offers targeted steps forward for pollinators and farmers.

Article 2, Sections 9, 10 and 11 (parts of HF 766) would add a caution statement to neonicotinoid treated seed labels noting their risk to pollinators, and prohibit certain disposal methods, including disposal of excess unplanted seed in ethanol plants.

Neonicotinoid insecticides, or neonics, are a priority concern for pollinators because they are long-lived, highly toxic, and systemic. They are also very prevalent in our landscape, as they are applied to the vast majority of corn and soybean seed planted. Neonics can have both lethal and sublethal impacts on pollinators, including direct mortality, impaired navigation, reduced growth and reproduction, and other issues. Pollinators are faced with numerous pathways for

neonicotinoid exposure from treated seed, including uptake into crop or non-crop plants, soil contamination, dust-off at planting, and movement through waterways into off-field areas.

Clearly, planting of neonic-treated seed poses risk to pollinators. In addition, another risk that recently came to light relates to the **disposal** of neonic-treated seed in ethanol plants. In an ethanol plant in Nebraska, neonicotinoids were found in contaminated wastewater and distillers grain at up to 554,000 parts per billion. For reference, neonics can harm invertebrates at levels as low as 1 part per billion. **Because treated seed is exempted from federal pesticide regulation, a similar situation could arise in Minnesota if this activity is not expressly prohibited.** The proposed language does just that.

When HF 766 was moved to the omnibus bill, two important pieces of the bill were removed. **We ask that these pieces be restored in an Amendment.**

1) We ask that rules be created for proper disposal of unused or unwanted treated or coated seed. This language (“rulemaking required”) was included in an earlier version of the bill (HF 766) but removed from HF 1524. Current industry guidance on treated seed disposal includes a variety of methods, including processing in ethanol facilities. Many of these disposal methods are likely to lead to pesticide contamination around the disposal site. The proposed language in this omnibus bill prohibits a few disposal methods (burial near water sources, composting, and incineration in dwellings). **However, there are many other industry-promoted disposal methods that pose risks to pollinators and communities in Minnesota.** For example, burying seed in non-crop areas, such as woods or wild areas, is completely permissible, as is planting excess seed on field borders, which are often used as wildlife or pollinator habitat. In addition, burning seed anywhere other than a home or dwelling would also be allowed under the current language. The hazards and risks from all of these disposal methods are unknown. **Simply prohibiting a few disposal methods doesn’t ensure that treated seeds will be disposed of safely; rulemaking is required to address this issue.** We ask that this language be reinstated in an Amendment.

2) We ask that the seed industry be required to create a product stewardship program to address disposal of excess (unplanted) treated seed. A stewardship program would help ensure that excess treated seed is handled appropriately without placing a burden on farmers or seed dealers. This program might also lead the industry to consider eventual disposal costs in their production costs, hopefully limiting the quantity of excess seed that must be disposed of each growing season. This “product stewardship program” language was included in an earlier version of the bill (HF 766), but removed from HF 1524. We ask that this language be reinstated in an Amendment.

The following two bills were heard in committee but not included in the omnibus bill HF 1524. We urge that these bills be added as Amendments to HF 1524:

HF 670 is a state ban on the highly toxic pesticide, chlorpyrifos. A 2016 assessment by EPA found no known safe level for human exposure. A Biological Evaluation completed by EPA in conjunction with federal wildlife agencies found that chlorpyrifos is likely to adversely affect 97% of all species listed under the Endangered Species Act. EPA was poised to ban all food uses of chlorpyrifos, but the last administration cancelled the proposal at the last minute. This action came despite years of research showing harm. HF 670 follows the guidance from federal scientists by banning chlorpyrifos, a chemical with years of research demonstrating severe and irreversible harm to human health and the environment.

HF 1450 would increase the gross sales fee by 0.1% to create a program at MDA to compensate for damages caused by dicamba drift. Damage from dicamba to both crop lands and natural areas can be extensive, as this herbicide can move long distances and injure plants at very low rates. The level of injury to sensitive plants has been unprecedented since the adoption of new herbicide-resistant technologies that allow for the use of this volatile herbicide to continue later into the growing season, when temperatures are higher and dicamba is more likely to volatilize and move off-site. Providing compensation for damages caused is an important step to address this critical issue.

Unfortunately, the impacts of pesticides can extend far beyond their use in fields, and there can be heavy costs to pollinators and other non-target wildlife. These bills offer small, but critical, steps forward to reduce the risk pesticides pose to pollinators and farming communities across Minnesota. **We urge you to support these bills.**

Thank you,
Sarah Foltz Jordan
Sarah Hoyle

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 have offices throughout the United States, including in Minnesota. The Xerces Society is a global leader in pollinator conservation. With 24 technical and support staff working on pollinator conservation issues, Xerces has the largest pollinator conservation team worldwide. 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 White House, the U.S. Department of Agriculture's Natural Resources Conservation Service, members of the U.S. Congress, the organic and natural foods industry, and the sustainable agriculture community, including farmers and farm organizations from across the United States and abroad. Our work has led to 1.25 million acres of pollinator habitat restored on farms over the last decade, including 350,000 acres in the last year. Through our Bee City USA initiative, more than 200 city and campus communities are improving habitat for pollinators and spreading awareness about these essential animals. We have also conducted hundreds of workshops and short courses on native pollinators; over 21,000 people have learned how to conserve invertebrates through our outreach and education programs.