

Treated seed

Treated seed is seed, including grain, forage, oil-plant, and vegetable seed, that has been treated with pesticide, such as insecticide or fungicide. Federal law requires that interstate shipments of treated seed be prominently colored. Minnesota law requires that treated seed offered for sale be labeled to indicate it has been treated.

This fact sheet must be posted in a conspicuous location at any Minnesota location where treated seed is sold.

Treated seed that will be used by planting

Treated seed that will be used must be planted according to the label directions on the treated seed packaging. Depending on the label directions, planting may be allowed for crop production, wildlife habitat, or erosion or weather protection. There may also be restrictions on planting rate and depth.

Treated seed that will not be used by planting

Management of treated seed that will not be used by planting is regulated in Minnesota by the Minnesota Department of Agriculture (MDA) and the Minnesota Pollution Control Agency (MPCA).

Treated seed that will not be used by planting is considered industrial solid waste in Minnesota. Because of the risk of concentrating the chemicals it is treated with, waste treated seed in Minnesota may not be:

- Fed to any animal, including wildlife, or used in human food.
- Buried for disposal, except in a permitted solid waste landfill, even if burial is stated as a disposal option on the treated seed label, except that farmers in Minnesota may bury treated seeds from their own farm on the farm property. On-farm burial must be at least 200 feet from private wells and tile drain inlets or any open water and 1,000 feet from public water supply wells. Spreading and incorporation into soil, except by a farmer of their own treated seed on their own farm, is considered being buried for disposal and is not allowed.
- Composted.
- Burned, except in a permitted Waste-To-Energy (WTE) incineration facility. Waste treated seed may not be burned openly, in corn or wood stoves, or in residential or commercial boilers, including by farmers.
- Used for ethanol, biodiesel, or other fermentation or oil processing, unless specifically approved by the MPCA. Though some treated seed labels still list ethanol production as a management option if no measurable residues of pesticides remain in resulting by-products used in agronomic practice, the MPCA is not aware of any currently available use that does not raise this risk.

Packaging and equipment

Disposable packaging from treated seed, such as bags, is also considered a regulated solid waste in Minnesota, and may not be buried or burned except in permitted facilities. Farmers may dispose of empty treated seed bags with their normal solid waste, but may not burn any plastic.

Reusable packaging, such as totes and cartons, may be reused with or without rinsing for the same product. When washing equipment, such as seed treatment equipment, planting equipment, or reusable packaging, the MPCA recommends using only the minimum amount of rinsewater necessary.

Rinsewater may be discharged to a publicly owned treatment works, commonly known as a sewage treatment plant, after notifying the works operator and following their conditions or restrictions. Rinsewater may also be applied at label rates to a crop for which the active ingredients in the seed treatment are registered. Rinsewater may not be allowed to discharge to uncropped ground, surface water, or septic systems.

Arranging for proper disposal

Manufacturers, distributors, retailers, farmers, and any other person generating waste treated seed and packaging, called the waste *generators*, are responsible for arranging for proper disposal of their waste. The MPCA considers waste treated seed and packaging to be an industrial solid waste with no need for further hazardous waste evaluation by the generator, landfill, or WTE incineration facility.

You may find a list of Minnesota landfills in MPCA fact sheet #w-sw6-04, Minnesota landfills accepting mixed municipal solid waste, at: <https://www.pca.state.mn.us/sites/default/files/w-sw6-04.pdf>.

You may find a list of permitted Minnesota WTE incineration facilities on the website of the Minnesota Resource Recovery Association (MRRRA), at: <http://mnresourcerecovery.com/>.

Many of these landfills and WTE facilities can and may choose to accept industrial solid waste treated seed, dependent on many variables, **however you must contact the landfill or WTE facility first to ensure that they can safely manage and agree to accept the form and amount of waste treated seed you have.**

Management in landfills

If not already explicitly included, waste treated seed must be addressed in a revision to a landfill's Industrial Solid Waste Management Plan. The revised plan must be reviewed and approved by the MPCA before a landfill may receive this waste stream. Revisions for waste treated seed must include:

- Gas generation. Waste treated seed may present a fermentation and methane gas generation risk. Landfill operators must determine what prospective volume of waste treated seed and potential resulting gas generation the landfill can safely accept on a per-load or per-day basis.
- Stability and settlement. Landfill operators must determine when thin-spreading of waste treated seed over the active disposal area or incorporation into other received waste may be needed to maintain slope stability and minimize localized settlement.
- Daily cover. To prevent wildlife foraging and exposure, waste treated seed of any volume must be immediately covered.

Some landfills may also be required to additionally obtain county approval to receive waste treated seed, depending on location.

More information

Guidance and requirements in this fact sheet were compiled from Minnesota Statutes, Chapters 21 and 115A, and Minnesota Rules, Chapters 7035 and 7045, and incorporate regulatory interpretation decisions made by the MPCA on January 12, 2022; and by the MDA on November 6, 2023. To review Minnesota Rules, visit the Office of the Revisor of Statutes at: <https://www.revisor.mn.gov/pubs>.

The MPCA's Small Business Environmental Assistance Program can offer free, confidential compliance assistance. For information about waste minimization, contact the Minnesota Technical Assistance Program.

Immediately report all spills that may damage the environment to the Minnesota Duty Officer.

Minnesota Pollution Control Agency

Toll free (all offices) 1-800-657-3864
All offices 651-296-6300
..... <https://www.pca.state.mn.us/>

Minnesota Department of Agriculture

Toll free..... 1-800-967-2474
All offices 651-201-6000
..... <https://www.mda.state.mn.us/>

Small Business Environmental Assistance Program

Toll free 1-800-657-3938
Metro 651-282-6143
..... <https://www.pca.state.mn.us/business-with-us/small-business-environmental-assistance>

Minnesota Technical Assistance Program

Toll free 1-800-247-0015
Metro 612-624-1300
..... <http://www.mntap.umn.edu>

Minnesota Duty Officer

Toll free 1-800-422-0798
Metro 651-649-5451