

SF2625 - 0 - Minimum Risk Pesticide

Chief Author: **Aric Putnam**
 Committee: **Agriculture and Rural Development**
 Date Completed: **2/22/2023 9:27:16 AM**
 Agency: **Agriculture Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 2/22/2023 9:27:16 AM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

A bill for an act relating to agriculture; defining minimum risk pesticide; allowing the use of minimum risk pesticide for growing medical cannabis; amending Minnesota Statutes 2022, section 18B.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to read:

Subd. 14c. **Minimum risk pesticide.** "Minimum risk pesticide" means a pesticide or class of pesticides that is exempt from the United States Environmental Protection Agency's registration requirements under section 25(b) of the federal Insecticide, Fungicide, and Rodenticide Act in Code of Federal Regulations, title 40, section 152.25(f).

Sec. 2. [18B.091] PESTICIDES ON MEDICAL CANNABIS.

A person working on behalf of an approved medical cannabis manufacturer may apply

minimum risk pesticide for growing medical cannabis as defined in section 152.22, subdivision 6, unless

- (1) the commissioner determines that the product label prohibits the use of minimum risk pesticide on medical cannabis;
- (2) the commissioner, in consultation with the commissioner of health, determines that the continued use of minimum risk pesticide would cause unreasonable adverse effects on human health; or
- (3) the commissioner determines that the continued use of minimum risk pesticide would cause unreasonable adverse effects on the environment.

Assumptions

As per the United States Environmental Protection Agency (USEPA) determination, minimum risk pesticides pose little to no risk to human health or the environment. The USEPA has exempted minimum risk pesticides from the requirement of registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) under the minimum risk exemption regulations in 40 CFR 152.25(f). These products are exempt from the federal registration, but there are six conditions that must be met for sale, distribution, and use of these products under 40 CFR 152.25(f).

The MDA does not register minimum risk pesticides, but the department does regulate these pesticides to ensure that all conditions of minimum risk exemptions are met, and the use is according to the label directions. The regulation and enforcement of these pesticides may occur due to filed complaints with the department. Additionally, Marketplace

Inspections, which are inspections that occur at a location that distributes or sells pesticides (Minn. Stat. 18D.201), may occur on minimum risk products to ensure all ingredients stated on the label are part of the EPA's approved minimum risk active (40 CFR 152.25(f)(1)) and inert (40 CFR 152.25(f)(2)) ingredients list. If a product is found to contain an ingredient not listed on EPA's approved list, the product cannot be considered a minimum risk pesticide and is then considered an unregistered product in Minnesota.

Medical cannabis growers have limited options for managing pests on their crop because cannabis is not federally recognized as a crop and is considered a Schedule 1 substance under federal law (21 USC Part 802). Therefore, there are no USEPA registered pesticide products approved for use on medical cannabis. The MDA assumes that this bill will legalize minimum risk pesticide use on medical cannabis.

Given that the USEPA has determined that certain minimum risk pesticides pose little to no risk to human health or the environment, the MDA assumes that use of minimum risk pesticides on medical cannabis will not affect human health or the environment. However, neither the USEPA nor the Minnesota Department of Health (MDH) has evaluated human health risks of using minimum risk pesticides on medical cannabis.

The MDA assumes that the bill will prohibit the use of minimum risk pesticides on medical cannabis if the commissioner of the MDA, in consultation with the commissioner of the MDH, determines that the continued use of the pesticide would cause unreasonable adverse effects on human health. The bill will also prohibit the use of minimum risk pesticides if the commissioner of the MDA determines that the continued use of the pesticide would cause unreasonable adverse effects on the environment.

Expenditure and/or Revenue Formula

No expenditure or revenue is expected to occur from this bill.

Long-Term Fiscal Considerations

There are no long-term fiscal considerations for this bill.

Local Fiscal Impact

References/Sources

Agency Contact: Joshua Stamper (651) 201-6639

Agency Fiscal Note Coordinator Signature: Julie Sis

Phone: 651-201-6412

Date: 2/21/2023 1:20:58 PM

Email: julie.sis@state.mn.us