



POLLINATOR FRIENDLY ALLIANCE
PO BOX 934, STILLWATER, MN 55082
WWW.POLLINATORFRIENDLY.ORG

MPCA Request for Comments on Waste Treated Seed Rules, Revisor's ID No. R-04806; OAH Docket No. 23-9003-39350.

Date: January 19, 2024

To: State of Minnesota Office of Administrative Hearings
Minnesota Pollution Control Agency, Minnesota Department of Agriculture

I write pursuant to the MPCA request for comments on rulemaking for the disposal of treated seed.

We strongly recommend improved rulemaking and safer handling of pesticide treated seed. Pesticide treated seeds are hazardous waste. Disposal rules are critical since treated seed constitutes one of the primary uses of pesticides in Minnesota, and considering the health risks to wildlife and humans.

Currently, treated seed is NOT regulated as a pesticide in Minnesota and there are not adequate federal or Minnesota state safeguards for the health of people and the environment from pesticide contamination from treated seed. Rules and regulations are necessary to protect us, pollinators and the environment from contamination disasters and chronic pesticide contamination.

[Pollinator Friendly Alliance](#) is a Minnesota conservation organization with a membership of urban and rural residents, scientists, businesses, farmers and ecologists from around Minnesota and beyond. We urge MNPCA and MDA to step up in the absence of a fail-safe system to protect our waters, land and people from pesticide seed contamination. This is not a big ask - to simply strengthen the existing system for better stewardship. The rewards for environmental and human health are great.

Some countries have banned neonicotinoid pesticides and treated seed entirely. Some communities around the U.S. are further restricting use. Almost fifty Minnesota communities have adopted resolutions to cease neonicotinoid pesticide use.

The wealthy pesticide industry can sell more treated seed using a loophole in federal pesticide law - "treated article exemption" which permits seeds to be coated with toxic insecticides without adequate assessment by the EPA for health or environmental effects. This allows treated seed to be used without proper oversight.

The result of this negligence is evidenced by water contamination in Minnesota and an entire community in [Nebraska taking ill from pesticide coated seed contamination](#). Labels do not always protect us from improper handling, storage or mis-use either. Labels are very difficult to enforce because they are often impossible to interpret, the meaning is unclear and often not defined – for example what is a "measurable residue"? The label does not explain if the seed can be burned or re-used such was the case in the Nebraska

catastrophe. MDA is responsible for administering a program for waste pesticides (*see* Minn. Stat. § 18B.065) yet it does not provide for disposal of waste treated seed.

I come from a farm family and live in a rural area, so I know first-hand corn and soybean farmers often drill 1,000's of acres of pesticide coated seed at a time. The pesticide dust floats and moves through the air, and afterward piles of seed are left over laying in fields where birds and wildlife eat them, and contaminate ground water. The current voluntary best practices are not working to protect the environment, wildlife or us from hazardous waste contamination. Enforceable regulations are needed to require proper stewarding of treated seed.

Neonicotinoid contamination has been studied repeatedly and reported on for years – it is no secret that neonicotinoid insecticides on coated seeds are toxic. Recent science shows neonics have [human health effects](#), pesticides kill pollinators outright and sicken them at sublethal doses, neonics contaminate water ([Five surface water pesticides of concern, Minnesota MDA 2020](#)), birds are effected ([Neonic reduces migration in songbirds, Eng 2019](#)) and most recently large mammals such as deer ([Effects of neonics on physiology and reproduction of white-tailed deer, Berheim 2019](#)). Two flagship species- monarch butterfly and rusty patched bumble bee (Minnesota state bee) are under the watchful eyes of pollinator researchers and declining numbers of monarchs tell us that pollinators are at a critical point for extinction requiring immediate action.

We recommend state agencies including MPCA and MDA develop a long-overdue regulatory program that is critical to protect Minnesota families and ecosystems from the effects of pesticide exposure. The following small steps to steward treated seed will help keep Minnesota communities safe.

- Regulate pesticide-coated seed as pesticides.
- Registration of all systemic-insecticide treated seed.
- List neonic-treated seeds as restricted materials.
- Promote non-chemical pest control alternatives and regenerative agriculture practices that eliminate or reduce chemical inputs.
- Prohibit insecticide- treated seed to be used for food, feed, oil, or ethanol feedstock.
- Rulemaking to guarantee ecologically-responsible disposal of insecticide-treated seed.

Thank you, Laurie Schneider, Executive Director
POLLINATOR FRIENDLY ALLIANCE
www.pollinatorfriendly.org

Selected support references:

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NRDC BRIEFING TO CONGRESS on Neonic Pesticide Human Health Harms, October 2019.

<https://www.nrdc.org/experts/jennifer-sass/nrdc-briefs-congress-neonic-pesticide-human-health-harms>

PESTICIDES IN MINNESOTA WATERS: Minnesota Department of Agriculture, *surface water pesticides of concern* (2020)

<https://www.mda.state.mn.us/surface-water-pesticides-concern>

INSECTICIDE COATED SEED CONTAMINATES NEBRASKA COMMUNITY AT ETHANOL PLANT

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POLLINATOR DECLINE: Xerces Society: *The science behind the role neonics play in harming bees*. Jennifer Hopwood, Aimee Code, Mace Vaughan et al. (2016)

https://xerces.org/sites/default/files/2018-05/16-023_01_XercesSoc_ExecSummary_How-Neonicotinoids-Can-Kill-Bees_web.pdf

NEONIC EFFECTS ON LARGE MAMMALS: Scientific Reports: *Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer*. Elise Hughes Berheim, Jonathan A. Jenks, Jonathan G. Lundgren, et al. volume 9, Article number: 4534 (2019)

<https://www.nature.com/articles/s41598-019-40994-9>

RESULTS OF PESTICIDE STUDY OF NEONIC EXPOSURE TO WHITE-TAILED DEER IN MINNESOTA

March 1, 2021, Minnesota Department of Natural Resources

<https://www.dnr.state.mn.us/news/2021/03/01/preliminary-results-pesticide-study-show-widespread-neonicotinoid-exposure-minnesota-white-tailed-deer>

NEONIC EFFECTS ON SONGBIRDS: Science: *A neonicotinoid insecticide reduces fueling and delays migration in songbirds*. Margaret L. Eng, LeBridget, J. M. Stutchbury, Christy A. Morrissey. Issue 13 Sep 2019: Vol. 365, Issue 6458, pp. 1177-1180.

<https://science.sciencemag.org/content/365/6458/1177>

POLLINATOR PROTECTION RESOLUTION: *Model resolution for cities, counties, state agencies, school districts*. Pollinator Friendly Alliance, Humming for Bees, Pesticide Action Network, Pollinator Minnesota 2020.

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NEONIC CAUSES AUTISM-LIKE SYMPTOMS: November, 2022. Neurosciencenews.com

<https://neurosciencenews.com/neonicotinoid-asd-21898/>

AN UPDATE OF THE WORLDWIDE INTEGRATED ASSESMENT ON SYSTEMIC INSECTICIDES: PART 2: IMPACTS ON ORGANISMS AND ECOSYSTEMS: 2021 Pisa, Goulson, Yang, Gibbons, Sanchez-Bayo

<https://link.springer.com/article/10.1007/s11356-017-0341-3>

[RULEMAKING TO REGULATE TREATED SEED](#), California 2020 NRDC