



May 9, 2022

Chair Bill Ingebrigtsen
Senate Environment and Natural Resources
Finance Committee
3207 Minnesota Senate Building
St. Paul, MN 551155

Chair Rick Hansen
House Environment and Natural Resources
Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

Dear Chair Ingebrigtsen, Chair Hansen and members of the conference committee,

The Minnesota Corn Growers Association (MCGA) appreciates the opportunity to submit written testimony on specific provisions included in the omnibus Environment and Natural Resources supplemental finance and policy bill. MCGA represents nearly 6,500 dues-paying corn farmer members and the research and education activities of 24,000 Minnesota corn farmers who contribute to the corn checkoff program.

MCGA Supports

- Disallowance of the enforcement of unadopted rules (Senate). MCGA strongly supports the provisions that prohibit both the Minnesota Pollution Control Agency and the Department of Natural Resources from enforcing any standard, guidelines or other provisions that have not gone through the formal rulemaking process.
- Clarification on when a mandatory Environmental Assessment Worksheet is required (Senate). MCGA strongly supports the provision included in Article 2 Section 60 of the Senate bill clarifying that an Environmental Assessment Worksheet is not required for drainage repair projects when the affected waters are not listed on the public waters inventory. This will help bring certainty to farmers and local jurisdictions as they work to maintain and repair drainage systems.

MCCA Opposes

- Treated Seed Disposal Consumer Guidance (House). Without direction from the Legislature, the Minnesota Pollution Control Agency (MPCA) has recently published guidance¹ on treated seed disposal. This action not only raises questions about the MPCA's authority to publish this guidance but also renders these provisions directing and appropriating funds for consumer guidance to the Department of Agriculture, within the environment bill, completely unnecessary. This guidance also states that treated seed should not be used for ethanol production, something that does not happen in Minnesota, nor that treated seed

¹ MPCA. April 2022. Treated seed disposal guidance. <https://www.pca.state.mn.us/sites/default/files/w-hw4-51.pdf>

should be buried with the exception being at solid waste disposal sites. This guidance appears to already address the language that is included in article 2 section 5 and article 2 section 52 of the House bill.

- Treated Seed Disposal Rulemaking (House). The Minnesota Department of Agriculture is the Minnesota state agency with authority to enforce pesticides through the Federal Insecticide, Fungicide, and Rodenticide Act. MPCA lacks the authority to conduct rulemaking around the disposal of treated seeds. Further, the MPCA guidance document on treated seed disposal already declares that “treated seeds that will not be used by planting is regulated by the MPCA” and that “treated seeds that will not be used by planting are considered industrial solid wastes in Minnesota.” It appears that MPCA is already looking to enforce rules for treated seed disposal without the authority to do so or conducting a rulemaking process.
- Drainage Registry Portal (House). Maintenance and repair of drainage systems is necessary from time-to-time and holding up non-petitioned projects for an entire month for seemingly no reason slows down local jurisdiction's ability to make timely repairs needed to drainage systems. MCGA is a member of the Drainage Work Group (DWG). Drainage law is a complex topic, and it would be most appropriate for a proposal to establish a public, searchable drainage registry to be discussed by the DWG, which strives to make decisions by consensus among a broad set of drainage related stakeholders. There are numerous examples of proposed drainage-related bills that have been deferred to the DWG and we would support a similar path for this proposed provision.
- Soil Health Goals (House). MCGA supports a wide variety of voluntary strategies to increase soil health across the state. Rather than legislating unattainable goals, that will inevitably become requirements, the legislature should give farmers the flexibility to look at practices that may work best for them rather than restricting a discrete number of practices that they will be allowed to use to increase soil health in Minnesota. There are soil health proposals in the agriculture and housing supplemental finance bill that MCGA supports.

If you or your staff have any questions, please feel free to reach out to MCGA’s Senior Public Policy Director Amanda Bilek at 952-460-3604 or at abilek@mncorn.org. We are always happy to answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Bryan Biegler". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Bryan Biegler
President
Minnesota Corn Growers Association