



March 15, 2023

Submitted by email to bill.lunzer@senate.mn

Honorable Matt Klein, Chair  
Honorable Judy Seeberger, Vice Chair  
Senate Committee on Commerce and Consumer Protection

RE: SF 834 - A bill for an act relating to environment; prohibiting PFAS in certain products; requiring disclosure; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116 - OPPOSE

Dear Chair Klein, Vice Chair Seeberger and distinguished members of the Commerce and Consumer Protection Committee,

On behalf of RISE (Responsible Industry for a Sound Environment)® and CropLife America, we respectfully oppose SF 834 and urge adoption of an amendment to exempt federally regulated pesticide products from its requirements and restrictions.

Pesticides, including those containing fluorinated chemistry, are essential to protecting public health and safety, homes, communities, ecosystems, and crops grown in Minnesota. Pesticides are applied in Minnesota by consumers, professional applicators, and growers to manage mosquito and tick populations, create fire breaks, maintain roadway lines of sight, keep transportation and utility rights of way clear of vegetation, manage invasive and non-native species on land and in water, and to grow important food crops. Consumers rely on pesticides to protect their homes and yards from rodent infestations, stinging and invasive insects, and to protect garden and landscape plants from insects and plant diseases. Future-focused provisions in SF 834 would impact the availability of registered pesticide products to the detriment of the state's consumers, professional applicators, agricultural producers, and environment.

**The one-size-fits-all approach to PFAS substances in SF 834 is inappropriate.** PFAS are a diverse universe of chemistries that enable a huge range of products and sectors. However, all PFAS are not the same. It is neither scientifically accurate nor appropriate to group all PFAS together. There has been a lot of work done to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping these substances together is also inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States (ECOS), and various states that have looked at this specifically.

**Pesticides are unique substances rigorously regulated under existing federal law.** Pesticides are unique substances, with more scientific data available about them than for any other products

available in commerce today. Pesticide products are subject to regulation and oversight from five federal agencies: United States Environmental Protection Agency (EPA), Department of Agriculture, Food and Drug Administration, Fish and Wildlife Service, and National Marine Fisheries Service. This stringent multi-agency federal regulatory oversight framework is focused on ensuring products can be used safely.

To approve a new pesticide under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA must determine that, when used in accordance with the label, it will *not* cause unreasonable adverse effects on the environment and *does* provide a reasonable certainty of no harm to human health.<sup>1</sup> EPA must periodically review registered pesticides to ensure they continue to meet this robust safety standard.

All pesticides, including those formulated with fluorinated chemistry, must already be registered by EPA prior to applying for and receiving a state registration from the Minnesota Department of Agriculture. Before pesticides even enter commerce in Minnesota, they must already be deemed safe by EPA.

**Pesticide products are already regulated under FIFRA.** The federal and state regulation of pesticide distribution, sale, and use, as well as stringent safety standards and oversight, are already established under FIFRA and by the Minnesota Department of Agriculture, which regulates pesticides through Chapter 18b. The statutes are designed to evolve as science advances, to support product innovation, and to provide for robust stakeholder and public input into pesticide regulation in the United States and in Minnesota. The statutes require the review of the most current scientific data on health and environmental impacts for all pesticide products and impose requirements to minimize any risks before they are made available for sale and use.

EPA expends significant resources to review and approve the testing data during a rigorous process. It can take more than 10 years before a new product is registered for sale due to the extensive registration process. Further, EPA, must periodically review each registered pesticide active ingredient to ensure it continues to meet this robust safety standard.

**European regulators also acknowledge pesticides unique regulatory status.** A substantially similar process is undertaken to register pesticides in the European Union (EU) where recently the stringency of pesticide regulation has also been recognized in a proposed policy to restrict many PFAS substances. The European Union and European Chemicals Agency published February 7, 2023, a proposal for PFAS restrictions that expressly *excludes* pesticides, stating “it is recognized that the use of these substances is specifically regulated in the EU with extensive evaluations and approval processes by designated bodies with specific expertise and experience.”

Our members are committed to providing the regulated, safe, and necessary products for protecting homes, public health, safety, crops, and the environment in Minnesota. We urge you to amend SF 834 with exemption language for any substance regulated under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. *Section 136 et seq.*

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<sup>1</sup> 7 U.S.C. §136a(c)(5).

Thank you for your consideration and please contact us if we can provide more information or answer committee member questions.

Sincerely,



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RISE (Responsible Industry for a Sound Environment)® is the national trade association representing manufacturers, formulators, distributors, and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers. Learn more at [www.pestfacts.org](http://www.pestfacts.org).

CropLife America (CLA) represents the manufacturers, formulators, and distributors of crop protection products in the United States. CLA member companies produce, sell, and distribute virtually all the crop protection products used by American farmers. Learn more at [www.croplifeamerica.org](http://www.croplifeamerica.org).