

## Treated seeds

Treated seeds are seeds, including grain, forage, oil-plant, and vegetable seeds, that have been treated with pesticides or fungicides. Treated seeds can usually be identified by their distinctive color. Federal law requires that a distinctive color be applied to seeds that are treated and sold.

### Treated seeds 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 seeds that will not be used by planting

While the Minnesota Department of Agriculture (MDA) and the U.S. Environmental Protection Agency (EPA) regulate the pesticides and fungicides that are used to treat seeds, treated seeds themselves are exempt from these requirements. Instead, management of treated seeds that will not be used by planting is regulated by the Minnesota Pollution Control Agency (MPCA).

Treated seeds that will not be used by planting are considered industrial solid wastes in Minnesota. Because of the risk of concentrating the chemicals they are treated with, waste treated seeds in Minnesota may not be:

- 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. Spreading and incorporation into soil, except by a farmer of their own treated seeds 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 who do not need to dispose of any treated seeds may dispose of 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 any conditions or restrictions they apply. 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 may accept industrial solid waste treated seed, however **generators must contact the landfill or WTE facility first to ensure that they will agree to accept waste treated seeds and can safely manage this waste stream.**

## Management in landfills

If not already explicitly included, treated seeds 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 treated seeds 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 Rules, Chapters 7035 and 7045, and incorporate regulatory interpretation decisions made by the MPCA on January 12, 2022. 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/>

### Small Business Environmental Assistance Program

Toll free ..... 1-800-657-3938  
Metro ..... 651-282-6143  
.....<https://www.pca.state.mn.us/sbeap/>

### 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