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HOUSE FILE No. 1997

FIRST COMMITTEE ENGROSSMENT

March 12, 2007

Authored by Tschumper, Kahn, Bly, Doty and Slocum

The bill was read for the first time and referred to the Committee on Health and Human Services

March 15, 2007

By motion, recalled and re-referred to the Committee on Finance

Referred by Chair to Housing Policy and Finance and Public Health Finance Division.

March 23, 2007

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to health; authorizing the Department of Health to review registrations
1.3 and assess the public health risks of carcinogenic and endocrine-disrupting
1.4 pesticides and high-potency nervous system toxins; proposing coding for new
1.5 law in Minnesota Statutes, chapter 144.

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

1.7 Section 1. **[144.0711] REGISTRATION AND CONTROL OF CARCINOGENIC**
1.8 **AND ENDOCRINE-DISRUPTING PESTICIDES AND NERVOUS SYSTEM**
1.9 **TOXIN PESTICIDES.**

1.10 Subdivision 1. **Definitions.** (a) "Pesticide" has the meaning given in section 18B.01,
1.11 subdivision 18.

1.12 (b) "Probable carcinogenic pesticide" means a pesticide that has been identified by
1.13 the United States Environmental Protection Agency as a probable carcinogen.

1.14 (c) "Known carcinogenic pesticide" means a pesticide that has been identified by the
1.15 United States Environmental Protection Agency as a known carcinogen.

1.16 (d) "Endocrine-disrupting pesticide" means a pesticide that has been identified by
1.17 the commissioner of health as interfering with, altering, or mimicking hormones or the
1.18 functioning of hormones in living beings.

1.19 (e) "High-potency nervous system toxin" means a pesticide that acts on the
1.20 mammalian nervous system and is classified by the United States Environmental
1.21 Protection Agency as Toxicity Class I or Class II based on lethal dose in mammals.

1.22 Subd. 2. **Authority.** (a) The commissioner of health shall review all pesticide
1.23 registration applications filed with the commissioner of agriculture for known and probable
1.24 carcinogenic pesticides, endocrine-disrupting pesticides, and high-potency nervous system
1.25 toxins, and may review other pesticides if there is scientific evidence of increased risk to

2.1 public health and safety. The commissioner of health has final authority on whether those
2.2 pesticides may be registered for use in this state and on any restrictions that may be placed
2.3 on pesticide use. This authority and obligation may not be waived. The commissioner of
2.4 health shall consider the criteria in this paragraph and the factors in subdivision 3, and
2.5 shall place restrictions, deny registration or registration renewal, or cancel registration as
2.6 necessary to ensure that pesticides are not registered for uses other than those where the
2.7 commissioner of health determines that public health benefits outweigh the risk of harm to
2.8 public health, including, but not limited to, the risk of cancer, chemical castration, or harm
2.9 to fetal development, especially considering vulnerable populations, such as children,
2.10 the elderly, and women of childbearing age. The commissioner of health shall consider
2.11 whether the pesticide is needed for disease control or use in hospitals or other health care
2.12 facilities, and whether there are any alternatives to the use of pesticides.

2.13 (b) The commissioner of health may request additional information from the
2.14 applicant as the commissioner considers necessary.

2.15 (c) Pesticide registration applications must continue to be filed on an annual
2.16 basis with the commissioner of agriculture. For known or probable carcinogenic
2.17 pesticides, endocrine-disrupting pesticides, and high-potency nervous system toxins, the
2.18 commissioner of agriculture shall forward copies of the applications to the commissioner
2.19 of health immediately for review and registration determination.

2.20 (d) The authority given the commissioner of health in this section may be delegated
2.21 to designated employees within the Department of Health, but not to any other government
2.22 agency or its employees.

2.23 Subd. 3. **Factors for registration determinations.** The commissioner of health
2.24 shall consider the following factors in restriction and registration determinations:

2.25 (1) presence in groundwater;

2.26 (2) presence in surface water that is classified as a drinking water source;

2.27 (3) actions against or agreements or stipulations with pesticide manufacturers on
2.28 particular pesticides by the United States Environmental Protection Agency; and

2.29 (4) limitations on the use of the pesticide in other jurisdictions.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.