

April 26, 2018

The Honorable Jim Knoblach
453 State Office Building
Saint Paul, MN 55155

The Honorable Lyndon Carlson Sr.
283 State Office Building
Saint Paul, MN 55155

Dear Representatives Knoblach and Carlson:

The farm economy is in a downturn and our rural communities are bearing the brunt of these challenging times. Even in strong economic conditions farmers face challenges from daily price swings, changes in the weather, long hours, and often solitary work environments. These pressures often impact our neighbors' mental health. The concerns of rural mental health are exacerbated by the fact that there are few health practitioners that understand the stresses of farm life.

House File 3719 contains \$217,000 in new spending for rural mental health programs and I applaud the hard work of Chair Hamilton and Ranking Member Poppe and their respective caucuses in dedicating part of our \$329 million budget surplus for rural mental health. Rural mental health is not a partisan issue and this new investment represents the bipartisan spirit found in Minnesota's agricultural community. This bill contains other bipartisan provisions that will benefit Minnesota's rural communities, such as an increase in funding for Minnesota's Farm Advocates.

However, HF 3719 also contains a partisan provision that drastically curtails the Minnesota Department of Agriculture's (MDA) rulemaking authority under the Groundwater Protection Act. This policy language is untenable and as Governor Dayton stated in his April 16, 2018 letter to Chairs Hamilton and Anderson its inclusion in this omnibus finance bill will result in the bill being vetoed.

It is scientific fact that nitrogen fertilizers can and do leach into groundwater, and it is another fact that the most prevalent use of nitrogen fertilizer is on agricultural cropland in Minnesota. A significant source of nitrate contamination in Minnesota's groundwater is the result of agricultural fertilizer use and the high levels of nitrate in some of our drinking water sources pose a serious threat to human health. Put simply, Minnesota has a problem with nitrates contaminating our groundwater and the MDA has a legal obligation under the Groundwater Protection Act as well as a moral obligation to address this issue.

As a former member of the Minnesota Senate, I have immense respect for the Legislative Branch and can appreciate your desire to confront every issue that impacts your constituents. However, rulemaking is a complex, years-long process that requires in-depth scientific analysis and continuous public engagement. It cannot occur simply during election years or through closed-door legislative deals at the end of session. It is misguided to think that rulemaking authority can effectively lie within a legislative body.

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On Tuesday, April 24, 2018, the MDA publicly released its proposed Groundwater Protection Rule. The proposed rule is based on the best available science, and as I promised, contains a healthy dose of commonsense. I understand the rule is still being assessed by many Minnesotans, but I think it's important to note a few early responses to the rule.

- The president of the Minnesota Corn Growers Association, Kirby Hettver, told the *Star Tribune* that the proposed rule is "a reasonable approach."
- Thom Peterson of the Minnesota Farmers Union told the *Star Tribune*, "A lot of our concerns have been addressed... A lot of farmers can work within the rule."
- Steve Morse, Minnesota Environmental Partnership, told the *Star Tribune* the rule was a modest step but "it sets up a good framework."

On April 30, 2018, the rule will be published in the *State Register* which will trigger an 80 day comment period. This comment period is longer than most stakeholders requested. Public comments on the rule must be submitted to the Office of Administrative Hearings. In May and June my staff and I will be traveling the state to hold information sessions on the proposed Groundwater Protection Rule and how to participate in the rulemaking process. These actions will continue the MDA's longstanding commitment to robust public engagement in this rulemaking process.

In closing, I respectfully request that the House remove the language compromising the agency's rulemaking authority. Once this provision is removed we can continue working together to help our farmers and rural communities weather these difficult times.

Sincerely,



Dave Frederickson
Commissioner

CC:

Representative Paul Anderson
Representative Rod Hamilton
Representative David Bly
Representative Jeanne Poppe