



Background to 2009 legislation

- Cross-Border Sales / Unfair Marketing
- Difficult for Registrants (manufacturers) to Track Retail Pesticide Sales in or into Mn
- Internet & Out-of-State Broker Sales into Mn





Who's Affected?

- Mn Licensed Pesticide Dealers (traditional)
- Mn Licensed “Agricultural Pesticide” Dealers (new)
- MDA Pesticide Programs (Licensing, Registration, Inspections / Enforcement)





The old “Groundwater Tax” =

- Registrant’s Registration Fee
- Registrant’s Annual Gross Sales Fees
- ACRRA Surcharges





2009 Changes in Mn Pesticide Law

- Defines “Agricultural Pesticide”
- Creates “Agricultural Pesticide Dealer License”
- Requires dealer payment of annual gross sales fees
- Requires dealer payment of ACRRA Surcharges
- Annual Dealer Reporting of Sales of Agricultural Pesticides
- Requires “Mn Registered Office & Agent” for Out-of-State Dealers



Agricultural Pesticides

Pesticide Product Label Contains the
“Agricultural Use Requirements” Box

Box language details worker protection requirements for use on farms, greenhouses, nurseries, rights-of-way, and forestry sites.



AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours. Exception: If the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Shoes plus socks
- Chemical-resistant gloves – Category A (e.g., barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinyl chloride (PVC), or Viton)

A Pesticide that has this box on its label is now defined as an “Agricultural Pesticide” under Mn Law.



New “Mn Agricultural Pesticide Dealer License”

- Required for retailers who sell agricultural pesticides in Mn or into Mn
- Already-licensed Mn pesticide dealers are **not** required to also obtain a Mn Agricultural Pesticide Dealers License
- Licensed Mn agricultural pesticide dealers **and** licensed Mn pesticide dealers **both** must report and pay annual gross sales fees on agricultural pesticides sold.
- Each place of business where such sales occur must have either license



Annual Gross Sales Fee & ACRRA Surcharge

Example: Agricultural Pesticide Sales	\$10,000
Annual Gross Sales Fee (X 0.0055)	\$55.00
ACRRA Surcharge (X 0.001)	\$10.00
Total Fee and Surcharge Due	\$65.00

For “Agricultural Pesticides” sold Jan 1- Dec 31, 2010

Annual Gross Sales Fee
= 0.55%

ACRRA Surcharge =
0.10% [Lowered from
0.30% on 1/1/2010]



Early questions to MDA

- Crop Oils, Additives, Adjuvants and Surfactants are not subject to Annual Gross Sales Fee or ACRAA surcharge
- Dealer to Dealer sales are exempt from the Fee and ACRAA surcharge
- There is no Credit or Allowance for Fees and Surcharges Previously Paid on Mn 2009 Dealer Pesticide Inventories that are Sold in 2010





Dealer's Sales Invoices

[for sales of Agricultural Pesticides]

- Agricultural Pesticide Product Name
- EPA Registration Number
- Amount Sold
- Units Sold (pounds, solid oz., gallons, or fluid oz.)
- Annual Gross Sales Fee Amount
- ACRRA Surcharge Amount



Dealer Sales Recordkeeping & Reporting

- MDA electronic Internet Reporting System will be available for reporting 2010 sales
- 1st Sales Report is due by January 31, 2011 for 2010 sales of agricultural pesticides
- Dealers must maintain records of purchases, sales, and distribution of agricultural pesticides sold in Mn or into Mn for five (5) years
- Sales records shall be made available for audit





Resident Agent

- Dealers selling Agricultural Pesticides into Mn from out-of-state must have Registered Agent and Registered Office in Mn
- A resident of Mn or a business organization with a home or office located within Mn can be a Registered Agent and Office
- Agents are responsible for the acts of out-of-state Dealers who sell into the state, and the acts of dealers' employees
- Dealers must provide MDA the agent's name, address, telephone number, and eMail address



Questions?





Mn Fertilizer Law Changes

Who is Affected & When?





Mn Fertilizer Law Changes

NEW

Fees & ACRRA Surcharges now to be paid by the “last person” who sells fertilizer to an “end user” (i.e. farmer / grower)

NEW

Payment of Fees & ACRRA Surcharges to MDA now only ONCE A YEAR (instead of the old 2x / year)

NEW

Tonnage Reporting Period is now July 1st – June 30th.



Inspection Fee & ACRRA Surcharge

Fertilizer Inspection Fee is still \$0.30 /Ton

ACRRA Surcharge was \$0.30 / Ton until December 31, 2009.

ACRRA Surcharge is now \$0.10 / Ton (lowered on January 1, 2010)

Tonnage Report, Inspection Fees, and ACRRA
Surcharges due by July 31, 2010.



Mn Fertilizer Law Changes

- Agricultural Fertilizer Research & Education Council “AFREC”
- NEW AFREC Fee = \$0.40 / Ton of Fertilizer





Question to MDA:

What about fertilizer in a dealer's inventory that may have already had Inspection Fees and ACRRA Surcharges paid on it?

There is no credit or allowance for fees and surcharges previously paid on Mn dealer fertilizer 2009 inventories that are sold after July 1, 2009





Fees & ACRRA Surcharge

Example:	July-Dec 2009	Jan-June 2010
Fertilizer Sold	100 Tons	100 Tons
Inspection Fee = \$.30 / Ton	\$30.00	\$30.00
AFREC Fee = \$0.40 / Ton	\$40.00	\$40.00
ACRRA Surcharge = \$0.30 / Ton [\$0.10 / Ton on Jan 1, 2010]	\$30.00	\$10.00
Total Fees and Surcharge due	\$100.00	\$80.00



MDA Contacts

Questions regarding new License and the Dealer Annual Gross Sales Fee and Reporting should be directed to:

- Joe Spitzmueller, Supervisor, MDA Licensing & Certification Unit, at 651-201-6546 or at joseph.spitzmueller@state.mn.us
- Gregg Regimbal, Supervisor, MDA Pesticide Management Unit, at 651-201-6671 or at gregg.regimbal@state.mn.us.



Questions?

