

Minnesota Department of Agriculture
Pesticide and Fertilizer Division

**NOTICE OF SUBMISSION OF RULES PROPOSED FOR ADOPTION WITHOUT A
PUBLIC HEARING TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

Amendments to Rules Governing Pesticide Licensing, Minnesota Rules, 1505.1031

TO: ALL INTERESTED PERSONS

In accordance with Minnesota Statutes, section 14.388, subdivision 2, this Notice is being sent to all persons who have registered their name with the agency under Minnesota Statutes, section 14.14, subdivision 1a. This notice is also posted on the website of the Minnesota Department of Agriculture. <https://www.mda.state.mn.us/opportunities-public-involvement-mda-rules>

PLEASE TAKE NOTICE that the above-cited rule proposed for adoption will be submitted to the Office of Administrative Hearings on the date of this notice, March 19,2020. A copy of the rule modification is attached to this notice.

All interested persons have five business days after the date of this notice to submit comments to the Office of Administrative Hearings via its eComments website at <https://minnesotaoah.granicusideas.com/discussions> or 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota, 55164.

1. The Department is using the good cause exemption process under Minnesota Statutes, section 14.388, subd. 1, clause (1), in order to address a serious and immediate threat to public health, safety, or welfare. The State of Minnesota is currently experiencing incidences of the disease known as COVID-19, caused by the spread of the infectious Coronavirus. The Governor issued Emergency Executive Order 20-01 declaring and instituting a COVID-19 peacetime emergency. COVID-19 presents a serious and immediate threat to the health, safety, and welfare of the people of Minnesota. The coronavirus that causes COVID-19 can spread through contamination of surfaces, where the virus can reside until coming into contact with another person.

2. Minnesota Statutes section 18B.33 requires commercial applicators of pesticides to obtain a commercial applicator license prior to engaging in the commercial application of pesticides.

3. The Department of Agriculture has, as a matter of long-standing interpretation, not considered the use of antimicrobial products for routine cleaning and sanitation of surfaces to be a commercial application of pesticides subject to the licensing requirement of section 18B.33. To construe the licensing requirement otherwise could, for example, require janitors and other professional cleaning staff to obtain a commercial applicator license for purposes not reasonably contemplated by chapter 18B.

4. During the existing COVID-19 emergency, the need and importance of surface sanitation has increased dramatically.

5. The Department of Agriculture has been contacted by persons inquiring as to

whether they must obtain a commercial applicator license in order to perform work for others cleaning and sanitizing surfaces to reduce COVID-19 risks.

6. There is an exigent need to allow persons to assist others in sanitizing surfaces in order to reduce the risk of COVID-19. A delay in amending Minnesota's pesticide rules is contrary to the public interest based on the serious and immediate threat COVID-19 poses to Minnesotans.

The agency contact person is: Roger Mackedanz at Department of Agriculture, 625 Robert Street North, St. Paul, Minnesota 55155-2538, telephone (651) 201-6400, email roger.mackedanz@state.mn.us. For special accommodation you may contact agency contact person named above. Questions concerning the rules should be directed to the agency contact person.

Signed by: Roger Mackedanz
Pesticide and Fertilizer Management Division
Minnesota Department of Agriculture

Date: March 19, 2020