



May 10, 2023

Co-Chair Samatha Vang & Co-Chair Aric Putnam  
Agriculture Conference Committee

Co-Chair Founj Hawj & Co-Chair Rick Hansen  
Environment and Climate Conference Committee

Re: PFAS in pesticides and the A26 amendment to SF1955

Dear Chairs,

“EPA scientists have estimated that 98% of the average American’s exposure to PFAS happens through their mouth.” PFAS/pesticide expert and toxicologist Dr. Steven Lasee

The Minnesota Environmental Partnership and the organizations signing below thank you for your critical work to include PFAS language in your Omnibus bills. The combined provisions will go a long way towards stopping these bioaccumulating “forever chemicals” from being added to our soil, water and bodies. These provisions are critical to the health and safety of all Minnesotans.

However, more needs to be done this session regarding PFAS in pesticides. The pattern set here will have impacts that go beyond our borders - not only in other states, but at the federal level.

We would like to express our concern regarding the inclusion of the A26 amendment into the Agriculture Omnibus bill Saturday. Some of our coalition’s advocates reached out to the Department of Agriculture several times in the week leading up to that conference committee meeting. Unfortunately, we do not feel that the environmental community was consulted by state agencies about this amendment, which adopts the position of the industrial farm lobby.

2032 is too long to wait for PFAS in pesticides to be banned. It is unconscionable that we would allow the continued use of these products unimpeded for another 9 years. And after 2032, there are many exceptions to the ban that are written too broadly, creating significant loopholes that can be readily exploited by industry.

Our concerns include this provision:

- 1.12 Subd. 6c. Currently unavoidable use. "Currently unavoidable use" means a use of
- 1.13 PFAS that is essential for health, safety, or the functioning of society and for which
- 1.14 alternatives are not reasonably available. Currently unavoidable use may include
- 1.15 consideration of the need to prevent or minimize potential pest resistance, and the potential
- 1.16 human health and environmental impacts of alternative products.

All PFAS use is avoidable - using or avoiding it is a judgment call, not an absolute. We are concerned that the agency will have the broad discretion under this amendment to deem that a PFAS containing pesticide is “essential for health, safety, or the functioning of society,” when we believe PFAS use in pesticides is not healthy or safe. Instead, PFAS should be banned for use in pesticides as soon as possible.

According to the language, unavoidable use may include “the need to prevent or minimize potential pest resistance”. Minimizing potential pest resistance is a very low bar for allowing toxic forever chemicals to be sprayed across the countryside. The language also contemplates “the potential human health and environmental impacts of alternative products.” This is problematic for a number of reasons, not the least of which is that it does not include consideration of other potential production practices or changes in cropping systems. It displays a bias of only considering uses of other ag chemicals, not any of the myriad of alternatives.

We are concerned that this language again asks the public to rely on the agency’s discretion, much as was given to the Minnesota Department of Agriculture in the 1989 Groundwater bill. At that time, the MDA commissioner and staff wanted to act on groundwater, but they were replaced in 1990. It was another 20 years before the Dayton Administration took some of the implementing steps under the law. Even then, the actions that the Administration took were very modest and of minor consequence. They chose to tie up enforceable action in a myriad of long-term local dialogues engaging those causing the harm. Now, 34 years after passage of that law, the department has spent many millions, but has not used its regulatory authority in a meaningful way. Instead, they have made it more difficult to use this authority.

The Commissioner already has the authority to drop/unregister pesticides at any time but has seldom used it. Today, despite this authority, Minnesota has 2000 ag chem products - that we know of - containing PFAS that are contaminating our land and water.

“If the intent was to spread PFAS contamination across the globe there would be few more effective methods than lacing pesticides with PFAS.”

- Dr. Kyla Bennett, PEER Science Policy Director, former EPA scientist and attorney

It is our hope that you will commit to quickly achieving comprehensive and meaningful solutions to PFAS in pesticides. There is still time in this legislative session to correct some of this language that was so quickly adopted. Minnesotans cannot afford to wait.

Thank you for considering this request.

Sincerely,



Steve Morse  
Executive Director

*Submitted on behalf of the organizations listed on the following page.*

Clean Water Action Minnesota

Climate Land Leaders

CURE MN

Friends of Minnesota Scientific and Natural Areas

Institute for Agriculture and Trade Policy

Lakeville Friends of the Environment\*

Land Stewardship Project

League of Voters Minnesota

Midwest Farmers of Color Collective\*

Minnesota Ornithologists Union

Minnesota Well Owners Organization

Pesticide Action Network

Pollinate Minnesota\*

Pollinator Friendly Alliance

Roots Return Heritage Farm LLC\*