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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1838**

March 8, 2007

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 24, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to agriculture; regulating certain pesticide applications; appropriating  
1.3 money; proposing coding for new law in Minnesota Statutes, chapter 18B.  
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[18B.40] EMPLOYEE INFORMATION.**

1.6 Subdivision 1. **Notice.** A railroad company commercially applying pesticide to its  
1.7 track or right-of-way must give at least 48 hours advance written notice of the pesticide  
1.8 application to all employees who could reasonably be required to work in the area  
1.9 to which pesticide is to be applied. This notice must specify the location, date, and  
1.10 estimated time when pesticide application is anticipated to occur. The notice must also  
1.11 specify the active ingredients of the pesticides anticipated to be applied and specify in  
1.12 terms comprehensible to a layman the potential short-term and long-term effects of these  
1.13 active ingredients on humans. The notice must specify the scientifically determined or  
1.14 the pesticide manufacturer's recommended time period after pesticide application until  
1.15 humans can safely occupy and work in an area in which pesticide application has occurred.

1.16 Subd. 2. **Working in pesticide area.** A railroad company may not require an  
1.17 employee or an employee of a contractor or subcontractor, other than the pesticide  
1.18 applicator, to work in an area in which pesticide application has occurred until the time  
1.19 period specified in subdivision 1 for safe return to the area has elapsed. The railroad  
1.20 company must furnish personal protective equipment sufficient to preserve the employee's  
1.21 health to each of its employees and to each employee of each of its contractors or  
1.22 subcontractors working in an area where pesticide has recently been applied.

1.23 Subd. 3. **Use of equipment.** No employee may be required to handle or operate any  
1.24 track appurtenance, track switch, track derail appliance, rolling stock, safety appliances,

2.1 locomotive equipment, or track repair machinery known to have been sprayed with  
2.2 pesticide or other retardant chemical until the track structure or moveable equipment has  
2.3 been thoroughly spray washed with clean water from an inspected well or public source of  
2.4 water. Rain or snowfall must not be considered a qualified spray washing.

2.5 Subd. 4. **Health hazard.** No employee may be required to work in or occupy an  
2.6 area where pesticide has recently been applied if that employee reasonably believes that  
2.7 action to be hazardous to the employee's health.

2.8 **Sec. 2. [18B.41] PESTICIDE APPLICATION LIMITATIONS.**

2.9 Subdivision 1. **Occupied equipment.** No railroad may apply pesticide in a manner  
2.10 so as to adversely affect occupants of adjoining locomotives, track repair equipment,  
2.11 off-track vehicles, mobile camp cars, or stationary buildings.

2.12 Subd. 2. **Bridges and waterways.** No railroad may apply pesticide to the decks of  
2.13 bridges, to the surface of rivers or lakes crossed by that railroad's tracks, or to any area  
2.14 marked and designated as a pesticide-free zone.

2.15 **Sec. 3. [18B.42] ENFORCEMENT.**

2.16 The commissioner of agriculture must investigate complaints of violation of section  
2.17 18B.40 or 18B.41. If a violation is found, the commissioner must order correction of  
2.18 the violation. The commissioner may use normal administrative procedures to enforce  
2.19 that order.

2.20 **Sec. 4. APPROPRIATION.**

2.21 \$..... in fiscal year 2008 is appropriated from the general fund to the commissioner  
2.22 of agriculture for administration of Minnesota Statutes, sections 18B.40 to 18B.42.

2.23 **Sec. 5. EFFECTIVE DATE.**

2.24 Sections 1 to 4 are effective the day following final enactment.