

December 11, 2023

Governor Tim Walz  
130 State Capitol  
75 Rev Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

CC: Commissioner Brooke Cunningham, Minnesota Department of Health (MDH)  
Commissioner Katrina Kessler, Minnesota Pollution Control Agency (MPCA)  
Commissioner Thom Petersen, Minnesota Department of Agriculture (MDA)  
Commissioner Sarah Strommen, Minnesota Department of Natural Resources (MDNR)

RE: Minnesota Regulatory Accountability to Protect Health and Natural Resources

Dear Governor Walz,

We are troubled about mounting evidence that state agencies charged with protecting Minnesota's health and natural resources are failing to do so. Hardly a week passes without media reports that state agencies are deferring to international mining conglomerates, big agricultural interests and other polluting corporations. As a result the quality of our air, water, lands, and the health and future of our children are being compromised. We request to meet with you, Governor Walz, and any agency leadership you would invite, shortly after the New Year to discuss our pressing concerns.

Here and at the end of this letter, we've noted just a few of the significant regulatory failures by Minnesota agencies.<sup>1</sup> Just weeks ago, after conducting a contested case ordered by the Minnesota Supreme Court, an administrative law judge ruled that **PolyMet's** plan for a bentonite cover on its reactive tailings waste was not "practicable and workable" and would fail to meet the requirements of Minnesota's Reactive Mine Waste Rule.<sup>2,3</sup> The MDNR had both denied the need for a contested case hearing and approved PolyMet's reactive waste storage plan. Earlier this summer, the Minnesota Supreme Court found that **MPCA's irregular procedures** in hiding the U.S. Environmental Protection Agency's (EPA) criticisms of the PolyMet water pollution permit and failing to make or preserve a record were "danger signals" of an unreasoned decision. The Court reversed MPCA's PolyMet permit decision as "arbitrary and capricious."<sup>4,5</sup>

It was recently reported that the **Smith Foundry** in Minneapolis has been violating its air permit since 2018 by emitting airborne lead and particulate matter into the air at unsafe levels. Nearby residents, bicyclists on the Greenway, and children at Circulo de Amigos Child Care Center have been breathing these pollutants. The EPA intervened to enforce air pollution laws in the face of inaction and denial by the MPCA.<sup>6,7</sup>

Drinking water across **Southeast Minnesota** is unsafe to drink, particularly for bottle-fed infants. Nitrogen<sup>8</sup> from industrial agriculture operations and animal feedlots has been slowly leaching into groundwater and the unique karst geology, which many residents use as their source of drinking water. Recently, the EPA sent a letter to the MDA, MDH, and MPCA telling them that the situation is unacceptable and must be addressed immediately.<sup>9,10,11</sup>

**Contamination of state waters by nitrates and agricultural pesticides continues unabated.** The DNR, the MPCA, and the MDA seem incapable of protecting water quality and public health from agricultural industry pollutants. Minnesota's impaired water list identifies 6,349 impairments where Minnesota's water bodies fail to meet basic water quality standards.<sup>12</sup>

The number one priority of the MPCA, the MDNR and MDH should be to protect natural resources and safeguard public health, and the MDA must take responsibility to prevent harm to health, water, and lands from agricultural practices. In the face of countervailing pressure, we request that you, as Governor, use your leadership to insist that Minnesota state agencies take seriously and implement their directives and restore public trust in their ability to protect people and the environment. We respectfully request a meeting shortly after the New Year to discuss how best to ensure Minnesota regulatory agencies: **1) make human and environmental health their top priority; 2) take immediate action to implement protections and impose stricter penalties in enforcement; 3) strengthen weak standards and permitting processes; and 4) take proactive steps to strengthen agency accountability and transparency to the public.**

**Signed by the following:**

**Our contact:** Don Arnosti, Environmental Consultant, [donarnosti@gmail.com](mailto:donarnosti@gmail.com)

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Jasper Becker on behalf of *Climate Justice Committee, Minneapolis*

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Sarah Mooradian on behalf of *CURE MN*

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Dean Dovolis, EPNI Board President on behalf of *East Phillips Neighborhood Institute (EPNI)*

Reverend Rex McKee on behalf of *Episcopal Church in Minnesota*

Chris Knopf, Executive Director on behalf of *Friends of the Boundary Waters Wilderness*

Thomas E. Casey, Board Chair on behalf of *Friends of Minnesota Scientific and Natural Areas*

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Lori Andresen on behalf of *Save Our Sky Blue Waters*  
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Robert Haider on behalf of *TakeAction Minnesota*  
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Holly Jenkins on behalf of *Wilderness in the City*  
Ruthann Yaeger on behalf of *Zumbro Valley Audubon*

**Signed by following community members:**

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Karin Winegar, Writer, St. Paul  
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### Selected Examples of Other Minnesota Regulatory Failures

- **Neonicotinoid contamination in Minnesota decimates pollinators and other wildlife and poses risks to human health.** Studies have found that the [EPA does not adequately protect public health from pesticides](#); therefore the responsibility falls on the Minnesota Dept. of Agriculture. The public has demanded stronger regulation for years, including the banning of neonicotinoids (neonics) and regulation of pesticide-coated seeds. But MDA recently rejected suggestions for further discussion of legislation or regulation of this pesticide. Consumers, greenhouses, and industrial agriculture use neonics, and the largest use of neonics in Minnesota is insecticide-treated seed. This use goes unchecked and untracked by state regulators because of a treated seed loophole, and MDA has refused to address this critical regulatory loophole, leaving Minnesota at risk. State reports show neonicotinoids are [a surface water pesticide of concern](#), water is polluted, [deer spleens are contaminated](#), [terrestrial animals are sick](#), row crops are covered with this toxic pesticide, and pollinators continue to die from lethal and sublethal pesticide effects. Human health is at risk from neonic contamination especially for children: 1) Neonics are found in children's urine and cerebrospinal fluid; 2) [Neonics are associated with human liver cancer](#); and 3) [Neonics are found in pregnant women's placentas](#).
- **The Northern Metals facility violated its air permit for years.** It has emitted dangerous toxins PM10 and PM2.5 into the air in North Minneapolis, [where residents have the highest rates of hospitalization for asthma of any area of the state](#). The Minnesota Pollution Control Agency allowed this facility to continue operating until a community-led campaign led to a [court-ordered shutdown](#).

- **The Water Gremlin company in White Bear Township released TCE, DCE chemicals, and lead into the air, exposing nearby residents for as long as a decade.** [Water Gremlin was not using its pollution control technology](#), and the Minnesota Pollution Control Agency only acted [after residents sued for further information about the health risks](#) they were facing.
- **The MPCA and DNR cater to both taconite and sulfide mining companies.** DNR and MPCA PolyMet permit reversals were previously discussed. MPCA's water pollution permit for U.S. Steel was [reversed by the Minnesota Court of Appeals](#) for failure to regulate mine discharge through groundwater to surface water under the Clean Water Act. In 2021, the [EPA overturned MPCA's continued failure to list wild rice waters impaired due to sulfate](#) and required the State to finally list wild rice impaired waters. Recently, the MPCA has been negotiating with iron mining companies about allowing ["site-specific standards" for sulfate in wild rice waters](#) so they can avoid costs of pollution control that would protect wild rice.
- **The MDA administers a [program of farm certification that has no monitoring or testing to determine whether it is effective](#).** All signs point to its lack of effectiveness or enforcement.
- **The DNR fails to take initiative to ban the use of lead deposited on lands and waters** by hunters, anglers and shooting sports enthusiasts who continue to release hundreds of tons of lead ammo and lead fishing tackle each year into the environment. In 2018, DNR reported at page 10 that ["178 tons of lead were deposited on state lands during the 2017 small game hunting season."](#)
- **The MPCA and DNR granted inadequate permits for Enbridge's Line 3 pipeline** which did not require a discharge permit, since the MPCA accepted Enbridge's representation that there would be no discharge. The [MPCA did not require Enbridge to stop construction when its construction practices failed](#). Enbridge acted irresponsibly and illegally, creating ecological disasters, and then covered them up.
- **The DNR ignored laws requiring that timber sales be specifically designed to benefit wildlife** in WMAs and AMAs, per regulatory requirements. As was widely reported, this put [Minnesota at risk of missing out on \\$22 million dollars](#) in federal habitat grant funds.