

Pesticide Regulation

Update to 2020 Evaluation Report

January 2021

Problems Identified

- **Incomplete Documentation for Certain Registration Decisions.** The Minnesota Department of Agriculture (MDA) is responsible for registering pesticide products for use in Minnesota. This includes special local need product registrations, which allow pesticides to be used for a purpose not already permitted to address a specific need within the state. We found that MDA did not consistently maintain adequate documentation related to five statutorily required determinations it must make for special local need product registrations.
- **Unclear Communication with Complainants.** MDA is responsible for conducting investigations of pesticide misuse in response to complaints. MDA communicates with complainants by letter at two key points during these investigations: after laboratory analyses are complete and at the conclusion of the investigation. We found that both letters lacked clarity. Additionally, we noted that the *Pesticide Drift* brochure MDA provides to complainants gave unrealistic expectations for the investigation timeline.
- **MDA Does Not Monitor for All High-Risk Pesticide-Related Chemicals.** MDA is responsible for monitoring for pesticides and related chemicals in groundwater and surface water. We identified three commonly sold pesticide-related chemicals with medium-to-high toxicity to humans or aquatic life for which MDA does not monitor.

Changes Implemented

- **Improved Documents for Communicating with Complainants.** MDA has revised its investigation closure letter template to include the following recommended elements: (1) a summary of the nature of the complaint, (2) a clear explanation of MDA's determination with respect to the complaint allegation, and (3) examples of evidence supporting its determination. MDA plans to revise its lab results letter in January 2021. MDA also updated its *Pesticide Drift* brochure to include a more realistic timeline of some investigation activities.

Action Needed

- **Better Documents for Special Local Need Product Registrations.** MDA is working on revising its process for registering special local need products to ensure that the department properly documents the evidence it uses to make these decisions. However, MDA has not yet implemented these changes.
- **Expand Pesticides Monitoring.** While MDA has expressed a desire to monitor for the three commonly sold pesticide-related chemicals we identified in our report, the department has indicated that doing so will require laboratory updates.