

Plant Protection Division  
625 Robert Street North  
Saint Paul, MN 55155-2538  
(651) 201-6619

**Plant Treatment and Handling Compliance Agreement Between the Minnesota Department of Agriculture and \_\_\_\_\_ for the Prescribed Advertising and Labeling of Plants**

**Purpose:**

The Purpose of this document is to establish a Minnesota Department of Agriculture (MDA)-approved program under Minnesota Statute Section 18H.14 (c) and (e) outlining the requirements for \_\_\_\_\_ to advertise plants as pollinator-friendly and with special claims that they are free of neonicotinoid insecticides.

**General Conditions:** This compliance agreement does not pertain to plants of foreign origin, international and interstate shipments \_\_\_\_\_ agrees to the following.

1. That in authorizing and participating in these treatments/requirements as a basis for the certification of regulated articles, no liability shall be attached to the Minnesota department of Agriculture (MDA) or any of its employees in the event of injury to property, the regulated items or personnel. \_\_\_\_\_ agrees to carry out sanitary measures which may be required by the MDA and to carry out and abide by the following stipulations:
2. To cooperate with state regulatory officials to review and evaluate this agreement annually. Extensions of this compliance agreement is based on favorable evaluation including compliance with provisions listed below. \_\_\_\_\_ **will pay \$25 to the MDA for the issuance of this compliance agreement.**
3. To provide to MDA a complete list of systemic insecticides used on plants under direct production by \_\_\_\_\_ and a similar list from each supplier from which it purchases plants and \_\_\_\_\_ offers for sale that are labeled, advertised or sold with specific chemical claims OR advertised as pollinators-friendly.
4. To provide to MDA staff treatment records, test results or shipping information which may be required to establish the plants offered for sale by \_\_\_\_\_ meet the No Observed Adverse Effect Level established by the United States, Environmental Protection Agency for the systemic insecticides applied to the advertised plants and comply with any specific chemical claim(s) attached to the advertised/labeled plants.
5. To use MDA-approved nursery sanitation and pest control practices and receive inspections by an authorized representative of the MDA. The cost of such inspections will be borne by \_\_\_\_\_ **(current charge is \$50/hour/inspector which includes inspection and travel time to and from the site(s) + IRS mileage rate [currently 54 cents/mile]).**
6. To allow MDA to collect official samples of plant material and submit them to an official laboratory to confirm that the plants offered for sale by \_\_\_\_\_ are free of systemic insecticides as claimed on plant labeling. **The cost of the laboratory testing will be borne by \_\_\_\_\_.**
7. That no plants originating from outside the United States will be labeled with specific claims as a result of this Compliance Agreement.
8. To provide the MDA with samples of labels and/or other advertising with specific claims or pollinator-friendly designation prior to offering for sale labeled plants for review and approval.

625 Robert St. N., St. Paul, MN 55155-2538 ☐ 651-201-6000 or 1-800-967-2474 ☐ [www.mda.state.mn.us](http://www.mda.state.mn.us)

- 9. To withhold sale of these certified plants until MDA staff has reviewed and approved treatment records and/or other treatment documentation. Contact person is Steven Shimek (651) 201-6619 Office, (612) 600-6558 Mobil, [steven.shimek@state.mn.us](mailto:steven.shimek@state.mn.us)

**Records: \_\_\_\_\_ must maintain:**

- 1. Accurate records showing origin of plants proposed to be labeled with special claims;
- 2. Accurate records of pesticide treatments of field, greenhouses and other productions sites for all plants that carry labels or are notated with special claims regarding special status of the plants; and
- 3. Availability of all records to MDA regulatory officials upon request.

**The Minnesota Department of Agriculture agrees to:**

- 1. Upon request, provide \_\_\_\_\_'s representatives information regarding the most current specifications of Minnesota Statute 18H.14 Labeling and Advertising of Nursery Stock involving labeling plants for sale in Minnesota.
- 2. Provide inspections to determine compliance with the aforementioned statute.
- 3. Upon satisfactory inspection by MDA, provide the appropriate certification so the plants may be accurately labeled and sold in Minnesota.
- 4. Conduct audit inspections to ensure that only approved plants are being accurately labeled and that approved programs procedures are being followed. Audit inspections will be conducted during normal business hours.

**PENALTIES FOR FAILURE TO COMPLY WITH PROVISIONS OF THIS COMPLIANCE AGREEMENT**

Failure to follow the plant production techniques, labeling and shipping regulations stipulated in this compliance Agreement may result in the cancellation of the agreement. In addition, the nursery may be liable for penalties pursuant to Minnesota Statutes 18J.

Nursery Name: \_\_\_\_\_

I, (please print) \_\_\_\_\_ the owner/person in possession, care or control of the above named establishment have read and understand all the conditions and obligations stated herein by which I may label nursery stock with specific claims.

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|------------------------|-------|------|-------------------------------------|
| Company Representative | Title | Date | E-mail address and telephone number |
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**Signature of the Minnesota State Plant Regulatory Official**

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| Geir Friisoe | Minnesota Department of Agriculture,<br>Plant Protection Division Director | Date |
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