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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2761

03/09/2023 Authored by Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to biofuel; requiring monitoring of biofuel, air emissions, wastewater, and
1.3 coproducts for the presence of certain chemicals; providing for voluntary
1.4 biomonitoring of biofuel plant employees; appropriating money; amending
1.5 Minnesota Statutes 2022, sections 25.41, by adding a subdivision; 115.03, by
1.6 adding a subdivision; 144.996, subdivision 2; proposing coding for new law in
1.7 Minnesota Statutes, chapter 116.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2022, section 25.41, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 9. Biofuel coproducts. The commissioner must sample and test dried distillers
1.12 grains and other ethanol, biodiesel, and advanced biofuel coproducts distributed or intended
1.13 to be distributed as commercial feed for the presence of neonicotinoid pesticides and
1.14 perfluoroalkyl or polyfluoroalkyl substances.

1.15 Sec. 2. Minnesota Statutes 2022, section 115.03, is amended by adding a subdivision to
1.16 read:

1.17 Subd. 12. Biofuel plants. A national pollutant discharge elimination system or state
1.18 disposal system permit issued by the agency to an ethanol plant, as defined in section 41A.09,
1.19 subdivision 2a, a biodiesel plant, or an advanced biofuel plant must, as a condition of the
1.20 permit, require the monitoring of wastewater for the presence of neonicotinoid pesticides
1.21 and perfluoroalkyl or polyfluoroalkyl substances. The permittee's monitoring system must
1.22 be capable of providing a permanent record of monitoring results which the permittee must
1.23 make available upon request of the commissioner or any person. The commissioner must
1.24 periodically inspect a permittee's monitoring system to verify accuracy.

2.1 Sec. 3. [116.157] BIOFUEL PERMITS; MONITORING.

2.2 An air emissions permit issued by the agency to an ethanol plant, as defined in section  
 2.3 41A.09, subdivision 2a, a biodiesel plant, or an advanced biofuel plant must, as a condition  
 2.4 of the permit, require the monitoring of emissions for the presence of neonicotinoid pesticides  
 2.5 and perfluoroalkyl or polyfluoroalkyl substances. The permittee's monitoring system must  
 2.6 be capable of providing a permanent record of monitoring results which the permittee must  
 2.7 make available upon request of the commissioner or any person. The commissioner shall  
 2.8 periodically inspect a permittee's monitoring system to verify accuracy.

2.9 Sec. 4. [116.158] BIOFUEL TESTING REQUIRED.

2.10 The commissioner, in consultation with the commissioner of commerce, must sample  
 2.11 and test ethanol, biodiesel, and advanced biofuel produced in this state for the presence of  
 2.12 neonicotinoid pesticides and perfluoroalkyl or polyfluoroalkyl substances. The commissioner  
 2.13 must collect samples at each plant where ethanol, biodiesel, or advanced biofuel is produced.

2.14 Sec. 5. Minnesota Statutes 2022, section 144.996, subdivision 2, is amended to read:

2.15 Subd. 2. **Biomonitoring.** The commissioner shall:

2.16 (1) conduct biomonitoring of communities on a voluntary basis by collecting and  
 2.17 analyzing biospecimens, as appropriate, to assess environmental exposures to designated  
 2.18 chemicals;

2.19 (2) conduct biomonitoring of pregnant women and minors on a voluntary basis, when  
 2.20 scientifically appropriate;

2.21 (3) conduct voluntary biomonitoring of employees of ethanol plants, as defined in section  
 2.22 41A.09, subdivision 2a, biodiesel plants, and advanced biofuel plants to assess workplace  
 2.23 exposure to neonicotinoid pesticides and perfluoroalkyl or polyfluoroalkyl substances;

2.24 ~~(3)~~ (4) communicate findings to the public, and plan ensuing stages of biomonitoring  
 2.25 and disease tracking work to further develop and refine the integrated analysis;

2.26 ~~(4)~~ (5) share analytical results with the advisory panel and work with the panel to interpret  
 2.27 results, communicate findings to the public, and plan ensuing stages of biomonitoring work;  
 2.28 and

2.29 ~~(5)~~ (6) submit a biennial report to the chairs and ranking members of the committees  
 2.30 with jurisdiction over environment and health by January 15, ~~beginning January 15, 2009,~~  
 2.31 on the status of the biomonitoring program and any recommendations for improvement.

3.1 Sec. 6. **APPROPRIATIONS.**

3.2 **Subdivision 1. Department of Agriculture.** \$100,000 in fiscal year 2024 and \$100,000  
3.3 in fiscal year 2025 are appropriated from the general fund to the commissioner of agriculture  
3.4 for the purposes of section 1.

3.5 **Subd. 2. Pollution Control Agency.** \$500,000 in fiscal year 2024 and \$500,000 in fiscal  
3.6 year 2025 are appropriated from the general fund to the commissioner of the Pollution  
3.7 Control Agency for the purposes of sections 2 to 4.

3.8 **Subd. 3. Department of Health.** \$250,000 in fiscal year 2024 and \$250,000 in fiscal  
3.9 year 2025 are appropriated from the general fund to the commissioner of health for the  
3.10 purposes of voluntary biomonitoring under section 5.

3.11 **Subd. 4. Lifecycle assessment.** \$250,000 in fiscal year 2024 is appropriated from the  
3.12 general fund to the commissioner of agriculture to perform, in consultation with the  
3.13 commissioner of the Pollution Control Agency, a lifecycle assessment of the presence of  
3.14 neonicotinoid pesticide in the production of ethanol, biodiesel, and advanced biofuel,  
3.15 including feedstocks, coproducts, air emissions, and the fuel itself. This is a onetime  
3.16 appropriation and is available until June 30, 2025. No later than December 15, 2024, the  
3.17 commissioner of agriculture must submit the assessment, including recommendations, to  
3.18 the legislative committees with jurisdiction over agriculture and the environment.