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Minnesota Department Of Agriculture

Pesticide Management Plan Status Report

2004

I. Introduction

The Pesticide Control Law (Minn. Stat. §18B.045) required the development of a state Pesticide Management Plan (PMP) to prevent, evaluate and mitigate occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters. The law also directs the Minnesota Department of Agriculture (MDA) to submit a biennial status report on the plan. The following is the biennial status report, which outlines accomplishments and major activities conducted during 2003 and 2004 in support of the PMP.

The statutory requirements and purpose for the PMP are outlined in the enabling legislation (18B.045):

“The commissioner shall develop a pesticide management plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters of the state. The pesticide management plan must include components promoting prevention, developing appropriate responses to the detection of pesticides or pesticide breakdown products in groundwater and surface waters, and providing responses to reduce or eliminate continued pesticide movement to groundwater and surface water.”

Development of the PMP began in 1990, with a final draft published in 1996. Minor revisions were made in 1998. The United States Environmental Protection Agency (EPA) provided a formal concurrence with the original 1996 version and with the revised 1998 version. While the PMP is required by statute, it is a guidance document and has no enforceable or regulatory requirements. The PMP and additional data on many of the activities discussed in this report are available on the Minnesota Department of Agriculture (MDA) website at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

The MDA is currently in the process of revising the PMP. The Commissioner announced his intent to revise the PMP in October 2002. Revisions to the PMP were necessary for the following reasons:

1. There are limited staff and resources available within the MDA to implement the PMP, and it is not possible to comply with all of the processes and actions outlined in the PMP in a timely manner; and
2. Recent experience with the implementation of the PMP indicates that the processes outlined in the PMP could be streamlined and that some sections would benefit from language that is more precise and consistent with other relevant statutes.

Additionally, some of the information in the PMP, and many of the references, are no longer current or completely accurate, and some of the process steps in the current PMP were intended to comply with previously anticipated requirements of the U.S. Environmental Protection Agency and may not be necessary or efficient for the unique needs and conditions in Minnesota.

In the interim, the MDA has temporarily deviated from some of the processes and activities outlined in the PMP until the formal revision process is complete. These activities include: the current committee process for determining commonly detected pesticides in ground water and evaluating impacts from pesticides to surface water; and, the requirements for establishment of unique teams to manage the development and evaluate the effectiveness of best management practices for each pesticide determined to be commonly detected in ground water or at a level of concern for surface water. These activities have been undertaken by MDA technical staff with the guidance and assistance of qualified technical experts from the University of Minnesota and other appropriate organizations. MDA interim actions will provide for a public notification and comment process.

During October – December 2003, the MDA held a facilitated stakeholder issues forum and two public meetings to inform stakeholders of the intent to revise the PMP and to generate comment on the PMP revision process.

Complete information about the PMP revision process, including the outcomes of the issues forum and public meetings are available from the MDA website at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

In June 2004, MDA Commissioner Gene Hugoson provided notice in the Minnesota State Register of a public comment period on proposed draft revisions to the PMP. Upon request of various stakeholders, the public comment period was eventually extended to September 27, 2004. The MDA is currently in the process of summarizing public comment and considering revisions to the published draft. The Commissioner's announcement of intent to revise the PMP, the notice of public comment period and the notice of comment period extension are attached to this report.

II. Prevention Activities

Promotion of Pesticide BMPs and Training of Applicators

In February 2004, the MDA published a new set of Best Management Practices (BMPs) that focuses on the use of all agricultural herbicides, and includes specific practice recommendations for five herbicides of concern for groundwater or surface water. These BMPs were developed, in part, in direct response to MDA's mandates under the state Groundwater Protection Act (Minn. Stat. 103H). Additionally, the BMPs address surface water concerns in an effort to either reduce or eliminate losses of herbicides to lakes, rivers and streams, and also to avoid possible impairment declarations for specific water bodies under the Clean Water Act. The herbicide BMPs and the previously published BMPs for general pesticide distribution, storage, handling, use and disposal, together with use inspections and MDA's participation in pesticide applicator training, form the foundation of MDA's prevention efforts. These efforts are further summarized as follows:

MDA/University of Minnesota Extension Service and Dealer-Sponsored Applicator Training

The MDA works cooperatively with the University of Minnesota Extension Service (UMES) and other interested parties in training pesticide applicators. Certification or licensing of applicators requires continuing education. These annual training sessions are vehicles for the promotion of proper pesticide handling, storage and use, and help minimize the potential risk from inappropriate management and use of pesticides. Newly published BMPs have been incorporated into recently revised applicator training manuals.

General Promotional Activities

In 1998, the MDA completed development of BMPs for general pesticide distribution, storage, handling, use and disposal. These BMPs continue to be promoted by cooperators, through MDA's pesticide applicator training programs, and every three months by inclusion in the quarterly MDA newsletter, the MDA Update, which is sent to commercial/non-commercial pesticide applicators and private/restricted use pesticide applicators. Multiple copies of the herbicide BMPs were recently sent to all 92 Soil Water Conservation District offices and select UMES Regional Extension Educators that focus on crop production.

Newsletters, Articles and Presentations

The MDA submits articles on pesticide-related issues to publications that focus on agricultural audiences, and conducts presentations at meetings with ag producers and ag chemical dealers. Recent examples have focused on promotion of the herbicide BMPs, and include incorporation of BMPs into UMES on-farm record-keeping manuals made available to growers, and presentations to the North American Farm and Power Show, the Certified Crop Advisor update for Central Minnesota, a series of meetings known as the SE Minnesota Karst Campaign, and various dealer and UMES "update" meetings addressing label changes and use practices.

Integrated Pest Management (IPM)

The MDA continues to provide leadership in developing non-chemical pest management methods through implementation of several programs in integrated pest management, the IPM newsletter published in cooperation with the UMES, and integrated weed management. In addition, the MDA provides leadership and applied research assistance for the biological control of insect pests and weeds. These programs are coordinated and prioritized based on the current state of science and an understanding of where integrated management is currently feasible.

Urban Activities

In 2004, the MDA completed an Urban Initiative Marketplace and Use Inspection project aimed at informing ethnic grocers and markets of proper pest control and pesticide product sales in their establishments. This project, which was funded by a U.S. Environmental Protection Agency (EPA) grant, reached more than 25 businesses in several languages (e.g., Hmong, Spanish and Somali). The program's focus was the unannounced inspections of urban ethnic marketplaces to review pesticide use and sales practices. The inspections allowed MDA staff to provide basic information to urban shopkeepers about pesticide placement on their shelves, and about proper

pesticide use in their stores that can lead to reductions in excessive or inappropriate use of pesticides in the urban environment.

Pesticide Management Areas

The MDA received a grant from the EPA to develop the concept of pesticide management areas (PMAs) as outlined in the PMP. PMAs are areas of similar characteristics in which a BMP may be applied. The concept is useful for continued prevention and evaluation efforts associated with PMP implementation. The EPA grant provides funding to work with the University of Minnesota Department of Soil, Water and Climate to further advance the concept of agroecoregions in relation to pesticide monitoring and BMP promotion and evaluation. The establishment of PMAs, and a comparison of similar leaching and runoff patterns within them, will help in protecting diverse agricultural areas of the state. Additionally, the project will identify locations for demonstration projects to be used as part of overall BMP education and promotion activities.

III. Evaluation of Pesticides in Groundwater and Surface Water

Pesticide Monitoring in Water Resources: Annual Data Report

The MDA has a statutory requirement to “determine the impact of pesticides on the environment, including the impacts on surface and groundwater” (MN Chap 18B.04). To address this requirement, the MDA has a monitoring program that samples for pesticides and their breakdown products in water resources. The MDA collects samples from 86 locations with dedicated groundwater monitoring well nests in 10 counties where vulnerable soils serve as an indicator for potential problems elsewhere in the state. Additionally, five surface water monitoring stations located in southern Minnesota sample surface waters in both small and large scale, primarily agricultural, watersheds. In 2003-2004, the MDA worked to expand its groundwater monitoring efforts with identification and eventual sampling of monitoring wells in areas outside of the Central Sands network. Also, during this same period, the program conducted a drinking water survey of more than 70 domestic wells. Additionally, surface water sampling surveys were conducted to screen the general quality of rivers and streams across Minnesota. The MDA’s updated approach to reporting monitoring results, begun in 2002, continues to provide a comprehensive review of MDA data on water resource impacts. Additional monitoring and evaluation data and a direct comparison of MDA data with groundwater and surface water standards and advisory values are now standard elements of the report. Thus, the report can be used to help make informed decisions regarding frequently detected pesticides in groundwater and concentrations of concern in surface water.

Compilation of Non-MDA Water Quality Data

The Groundwater Protection Act directs the MDA to review relevant pesticide-related water quality monitoring data in Minnesota. Recent groundwater pesticide data from the U.S. Geological Survey (USGS) and Dakota County Environmental Services were compiled as part of the MDA’s annual tracking of pesticide impacts to water resources. This information will be considered in the evaluation of pesticide impacts to state water resources.

Monitoring Data Management System

In 2001 and 2002 the MDA, with assistance from the MPCA, worked on the development of an integrated data management system for the monitoring program which, when completed, will provide for timely and efficient management of monitoring data including the export of MDA monitoring data into the US EPA's STORET data management system. This will help ensure that MDA's monitoring data is easily accessible by any local, state or national monitoring program or effort. The effort within the MDA was an outcome from the department-wide compliance management system (CMS) and the MDA Laboratory Information Management System (LIMS). The final system will provide for a seamless transfer of monitoring data from the field, to the laboratory LIMS, then to the department CMS and finally to other users including other state and federal agencies and the general public through the internet and the EPA's STORET system. In addition, the data should be managed with fewer staff resources. Although the completed system is not yet fully operational, the primary components are currently in the process of field testing and user training.

Common Detection Advisory Committee Meetings and Recommendations

As part of the PMP revision process mentioned earlier in this report, Common Detection Advisory Committee meetings were suspended. While ultimate authority for determination of common detection resides with Commissioner of Agriculture, the Common Detection Advisory Committee (CDAC) is a major PMP support activity intended to provide input into the Commissioner's decision from a variety of diverse and informed perspectives. During 2001, a new CDAC convened and provided recommendations to the Commissioner. In 2002, the CDAC process was streamlined to make the process more timely and efficient. In addition, the MPCA, the Minnesota Department of Health (MDH) and the USGS were invited to participate in the meetings as technical advisors and were also asked to provide separate recommendations to the Commissioner. Parts of the PMP, including the CDAC, are suspended pending revision of the PMP.

Determination of Pesticides as Common Detection in Groundwater or as Surface Water Pesticides of Concern

In 2002, the Commissioner made the determination that three herbicides – atrazine, metolachlor and metribuzin – and their degradation products were commonly detected in groundwater. In response to this determination, as required in the Groundwater Protection Act, the MDA began the development of chemical-specific, voluntary BMPs for these herbicides. In 2003, the Commissioner announced that detections of the herbicides acetochlor and alachlor, or of their degradates, also merited development of groundwater BMPs. Additionally, atrazine and acetochlor were determined to be surface water pesticides of concern relative to their numerical standards or advisory values, and pesticide-specific BMPs were developed from them.

Standards Development

The MDH is responsible for developing health risk standards or advisory values for pesticides (and other contaminants) in groundwater and the MPCA is responsible for developing regulatory standards or advisory values for pesticides (and other contaminants) in surface waters. Both agencies have been active participants in the CDAC and are fully informed regarding MDA monitoring efforts and results. In 2003-2004, progress was made in developing revised or additional standards for both groundwater and surface water pesticide or pesticide degradate

contaminants. The MDA met with MDH on several occasions to discuss MDH's proposed revisions to Health Risk Limit (HRL) calculations, and facilitated the transfer of important toxicological information between MDH, pesticide registrants and the EPA. One outcome of the exchanges is that some pesticides will have revised drinking water standards based on updated toxicological information, and some degradates for which there were previously no guidance for risk characterization may have HRLs or interim advisory values. Similar meetings have occurred with the MPCA, and new standards may emerge for key pesticides of concern in surface water..

MDA Laboratory Analyses for Pesticide Breakdown Products

The Groundwater Protection Act and the Pesticide Control Law contain references to the need for evaluation of groundwater or surface water for pesticide breakdown products, and the PMP acknowledges this need. During 2003-2004, new equipment and development of analytical methods by the MDA laboratory staff have continued to provide the MDA with the ability to analyze for breakdown products of acetochlor, alachlor, dimethenamid and metolachlor. These analytes have been identified in groundwater in Minnesota and other state and federal monitoring programs. Because of capacity limitations only groundwater samples are being analyzed for these degradates. The MDA continues to routinely monitor for degradates of atrazine and metribuzin, which have been standard analyses for several years.

Pesticide Use Information

In order for the MDA and its stakeholders to evaluate the source of pesticide detections and concentrations in water resources, information on pesticide use is frequently needed or requested.

To better document relationships between water quality and overall pesticide use and use rates, the MDA conducted a pilot project with the National Agricultural Statistics Service (NASS) and its Minnesota office (MASS) to collect basic pesticide use and use rate information via phone surveys. A successful pilot project led to a full scale statistical survey in the majority of crop-producing counties, yielding over 2,500 responses covering herbicides, insecticides and fungicides on corn, soybean, wheat and hay acreage. The data are still being transformed for reporting purposes, but the anticipated data quality and relatively low associated collection costs are encouraging for those interested in collecting pesticide use and use rate data on a state-wide and regional scale. The data should provide information useful in the review of water quality data and Best Management Practice (BMP) adoption. More information will appear at <http://www.mda.state.mn.us/appd/pesticides/pesticideuse.htm>

A variety of sources publish information related to pesticide use in Minnesota. Each source has a particular reason for collecting information and a set of assumptions underlying its collection and reporting methods. In 2003-2004, data from some of these sources were pulled together for convenient access through the MDA's website. Examples of sources and related information include:

1. The MDA, which publishes annual pesticide sales data for crop production pesticide active ingredients based on pesticide registrant reporting requirements. Care must be used when interpreting this data. Pesticides sold in Minnesota may not be used in the

same year they are sold, or in some cases may never be used in Minnesota. However, these sales data provide an indication of long-term pesticide use trends.

2. The Minnesota Agricultural Statistics Service (MASS), a division of the MDA, in conjunction with the National Agricultural Statistics Service (NASS), which conducts periodic surveys of major crop producers that collect information on pesticide use and use rates. Survey respondents are randomly selected, and the reported results are based on standardized statistical analyses conducted by NASS nationwide.
 - MASS/NASS annual chemical usage reports, including pesticide use and use rate information for Minnesota.
 - The MASS/NASS database can be searched on-line for specific crop/pesticide information.
 - The MDA occasionally conducts special projects with MASS/NASS to evaluate pesticide use and related pesticide management practices. Project results are published by the MDA separately from MASS/NASS.
3. MDA's occasional surveys of farms in localized areas (several hundred acres) where community water supplies exhibit vulnerability to land use impacts or where other water quality concerns exist. Survey results are published by the MDA or other cooperators.
4. Additional studies that are occasionally or periodically conducted by the MDA to assess pesticide use and use practices in both urban and rural settings.

The Minnesota River Report

The MDA continues to work cooperatively with Metropolitan Council Environmental Services, MPCA, and Minnesota State University-Mankato to develop a comprehensive report on sediment, dissolved oxygen, nutrient and pesticide concentrations in the Minnesota River and multiple tributaries ("State of the Minnesota River: Summary of Surface Water Quality Monitoring," 2002). The evaluation brings data from multiple monitoring efforts and reports into a standard format at a single location. It also provides the foundation for consistency and comparability in sampling methodologies, calculations, data management and reporting, etc. The report is available electronically at <http://mrbdc.mnsu.edu>.

IV. Mitigation Activities

Education and Awareness

Education and raising a pesticide user's awareness of environmental concerns is one of the most important activities necessary to protect the state's water resources from the potential for leaching and runoff of pesticides. For this reason there is considerable overlap between prevention and mitigation activities. Those activities listed under prevention, although not repeated in this section, may be considered important mitigation steps.

Pesticide Best Management Practices Development

The development and promotion of pesticide Best Management Practices (BMPs) is both a prevention activity (see above) and a mitigation activity. Once BMPs are developed (a mitigation activity in response to monitoring detections and concentrations), their promotion and adoption become both a prevention and mitigation activity. The Commissioner's 2001 determination of common detection for atrazine, metolachlor and metribuzin initiated the process of developing pesticide-specific, voluntary BMPs. The development of pesticide specific BMPs is a required response under the Groundwater Protection Act for pesticides that are commonly detected in groundwater and for which the Minnesota Department of Health has established a drinking water Health Risk Limit (HRL). The BMP development effort expanded in 2003 when the Commissioner used his general authority under the Pesticide Control Law to determine that the frequency of detection of acetochlor and its breakdown products in groundwater should also be addressed by BMPs, despite the absence of an HRL. Additionally, the Commissioner determined that acetochlor and atrazine are pesticides of concern in surface water, and thus BMPs for these herbicides include practices and measures to protect vulnerable surface water resources. The general process for BMP development is outlined in the PMP.

V. Other Pesticide-Related Environmental Activities

Other MDA Pesticide Programs

The MDA has a number of pesticide-related programs designed to ensure the safe and proper use of pesticides and to reduce the risk from pesticides to human health and the environment. These programs address virtually every aspect of pesticide use and management in Minnesota. These include the following:

- Waste pesticide collection
- Empty pesticide container collection
- Pesticide applicator licensing & certification
- Permitting and inspection of pesticide storage and chemigation activities
- 24-hour emergency response to pesticide spills
- Environmental cleanup of contaminated pesticide sites and facilities
- Rapid cleanups to facilitate property transfers and development of rural brownfields through the Agricultural Voluntary Investigation and Cleanup (AgVIC) program
- Partial reimbursement of costs for environmental cleanup of pesticide releases through the Agricultural Chemical Response and Reimbursement Account (ACRRA)
- Pesticide use inspection to ensure compliance with pesticide labeling
- Pesticide misuse investigations
- Pesticide use data collection
- Enforcement of violations of pesticide law

New Herbicide Registration Review

During 2002-2004, the MDA worked closely with the EPA and neighboring states in the registration review of a new corn herbicide, isoxaflutole (Balance, Balance Pro), to evaluate the appropriateness of its use in Minnesota. The EPA, which is responsible for pesticide registration and the review of related environmental fate and ecological/human health risk information, conditionally registered Balance in 1998, and added another three years to the conditional

registration in 2001. The herbicide provides a new chemical mode of action against persistent weeds in corn fields. The EPA's registration was conditional due to concerns about the herbicide's mobility and persistence in the environment. The MDA requested that EPA not include Minnesota on the federal registration label for Balance from 1998 through 2002. The MDA opted to carefully review environmental impact data from the registrant and neighboring states where the product is registered for use prior to consideration of its introduction here. In November 2002, the MDA published and took public comment on a draft proposal for the use of isoxaflutole in Minnesota. In February 2003, the MDA approved use of isoxaflutole in Minnesota subject to the prospective registrant's incorporation of several use restrictions on the EPA pesticide label, and subject to additional state requirements outlined in a Commissioner's Special Order. A summary of the proposal is outlined in a press release available at <http://www.mda.state.mn.us/newsreleases/2003news/03feb27a.htm> The registrant elected not to register isoxaflutole under terms of the proposal. On October 8, 2004, the MDA received notice that the EPA had lifted the conditions of federal registration on isoxaflutole and approved the existing federal label. Minnesota is not among the states currently approved for isoxaflutole use. The registrant has expressed interest in discussing with the MDA the possibility of future isoxaflutole use in Minnesota.

Activities Coordinated with Other State Agencies

Other state agencies have statutory responsibilities related to the protection of the Minnesota's water resources. These inter-agency activities provide a forum for the discussion and coordination of many PMP-related issues.

- The MDA works closely with other state commissioners and their staff through either the Water Resources Committee or the interagency workgroups on groundwater and surface water monitoring.
- In June 2004, the Governor created the Clean Water Cabinet, which includes the Commissioners of MPCA, DNR, MDA, MDH and the Board of Soil and Water Resources.
- In 2003, the MDA, MPCA, and MDH worked closely to develop an agreement on groundwater monitoring. This resulted in a February 2004 *Integrated Ground Water Quality Monitoring Strategy* signed by the commissioner of each agency. The strategy represents the Agencies' joint plan for conducting ground water quality monitoring on a statewide basis in Minnesota. The plan outlines the Agencies' different purposes, goals and roles in ground water quality monitoring based on their individual state and federal authorities and requirements. Additionally, the plan identifies how the monitoring conducted by the Agencies will be conducted in an integrated fashion providing a comprehensive, statewide assessment of ground water quality resources for the future. The plan also establishes inter-agency cooperation in shared monitoring design, sample collection, sampling location selection, evaluation of sensitive areas, and data management to ensure efficiencies in the system. Finally, the plan provides for an annual review of the ground water quality monitoring system to allow for modifications, along with a five-year evaluation, at which time this agreement will be updated. A similar agreement on surface water monitoring began 2004.
- During the MDH's Health Risk Limit rule revisions, the MDA has worked to facilitate communications between the EPA's Office of Pesticide Programs and MDH toxicologists

in order to obtain the necessary data for establishment of drinking water standards for pesticides.

- The MDA has been working with MPCA on issues related to the development of surface water standards, and on improving coordination between surface water monitoring methods and MPCA's data needs for making surface water impairment decisions and implementation of its Total Maximum Daily Load initiatives.

VI. Conclusion

There continues to be a great deal of activity at the MDA in support of the PMP. Groundwater and surface water monitoring and surveying continues and has been expanded in critical areas; groundwater samples continue to be analyzed for additional pesticide degradation products; MDA monitoring data is being managed, reported and shared more efficiently and effectively than ever before; and, as of this biennium, the MDA has actively developed and promoted Best Management Practices for all herbicide use in the state, and for five herbicides have been determined to be a concern groundwater or surface water. In addition, there have been many other MDA pesticide related projects and activities that are further described in this report. These many activities indicate that, despite budget concerns, the MDA has continued to effectively implement the PMP during the 2002-2004 timeframe.

For additional information regarding this status report, the MDA's PMP and other MDA pesticide-related programs, please contact Dan Stoddard, Manager, Agricultural Chemical Environmental Section, by phone at 651-297-8293 or by email at dan.stoddard@state.mn.us

Rules Drafts. The Department does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a drafts of the rules when they have been prepared, and requests for more information on these possible rules should be directed to: Colleen Chirhart at the Building Codes and Standards Division, Department of Administration, 408 Metro Square Building, 121 East 7th Place, St. Paul, Minnesota 55101, **phone:** (651) 296-4329, **fax:** (651) 296-1973, and **email:** colleen.d.chirhart@state.mn.us. **TTY** users may contact the Department by calling the Minnesota Relay Service at 1-800-627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 9 October 2002

David Fisher, Commissioner
Department of Administration

Department of Agriculture Agronomy and Plant Protection Division

Notice of Administrative Changes to Minnesota's Water Quality Pesticide Management Programs

NOTICE IS HERBY GIVEN that the Commissioner of the Minnesota Department of Agriculture (MDA) is providing notice of his intent to revise the Minnesota Pesticide Management Plan (PMP). The PMP is the primary guidance document for directing Minnesota's actions related to non-point source pesticide contamination. PMP development began in 1990, and was completed in 1996 (with minor revisions in 1998). While the PMP is a guidance document, and, therefore, unenforceable, it is a requirement under the Pesticide Control Law (*Minnesota Statutes* § 18B) and has obtained the formal concurrence of the US Environmental Protection Agency (EPA).

Revisions to the PMP are necessary for the following reasons:

1. There are limited staff and resources available within the MDA to implement the PMP, and it is not possible to comply with all of the processes and actions outlined in the PMP in a timely manner; and,
2. Recent experience with the implementation of the PMP indicates that the processes outlined in the PMP could be streamlined and that some sections would benefit from language that is more precise and consistent with other relevant statutes.

In revising the PMP, the MDA will follow a process that is consistent with the enabling statutory language in *Minnesota Statutes* § 18B.045. In the interim, the MDA will temporarily deviate from some of the processes and activities outlined in the PMP until the formal revision process is complete. These activities include: the current committee process for determining commonly detected pesticides in ground water and evaluating impacts from pesticides to surface water; and, the requirements for establishment of unique teams to manage the development and evaluate the effectiveness of best management practices for each pesticide determined to be commonly detected in ground water or at a level of concern for surface water. These activities will be undertaken by MDA technical staff with the guidance and assistance of qualified technical experts from the University of Minnesota and other appropriate organizations. MDA interim actions will provide for a public notification and comment process.

Interested parties or groups may direct inquiries about these administrative changes to the State Department of Agriculture at the following address:

Joe Zachmann
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107-2094
Phone: (651) 205-4788
Fax: (651) 297-2271
Email: joseph.zachmann@state.mn.us

Official Notices

Pursuant to Minnesota Statutes § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Public Comment Period on the Draft Revised Minnesota Pesticide Management Plan: A Plan for the Protection of Groundwater and Surface Water

NOTICE IS HERBY GIVEN that the Minnesota Department of Agriculture (MDA) is seeking comment on a draft revised state Pesticide Management Plan (PMP). The PMP is the state of Minnesota's plan for preventing and addressing pesticide non-point source contamination of surface water and groundwater resources. Comments should be submitted to the MDA by July 26, 2004. After July 26, the MDA will review and consider submitted comments and publish a final, revised PMP, or the MDA may further revise the PMP and seek additional public comment.

The MDA held three public stakeholder meetings and took comment on possible revisions to the PMP in the fall of 2003, prior to beginning draft PMP revisions. In those meetings the MDA articulated the need to revise the PMP and the MDA goals for a revised PMP. Notes from the presentations at the meetings and comments from the meetings are available on the MDA web site at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

Copies of the June 2004 draft revised PMP and of the 1998 PMP are available on the MDA web site at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

Please submit written comments on the June 2004 draft revised PMP by mail or e-mail to Gregg Regimbal, Agronomy and Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN, 55107-2094, gregg.regimbal@state.mn.us

Minnesota Comprehensive Health Association

Notice of Annual Meeting of Members and Annual Board Meeting

NOTICE IS HEREBY GIVEN that the **Annual Meeting of Members** of the Minnesota Comprehensive Health Association (MCHA), will be held at 9:00 a.m. on Monday, June 14, 2004 at the MCHA Executive Office, 5775 Wayzata Blvd., St. Louis Park, MN, to be immediately followed by the **Annual Meeting of the Board of Directors**.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Department of Education

Division of Choice and Innovation

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Supplemental Educational Services Providers, *Minnesota Rules*, part 3512.5400

Subject of Rules. The Minnesota Department of Education requests comments on its possible amendments rules governing supplemental educational services providers. The department is considering rules that make permanent the exempt rules governing the same topic that were made effective on September 8, 2003.

Persons Affected. The rules would likely affect persons or entities that are or wish to become supplemental service providers and Minnesota students in schools or districts that have not met Adequate Yearly Performance under the No Child Left Behind Act.

Statutory Authority. In 2003, the Minnesota Legislature granted exempt rulemaking authority to the Minnesota Department of Education. Using the Good Cause Exemption at *Minnesota Statutes* §14.388, the department adopted rules governing supplemental educational services providers. By law, these rules are set to expire two years following the date of enactment on September 8, 2003. *2004 Minnesota Laws*, chapter 294, article 2, section 32, requires the department to adopt rules "making permanent the supplemental education service provider exempt rules authorized under Laws 2003, chapter 129, article 2, section 3."

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules.

From: "Dan Stoddard" <Dan.Stoddard@state.mn.us>
To: <mda-pesticide-non-point-source@cob-pop.itg.state.mn.us>
Date: 7/23/2004 2:32:54 PM
Subject: 60 Day Extension of Comment Period for Revised PMP - Until September 27th

This to inform you that Commissioner Hugoson has extended the deadline for comment on the draft revised PMP for another 60 days. Several parties have requested additional time to complete their reviews. The new deadline for submitting comments is September 27, 2004.

For your reference, the initial e-mail announcement of the comment period for the revised PMP, including links to the draft PMP on the MDA web site, follows.

Please don't hesitate to contact me with any questions.
-Dan Stoddard

Manager, Agricultural Chemical Environmental Section
Agronomy and Plant Protection Division
Minnesota Department of Agriculture
651 297-8293

>>> "Gregg Regimbal" <Gregg.Regimbal@state.mn.us> 06/04 10:30 AM >>>

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The MDA held three public stakeholder meetings and took comment on possible revisions to the PMP in the fall of 2003, prior to beginning draft PMP revisions. In those meetings the MDA articulated the need to revise the PMP and the MDA goals for a revised PMP. Notes from the presentations at the meetings and comments from the meetings are available on the MDA web site at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

Six reasons were identified for revising the PMP. The PMP needs to be revised because of:

1. Reduced MDA resources;
2. Confusion about different procedures and law for groundwater versus surface water;
3. New surface water issues, in particular, TMDLs (Total Maximum Daily Loads);
4. Proposed federal rules for state pesticide management plans never

passed;

5. Some guidance in the PMP needs to be clarified; and,
6. Much of the PMP is old and outdated since it was first drafted in 1995 and slightly revised 1998.

The MDA identified eight goals for the revised PMP. The revised PMP should:

1. Comply with statutes;
2. Reduce MDA staff resource requirements (assume no new staff);
3. Reduce response times;
4. Provide technically and legally defensible decisions;
5. Provide meaningful input into decision making for diverse interest groups;
6. Revise, not rewrite, the current PMP;
7. Be streamlined and concise; and,
8. Coordinate well with other agencies, cooperators and programs.

MDA staff reviewed and considered all of the comments provided and approached the revisions to the PMP with the explicit intent of achieving the identified goals. We believe that the proposed revisions provide significant improvement over the current PMP towards meeting these goals.

Some of the proposed revisions within the June 2004 draft revised PMP include the following:

1. Multiple teams and committees that were to be formed under the current (1998) PMP have been consolidated into just two committees in the draft revised PMP: a Pesticide Management Plan Committee (PMPC) that will provide comment to the MDA from diverse statutorily referenced state agencies and interest groups prior to major decisions; and, an Education and Promotion Team which will coordinate the approach and use of available resources for ongoing education, promotion and prevention activities. In addition, major decisions under the PMP will go through an open public comment period to ensure the opportunity for input from all interested parties.
2. Guidance for decision-making in several areas is linked more closely to the enabling statutes and statutory language.
3. Guidance for decision-making and a discussion of the state process for addressing surface water concerns has been separated from groundwater.
4. Outdated references and citations throughout the PMP have been updated or, where appropriate, eliminated.

In addition, the revised draft PMP should comply with the previous EPA guidance for state pesticide management plans.

Announcement of the release of the revised PMP (June 2004) is being made through the MDA pesticide program list server and a Minnesota

State

Register announcement. The list server includes e-mail addresses of persons or groups that have previously attended a PMP revision meeting, that subscribed to the list server, or that asked to be kept informed of related issues. Following the close of the current comment period, MDA will review the comments and consider further revisions to the draft PMP. The MDA may submit a revised draft for a second public comment period. The final revised PMP will be announced through the MDA pesticide list server and the State Register.

It was the intent of the MDA to have the first revised draft of the PMP available for comment by the end of February 2004. Unfortunately, we were not able to meet this deadline and we regret the delay. Also, the MDA originally proposed to conduct statewide listening sessions for the draft revised PMP prior to publication of the final revised PMP; however, due to time and resource constraints, and because we had planned to hold those sessions prior to the spring season when growers were more accessible, those sessions have been cancelled.

Copies of the June 2004 draft revised PMP and of the 1998 PMP are available on the MDA web site at <http://www.mda.state.mn.us/appd/ace/pmp.htm>

Please submit written comments on the June 2004 draft revised PMP by mail or e-mail to Gregg Regimbal, Agronomy and Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN, 55107-2094, gregg.regimbal@state.mn.us

Any questions regarding the content of or access to the draft revised PMP may be directed to Gregg Regimbal [651-297-4871; gregg.regimbal@state.mn.us], Joe Zachmann [651-205-4788; joseph.zachmann@state.mn.us] or Dan Stoddard, [651-297-8293; dan.stoddard@state.mn.us]

Sincerely,
Daniel Stoddard