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Senator Bill Weber
Chairperson
Agriculture, Rural Development and Housing Policy
95 University Avenue W.
Minnesota Senate Bldg, Room 2109
St. Paul, MN 55155
sen.bill.weber@senate.mn

Dear Senator Weber,

I am writing to you in regards to H.F. No. 1733 that has recently been proposed from House of Representatives' Agriculture and Food Finance and Policy Division committee. This proposed bill (lines 1.16 – 2.7) seeks to make changes to Minnesota Statute 18B.02. These changes would provide the ability for the State to delegate enforcement and licensing of pesticide applications to first class cities.

While I don't think this change is being considered in your Senate Committee, once the two bills arrive at Committee Conference, it could become a possible negotiation point. The change is being pushed in the name of pollinator protection; however, in my Extension work with professional pest management industry, I see this proposed change as an unnecessary complication and duplication of effort in administering Minnesota Statute 18B. For the reasons presented, below, I would like to outline why this proposed change would greatly complicate the work of the structural pest management industry, and potentially expose Minnesota residents and businesses to additional risks.

I am a Board Certified Entomologist and Associate Professor in Entomology at the University of Minnesota. My research and Extension responsibilities focus on prevention and control of urban and structural pests. A partial list of the pests that cause problems in urban and structural areas include:

- bed bugs, ticks, fleas, mosquitoes
- cockroaches
- filth flies
- wasps
- rats and mice
- carpenter ants
- spiders
- boxelder bugs and Asian lady beetles

These pests can create infestations inside Minnesota homes, buildings, and around commercial/institutional/industrial sites. While bed bugs and cockroaches are accidentally carried into buildings through hitchhiking via personal belongings, the other pests in this list are active around the outside perimeter of buildings during certain times of the year.

In regards to H.F. No. 1733, I would like to provide information critical for an informed decision by your committee and, on a larger scale, by the legislature as a whole:

1. **Urban-structural pests are visually disagreeable to many people when found inside the home; several in this list can directly (or indirectly) cause harm to people and pets, and damage structures.** To give you an idea of how the public are concerned about these pests, during 2016, we had 961,081 unique pageviews on our Extension website associated with the pests that I mentioned above. These numbers do not include all of the pests, for which we provide information, that are active in and around urban structures. **Many of these pests disproportionately affect socioeconomically disadvantaged persons in this State.**
2. **These pests also represent a serious threat to Minnesota businesses.** To highlight a few particularly at-risk structures, these businesses include:
 - restaurants and other food-handling establishments
 - food manufacturing and processing facilities
 - hospitals, and assisted living facilities
 - medical and pharmaceutical manufacturing facilitiesIn these establishments, the presence of these pests may affect customers and patients, or lead to negative health inspection reports, employee work stoppage, product rejection and liability, risk to brand security, or facility closure in cases of pest outbreak. Pest activity in these structures can lead to substantially increased costs, unnecessary product disposal, lost revenue, and increased risk of product complaint liability. **Local efforts to administer pesticide applications delegated through H.F. No. 1733, may not consider the health risks involved with pest activity around these structures.**
3. Supporters of H.F. No. 1733 want to protect pollinators but, from my perspective, **the Structural Pest Management Industry represents a very minor and manageable risk to pollinator habitat.** This assessment of risk is based on the pesticide use patterns, applicator training, current laws, existing label directions, and current State-level enforcement.
 - a. **The structural pest management industry is aware through training and pesticide labelling how to effectively avoid pollinator habitat.** A licensed Structural Pest Control Applicator is limited to applications within 10 feet of structures, against pests harming people or damaging structures. Limited spot treatments outside this zone may be used to remove wasps from harming people and stop carpenter ants causing further damage to structures. In total, area where treatments may occur is minor compared with the total potential habitat in urban areas.

- b. **Training for professional structural pesticide applicators is extensive.** I oversee their annual training curriculum and have included pollinator protection, judicious use of pesticides, and alternatives to pesticides as part of their curriculum. Annually, I host a two day event for training, where attendees are required by the MDA and State Pest Management Association to receive at least 11 hours related to safe, effective, and judicious use of pesticides. **This training requirement has been self-adopted by the industry to ensure all applicators know the least-risk measures** in safely preventing and controlling the pests that they may find.
4. **H.F. No. 1733 will create a patchwork of regulations and a tremendous and unnecessary burden on this industry to attempt compliance.** I am concerned for the additional effort required to navigate changing and varied local laws depending on which side of a municipal border business would be conducted.

At a March 12, 2019 hearing of the House Committee for the original proposed wording (HF 212), Representative Jim Danvie (63A) requested an exemption for the Metropolitan Mosquito District operations, recognizing the unnecessary burden that would be placed on this organization, and their protection of public health, professionalism, and training. Likewise, there would be an unnecessary burden placed on the Structural Pest Management Industry despite an equally important public health significance, training requirements and professionalism.

5. **Cities underestimate what is required for properly managing a pesticide regulation program and they lack the scientific background, unless they intend to hire a program manager and duplicate resources available at the State.** I have experience with issues where the responsibility of pesticide rules and regulations has been managed by municipalities. In short, the lack of expertise often results in decisions not necessarily in the best interest of pesticide risk mitigation and safety when pest activity does occur. My ability as an instructor to communicate risk mitigation of pesticides will be hampered if I have to seek out different city administrators or, worse, navigate the scientific decisions versus political decisions that so often happen at municipal levels. **In several cases where I have advised municipal decision makers, they have accepted a decision that is politically motivated, over a scientifically-informed (and safer) option.** Ignoring science-based evidence often leads to the use of less effective and older, more risky, products and approaches.

Municipalities would have to build the budget necessary to support oversight of pesticide use and application, including enforcement provisions. This is an extra cost to the municipality and a duplication of what is already done at the Minnesota Department of Agriculture as per Minnesota Statute 18B. **The cost of business in these municipalities will increase as companies navigate different “legal zones” and pay out for additional and unnecessary licenses.**

Local laws, developed through a removal of preemption, usually do not address untrained

applicators (such as homeowners) because the municipal governments usually do not want to overstep into property rights. This move results in laws focusing on professional applicators to show they (the municipalities) “responded to their voters”, but leaves untrained persons to apply pesticides. Centers for Disease Control reports demonstrate that the vast majority of problems with improper pesticide storage, misapplications, and exposure, stem from pesticide applications by untrained persons. Likely pollinator issues will continue and worsen if homeowners end up sourcing commercial pesticides, in response to limitations that will likely be placed on the professional applicators.

From the perspective of pollinator protection, I perceive that HF212 would not increase the margin of safety already provided by State and Federal law. Yet there will be potentially large negative impacts with increased risks to public health, the cost of compliance for companies, and the cost of administration for municipalities with acceptance of this proposal.

It would be far more productive if Municipalities spent their time and funds in building more diverse pollinator habitat and encouraging homeowners to do the same. Loss of pollinator habitat is the primary reason for limitations on pollinator abundance in nature.

It is critical to avoid diffusion of the pesticide regulatory system, for the sake of ensuring that sound decisions are made relative to pesticide applications and product availability that protect all inhabitants of urban areas (people, pets, pollinators and other wildlife). A patchwork of laws and regulations will impose an undue burden on municipalities, their residents (and companies) affected by pests, and pest control companies. **Coordinated actions, rather than overlapping responsibilities will ensure best protection of people and property, as well as the pollinators that cohabit urban areas.**

If you have any questions about the points I have made, please do not hesitate to call or email me (612-625-4798, kells002@umn.edu).

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen A. Kells".

Dr. Stephen A. Kells, BCE
Associate Professor