

Minnesota Department of Agriculture
Pesticide & Fertilizer Management Division

**NOTICE OF SUBMISSION OF RULES PROPOSED FOR ADOPTION WITHOUT A
PUBLIC HEARING TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

**Adoption of Rules Governing Restricted Use Pesticide Display; Sales and Distribution;
Record Keeping, Minnesota Administrative Rules, 1505.1100**

TO: ALL INTERESTED PERSONS

In accordance with Minnesota Statutes, section 14.388, subdivision 2, this Notice is being sent to all persons who have registered their name with the agency under Minnesota Statutes, Section 14.14, subdivision 1a, interested groups, and all individuals currently holding pesticide dealer licenses with Minnesota Department of Agriculture (MDA). This notice is also posted on the website of the Minnesota Department of Agriculture.

PLEASE TAKE NOTICE that the above-cited rules proposed for adoption will be submitted to the Office of Administrative Hearings on the date of this notice, October 7, 2024. A copy of the rule is attached to this notice.

All interested persons have five business days after the date of this notice to submit comments to the Office of Administrative Hearings via its eComments website at <https://minnesotaoah.granicusideas.com/> or 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164.

The Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Chapter 6 (FIFRA) allows a process for Environmental Protection Agency (EPA) to certify States that wish to license pesticide applicators. Under 7 U.S. C. 136i(a)(2), States must submit a certification plan to EPA which will outline the State's processes and procedures for licensing pesticide applicators. The EPA must approve such a plan before the States are allowed to license applicators. In 2017, the EPA made changes to the federal certification rule (Code of Federal Regulations, title 40, part 171) and required all States to make these changes to their certification plan and submit it to EPA for their approval. On March 2020, MDA submitted their revised plan to EPA and received EPA's approval in May 2023. The Minnesota Department of Agriculture is now formalizing the EPA's approved certification plan into rules.

As per the revised federal certification plan, the MDA is required to make changes to MN Rule 1505-1100. The federal certification plan is requiring that certain records be obtain by a pesticide dealer or person working under a pesticide dealer when a restricted use pesticide is picked up or being delivered to a person. The Department is amending the rule to comply with these federal requirements.

Minnesota Statutes Section 18B.06 gives the Department authority to adopt rules for that chapter as well as rules governing the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers. It also requires that the rules can not conflict with FIFRA. The Department is using the good cause exemption process under Minnesota Statutes, section 14.388, subd. 1, clause (2), as the proposed rules are required, and comply with, federal law that

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does not permit compliance with Minnesota Statutes Section 14.14 to 14.28.

The agency contact person is: Doug Spanier at The Minnesota Department of Agriculture, 625 Robert Street, St. Paul, Minnesota 55155, telephone (651) 651-201-6166, email Douglas.Spanier@state.mn.us. For special accommodation you may contact agency contact person named above. Questions concerning the rules should be directed to the agency contact person.

Date: 10/2/2024

A handwritten signature in black ink, appearing to read "Doug Spanier", written in a cursive style.

Doug Spanier