Minnesota Crop Production Retailers

601 Carlson Parkway, Suite 450 | Minnetonka, MN 55305 | P: 763.235.6466
www.mcpr-cca.org

2023-2024 Policy Positions

Legislative and Regulatory

1) Crop Protection and Nutrient Product Fees

MCPR supports the continued dedication of ag chemical, fertilizer and related production agriculture fees collected by the Minnesota Department of Agriculture. (It should be noted that if fees are not dedicated, there is an opportunity for the state to retain a portion of the fees collected for "other non-ag" state programs).

MCPR opposes a state sales tax on fertilizer and crop protection products used in agriculture.

MCPR supports the Agricultural Fertilizer Education and Research Council (AFREC) $.40/ton/yr. dedicated fertilizer fee which funds a production agriculture directed fertilizer research and education fund whose purpose is to develop and manage research and the resulting education of production agriculture.

MCPR urges the Governor and Legislature not to raid the AFREC fund for other purposes as part of a state budget strategy.

2) Local Ordinances

MCPR opposes local ordinances or restrictions regarding the sale, use, storage, or transportation of crop production inputs.

MCPR opposes legislation that would repeal statewide exemption of local ordinances regarding crop production inputs.

3) Crop Input Management

MCPR supports crop production research efforts and the promotion of additional funding for these efforts in general.

MCPR supports voluntary Best Management Practices (BMP's) and supports additional BMP education for producers and retailers to increase BMP practices.

MCPR opposes the inclusion of voluntary BMP's in state or federal agriculture permits. This action could result in making the BMP's mandatory.

MCPR supports crop nutrient management recommendations based on scientific information. MCPR will also continue to monitor issues surrounding Total Maximum Daily Loads (TMDL's).

MCPR opposes restrictions on the application of fertilizer which are based on assumptions and inaccurate information.

MCPR supports the voluntary Minnesota Agricultural Water Quality Certification Program (MAWQCP) which has been developed and supported by the Minnesota Agricultural Water Resource Center.

4) <u>Pollinator Health and the Crop Protection</u>

Some reports have cited certain crop protection products such as neonicotinoid insecticides as a potential leading cause of bee colony loss. Neonicotinoid insecticides have been used in the United States for many years without significant effects on populations of honeybees.

The principal use of neonicotinoids as a seed treatment keeps exposure to pollinators to a minimum and reduces potential soil surface and worker exposure. Industry efforts are continually underway to further reduce these small risks.

Ongoing research and field studies have consistently found no adverse effects on colonies when these products are applied in the field according to label directions. In contrast, lab and semi-field studies are often conducted at exaggerated rates that do not mimic the real-world exposure that pollinators face.

Recent difficulties for beehives and beekeepers are likely an unfortunate combination of multiple risk factors including weather, nutrition, disease, and parasites. Protecting and improving honeybee health is a top priority of MCPR and its members.

MCPR continues to support:

- Increased practical research focused on arthropod pests, pathogens, nutrition, pesticides, bee biology, genetics, and breeding
- Activities to increase habitat for honeybees and other pollinators, including the Monarch Butterfly
- Wise stewardship of bee protection and crop protection products
- Best management practices and training

5) <u>Biotechnology and Seed Issues</u>

MCPR opposes actions to prohibit the sale or use of crops developed through biotechnology.

MCPR opposes mandatory labeling of foods containing ingredients from crops developed through biotechnology which have been approved by state federal agencies.

MCPR supports legislation which prohibits local ordinances from regulating the registration, labeling, selling, storing, transporting, or the use of seeds.

MCPR opposes unnecessary additional state regulation of seed treatment and crop inputs related to pollinator protection.

6) <u>ACRRA Fund and MDA Program Changes</u>

MCPR supports the Agricultural Chemical Response and Reimbursement Account (ACRRA). MCPR will continue to monitor agency action that ensures that out-of-state-distributors are required by the MDA to provide and pay through computer reports their ACRRA fees to ensure that Minnesota's commitment to environmental clean-up is funded fairly by all retailers, particularly those out-of-state.

MCPR continues to reaffirm its support for keeping fertilizer and crop protection product programs under the jurisdiction of the Minnesota Department of Agriculture. MDA is the only agency MCPR believes should regulate agricultural practices. MCPR led efforts on behalf of Minnesota's ag retail sector during the 2022 legislative session to update the maximum reimbursement amount from $350,000 to $550,000. In addition, the floor minimum of the account was raised from $1 million to $2 million, as well as the cap was raised from $5 million to $6.5 million.

7) <u>Crop Protection Product Use</u>

MCPR continues to work with MDA on the implementation of the Pesticide Management Plan (PMP) and Pesticide Use Best Management Practices (BMP) to be sure the actions required are based on sound science.

MCPR supports a science-based pesticide registration process implemented by U.S. Environmental Protection Agency (EPA) and MDA under the provisions of FIFRA, FQPA and the State Pesticide Control Law.

MCPR opposes attempts by the environmental community to advocate for unwarranted legislation and regulations based on questionable science and the use of the precautionary principle.

8) <u>Crop Nutrient Use</u>

MCPR administers the 4R Nutrient Stewardship Certification Program in Minnesota and supports the use of plant nutrients conforming to the 4R initiative which will enable MCPR members help farmers enhance environmental protection, increase production efficiency, increase farm profitability, and improve sustainability at the field level. This can be accomplished by using proper nutrient management which will: 1) increase crop

production & improve profitability, 2) minimize nutrient loss & maintain soil fertility and 3) ensure sustainable agriculture for generations to come.

Today's farmers live in a world where environmental concerns and increased food demand create challenges never seen before. Minnesota agriculture can meet those challenges with 4R Nutrient Stewardship by choosing the Right Nutrient Source to apply at the Right Rate in the Right Place at the Right Time.

MCPR supports MDA's revision of the state's Nitrogen Fertilizer Management Plan to better align with current water resource conditions and program resources so long as the revisions are based upon sound science and the Nitrogen Fertilizer Management Plan Advisory Committee continues to engage the positions and advice of the nutrient experts including certified crop advisors, consultants, Minnesota's agricultural retail dealers, and the nitrogen production and distribution industry which serves producers.

MCPR is concerned about MDA's stated intent to adopt rules to restrict fertilizer application based upon the University of Minnesota's Best Management Practices (BMP's) fertilizer "practices not recommended" on certain soils which seem to reflect reaction to legal challenge threats rather than the advice of agricultural retail dealers, agronomists, crop advisors and consultants.

MCPR encourages MDA to support MCPR and producer organizations development of fertilizer application educational programs based on scientifically validated research to improve efficient fertilizer application on Minnesota soil.

MCPR further encourages MDA to continue to recognize the contributions of Precision Agricultural practices including site specific farming practices, grid sampling and variable rate technology crop application, as well as fertilizer technologies such as nitrification inhibitors, polymer coated fertilizers and other future innovations that improve fertilizer use efficiency and reduce loss.

9) <u>Security of Ag Products</u>

MCPR supports efforts to protect the public from the illegal use of crop production inputs while not adding unreasonable or burdensome regulations on the production, transportation, and storage of these products.

MCPR supports efforts by the Minnesota Department of Agriculture on anti-terrorism policies to protect storage facilities and ag production areas. MCPR also continues to monitor and cooperate with the state and federal agencies, particularly the Department of Homeland Security, trying to expand their authority to regulate the transportation, storage and use of crop production inputs considered hazardous materials.

10) <u>On Farm Liquid and Dry Bulk Storage</u>
MCPR supports rules regarding the storage of liquid and dry bulk pesticides and fertilizers on farms which protect the environment from damage in the case of a release of product from the storage facility.

MCPR supports the farmer or owner of the product being held liable in the case of an accidental release of the product.

MCPR supports the owner of the product being held liable once the title has changed hands. The owner of the storage facility should be responsible for the integrity of the facility. Regarding dry fertilizer on farm bulk storage, MCPR supports rules that would define, require permitting and enable enforcement of on farm dry fertilizer bulk storage.

11) <u>Development of the Minnesota's Biofuel Economy</u>
MCPR supports Minnesota's agricultural producers in the development and production of biofuels to enhance Minnesota's agricultural economy, reduce dependence on foreign energy and to protect the environment.

12) <u>Agricultural Transportation Drivers Hours of Service</u>
MCPR supports changes in state and federal law and rule to extend the current Agricultural exemption to driver's hours of service limitations when hauling from the terminal to the retailer in Minnesota for those agriculturally related products necessary for spring and fall field work including but not limited to anhydrous ammonia, diesel fuel, and propane regarding the agricultural hours of service exemption.

As a result, all farm supplies are authorized under the exemption from a wholesale or retail distribution point to a farm or other location where the farm supplies are intended to be used, or from a wholesale distribution point to a retail distribution point. The exemption can be used across state lines as long as the transportation does not exceed the air mile radius and increases the air mile radius from 100 to 150 air miles.

MCPR supports modifications of the requirements to broaden the Hours-of-Service agricultural limitations.

13) <u>EPA Waters of the States (WOTUS) Repeal</u>
MCPR opposes the Waters of the States (WOTUS) regulation that would extend the reach of the federal government over small waterways. Under the proposal from the U.S. EPA and the Army Corps of Engineers, federal officials would go back to enforcing a guidance document from 2008 when deciding whether a waterway is subject to federal oversight for pollution control purposes.

Industry groups have argued WOTUS would subject farmers, developers, and others to costly and time-intensive federal permitting for everyday activities like moving soil.

14) <u>EPA's Pesticides Spray Drift Policies</u>

EPA should maintain FIFRA's risk-based standard of "no unreasonable adverse effects" and remove the vague, unenforceable, and unmanageable concepts of "could cause" or "may cause" adverse effects or "harm" from the Drift Pesticide Registration Notice.

MCPR continues to acknowledge that some small level of pesticide drift is unavoidable in many common situations and does not pose an "unreasonable adverse effect". Acknowledge that simply detecting an off-target pesticide does not necessarily pose an unreasonable adverse effect and is not a violation of FIFRA that requires an enforcement action.

MCPR supports removal of the hazard-based standard of "harm" from Drift Pesticide Registration Notice.

MCPR opposes the imposition of unnecessary buffers that would reduce cropland available for American agriculture.

MCPR supports the development of a bystander risk assessment exposure scenario for the pesticide registration process; as well as the development of risk-based tolerances for non-target property.

15) <u>Buffer Laws and Initiatives</u>

MCPR commends the growers of Minnesota for achieving widespread compliance to the controversial buffer laws and rules that have been amended in Minnesota.

The state legislature passed a buffer law during the 2015 session to respond to hunting groups who advanced their perception that habitat is rapidly dwindling because of an increase in planted acreage and a decline in grasslands. The law generally advanced current buffer requirements of a 16.5 foot buffer along some, but not all, drainage ditches, and the Shore land Rule which requires counties to establish a county ordinance to protect shore land areas, generally calling for a 50-foot buffer along rivers, streams, lakes and some drainage ditches, but providing flexibility to allow counties to require wider or narrower buffers if local conditions make 50-foot buffers impractical.

Counties remain responsible for enforcing buffer rules and still have the legislative authority under the legislation to administer both the ditch buffer law and the shore land rule. Some counties have chosen not to enforce the 50-foot shore land buffer ordinances, while others report high compliance.

MCPR supports the common-sense local county authority and opposes legislation which will remove the local county authority and discretion as county government the appropriate government entity with zoning administrators and a capability of determining local conditions.

MCPR Programs

1) Member Training and Education

MCPR will continue to sponsor high-caliber safety training and regulatory compliance workshops services for members through Asmark Institute, provide members with compliance information through publications and bulletins, and encourage members to participate in environmental award programs when possible.

2) Public Education and Information

MCPR will continue to conduct and promote crop production, food safety, and water quality educational activities for the public and school children throughout Minnesota.

MCPR will also continue to support efforts to promote agricultural programs at the high school and post-secondary education level in Minnesota.

MCPR supports efforts to create a better understanding of the importance of agriculture as a means for Minnesota students to appreciate the contributions agriculture makes to Minnesota's economy and to encourage students to consider a career in agriculture.

3) Certified Crop Adviser Program

MCPR continues to administer the Minnesota CCA program developed by the American Society of Agronomy.

MCPR also supports the use of continuing education units (CEUs) to advance the education of individuals in the fields of soils, agronomy, and plant pathology.

4) ResponsibleAg Program

Modeled after the successful MCPR Stewardship Program, RA provides an online platform that will be used to register companies, receive and post audit scores uploaded by inspectors, and allow Suppliers to access those scores.

MCPR supports, ResponsibleAg (RA), a joint venture of the Agricultural Retailers Association (ARA) and The Fertilizer Institute (TFI). RA was founded for the purpose of stewarding regulatory compliance throughout the chain of custody for fertilizer products, with the end result of increased safety and security for employees and the communities, as well as continued availability of these vital products to American agriculture.

MCPR believes that an industry developed and operated third party, transparent agronomy audit program will serve the industry, our employees, and the public much better than a government developed and operated program of similar nature.