



October 27, 2023

Mr. William Moore
Minnesota Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55164

Re: Comments on Planned New Rules Governing Waste Treated Seeds, Minnesota Rules, ch. 7035.3700 – 7035.3900; Revisor’s ID Number R-04806

Dear Mr. Moore:

CropLife America (CLA) and the *American Seed Trade Association* (ASTA) appreciate the opportunity to comment on the *Minnesota Pollution Control Agency’s* (MPCA) possible rulemaking on Minnesota Rules (Minn. R.) chapter 7035, relating to waste treated seeds. Any regulations promulgated by MPCA would impose impacts on each organization’s members, who, as to CLA, develop and sell crop protection products for agriculture and pest management in the United States and, as to ASTA, develop, produce, and distribute seeds for use in agriculture in the United States and abroad.

With regard to regulatory jurisdiction over waste treated seed, the Minnesota Legislature has tasked MPCA, in consultation with the Department of Agriculture and University of Minnesota, with rulemaking to provide for the safe and lawful disposal of waste treated seed. The Legislature also directs that any new rules “must clearly identify the regulatory jurisdiction of state agencies ... with regard to such seed.” In Minnesota, the Minnesota Department of Agriculture continues to have regulatory authority for all aspects of seed, seed treatments and treated seed¹. While MPCA undertakes this rulemaking on waste treated seed disposal given its regulatory jurisdiction over management and waste disposal of treated seed that will not be used by planting, we feel it is important for MPCA to exercise this authority in a manner that ensures consistency and uniformity with MDA’s existing regulatory authority.

It is the view of both CropLife and ASTA that the MPCA treated seed disposal guidance document provides sufficient guidance to industry and to consumers regarding the proper use, limitations on use, and disposal of seed treated with pesticides². We believe the MPCA treated seed guidance, along with instructions on the seed bag tag, adequately address use, storage, handling, distribution, and disposal of treated seed to potentially avoid adverse impacts on

¹ Buying and Selling Seed in Minnesota, Minnesota Department of Agriculture, <https://www.mda.state.mn.us/plants-insects/buying-selling-seed-minnesota>

² Treated seeds, Minnesota Pollution Control Agency, <https://www.pca.state.mn.us/sites/default/files/w-hw4-51.pdf>

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CropLife America & American Seed Trade Association

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humans, food, livestock, fish, or wildlife and no unreasonable adverse effects on the environment. Indeed, the seed bag tag and label contain handling requirements, wildlife warnings, storage, disposal, and container handling instructions.

In summary, the use of seeds improved through modern technologies, such as seed treatments, continues to grow around the world because of their economic, environmental, and human health benefits. We encourage MPCA to avoid imposing new and unnecessary regulatory burdens on their use and disposal, given the current authority and regulatory resources that adequately enable their safe use. Thank you for your consideration of our comments on these possible regulations.

Sincerely,

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