



February 23, 2021

Representative Rick Hansen, Chair
House Committee on Environment, Natural Resources Finance and Policy
100 Dr. Martin Luther King Jr. Blvd
St. Paul, MN

RE: HF 718, City Adoption of Pesticide Control Authorized

Chair Hansen, Members of House Committee on Environment and Natural Resources Finance and Policy:

Thank you for the opportunity to submit testimony on HF 718, which would remove existing state authority that ensures safe and consistent regulatory standards for pesticides in the state. We **Opposes HF 718** a bill that would weaken the state's ability to effectively regulate pesticides in Minnesota.

Pesticides in Minnesota are registered and regulated by the Minnesota Department of Agriculture. These regulations enforced by the Department of Agriculture ensure safe and proper pesticide use in the state through registration of pesticides, licensing of pesticide applicators, and through research and enforcement activities. Uniform state law comprehensively regulates virtually every other aspect of labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the state.

State regulation of pesticides also ensures uniformity with federal regulation, and between states and their municipalities to avoid confusion that may endanger public health or the environment from differing requirements. HF 718 would remove this authority and weaken important standards, increase costs to Minnesotans due to a patchwork of compliance and additional needed resources, and create confusion and the potential for endangering people and natural resources.

Pesticides are important public health and environmental tools, protecting people, pets, and property from pests and insect-borne diseases, invasive and non-native plants, and providing safe and healthy places to live, work and play. Pesticides play an important role in agriculture and IPM (Integrated Pest Management). Crop protection tools and technologies are vital to protect farmers' crops and enable farmers to grow more food using less land and resources, therein protecting farmers investments, and making food more affordable.

Pesticides are rigorously reviewed, evaluated, and approved for sale and use at the state and federal levels on an ongoing basis, ensuring they meet the most current scientific and safety standards. The manufacture, sale, and use of pesticides is extensively regulated by the Minnesota Department of Agriculture, and U.S. Environmental Protection Agency. HF 718 not only weakens this regulatory oversight, public health, and environmental standards, but could create a patchwork of unworkable rules, and cause marketplace confusion.

Pesticides are among the most highly regulated products in the nation. Overriding the authority of the Department of Agriculture would create a patchwork of local rules and regulations across the 107 Home Rule cities and the 746 Statutory cities. HF 718 removes this authority therein weakening public health and safety standards, environmental protection for harmful and invasive insect and plant species, consistency in regulation and labeling of products, and other licensing and training standards currently set forth and implemented by the state. This would create a patchwork of unworkable rules, cause marketplace confusion, as well as removing enforceability for state and local governments to act swiftly in the case of public health emergency or pest outbreak. Both state and Federal pesticide regulatory agencies have significant staff resources devoted to reviewing and understanding proper uses, risks, and benefits of pesticides before registering them for use.

Thank you for the opportunity to comment on this matter as the Committee undertakes its deliberations about pesticide authority in Minnesota. Please contact us if you have any questions about these comments.

Sincerely,

Jon Gaeta
JGaeta@pestfacts.org
Director, State Affairs
4201 Wilson Blvd. Suite 700
Arlington, VA 22203

Riley Titus
RTitus@croplifeamerica.org
Director, State Government Affairs
4201 Wilson Blvd. Suite 700
Arlington, VA 22203

RISE (Responsible Industry for a Sound Environment) is the national trade association representing manufacturers, formulators, distributors and other industry leaders engaged with specialty pesticides.

CropLife America (CLA) is the national trade association that represents the manufacturers, formulators and distributors of pesticides. CLA's member companies produce, sell and distribute virtually all the vital and necessary crop protection and biotechnology products used by farmers, ranchers and landowners.



February 18, 2021

Representative Samantha Vang
Representative Rick Hansen, Chair
House Environmental and Natural Resources Finance and Policy Committee
Committee Members
St. Paul, MN 55155

Re: Minnesota Pest Management Association – Opposition to HF 718

Dear Representative Samantha Vang, Representative Rick Hansen, and Committee Members

The Minnesota Pest Management Association (MPMA), the only trade group for structural pest management companies or “pest control” companies in Minnesota, appreciates the opportunity to provide our thoughts on HF 718. MPMA member companies manage pests, including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings because they bite, sting, contaminate, damage, infest, spread disease, create fear, and cause fires. MPMA members are committed to providing essential and quality pest management services that protect public health, food, and property.

MPMA opposes HF 718 and we ask that you do too.

HF 718 – Overview

We respectfully request that HF 718 not be scheduled for a hearing as written. HF 718 would allow all 853 statutory and home rule charter cities in Minnesota to enact an ordinance that sets their own licensing, penalty, and enforcement provisions regarding pesticides. Additionally, HF 718 would allow these 853 municipalities to ban the outdoor use of many pesticide products that are used to protect public health and property by our licensed structural pest management professionals. MPMA acknowledges the importance of pollinator health and applauds the sponsors for their dedication to protecting pollinators. However, we do not follow the logic that local governments regulating pesticides and issuing duplicative licenses will result in pollinator protection. We encourage the sponsors to not give up and consider other policy solutions that can be implemented statewide and will be more effective for pollinator protection.

Professional Structural Pest Control Pesticide Applications Are Unlikely to Impact Pollinators

It is known that structural pest control uses of pesticides and neonicotinoid pesticides, which is one of the main classes of pesticides impacted by HF 718, are unlikely to pose a threat to pollinators, as a recent Cornell University study on neonicotinoid pesticides illustrates: **“Negligible risk to pollinators from household pest control and antiparasitic uses... Such applications are unlikely to lead to substantial exposure for insect pollinators.”**¹

MPMA stresses the impact that the structural pest management industry has on pollinators is nominal. The content in HF 718 does not currently reflect this reality. Pesticide risks to pollinators are not only focused on the toxicity of a chemical but also the potential for exposure. Structural pest control is very unlikely to lead to exposure. Similarly, exterior treatments applied to the structure and other areas around the structure are also unlikely to result in significant exposure. MPMA members support, teach, and implement Best Management Practices (BMPs) developed by the National Pest Management Association, which greatly increases the ability of our members to safely use pesticides in a manner that doesn't impact pollinators.² In addition, MPMA for decades has consistently receives more industry training than MDA requires, at our request, so that our industry can protect health, property, and the environment.

HF 718 Would Add a Duplicative Regulatory Layer for Licensed Structural Pest Control Professionals Operating in Multiple Municipalities

HF 718 would allow municipalities to issue their own licenses in addition to the licensing required by the Minnesota Department of Agriculture (MDA) and the U.S. Environmental Protection Agency (EPA). EPA and MDA are the two primary government agencies that currently regulate the structural pest control industry in our state. In order to serve their customers, certified structural pesticide applicators must undergo extensive training and certification protocols to meet rigorous federal and state standards and pass exams and earn a score of at least a 70% or better. Licensed structural pesticide applicators must become recertified every year to ensure they are competent and sensitive stewards of our environment. Additionally, two years of work experience are required to become a licensed Master pesticide applicator. A Masters license must be held by one or more applicators within a company in order to be a licensed Structural Pest Control Company. This Master license and requirement to have one per company are unique to Minnesota and MPMA supports this.

We do not understand as to how an additional layer of licensing will result in protecting pollinators. It is more likely that the opposite will happen. Municipal governments licensing pesticide applicators and regulating pesticides will dilute the enforcement ability of MDA, potentially opening up the door to confusing and weakened enforcement of state pesticide laws and rules. MPMA is not alone in sharing this sentiment as Katherine Dykes, the Commissioner of the Connecticut Department of Energy and Environmental Protection, testified on a similar bill to HF 718, in 2019, in Connecticut with:

¹ "Neonicotinoid insecticides in New York State: Economic Benefits and Risk to Pollinators," (P.44), <https://pollinator.cals.cornell.edu/pollinator-research-cornell/neonicotinoid-report/>

² NPMA Pollinator Best Management Practices (BMPs), <http://www.multibriefs.com/briefs/npma/PollinatorBMPsFINAL.pdf>

“Passage of this bill will also result in an added regulatory layer to be enforced at the municipal level and complicating compliance efforts for commercial service providers working in multiple towns.”³

Both regulators and licensed pesticide applicators recognize that local government regulation of pesticides is not beneficial and warranted.

Unfettered Municipal Pesticide Bans Jeopardize Public Health

One of the many reasons that MPMA is opposed to HF 718 is due to the negative public health consequences that could arise. Ants, carpenter ants, cockroaches, flies, mosquitoes, ticks, stinging insects, and countless other pests do not respect local government boundaries, as they travel freely, are ubiquitous, and endemic to the State of Minnesota. For example, the ticks in Eden Prairie, MN, still risk spreading Lyme disease, as do the ticks in neighboring Chanhassen, MN.

MPMA is not alone in sharing this view, as Katherine Dykes, the Commissioner of the Connecticut Department of Energy and Environmental Protection testified on a similar bill to HF 718, in 2019, in Connecticut and conveyed her alarm for the negative public health implications with:

“The unintended consequences that could result from unfettered municipal pesticide bans include an inability to control disease vector pests such as ticks and mosquitoes that pose human health threats...”⁴

HF 718 Would Allow Municipalities to Eliminate the Ability to Control Wood Destroying Insects in Homes, Businesses, and Threaten the Real Estate Market in Minnesota

HF 718 would not only surrender Minnesota’s pest control efforts to mosquitoes that transmit West Nile virus, ticks that transmit Lyme disease, and flies that contaminate food, but also Minnesota homes, businesses, and other structures to wood destroying insects. Licensed structural pest management professionals manage ants, carpenter ants, termites, wood boring beetles, and other pests. Our professional industry uses pesticide products that would be banned under HF 718, in, on, and around structures to protect properties from wood destroying insects.

For example, HF 718 is problematic because termites cause an estimated \$5 billion in damage to structures in the United States each year, affecting more than 600,000 homes.⁵ The cost of repairs for termite damage varies from minor infestations to extensive, and in some extreme cases leading to the demolition of entire homes. Lastly, the Department of Housing and Urban Development (HUD) recently released an updated policy on termite treatment and reporting in order to insure

³ CT DEEP Commissioner, Katherine Dykes, Testimony on SB 76 – Allowing Local Governments to Regulate Pesticides, <https://www.cga.ct.gov/2019/ENVdata/Tmy/2019SB-00076-R000318-Dykes,%20Katherine,%20Commissioner-Department%20of%20Energy%20and%20Environmental-TMY.PDF>

⁴ CT DEEP Commissioner, Katherine Dykes

⁵ "Industry Fact Sheet," NPMA Pestworld, <https://npmapestworld.org/newsroom/industry-fact-sheet/>

FHA approved loans.⁶ This FHA policy applies to 64 of Minnesota's 87 counties.⁷ HUD termite policy is indicative of continued and persistent termite damage in the area. And while some people think we don't have termites in Minnesota, we do. We've found them as far north as Fergus Falls, in higher frequency in southern Minnesota, and like climbing temperatures, we are finding them more frequently.

Cities aren't asking for this.

Last year, a similar bill was introduced, and it became clear no cities were even asking for this. Once Minneapolis learned about it, all they could say was if passed, they would look at it.

Conclusion

We applaud the bill sponsors and their efforts to protect pollinators in HF 718; however, for the reasons mentioned above, there must be a more effective solution that protects pollinators without jeopardizing public health and duplicating licenses for pest management professionals. This bill appears to be an attempt to add regulation, confusion, and expense to end users and has little to do with pollinators as it doesn't actually solve the problem at hand. If it did, solve it statewide. Thank you for the opportunity to share our views. We respectfully request that HF 718 not be scheduled for a hearing as written, and if heard, to vote in opposition to HF718.

Sincerely,

The Minnesota Pest Management Association Board of Directors & SPAR Representatives

Caroline Kirby-Plunketts Pest Control
Dr. Mohammed El Damir-Adams Pest Control
Matthew Eickman-Abra Kadabra Environmental Service
Rob Greer-Rove Pest Control
Lance Watrin-Granite Pest Control
Matt Ferguson-Rainbow Pest Experts
Staci Johnston-EcoLab
Todd Leyse-Adams Pest Control

⁶ NPMA HUD Resource Center, <https://npmapestworld.org/resourcecenter/hud/>

⁷ "FHA Single Family Homes Termite Treatment Exception Areas," https://www.hud.gov/sites/documents/SFH_POLI_TERMITE.PDF

February 22, 2021

Honorable Rick Hansen, Chair
House Committee on Environment and Natural Resources Finance and Policy
100 Rev. Dr. Martin Luther King Jr. Boulevard
State Office Building, Room 407
St. Paul, MN 55155-1232

RE: H. F. No. 718 (Vang and Hollins)

Dear Chair Hansen:

Thank you for the opportunity to provide testimony on HF 718 (Vang and Hollins), a bill that would permit local restrictions on certain pesticides. On behalf of the Household & Commercial Products Association, I would like to express concerns about the bill's preemption language, as well as its broad application of restricted pesticides.

The Household & Commercial Products Association (HCPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$180 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

First, the precedent the bill sets for local regulation of pesticides identified in the bill is unnecessary and would lead to troubling consequences. Federal law requires that before selling or distributing a pesticide in the United States, a person or company must obtain registration, or license from the U.S. Environmental Protection Agency (EPA).¹ Before registering a new pesticide or new use for a registered pesticide, EPA must first ensure that the pesticide, when used according to label directions, can be used with a reasonable certainty of no harm to human health and without posing unreasonable risks to the environment. Localities do not have the expertise of chemists, scientists, or legal resources to effectively regulate pesticides compared to the EPA or Minnesota Department of Agriculture. Furthermore, this approach would establish a maze of regulations across the state for common consumer products, making compliance incredibly difficult.

¹ According to the EPA, "The process of registering a pesticide is a scientific, legal, and administrative procedure through which EPA examines the ingredients of the pesticide; the specific site or crop where it is to be used; the amount, frequency, and timing of its use; and storage and disposal practices. The agency evaluates registration applications to assess a wide variety of potential health and environmental effects associated with use of the product. EPA evaluates and approves the language that appears on each pesticide label to ensure the directions for use, including safety measures, appropriately address potential risks."

Second, with respect to the scope of the restrictions, by including any pesticide with a precautionary statement about bees or pollinators, HF 718 would capture a wide range of pesticides including, but not limited to, neonicotinoids and pyrethroids. Neonicotinoids, for example, are used indoors and around structures as pest control products help manage insects including bed bugs, flies, stink bugs, cockroaches, grubs, and certain invasive species. The neonicotinoids were developed in large part because they are *safer* alternatives to previously used organophosphate and carbamate insecticides. The Pyrethroid class - derived from chrysanthemum flowers - are used for a number of common insect pest management applications and were reevaluated by the U.S. Environmental Protection Agency late last year.

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the U.S. Environmental Protection Agency (EPA) reviews all current pesticide registrations to ensure they continue to meet the protective FIFRA risk standard in light of new information and evolving science. Furthermore, the U.S. Department of Agriculture and the EPA released a comprehensive scientific report on honeybee health. The report states that there are *multiple* factors playing a role in honeybee colony declines, including parasites and disease, genetics, poor nutrition and pesticide exposure. One of the key findings of the report is that arthropod pests have “major negative impacts on colonies” in the U.S. and other countries.

Still, many of the HCPA represented products are registered for use indoors or outside around homes and businesses that have no application to plants where bees typically interact with pesticides. HCPA appreciates the consideration given to indoor use and pet products. However, the language continues to restrict common consumer pesticidal products used outdoors such as fly abatement strips, scatter bait, and other important household insect pest management tools.

We support continued research on the risks to bee health and readily acknowledge the critical importance of pollinators to the agricultural economy and environment, however, in recognition of the work by the US EPA and lack of adequate science to support the measure, HCPA remains concerned about the far-reaching application of the bill.

Sincerely,



Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region