

A bill for an act
relating to agriculture; regulating certain pesticide applications; authorizing
rulemaking; appropriating money; proposing coding for new law in Minnesota
Statutes, chapter 18B.

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

Section 1. **[18B.40] PESTICIDE APPLICATION LIMITATIONS.**

Subdivision 1. **Application plan.** Annually, by March 15, each railroad company must file with the commissioner of agriculture a schedule detailing dates, times, places, and locations of its pesticide application plan for the ensuing nine months and identify for the commissioner the specific pesticides to be used, their chemical ingredients, and their known short-term and long-term effects on humans. The schedule must be maintained in a manner readily available to adjoining landowners and horticulturists as well as the railroad's employees. Each railroad company must also furnish to the commissioner the name, training, licensure, and contact information for each contract pesticide applicator that it hires.

Subd. 2. **Conformance with plan.** (a) Pesticides may only be applied on a railroad right-of-way in accordance with the schedule filed under subdivision 1. Each person applying pesticide must be familiar with and comply with that schedule.

(b) This subdivision does not prohibit application of a pesticide within five feet from either side of the center of a railroad track.

Subd. 3. **Exemptions.** Except as necessary to comply with the Endangered Species Act, Public Law 100-478, this section does not apply to persons engaged in:

(1) farming on farmland and farm right-of-way;

(2) commercial application of pesticides on farmland and farm right-of-way;

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- 2.1 (3) structural pest control;
2.2 (4) residential lawn applications;
2.3 (5) forest management activities; or
2.4 (6) control of noxious weeds or mosquitoes, arthropods, or insects of public health
2.5 importance under chapter 18 or section 473.04.

2.6 Sec. 2. **[18B.41] EMPLOYEE INFORMATION.**

2.7 A railroad company may not require an employee or an employee of a subcontractor
2.8 other than the pesticide applicator to work in an area subjected to pesticide for 48 hours
2.9 following the pesticide application. Each employee required to work in an area subjected
2.10 to pesticide within 168 hours following the pesticide application must be provided a
2.11 written description, in easily comprehensible language, of the pesticides used and their
2.12 known effects on humans. The railroad company must also, at its own expense, furnish
2.13 to each of its employees and to each employee of each of its subcontractors personal
2.14 protective equipment sufficient to preserve the employee's health.

2.15 Sec. 3. **[18B.42] RULES.**

2.16 To prevent damage to adjoining landowners and horticulturists and preserve the
2.17 health of employees, the commissioner of agriculture may adopt rules necessary to
2.18 limit times and weather conditions during which pesticide may be applied by a railroad
2.19 company.

2.20 Sec. 4. **COST RECOVERY PLAN.**

2.21 By January 2, 2008, the commissioner of agriculture shall present to the legislature
2.22 a plan to recover costs of the registration, list maintenance, and rulemaking required
2.23 by sections 1 to 3.

2.24 Sec. 5. **APPROPRIATION.**

2.25 \$..... in fiscal year 2008 is appropriated from the general fund to the commissioner
2.26 of agriculture for administration of sections 1 to 4.

2.27 Sec. 6. **EFFECTIVE DATE.**

2.28 Sections 1 to 5 are effective the day following final enactment. No railroad company
2.29 is required to file a pesticide application plan under section 1 until March 15, 2008.