

A bill for an act

relating to agriculture; modifying the waste pesticide collection program;
amending Minnesota Statutes 2006, section 18B.065, subdivision 2; Laws 2007,
chapter 45, article 1, sections 23; 24.

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

Section 1. Minnesota Statutes 2006, section 18B.065, subdivision 2, is amended to read:

Subd. 2. **Implementation.** (a) The commissioner may obtain a United States
Environmental Protection Agency hazardous waste identification number to manage the
waste pesticides collected.

(b) The commissioner may limit the type and quantity of waste pesticides accepted
for collection ~~and may assess pesticide end users for portions of the costs incurred.~~

Sec. 2. Laws 2007, chapter 45, article 1, section 23, is amended to read:

Sec. 23. Minnesota Statutes 2006, section 18B.065, subdivision 2a, is amended to
read:

Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
commissioner must designate a place in each county of the state that is available at least
every ~~other~~ year for persons to dispose of unused portions of agricultural pesticides
~~in accordance with subdivision 1.~~ The commissioner shall consult with the person
responsible for solid waste management and disposal in each county to determine an
appropriate location.

(b) For residential waste pesticides, the commissioner must provide periodic
disposal opportunities each year in each county. As provided under subdivision 7, the
commissioner may enter into agreements with county or regional solid waste management

H.F. No. 4027, as introduced - 2007-2008th Legislative Session (2007-2008)

entities to provide these collections and shall provide these entities with funding for related supplies, transportation, and disposal costs, not including any overhead costs.

(c) The person responsible for waste pesticide collections under paragraphs (a) and (b) shall record information on each waste pesticide product collected, including but not limited to the product name, active ingredient or ingredients, and the quantity. The person must submit this information to the commissioner at least annually.

Sec. 3. Laws 2007, chapter 45, article 1, section 24, is amended to read:

Sec. 24. Minnesota Statutes 2006, section 18B.26, subdivision 3, is amended to read:

Subd. 3. **Application fee.** (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at 0.4 percent of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. ~~The commissioner shall spend at least \$400,000, not including the commissioner's administrative costs, per fiscal year from the pesticide regulatory account for the purposes of the waste pesticide collection program. In each~~ fiscal year, the commissioner shall allocate from the pesticide regulatory account a sum sufficient to collect waste pesticides under section 18B.065.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The

H.F. No. 4027, as introduced - 2007-2008th Legislative Session (2007-2008)

3.1 information required shall include the brand name, amount, and formulation of each
3.2 pesticide sold, offered for sale, or otherwise distributed in the state, but the information
3.3 collected, if made public, shall be reported in a manner which does not identify a specific
3.4 brand name in the report.

3.5 (d) A registrant who is required to pay more than the minimum fee for any pesticide
3.6 under paragraph (a) must pay a late fee penalty of \$100 for each pesticide application fee
3.7 paid after March 1 in the year for which the license is to be issued.