Minnesota Agricultural Water Quality Certification Program

2026 Evaluation Report

Program Evaluation Division

Office of the Legislative Auditor

State of Minnesota

Program Evaluation Division

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Judy Randall, Legislative Auditor
State of Minnesota

July 2026

Members of the Legislative Audit Commission:

The Legislature established the Minnesota Agricultural Water Quality Certification Program (MAWQCP) in 2013 to certify agricultural producers whose practices protect water quality. The Minnesota Department of Agriculture (MDA) administers the program in partnership with program certifiers at Soil and Water Conservation Districts across the state.

We found that MDA certifies producers that have not met the program's standards by allowing producers to receive certification contingent on the future implementation of conservation practices. We also found that MAWQCP's effect on water quality is not clear. We make several recommendations to MDA to strengthen the program, including discontinuing the use of contingencies when certifying producers. We also make recommendations to the Legislature to update statutes and identify intended outcomes for the program.

Our evaluation was conducted by Caitlin Zanoni-Wells (project manager), Will Harrison, and Adrianna Lobitz. MDA staff cooperated fully with our evaluation, and we thank them for their assistance.

Sincerely,

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Summary

July 2026

Minnesota Agricultural Water Quality Certification Program

The Minnesota Department of Agriculture (MDA) has not ensured that producers meet all program standards before receiving Minnesota Agricultural Water Quality Certification Program (MAWQCP) certification. Though MDA reports a number of program outcomes, MAWQCP's effect on water quality is not clear.

Report Summary

Program Certification

Statutes establish numerous requirements MDA must follow while administering MAWQCP.

- While MDA's current administration of MAWQCP does not align with all provisions in statute, some statutory requirements may be unnecessary. (p. 23)

- Statutory requirements to protect the privacy of certified producers may inhibit MDA's ability to effectively administer the program. (p. 24)

  Recommendations ► The Legislature should update MAWQCP's authorizing statutes. MDA should clarify expectations for communication with regulatory agencies and require MAWQCP staff and certifiers to communicate with these agencies when necessary to administer the program. (pp. 26, 27)

Program Standards

MDA's certification process allows producers to receive MAWQCP certification with "contingencies." These producers agree to implement or maintain certain practices to meet the program's standards.

- MDA certifies producers that have not met the program's standards. Some producers certified with contingencies did not meet program standards years after certification, yet they still received the benefits of certification. (pp. 29, 31)

  Recommendation ► MDA should discontinue the use of contingencies in MAWQCP certification agreements. (p. 34)

Background

The Legislature established MAWQCP in 2013 to certify agricultural producers whose practices protect water quality. MDA administers MAWQCP in partnership with program certifiers at Soil and Water Conservation Districts across the state.

MAWQCP is a voluntary program. To get certified, producers apply, and program certifiers review producers' operations and conduct in-person field verifications. Certifiers enter the producers' information into the MAWQCP assessment tool to determine whether they meet the program's standards. If producers meet the program's standards, MDA certifies the producers for 10 years. In addition to the initial assessment, MAWQCP staff conduct reviews mid-way through producers' certification periods to ensure compliance with program standards.

Since MAWQCP was established, MDA has certified over 1,600 producers and over 1.1 million acres of farmland.

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- While the program conducts more mid-certification reviews than statutes require, the comprehensiveness of these reviews varies. MDA allows producers to remain certified even if their mid-certification reviews reveal that they do not comply with program standards. (pp. 36, 39)

  Recommendations ► MDA should focus its mid-certification reviews on producers at the highest risk of being out of compliance with program standards and ensure producers follow program requirements. The Legislature should revise the requirement to conduct random producer audits. (p. 40)

Program Purpose and Impact

MDA reports on several program measures, including the number of certified producers, number of conservation practices implemented by certified producers, and estimated pollutant reduction.

- MAWQCP's statutory purpose is unclear. Because MAWQCP's purpose is not well defined, identifying appropriate outcome measures is challenging. (pp. 45, 46)

  Recommendation ► The Legislature should clarify MAWQCP's purpose and identify intended outcomes. (p. 47)

- MAWQCP's effect on water quality is not clear. Pollution reduction estimates capture projected impacts of conservation practices, rather than the actual impact, and MDA's data on reduction estimates have significant limitations. MDA does not collect data that would allow the agency to measure MAWQCP's actual impact on water quality; however, measuring MAWQCP's impact on Minnesota's lakes, rivers, streams, and groundwater may not be feasible. (pp. 48, 51, 52)

  Recommendations ► MDA should address limitations in the agency's data on conservation practices and pollutant reduction estimates, and consider ways to incorporate water quality monitoring for a selection of certified producers. (p. 54)

- Producers who responded to our survey reported that MAWQCP offers many benefits to them and few drawbacks. (p. 55)

Summary of Agency Response

In a letter dated July 8, 2026, Commissioner Thom Petersen said that MDA agrees "with many of the recommendations outlined by the report" but has "several points of clarification that we feel are important to include." Notably, he said MDA agrees with the recommendations that the Legislature update several aspects of MAWQCP's authorizing statutes and that MDA (1) clarify expectations regarding communication with other regulatory agencies and (2) strengthen its policies for MAWQCP.

On the other hand, the commissioner said that MDA does not support discontinuing all contingencies, since they are "a critical part of each certification agreement." However, he said MDA has and "will continue to make strides to limit the use of contingencies." Regarding the recommendation to address limitations in the agency's data on program outcomes and consider ways to incorporate water quality monitoring, the commissioner said the agency "reports outcomes using the same methodologies applied by other state agencies, which incorporate monitoring frameworks that account for the many variables influencing ground and surface water." Overall, the commissioner said "We acknowledge there are ways to improve this program and are incredibly proud of MAWQCP and all it has done to further our state's commitment to enhancing water quality and conservation."

The full evaluation report, *Minnesota Agricultural Water Certification Program*, is available at 651-296-4708 or: **www.auditor.leg.state.mn.us/ped/2026/mawqcp.htm**

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Introduction

Agriculture is a key industry of the state's economy, growing food we eat and other necessary products used in daily life. But agriculture can negatively impact Minnesota's vast water resources, which include almost 12,000 lakes and over 10 million acres of wetlands. In 2013, the Legislature established the Minnesota Agricultural Water Quality Certification Program (MAWQCP) as a voluntary program to certify agricultural producers whose practices protect water quality. The Minnesota Department of Agriculture (MDA) administers MAWQCP, and the agency works with Soil and Water Conservation Districts (SWCDs) across the state to implement the program at the local level.

In August 2025, the Legislative Audit Commission directed the Office of the Legislative Auditor to evaluate MAWQCP. Our evaluation addressed the following questions:

- **To what extent has MDA complied with MAWQCP requirements in state law?**
- **How well has MDA managed MAWQCP?**
- **What impact, if any, has MDA demonstrated MAWQCP to have on water quality in Minnesota?**

To determine the extent to which MDA has complied with MAWQCP legal requirements, we reviewed Minnesota law and MDA policies and procedures for the program. We reviewed certified producers' files to identify the extent to which MDA adhered to requirements in state law and MDA policy. We also analyzed data on MDA's certified producer audits.

To evaluate MDA's management of the program, we interviewed MDA program staff, staff from other state agencies, and program stakeholders. We conducted site visits across the state to observe certification processes and interview program certifiers, certified producers, and SWCD staff. Additionally, we surveyed certified producers to hear their perspectives on the program, and we sent a questionnaire to lead certifiers for each region of the state. Finally, we analyzed program data to understand timeliness of certification and program finances, among other things.

To identify MAWQCP's impact on water quality, we reviewed MDA's reporting on program outcomes. We conducted a literature review focused on water quality and pollution reduction outcomes. We also reviewed MDA's data on conservation practices implemented due to the program and their estimated pollution reduction.

Our evaluation focused primarily on implementation of MAWQCP. As a result, we did not audit financial assistance provided through MAWQCP. We also did not review MAWQCP program endorsements, which MDA offers to certified producers who go above and beyond the program's standards.

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Chapter 1: Background

Agriculture is a major industry in Minnesota's economy. Minnesota had over 110,000 agricultural producers and 25 million acres of farm land in 2022, with $28 billion in agricultural products sold that year.[1] Agricultural producers grow the food we eat and contribute to other products used in daily life, such as biofuel ethanol (which is made from grains such as corn or barley). However, agriculture also can contribute to pollution and degrade water quality. Agricultural chemicals and animal waste can leach into groundwater or run off into surface water, affecting the water quality of streams, rivers, and lakes. The resulting water pollution can impact human health when it affects drinking water sources or waters used for recreational purposes.

The Minnesota Agricultural Water Quality Certification Program (MAWQCP) encourages producers to implement practices that protect water quality in Minnesota. In this chapter, we first discuss the origin of MAWQCP, including its establishment in state law and initial implementation as a pilot program. We then provide an overview of the program's structure and administration by the Minnesota Department of Agriculture (MDA). We describe who MAWQCP has certified and where certified producers are located throughout the state. Finally, we discuss the program's finances.

Producers

We use the term "producers" throughout this report to mean farmers, ranchers, and all other agricultural producers.

Program Overview

MAWQCP began as a federal-state partnership in January 2012.[2] The State of Minnesota, U.S. Department of Agriculture (USDA), and Environmental Protection Agency (EPA) agreed to support the program's development and coordinate resources for the program. In 2013, the Minnesota Legislature established MAWQCP as a pilot program in statute.[3] MDA began certifying producers in four watersheds in 2014 during the program's pilot phase.[4] The pilot phase concluded in 2015, and the program expanded statewide the same year.

[1] U.S. Department of Agriculture, National Agricultural Statistics Service, *2022 Census of Agriculture – State Data: Minnesota*. The U.S. Department of Agriculture conducts this census every five years; the 2022 census is the most recent.

[2] State of Minnesota, U.S. Department of Agriculture, and U.S. Environmental Protection Agency. Memorandum of Understanding, "Engaging in a State and Federal Partnership in Support of the Minnesota Agricultural Water Quality Certification Program," January 17, 2012.

[3] *Laws of Minnesota* 2013, chapter 114, art. 2, secs. 5–16, codified as *Minnesota Statutes* 2025, 17.9891–17.993.

[4] Watersheds are areas that drain all streams and rainfall into a shared outlet. Watersheds include all surface and ground water from that area of land.

MAWQCP is a voluntary program that offers producers recognition and other benefits for their efforts to protect water quality.

Producer participation in MAWQCP is voluntary. This follows a historical trend of federal and state governments using voluntary programs to incentivize adoption of conservation practices in agriculture.[5]

MAWQCP certifies producers who demonstrate "practices and management sufficient to protect water quality."[6] MAWQCP certification means that a certifier has assessed the producer's operation and determined that the producer is both (1) in compliance with all water quality rules and regulations and (2) has addressed all risks to water quality. In most cases, certification lasts for 10 years.[7] After the 10-year certification period concludes, the producer's operation must be reassessed to recertify with the program.

Conservation Practices

Conservation practices are techniques implemented by producers to conserve or protect natural resources.

Some examples of conservation practices include:

- **Residue and tillage management:** Managing plant residue on the soil surface year-round, while limiting soil disruption.
- **Cover crops:** Growing a crop of grass, small grain, or legumes for seasonal vegetative cover.
- **Grassed waterways:** A shaped or graded channel to move surface water at a rate that limits erosion.

— U.S. Department of Agriculture – Natural Resources Conservation Service

In return for their participation in the program, producers receive certain benefits. First, producers receive recognition that they are implementing practices that are protective of water quality. Producers may choose to display a MAWQCP sign on their property or have their farm listed on MDA's website. Second, statutes offer certified producers "regulatory certainty," which means they will be considered in compliance with new water quality rules and regulations that go into effect while their certification is ongoing.[8] Third, producers may receive technical or financial assistance as part of the MAWQCP certification process.

[5] The appendix provides additional examples of conservation practices adopted by agricultural producers.

[6] *Minnesota Statutes* 2025, 17.9891.

[7] Certification may last for less than 10 years if (1) the producer passes away; (2) the producer stops operating their farm, ranch, or other agricultural operation; (3) the producer decides they no longer wish to be certified; (4) MDA determines that the producer is not maintaining their practices according to the program's standards and cancels the certification; or (5) the producer's operation undergoes such significant changes that it has to be reassessed to remain eligible for the program.

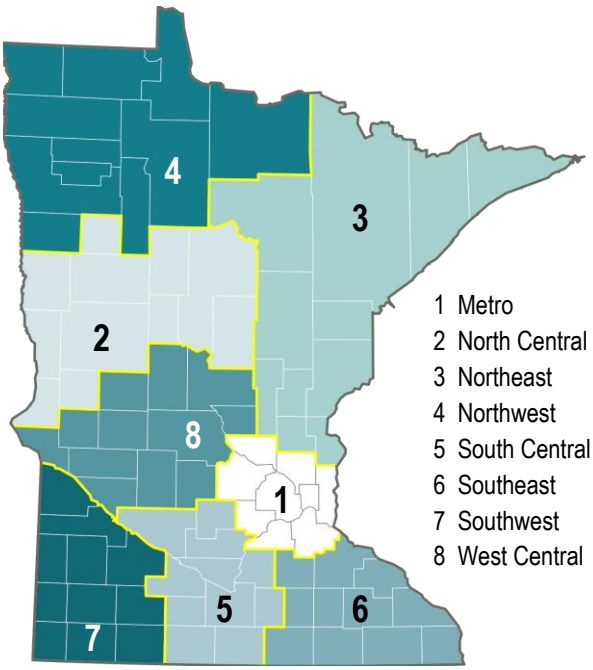
[8] *Minnesota Statutes* 2025, 17.9897(a)(1). We discuss regulatory certainty further in Chapter 2.

Program Structure

While MDA has primary responsibility for administering MAWQCP, the agency works with others who help administer and advise on the program. For example, MDA consults with other state agencies, such as the Board of Water and Soil Resources (BWSR), the Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA).[9] MDA also consults with a 15-member MAWQCP Advisory Committee.[10] Committee members represent a variety of stakeholders and interests, such as agricultural producers, farm organizations, commodity or livestock organizations, and environmental or conservation organizations.

MDA administers MAWQCP through local certifiers across the state, with support from a small team at MDA.

Exhibit 1.1
Map of MAWQCP Areas



Source: Office of the Legislative Auditor.

MDA partners with Soil and Water Conservation Districts (SWCDs) to administer MAWQCP across the state. SWCDs are local units of government with a wide range of responsibilities related to maintaining and improving natural resources.[11] SWCDs fall into one of eight MAWQCP areas in the state, with each area including between 9 and 12 SWCDs. Exhibit 1.1 shows the eight MAWQCP areas in the state. An area certification specialist oversees program implementation for each area. Most area certification specialists work for an SWCD in their MAWQCP area, and they conduct certification work alongside other certifiers in the area. The exception is the Metro Area, where MDA staff serve as area certification specialists.

At the end of Fiscal Year 2025, around 40 licensed and nonlicensed program certifiers worked across the state.[12] Licensed certifiers are conservation professionals, crop advisors, agronomists, or other individuals with relevant experience. While all licensed certifiers must fulfill certain requirements (such as attending MAWQCP program and assessment training), some licensure requirements vary based on

[9] By law, MDA must consult with BWSR, DNR, and MPCA about certain program aspects, such as the program's assessment tool. *Minnesota Statutes* 2025, 17.9893.

[10] The MAWQCP Advisory Committee is established in law, and MDA must consult with the committee on program elements like the program's required biennial report. *Minnesota Statutes* 2025, 17.9891 and 17.992.

[11] Minnesota's 90 SWCDs generally follow the same boundaries as the state's counties, except for three counties, which are each divided into two SWCDs. Otter Tail, Polk, and St. Louis counties each have two SWCDs. BWSR oversees the SWCDs.

[12] About one-half of these certifiers were licensed.

the certifier's education and training. Licensed certifiers conduct assessments independently, subject only to MDA review and approval before a producer is certified. Assessments conducted by nonlicensed certifiers must first be reviewed by a licensed certifier before going to MDA for review and approval.

Fewer than 10 MDA staff coordinate MAWQCP.[13] In addition to licensing and reviewing the work of the program's certifiers, MDA staff provide technical support to certifiers. MDA staff also help administer the program's financial assistance to producers, which we discuss later in this chapter. Additionally, MDA staff conduct certification activities for some parts of the state, such as in the Metro Area.

The MAWQCP certification process involves the producer's initial assessment for program eligibility, a mid-certification review, and recertification.

The MAWQCP certification process begins when the producer applies for the program, as shown in Exhibit 1.2. On their program application, producers must attest that they are in compliance with specific water quality rules and regulations.

A certifier then reaches out to the producer to schedule an initial conversation, usually at the producer's farm, ranch, or home. This initial "kitchen table" conversation is an opportunity for the certifier to learn about the producer's operation, including crops grown, livestock raised, management practices used, water quality concerns on their land, and any existing practices meant to address those concerns. Certifiers review the producer's documentation, such as aerial images or maps of the producer's fields; soil tests; and records of the producer's pesticide, fungicide, and fertilizer application.

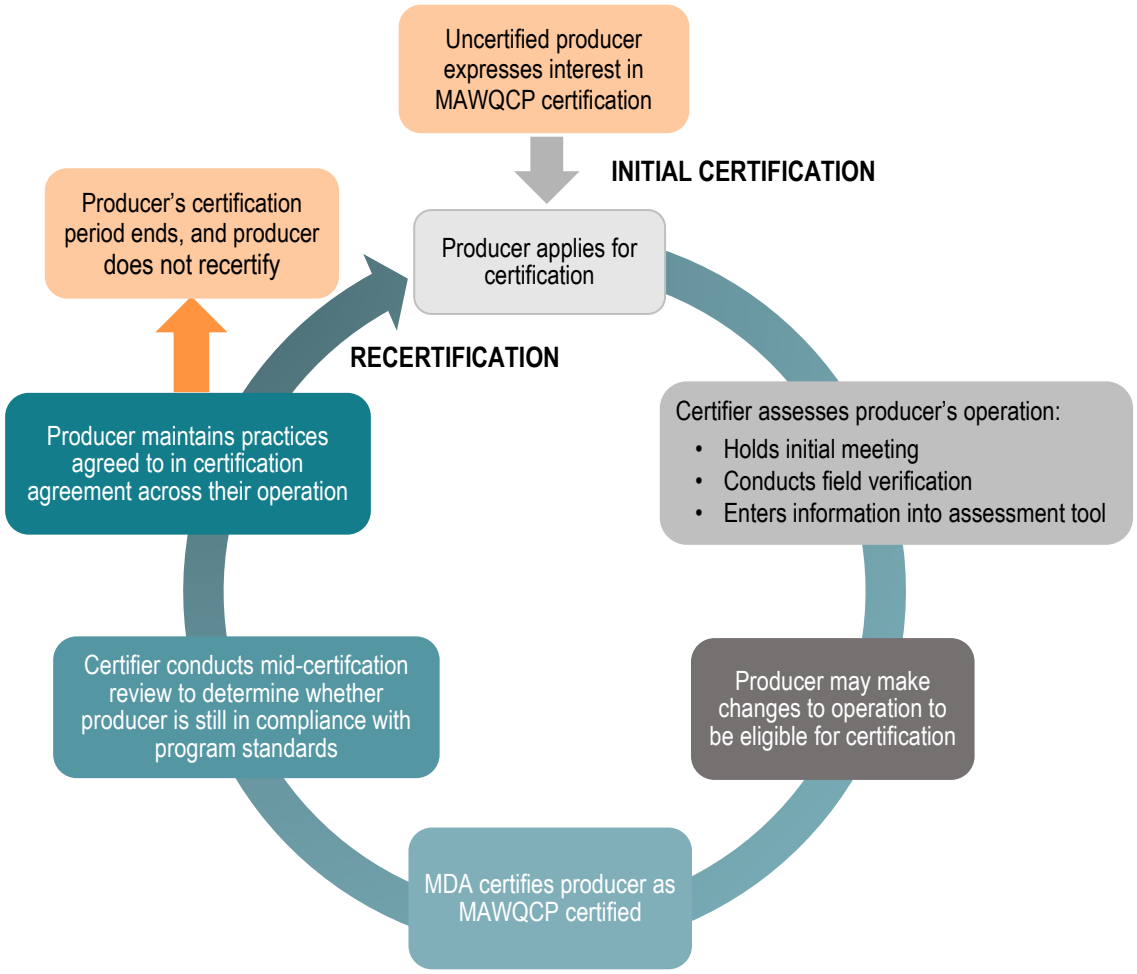
Next, the certifier conducts a field verification. The field verification confirms the practices that the producer has described and identifies any unmitigated water quality concerns that the producer should address. For example, the producer may have a conservation practice like a grassed waterway (a shaped or graded channel that limits erosion) in need of repair. The certifier may note that the producer must repair the grassed waterway in order to be certified.

During the certification process, the MAWQCP certifier enters information about the producer's practices into the program's assessment tool and maps the producer's fields using mapping software. The assessment tool captures information for each field and crop rotation in the producer's operation. The tool considers a producer's nutrient management, tillage practices, pest management, irrigation and drainage, and conservation practices. It also includes physical features of a field, such as the slope of the land, average precipitation rates, soil type, and structures on the land that may mitigate water quality concerns. The assessment tool calculates a score for each individual field. In order to be certified, the producer must receive a score of 8.5 out of 10 for each field and crop rotation in their operation.[14] If even one field does not meet this threshold, the producer is not eligible for certification.

[13] Some MDA staff work part-time on MAWQCP and have other responsibilities outside of coordinating the program.

[14] Fields located in vulnerable groundwater areas have slightly higher standards in MAWQCP than fields outside of those areas.

Exhibit 1.2
MAWQCP Process



Note: Producers may drop out of the certification process at any point if the producer is no longer interested in the program or if they do not meet program standards and are unwilling to make changes to their operation.

Source: Office of the Legislative Auditor.

The next step in the MAWQCP certification process depends on the outcome of the producer's initial assessment. If the producer meets the program's standards and wants to proceed with certification, the certifier sends the certification materials to MDA for approval. If the producer does not meet the program's standards but wants to proceed with certification, the producer and the certifier identify changes to the producer's operation that will allow them to become certified. Finally, if the producer does not meet the program's standards and is unwilling to make the changes necessary for certification, the producer drops out of the certification process.[15]

After certification, producer interactions with certifiers vary. Most producers have contact with a certifier or other MAWQCP program staff at least once during their 10-year certification for their mid-certification review. The mid-certification review occurs around four years into certification to discuss with the producer any updates to their operation since certification, as shown in the box at right.[16] The producer may also interact with a certifier to (1) amend their certification agreement in response to changes in their operation, (2) access technical or financial assistance, or (3) apply for a program endorsement that recognizes producers who go above and beyond certification requirements.

The producer's certification expires at the end of the 10-year certification period. To be recertified, the producer must again undergo the certification assessment and field verification to ensure that their operation still meets the program's standards.

Producer Certification Examples

Producer A applied for MAWQCP certification in 2019. The program certifier assessed the producer's operation and confirmed that the producer met the program's standards. Producer A received certification one month after applying for the program.

Producer B initially applied for MAWQCP certification in 2021. After the program certifier assessed the producer's operation, the certifier suggested conservation practices the producer could implement to meet the program's standards, such as planting cover crops on their farm and improving their nutrient management. During the next three years, the producer applied for and received financial assistance to implement these changes. In 2024, producer B received MAWQCP certification.

Mid-Certification Reviews

At the mid-certification review, the certifier asks the producer questions like the following. Have you:

- Acquired or sold land?
- Implemented new crops or a new crop rotation?
- Changed the amounts of fertilizer or pesticides you apply?
- Made changes to conservation practices?

The certifier may also conduct field verification to confirm whether all conservation practices agreed to in the certification agreement are in place.

[15] Dropping out of the certification process at this point does not mean the producer will be unable to pursue certification in the future. A few certifiers told us they may reconnect with a producer years after their initial interest in the program to proceed with certification.

[16] State law requires MDA to randomly audit producers to ensure compliance with the program. *Minnesota Statutes* 2025, 17.9898. MDA has decided to conduct an audit for every producer in the program. The agency calls these audits "reviews," and we refer to them as "mid-certification reviews" throughout this report.

Certified Producers

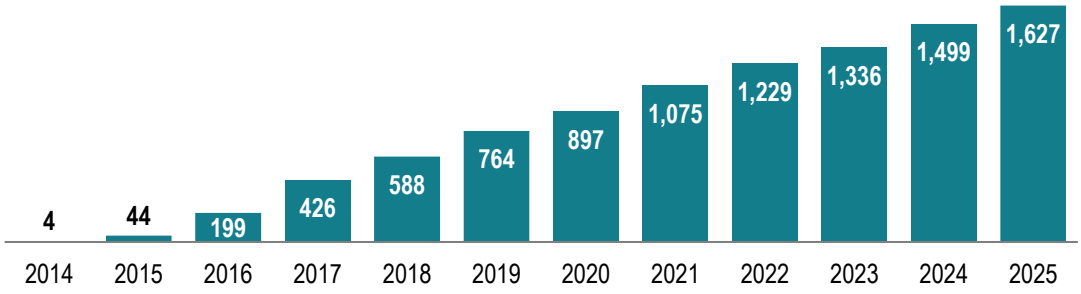
Any agricultural producer operating in Minnesota can be MAWQCP certified if they meet the program's standards. Certified producers may own their land, lease their land, or a combination of the two. In some situations, certified producers may manage the agricultural operation but do not own or lease the land themselves. In other situations, MDA has certified individuals who do not directly manage an agricultural operation themselves. For example, if a landowner who leases land to a producer is interested in MAWQCP certification, they can work with a certifier to certify their land, assuming that the producer operating on the land complies with program requirements.[17] In these circumstances, it is the landowner's responsibility to ensure that producers operating on their land maintain practices that meet the program's standards.

Since the program began certifying producers in 2014 through the end of Fiscal Year 2025, over 2,300 producers have applied for the program.[18] Of these, 1,627 producers (69 percent) were certified at some point, while 721 producers (31 percent) were never—or not yet—certified. Among the 721 producers that were not certified, program data indicated that 391 producers were still actively pursuing certification as of June 30, 2025.

MAWQCP has seen steady growth in program participation since the program began certifying producers in 2014.

Exhibit 1.3

Cumulative Number of Producers Certified Since MAWQCP Began, by Fiscal Year



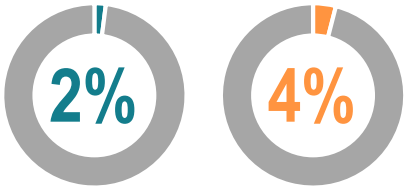
Notes: MDA did not start certifying producers until Calendar Year 2014, meaning that Fiscal Year 2014 does not represent a full year of operation. The numbers in this graph represent the cumulative number of certifications that were completed, not the number of producers who were certified as of the end of a given year. This graph excludes 26 recertifications, so as to not double count producers who have been certified twice.

Source: Office of the Legislative Auditor, based on MDA's Risk Assessment and Planning Tool database.

[17] For simplicity's sake, we refer to anyone who has signed a MAWQCP certification agreement as a "certified producer" throughout this report, even if they do not operate a farm, ranch, or other agricultural operation themselves.

[18] MDA's data on producer applications does not capture all producers who applied to the program. Our analysis does not include applications producers submitted to local certifiers that were not recorded in MDA's data.

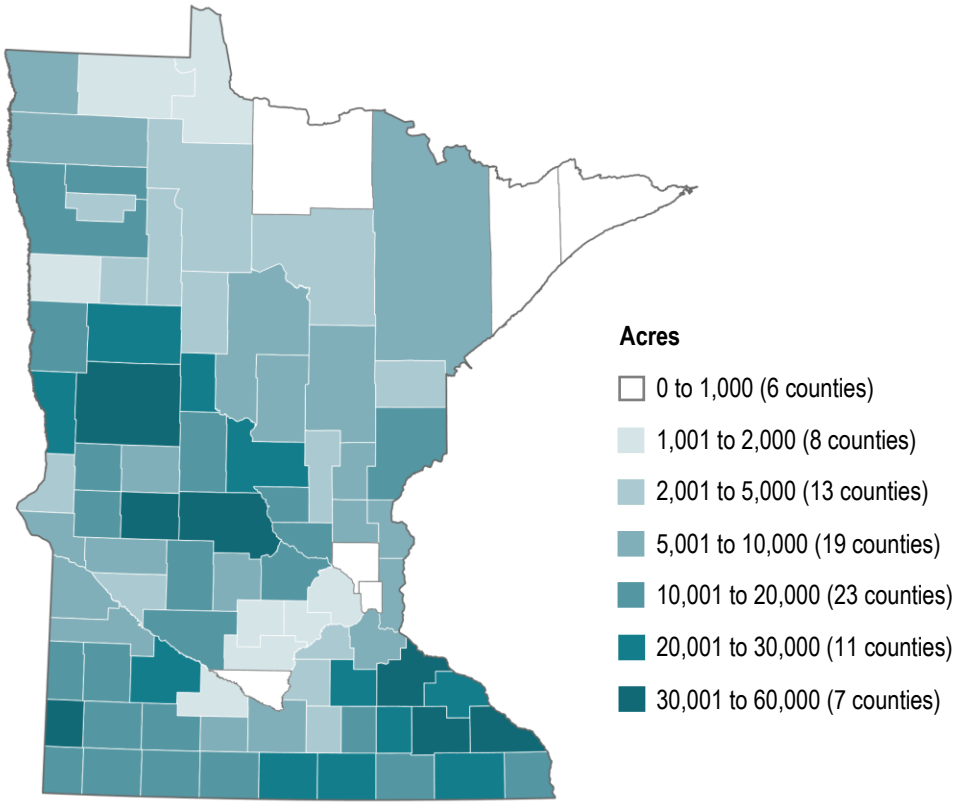
MAWQCP certified producers and certified acres of farmland represent a relatively small portion of all producers and farmland in Minnesota.



Nevertheless, certified producers and certified farmland represent a relatively small portion of farmers and farmland in Minnesota. At the end of Fiscal Year 2025, there were 1,535 actively certified producers. This represents about 2 percent of the approximately 66,000 Minnesota producers as of 2022.[19] Similarly, MDA data indicate that at the end of Fiscal Year 2025, there were about 1,119,000 certified acres. This represents about 4 percent of Minnesota's 25,443,000 total acres of farmland.[20]

Producers' operations vary in size from over 16,000 acres to less than 1. The median size of a certified producer's operation is 397 acres. Certified producers' operations represent a wide range of agricultural activity. For example, one operation with thousands of acres may produce row crops (such as corn or soybeans) and pasture livestock. Another operation with less than 10 acres may produce vegetables to sell at local markets. Exhibit 1.4 shows the number of certified acres by county at the end of Fiscal Year 2025.

Exhibit 1.4
Number of MAWQCP Certified Acres by County



Source: Office of the Legislative Auditor, analysis of MDA data.

[19] U.S. Department of Agriculture, National Agricultural Statistics Service, *2022 Census of Agriculture – State Data: Minnesota*, p. 3. The *2022 Census of Agriculture* uses the term "farm" to refer to data that are similar to MDA's definition of "producer." For readability, we use the term "producer" to refer to the concept of "farm" from the *2022 Census of Agriculture*.

[20] U.S. Department of Agriculture, National Agricultural Statistics Service, *2022 Census of Agriculture*, p. 42.

Program Finances

MAWQCP is primarily funded by annual legislative appropriations from Minnesota's Clean Water Fund.[21] According to statute, Clean Water Fund dollars "may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water."[22] Legislative appropriations for the program have increased by about 70 percent over the last 11 years, when accounting for inflation. MDA received $3.5 million in Clean Water Fund appropriations for MAWQCP in Fiscal Year 2025, as shown in Exhibit 1.5.

Over 95 percent of MAWQCP funding comes from the Clean Water Fund, but the federal government and a private entity have also provided program funding. The USDA and EPA have both funded certain aspects of the program, such as assistance to certifiers who work with producers in the certification process. These agencies provided a total of around $620,000 to MDA for MAWQCP by the end of Fiscal Year 2025. Additionally, The McKnight Foundation has made two private grants to MDA for the program, amounting to $200,000.[23]

Exhibit 1.5
MAWQCP Clean Water Fund State Appropriations, FY 2014–2025

Fiscal Year	Amount
2014	$ 1,500,000
2015	1,500,000
2016	2,500,000
2017	2,500,000
2018	2,000,000
2019	3,000,000
2020	3,000,000
2021	3,000,000
2022	3,000,000
2023	3,000,000
2024	3,500,000
2025	3,500,000
Total	**$32,000,000**

Source: *Laws of Minnesota* 2013, chapter 137, art. 2, sec. 3(g); *Laws of Minnesota* 2015, First Special Session, chapter 2, art. 2, sec. 3(g); *Laws of Minnesota* 2016, chapter 172, art. 2, sec. 4; *Laws of Minnesota* 2017, chapter 91, art. 2, sec. 3(g); *Laws of Minnesota* 2019, First Special Session, chapter 2, art. 2, sec. 3(f); *Laws of Minnesota* 2021, First Special Session, chapter 1, art. 2, sec. 3(f); and *Laws of Minnesota* 2023, chapter 40, art. 2, sec. 3(f).

MDA has used program funding for a variety of purposes. Over one-third of all MAWQCP spending ($11.5 million) has gone to SWCDs, whose staff provide certification services across the state. MDA has spent $8.1 million on payroll and employee reimbursement for staff working on the program at MDA's central office.

MDA offers multiple types of financial assistance directly to producers who are certified or who are pursuing certification. MDA awards MAWQCP Financial Assistance Grants of up to $5,000 to certified producers or producers pursuing certification. MDA also offers scholarships to certified producers enrolled in the Minnesota Farm Business Management Program.

[21] The Clean Water Fund was established through the Legacy Amendment to the Minnesota Constitution in 2008. The Legacy Amendment authorized a statewide sales-use tax increase that funds the Clean Water Fund, as well as the Outdoor Heritage Fund, the Arts and Cultural Heritage Fund, and the Parks and Trails Fund. *Minnesota Constitution*, art. XI, sec. 15.

[22] *Minnesota Statutes* 2025, 114D.50, subd. 3(a).

[23] One of The McKnight Foundation grants supported the development of the program's assessment tool, and the other helped launch the Climate Smart Farms Project, which we describe later in this chapter.

Finally, MDA makes incentive payments to certified producers who receive the program's Climate Smart endorsement for implementing certain practices. Exhibit 1.6 provides information on financial assistance available through MAWQCP and the total spending on MDA's MAWQCP financial assistance.[24]

Exhibit 1.6

MAWQCP Financial Assistance, Fiscal Years 2017–2025

Type	Description	Total Disbursement
Financial Assistance Grant	Grants of up to $5,000 once per year to certified producers or producers pursuing certification to support adoption of conservation practices that protect water.	$2,516,000
Farm Business Management Scholarship	Scholarships to certified producers to cover up to $165 per credit at the Minnesota Farm Business Management Program through Minnesota State's Northern Agricultural Center of Excellence.	$426,000
Climate Smart Farms Incentive Payment	Payments of $1,000 to certified producers who have obtained the MAWQCP Climate Smart Endorsement to support producers as they explore evolving climate marketplaces and public programs.	$143,000

Notes: Producers may use MAWQCP Financial Assistance Grants to pay for some of the cost of eligible conservation practices. Grant funds (and other public funds) may not exceed 75 percent of the practice's total cost.

Source: Office of the Legislative Auditor, based on analysis of MDA data.

[24] While Exhibit 1.6 lists MAWQCP financial assistance from MDA, certified producers have received assistance through other entities, such as USDA's Natural Resources Conservation Service (NRCS), that did not pass through MDA. For example, NRCS's Regional Conservation Partnership Program cooperative agreement designated about $6.3 million for producers seeking MAWQCP certification.

Chapter 2: Program Certification

While the Minnesota Department of Agriculture (MDA) is responsible for administering the Minnesota Agricultural Water Quality Certification Program (MAWQCP), program certifiers from local Soil and Water Conservation Districts (SWCDs) carry out much of the day-to-day certification work. Certifiers assess producers' operations, help producers determine steps to take to address water quality risks, and connect producers to financial and technical assistance to make changes to their operations.

Key Findings in This Chapter

- A large majority of certified producers who responded to our survey said that certifiers were a helpful resource throughout the certification process.
- While MDA's current administration of MAWQCP does not align with all provisions in statute, some statutory requirements may be unnecessary.

In this chapter, we describe the assessment process certifiers use to determine whether a producer is eligible for the program. Then we discuss the role program certifiers play in administering the program. Finally, we discuss statutory certification requirements and recommendations for change.

Assessment Process

Statutory Requirements of the MAWQCP Assessment Tool

The [assessment] tool shall:

1. integrate applicable existing regulatory requirements;
2. utilize technology and prioritize ease of use;
3. utilize a water quality index or score applicable to the landscape;
4. incorporate a process for updates and revisions as practices, management, and technology changes become established and approved; and
5. comprehensively address water quality impacts.

— *Minnesota Statutes* 2025, 17.9893

Statutes require MDA to develop an "analytical instrument" to assess and certify that producers' "water quality practices and management of an agricultural operation are consistent with state water quality goals and standards."[1] MDA staff refer to this instrument as MAWQCP's "assessment tool." The box at left outlines key statutory requirements for the assessment tool.[2] The assessment tool is one of the factors certifiers consider when determining producers' certification eligibility.

The assessment tool has changed several times over the last decade. MDA initially adapted a water quality index created by the U.S. Department of Agriculture's (USDA's) Natural Resources Conservation Service to serve as the program's assessment tool.[3] Since then, MDA has updated the assessment tool multiple times, with the most recent major update occurring in 2024 with the release of the Risk Assessment and Planning Tool (RAPT). MDA continues to update RAPT as needed.

[1] *Minnesota Statutes* 2025, 17.9893.

[2] *Minnesota Statutes* 2025, 17.9893.

[3] A water quality index generates a numerical score on a predetermined scale, such as 1 to 10, based on multiple parameters to signal beneficial or detrimental actions that influence water quality.

Certifiers consider assessment tool scores in combination with other factors to determine if the producer should receive MAWQCP certification. As discussed in Chapter 1, certifiers use the tool to collect information about producers' operations. Producers receive a score for each field and crop in their operation on a scale of 1 to 10, with a score of 8.5 or higher required to qualify for certification. In addition to the RAPT score, certifiers consider whether the producer has addressed all identified resource concerns on their land and whether the producer is in compliance with relevant regulations.

MDA's process for determining whether producers meet the program's standards relies heavily on producer self-attestation and certifier professional discretion.

Statutes require that a certified producer "has demonstrated compliance with all applicable environmental rules and statutes."[4] Statutes also note that MAWQCP's assessment tool must "integrate applicable existing regulatory requirements."[5] However, the tool includes an assessment of only certain "regulatory requirements," such as the Groundwater Protection Rule.[6] Rather than integrate an assessment of all requirements into the tool, MDA asks producers to attest to their compliance with water-quality-related regulations on the program's application, as shown in Exhibit 2.1.[7]

Exhibit 2.1

MAWQCP's producer application asks producers to self-attest to their compliance with water quality rules and regulations.

Minnesota Agricultural Water Quality Certified producers must be in compliance with all existing applicable state water protection rules and regulations at the time of Certification. Producers seeking certification must confirm compliance with the following existing requirements:

		Circle One	
1	Are you in compliance with Minnesota Administrative Rules Chapter 7020 – Animal Feedlots and, if applicable, do you have a valid National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit for your feedlot operation?	**Yes**	**N/A**
2	Are you in compliance with (not cited with any unresolved violations of) the Minnesota Wetlands Conservation Act (Minnesota Statutes Section 103G.221- 103G.2375)?	**Yes**	**N/A**
3	Do you have a Subsurface Sewage Treatment System (septic system) that is deemed an Imminent Threat to Public Health and/or have been cited in violation of local ordinance thus requiring an immediate upgrade?	**No**	**N/A**
4	Are you in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and Minnesota statutes (18B, 18C, 18D, 103H) regarding pesticide and fertilizer distribution, use, storage, handling and disposal?	**Yes**	**N/A**
5	Are you in compliance with current State rules and statutes pertaining to shoreland and riparian protection?	**Yes**	**N/A**

Source: MDA's MAWQCP producer application.

[4] *Minnesota Statutes* 2025, 17.9892, subd. 2.

[5] *Minnesota Statutes* 2025, 17.9893.

[6] *Minnesota Rules* 2025, Chapter 1573.

[7] As of October 2024, MDA added a checkbox to the assessment tool that MDA staff should check after reviewing the producer's application, confirming that the producer has attested to their compliance with the regulatory requirements.

Certifiers may be able to confirm producers' compliance with some water quality regulations through observation, but MDA staff and certifiers said it is difficult to determine producer compliance through observation alone for certain regulations. For example, certifiers may be able to determine if a producer is compliant with requirements related to shoreland and riparian protection by observing field borders or filter strips on producers' land.[8] On the other hand, certifiers face limitations when assessing a producer's compliance with septic system regulations as those systems exist underground.

Relying on producer self-attestation and certifier observations to ensure producer compliance with regulatory requirements may not adequately protect water quality. The usefulness of self-attestation may be limited by producers' knowledge of regulations and their willingness to disclose information. Further, observation is only possible for certain regulatory requirements. As we discuss later in this chapter, MDA has inconsistently communicated whether the agency expects certifiers to confirm producer compliance with other regulatory entities. Given these limitations, it is unclear if or how MDA ensures producers are compliant with all regulatory requirements before receiving certification.

MDA also relies on certifiers' professional discretion to ensure that producers do not receive certification while having unmitigated water quality concerns. The assessment process requires certifiers to identify these concerns and ensure producers are not certified until concerns are addressed, even if the producer received an assessment tool score that is high enough for certification. This reliance on certifiers' observations adds to the risk that the agency could certify producers who score highly but are still contributing negatively to water quality. Additionally, each certifier may take a different approach to the assessment process, creating inconsistencies in the process across the state.[9] We make recommendations to MDA and the Legislature regarding the assessment process at the end of this chapter.

Program Certifiers

Program certifiers play a central role in administering MAWQCP, and MDA has primarily relied on SWCD staff to perform this role. In its 2017 biennial MAWQCP report, MDA reported that SWCD-involved efforts were more successful during MAWQCP's pilot phase than other approaches MDA attempted. The report further stated that "Minnesota's SWCDs are historic providers of conservation services and are seen by Minnesota's farmers and landowners as trusted partners."[10] For these reasons, MDA decided to partner with SWCDs to implement the program when it expanded statewide.

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[8] Field borders and filter strips are areas of vegetation established at the edge of a field or around a body of water to reduce sediment, nutrients, pesticides, and other contaminants in runoff that may enter surface water.

[9] While MDA has recently made changes to the assessment tool in an attempt to address this issue, MDA still relies on certifier observation to identify water quality concerns.

[10] Minnesota Department of Agriculture, *Minnesota Agricultural Water Quality Certification Program Legislative Report* (2017), 4.

MDA's partnership with SWCDs has benefited MAWQCP in several ways.

One benefit is that producers can work with trusted conservation professionals in their local community. If a producer has already had a positive experience working with their local SWCD, they may be more inclined to work with a MAWQCP certifier from the same district to get certified. Similarly, if a producer has worked with a MAWQCP certifier from their local SWCD, the producer may wish to work with other staff at that SWCD to pursue additional conservation practices. As part of our evaluation, we surveyed producers who were certified as of the end of Fiscal Year 2025; some producers commented favorably about SWCD staff.[11] A producer who responded to our survey wrote "The entire team at the [local] Soil and Water Quality District are top notch. They have become trusted resources for us, and we are grateful to be able to work with them."

Having local SWCD staff work as certifiers also contributes to lower travel time. Area certification specialists from all eight MAWQCP areas reported how much they travel during their busiest times of year.[12] As Exhibit 2.2 shows, travel distances can vary greatly among area certification specialists. However, using local certifiers still reduces travel time compared to relying on certifiers based out of MDA's central office in St. Paul. For example, a certifier from MDA's central office might travel as much as 400 miles one way to certify a producer in Kittson County, compared with the 112 miles that the Northwest area certification specialist reported as the longest distance they have traveled to work with a producer. MDA's approach not only decreases the total time certifiers must travel to meet with producers but also the costs associated with that travel.

Exhibit 2.2

Area Certification Specialists' Estimated Maximum Travel Distance and Amount of Worktime Spent Traveling

MAWQCP Area	Maximum One-Way Distance in Miles	Percentage of Time Spent Traveling
Metro	150	17%
North Central	180	18
Northeast	147	15
Northwest	112	10
South Central	108	13
Southeast	100	12
Southwest	90	30
West Central	115	13

Notes: Two area certification specialists from the Metro area responded to our questionnaire. Numbers presented in this exhibit for the Metro area reflect both responses.

Source: Office of the Legislative Auditor, based on a questionnaire sent to area certification specialists, January 2026.

The use of local program certifiers also allows certifiers to be more responsive to producers' availability when scheduling in-person certification meetings or field verification. MDA indicated that certification activities take place when producers have time, and some certifiers told us that they try to be flexible to best accommodate producers' schedules. When certifiers have less distance to travel, it may be easier for them to meet with a producer on short notice.

[11] In September 2025, we surveyed all 1,523 producers we identified as being certified as of June 30, 2025. We removed 19 certified producers from the survey population for various reasons, including the producer being deceased. We received responses from 459 certified producers for a response rate of 31 percent.

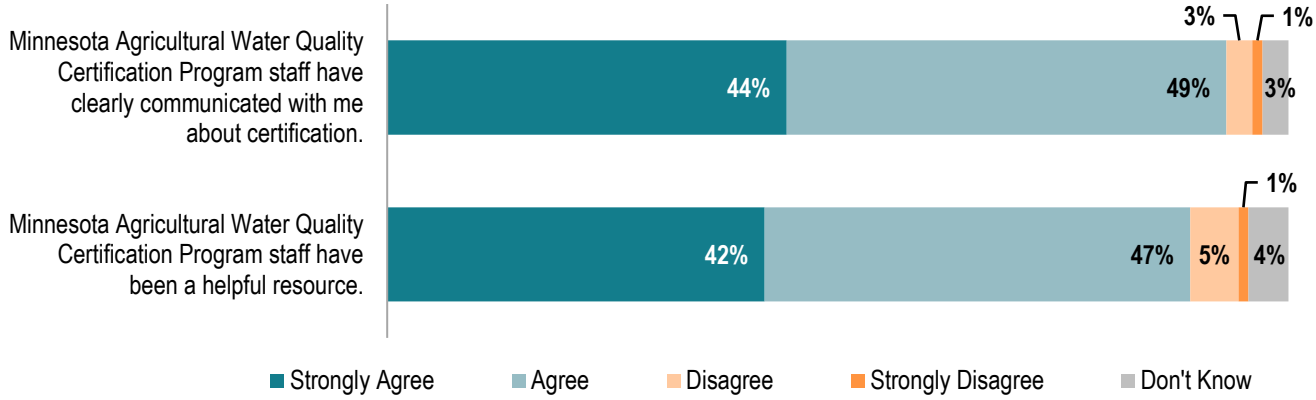
[12] We sent questionnaires to each area certification specialist in January 2026 and received responses from all eight MAWQCP areas. As described in Chapter 1, area certification specialists oversee program implementation for their region of the state.

A large majority of certified producers who responded to our survey said that certifiers were a helpful resource throughout the certification process.

Certified producers who responded to our survey provided feedback on their experiences with MAWQCP certifiers and other program staff. When asked how helpful producers found the certifier or other staff in navigating the certification process, 94 percent of respondents said "very helpful" or "somewhat helpful." More than 90 percent of survey respondents agreed or strongly agreed that MAWQCP staff had clearly communicated with them about certification, as shown in Exhibit 2.3. Similarly, about 90 percent of respondents agreed or strongly agreed that staff were a helpful resource.

Exhibit 2.3

Survey Results: Certified Producer Survey Respondents' Views on MAWQCP Program Staff



Notes: There were 449 producers who answered each of the above questions. Percentages may not total 100 percent due to rounding.

Source: Office of the Legislative Auditor, survey of certified producers, September 2025.

Some certified producers we surveyed further described positive experiences working with MAWQCP certifiers. For example, one survey respondent wrote "My certifier was very helpful and knowledgeable about the process and how it would work on my farm."

> [My certifier] has been an excellent resource. He is extremely knowledgeable and patient with my many questions. He has a way when talking with folks to not make them feel silly when asking questions. The program itself has helped with knowledge transfer but also in meeting or working towards meeting one of my core values which is planetary integrity. I have lot of room for improvement so we will continue with what we've learned and improve practices.
>
> **— Certified Producer**

Certification Timeliness

Statutes do not require certifiers to complete the certification process within a specified time period.

Certifiers have completed more than 75 percent of certifications within one year of the producer applying for the program.

Based on our review of MAWQCP data, more than 50 percent of producers were certified within six months of applying for the program, as shown in Exhibit 2.4; more than 75 percent were certified within one year.[13] Multiple factors can contribute to the length of time certification takes. Some certifiers and producers told us that their availability to meet affects how long it takes to be certified, and certifiers said the time needed for a producer to make changes to their operation to meet the program's standards also affects the certification timeline.

Exhibit 2.4

Number of Certified Producers by Amount of Time from Application Date to Certification Date, Fiscal Years 2014 Through 2025

Time from Application to Certification	Number of Certifications	Percentage of Certifications
6 months or less	812	55%
More than 6 months to 1 year	312	21
More than 1 year to 2 years	222	15
More than 2 years to 3 years	68	5
More than 3 years to 4 years	30	2
More than 4 years to 5 years	23	2
More than 5 years	13	1

Source: Office of the Legislative Auditor, analysis of MDA data.

We asked survey respondents to share their perspectives on the length of the certification process. Of the survey respondents who recalled how much time passed between submitting their application and their initial assessment, only 4 percent said "too much time" had passed. Similarly, 5 percent of respondents who recalled the amount of time that passed from their initial assessment to signing their certification agreement described it as "too much time."

[13] MDA's data on producer application dates has some limitations. First, MDA's data does not include an application date for every certified producer, so our analysis does not include all producers. Second, application dates entered into MDA's data did not match the dates on the producers' applications for certain files we reviewed.

Some MAWQCP areas have a backlog of applications, and producers in these areas may wait longer to be certified than in the rest of the state. For example, over 50 percent of the outstanding applications are in the West Central and Southeast areas, as shown in Exhibit 2.5.[14] In the Southeast area, the median number of days a producer was on the waitlist to be certified was 522 days—almost a year and a half.[15]

Exhibit 2.5
Outstanding Applications by MAWQCP Area, as of June 30, 2025

MAWQCP Area	Number of Outstanding Applications	Percentage of All Outstanding Applications
West Central	104	27%
Southeast	101	26
Northeast	65	17
South Central	51	13
Southwest	28	7
North Central	19	5
Metro	13	3
Northwest	10	3
Total	**391**	**100%**

Source: Office of the Legislative Auditor, analysis of MDA data.

Certifier Capacity

The backlog in applications in some MAWQCP areas reflects a strain on at least some certifiers' capacity. One certifier said that their workload had become a challenge and that their area has a backlog of interested producers waiting to begin the certification process. This certifier said they were concerned that many producers on their waitlist would not want to go through with an assessment because they have had to wait a long time for the process to start.

Demand for MAWQCP certification may be outgrowing the program's capacity.

Some certifiers we spoke with expressed concern about an anticipated increase to their future workload. Certifiers have recently begun recertifying producers whose initial 10-year certifications are set to expire. During a December 2025 meeting involving MDA staff and program certifiers, participants discussed the challenges posed by adding recertifications to their workload.

MAWQCP's current staff may not be able to address the increasing workload for certifiers. If MAWQCP were to certify the same number of producers in the next five years as in the previous five years *and* complete all required recertifications, the number of certifications each year would more than double. On average, MDA certified 146 producers per fiscal year from fiscal year 2021 through 2025. If MAWQCP certifies the same number of new producers per fiscal year and recertifies all producers with expiring certifications, the average number of certifications per year would be 303 for fiscal years 2026 through 2030. Exhibit 2.6 shows the total number of certifications completed in fiscal years 2021 through 2025 and the number that would need to be completed in fiscal years 2026 through 2030 if current trends continue.[16]

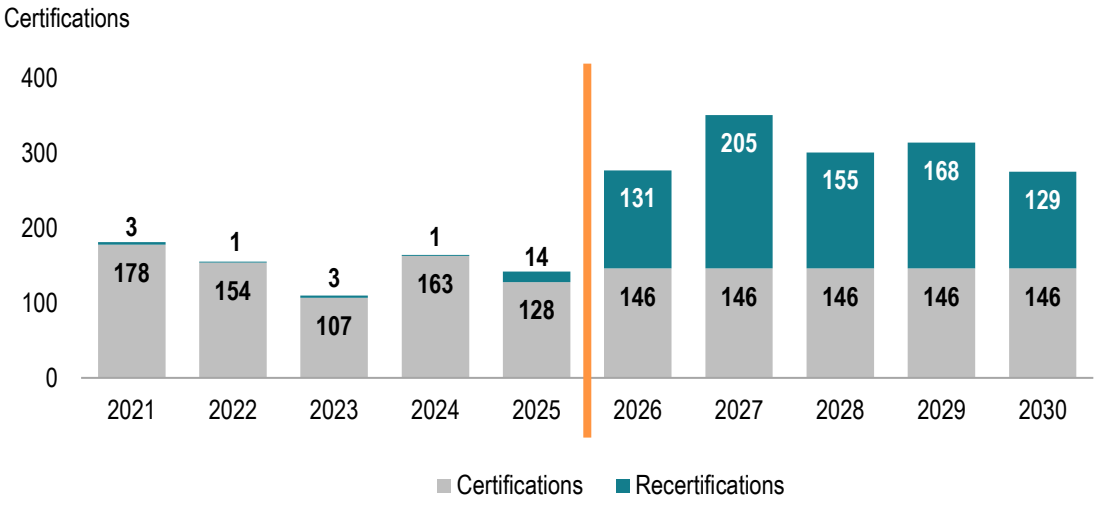
[14] Outstanding applications include all producers pursuing certification, whether a certifier had assessed their operation or not by the end of Fiscal Year 2025.

[15] Certifiers from the Southeast area noted that staff retirements and the COVID-19 pandemic, combined with high interest in MAWQCP certification, affected the area's backlog.

[16] This estimate assumes that interest in certification will continue at a similar rate and that all producers who are currently certified will seek recertification.

Exhibit 2.6

The number of certifications needed per fiscal year could more than double in upcoming years.



Notes: Fiscal year 2026 through 2030 certifications reflect projected certifications based on the average annual number of new certifications for fiscal years 2021 through 2025. Fiscal year 2026 through 2030 recertifications reflect recertifications due each year based on producers who remained certified as of the end of Fiscal Year 2025.

Source: Office of the Legislative Auditor, analysis of MDA data.

The exact impact an increasing number of recertifications will have on certifier workloads is unclear. Some certifiers we spoke with said recertification currently involves a similar amount of work as the initial certification.[17] To better understand how much time certification and recertification activities take, we asked area certification specialists to estimate the average amount of time certain responsibilities take them. On average, their estimate of how long an initial certification takes (26 hours) was 8 hours more than their estimate of how long a recertification takes (18 hours), as shown in Exhibit 2.7.[18]

Exhibit 2.7

Estimated Minimum, Mean, and Maximum Number of Hours it Takes to Complete Key Certifier Responsibilities

Task	Minimum	Mean	Maximum
Initial Certification	3	26	320
Recertification	2	18	80

Note: Estimates exclude time taken to travel to producers' locations.

Source: Office of the Legislative Auditor, based on area certification specialists' responses to questionnaire.

[17] One MDA staff person told us they believe recertification will be less labor intensive in the future due to updates MDA has made to the assessment tool. This staff person indicated that after certifiers finish recertifying producers who were initially certified in 2014 through 2016, recertification should involve less work.

[18] We asked area certification specialists to include time taken to meet with producers, to review documents about producers' operations, to conduct field verification, and to enter information in the program's assessment tool. We asked that they exclude time taken to travel to producers' locations. The estimates in Exhibit 2.7 do not include other key certification activities, such as conducting mid-certification reviews or assessing producers for program endorsements. We discuss time needed to conduct mid-certification reviews in Chapter 3.

MDA has taken some steps to address concerns about certifiers' workloads and backlogs of producers waiting to be certified. For example, MDA has tried to assign more certification tasks to MDA program staff. MDA staff recently estimated that the program may be able to more than double the number of certifications completed in a year, based on the number of certifications completed in early 2026. If this proves to be true, it could address the increasing number of certifications. However, it remains to be seen if that is the case.

Certifier Technical Assistance to Producers

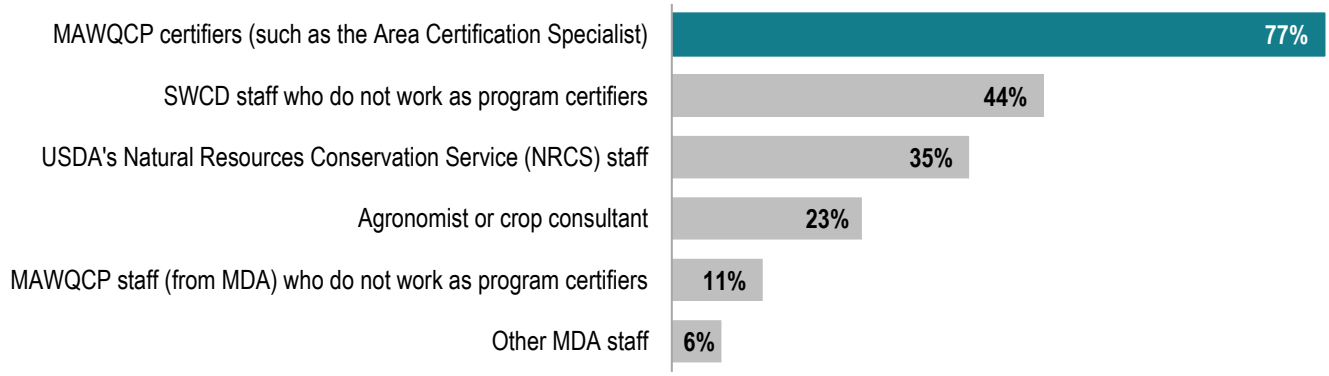
According to statutes, certifiers may not certify producers to whom they have provided technical assistance.[19] As defined in law, technical assistance is "professional, advisory, or cost-share assistance provided to individuals in order to achieve certification."[20]

Program certifiers regularly certify producers to whom they have provided technical assistance, despite the law prohibiting it; this prohibition may not be practical.

Despite the prohibition in statute, certifiers regularly certify producers to whom they have provided technical assistance. In our survey of certified producers, we asked producers who reported receiving technical support who had provided that support. About 75 percent of these producers indicated that they received support from a MAWQCP certifier, as shown in Exhibit 2.8.

Exhibit 2.8

Survey Results: From whom did you receive technical support as you were making changes to your operations necessary for certification?



Notes: Of the 459 producers who responded to our survey, 102 indicated that they received technical support to make changes needed for certification and described from whom they received technical support. The graph above reflects the most frequent responses to our question about the source of their technical support.

Source: Office of the Legislative Auditor, survey of certified producers, September 2025.

[19] *Minnesota Statutes* 2025, 17.9894, subd. 1.

[20] *Minnesota Statutes* 2025, 17.9892, subd. 7.

Providing technical assistance to producers is built into the MAWQCP certification process. One MDA staff person told us that each certification assessment involves the certifier providing technical assistance through their review of the producer's operation. During our interviews with area certification specialists, they described advising producers about potential changes they could make to their operations if the initial assessments indicated that their operations did not meet the program's standards. Providing advice about how to achieve certification is part of the definition of "technical assistance" in law, so to strictly adhere to statutes, the certifier would have to transfer this producer to another certifier to conclude the certification process.[21]

Many certified producers reported that the technical assistance certifiers provided is an important benefit of the program. Almost one-half of all survey respondents indicated that "education about techniques that may protect water quality" was one benefit their operation has received as a result of certification. Some survey respondents further described technical assistance as a benefit of the program in their written responses. For example, one certified producer wrote that MAWQCP "is a useful program that gives farmers access to technical advisors and a program that can enhance conservation practices on the land." Another producer wrote, "The process forced me to examine my traditional tillage methods. My certifier made suggestions that ultimately became part of my normal management practices."

We conducted site visits across the state and observed that certifiers provide technical assistance naturally in their discussions with producers.[22] Delaying these conversations until another certifier is available would not be practical or efficient. It may also deter producers from seeking certification by lengthening the certification process and undermining the relationship between the certifier and the producer. Prohibiting certifiers from certifying producers to whom they have offered technical assistance may also not be feasible from a program capacity standpoint. As we discussed previously, some regions of the state already lack the capacity to provide timely certification services for all producers interested in certification; this statutory restriction places further constraints on the program's capacity.

MDA staff told us that they believe the intent of this statute was to prevent conflicts of interest.[23] However, MDA has addressed potential conflicts of interest in other ways. MDA staff told us that the program addresses conflicts of interest through certifier training and program policies. The MAWQCP conflict of interest policy addresses financial conflicts of interest by requiring that a third party serve as the

[21] *Minnesota Statutes* 2025, 17.9892, subd. 7.

[22] We conducted site visits in July, August, and September 2025, which involved interviews with certified producers, area certification specialists, and SWCD staff. We observed initial certification assessments, mid-certification reviews, or recertification assessments in five MAWQCP areas.

[23] Meeting minutes from early MAWQCP advisory committee meetings and the final report from the Minnesota State Technical Committee Subcommittee—which pre-dates the advisory committee—support MDA's interpretation that this section of statutes is intended, at least in part, to prevent conflicts of interest.

certifier when such conflicts arise, as shown in the box at right.[24] Furthermore, MDA staff told us that certifiers' work receives two levels of review, and that cases where there is greater risk of a conflict of interest receive additional scrutiny. We make a recommendation to the Legislature related to this statutory requirement at the end of the chapter.

MAWQCP Certifier Conflict of Interest Policy

A conflict of interest exists when a certifying agent will receive or has previously received financial compensation from the MAWQCP program applicant for providing technical assistance or other agricultural consulting service to that applicant. An impartial third-party review of certification assessments will be needed and provided when such potential conflicts arise. Also, that third party will conduct the field verification and serve as the official Certifying Agent. In situations where the certifier has a close personal relationship with a producer a conflict of interest also exists, and the certifier should submit the assessment documents for review by an impartial licensed certifier and he/she shall sign the Certification Agreement. Violations of the Conflict of Interest will be cause for licensure revocation.

— Minnesota Agricultural Water Quality Certification Program: Policies and Procedures for Licensed Certifying Agents

Applicability of Statutory Requirements

The Legislature has not updated statutes guiding the MAWQCP certification process since the program was established in statute in 2013.[25] When the Legislature passed this law, the program was a pilot program in certain parts of the state. Statutes still include language about deciding whether to expand the pilot program, despite the fact that the program's pilot phase ended in 2015.[26]

While MDA's current administration of MAWQCP does not align with all provisions in statute, some statutory requirements may be unnecessary.

In addition to the previous example about certifiers providing technical assistance to producers, we identified a number of ways MDA's administration of MAWQCP does not align with statutes. For example, statutes require producers who seek certification to complete a self-assessment using the assessment tool, but MDA does not require this.[27] Instead, certifiers meet with producers to discuss the program, gather information needed for the assessment, and then enter that information into the assessment tool to complete the assessment for the producer.

Given the complexity of the assessment tool, it does not seem reasonable to expect producers to complete an initial assessment themselves. Some MAWQCP certifiers have indicated that the assessment tool can be difficult to use. If certifiers—who have received training on how to use the assessment tool—experience such challenges, it may be unreasonable to expect that the average producer could use it to complete a self-assessment.

[24] Eleven certifiers are themselves certified producers, which inherently presents a risk for conflicts of interest. In light of this, we reviewed files for these 11 certifiers. We determined that these cases met MDA's conflict of interest policy as the certifiers' assessments were reviewed and signed by another certifier.

[25] *Laws of Minnesota* 2013, ch. 114, art 2, secs. 5–16, codified as *Minnesota Statutes* 2025, 17.9891–17.993.

[26] *Minnesota Statutes* 2025, 17.9891.

[27] *Minnesota Statutes* 2025, 17.9896, subd. 1.

MDA also has not ensured that all individuals providing "certification services" be licensed, as required by statutes.[28] Instead, a combination of licensed and nonlicensed certifiers offer MAWQCP certification services. Some area certification specialists told us about the assistance they receive from nonlicensed certifiers, and one noted that they rely on this assistance to meet the demand for MAWQCP certification in their area. Meeting all statutory licensure requirements before assisting with certifications may not make sense for these certifiers, some of whom have other responsibilities and may only help as their schedules allow. Furthermore, MDA has built in some safeguards to ensure the quality of nonlicensed certifiers' work. For example, MDA policy requires that a licensed certifier review each assessment conducted by a nonlicensed certifier.

Statutory requirements to protect the privacy of certified producers may inhibit MDA's ability to effectively administer the program.

Statutes classify certain data on producers who participate in MAWQCP as not public.[29] Our review of MAWQCP Advisory Committee meeting minutes, interviews with MDA staff, and communication with program certifiers indicated that the rationale for this protection is to ensure that producers feel comfortable sharing their information with the program, as shown in the box at right.

> Farmers are a private group of people (generally) -- the vast majority of growers don't want their information shared with the public. If MAWQCP's farm data was public, participation in the program would likely be severely limited (in comparison to what it is now). It'd probably be especially harder to work with farms/farmers who would need to adopt higher levels of conservation in order to get Certified because they might have more acute fears around how that data could be used to 'harm' them. Keeping the data private helps enable farmers to feel safer in speaking honestly about their operation, land, and practices and working with us without fear of blowback. If producer data was public, MAWQCP would probably be less effective at reaching people, and in supporting the adoption of…conservation practices which move the needle on water quality[.]
>
> **— Area Certification Specialist**

While protecting producers' data is reasonable, it may interfere with MDA's ability to administer the program. Statutes state that certification "means a producer has demonstrated compliance with all applicable environmental rules and statutes…."[30] But there are rules and statutes related to water quality that MDA does not oversee. For example, the Minnesota Pollution Control Agency (MPCA) oversees agricultural feedlots and, in many areas of the state, local feedlot officers regulate those feedlots. A certifier may need to communicate with an MPCA staff person or a local feedlot officer to determine a producer's compliance with feedlot rules. However, statutory requirements protecting producer data could impact whether and how the certifier does this.

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[28] *Minnesota Statutes* 2025, 17.9894, subd. 1.

[29] *Minnesota Statutes* 2025, 17.9899. MDA must protect all producer information the agency collects for the program that identifies the producer or their location, even if the producer is not yet certified. "Not public data" refers to government data that have restrictions on who may access them. *Minnesota Statutes* 2025, 13.02, subd. 8a.

[30] *Minnesota Statutes* 2025, 17.9892, subd. 2.

Data privacy laws could also complicate MDA's ability to provide regulatory certainty, which is one of the stated benefits of MAWQCP. "Regulatory certainty" is the guarantee that "As long as Producer is certified and maintains certification status, Producer is deemed in compliance with any new state water quality laws and rules that take affect during the agreement period."[31] In order for a producer to benefit from regulatory certainty, MAWQCP staff may need to inform a regulatory agency that the producer is certified.

MDA staff stated that the agency has not encountered issues providing regulatory certainty while adhering to data privacy laws; however, MDA also indicated that the agency has no documented instances of producers seeking regulatory certainty. MDA does not have a written policy on how the agency should address requests to confirm a producer's certification if a regulatory agency questions the producer's compliance with new water quality laws or regulations.

MDA has not provided clear guidance to MAWQCP certifiers on when they may share information about certified producers with regulatory agencies other than MDA.

MDA has not developed clear policies or procedures to guide certifiers' interaction with regulatory agencies other than MDA; instead, MAWQCP policy indicates that certifiers should adhere to guidance outlined in a series of program bulletins. In 2014—the most recent bulletin that addressed information sharing—MDA wrote "with the strict privacy provisions in the statute that established the program, [certifiers] are not allowed to confer with [agencies responsible for oversight] unless permitted by the applicant."[32] MDA also wrote that the "Producer may choose to not sign Informed Consent form and no one—other than the producer—may ever identify the producer as MAWQCP certified or provide any identity or location data obtained through the certification process to anyone at any time."[33] These statements indicate that MDA expects certifiers to obtain the producer's permission (through the informed consent form) to share information with regulatory agencies.

In contrast, MDA staff recently told our office that:

> …a signed application allows the Minnesota Department of Agriculture (MDA) to request and collect data on a producer and their operation. This data may come from a regulatory agency, agribusiness, or local unit of government. An Informed Consent form allows the MDA to provide data on a certified producer to a requestor, whether that is a

[31] Minnesota Department of Agriculture, "State of Minnesota Agricultural Water Quality Certification Agreement," (2025), 2.

[32] Minnesota Department of Agriculture, *4th Bulletin of the Minnesota Agriculture Water Quality Certification Program and Assessment Tool*, issued December 2014, 4–5. MAWQCP bulletins are cumulative, meaning that bulletins released in 2014 are still in effect.

[33] Minnesota Department of Agriculture, *1st Bulletin of the Minnesota Agriculture Water Quality Certification Program and Assessment Tool*, issued February 2014, 9.

regulatory agency, local unit of government, or other requestor from "the general public."[34]

Without clear guidance to do so, at least some program certifiers indicated that they do not regularly check with regulatory agencies regarding producers' compliance with water quality requirements. In fact, some certifiers told us that they are not supposed to communicate with regulatory agencies about producers at all. For example, one area certification specialist told us that MDA had instructed them not to get involved in feedlot compliance matters between the producer, MPCA, and the feedlot officer. In contrast, other area certification specialists indicated that they do sometimes communicate with regulatory agencies to confirm producer compliance with water quality laws and regulations. One such area certification specialist told us that they communicate with the regulatory authority to determine compliance with some requirements after getting consent from a producer informally. However, they told us that they were unsure if this was something they are permitted to do.

Recommendations

As we have discussed throughout this chapter, some of the statutes governing this program are outdated or impractical. Accordingly, we make the following recommendations.

RECOMMENDATION

The Legislature should update MAWQCP's authorizing statutes.

Given that MAWQCP's authorizing statutes have not been amended since they were first passed in 2013, we believe it is time that they were updated. The Legislature should consult with MDA to update, at a minimum, the statutory requirements listed in the box at right. As noted previously, there are some requirements in statutes that are unnecessary or impractical given the current administration of the program. We recommend the Legislature remove or revise some of these requirements.

Updates to MAWQCP's authorizing statutes should include:

1. Removing language related to MAWQCP's pilot phase.
2. Removing the requirement for producers to complete a self-assessment.
3. Clarifying language prohibiting certifiers from providing producers with technical assistance.

We also recommend the Legislature revisit the requirement in statute that prohibits certifiers from providing certification services to producers to whom they have provided technical services. If the Legislature has concerns about potential conflicts of interest, it should consider clarifying statutes to better target the specific concerns. For example, the Legislature could specifically prohibit certifiers from providing certification services to producers with whom they have a financial relationship. Alternatively, the

[34] Andrea Vaubel, Deputy Commissioner, Minnesota Department of Agriculture, email to Caitlin Zanoni-Wells, "RE: Office of the Legislative Auditor follow up on recent communications from MDA," May 20, 2026.

Legislature could require MDA to maintain and enforce its conflict of interest policy for MAWQCP. Either of these options could mitigate potential risks while allowing certifiers to provide the technical assistance producers value.

RECOMMENDATION

MDA should clarify expectations for communication with regulatory agencies and require MAWQCP staff and certifiers to communicate with these agencies when necessary to administer the program.

The assessment process currently relies on producers self-attesting to compliance with some water quality regulations. This risks some producers receiving certification when they should not. We understand that MDA is not the agency responsible for regulating all of the relevant water quality laws and regulations to which producers must adhere, and it does not make sense to duplicate the efforts of other regulatory entities. However, it is unclear how the existing process can ensure that producers have "demonstrated" compliance with water quality requirements, as required by statutes.[35] For this reason, we believe it is important that MDA staff and program certifiers reach out to regulatory agencies responsible for this work to confirm that producers are compliant with water quality laws and regulations.

While MDA staff have said that communication with regulatory agencies does happen, certifiers told us that they do not consistently communicate with these agencies to confirm producer compliance with relevant regulations. We recommend that MDA update its policies to require certifiers to confirm with regulatory agencies whether producers are compliant with relevant regulations. MDA should also update its policies to document the process for communicating with regulatory agencies to ensure regulatory certainty for certified producers. MDA should then (1) ensure current certifiers receive an updated training on this topic once the policy is developed and (2) include this topic in training for new certifiers.

[35] *Minnesota Statutes* 2025, 17.9892, subd. 2.

OLA

Chapter 3: Program Standards

Statutes and agency policies establish standards for both Minnesota Agricultural Water Quality Certification Program (MAWQCP) certified producers and program certifiers. Producers must meet program standards to qualify for certification and then continue to meet standards to retain their certification.[1] Similarly, program certifiers must conduct certification activities according to requirements in statutes and Minnesota Department of Agriculture (MDA) policy. If certifiers do not meet these standards, their licensure to certify producers can be revoked.

Key Findings in This Chapter

- MDA certifies producers that have not met the program's standards.
- While the program conducts more mid-certification reviews than statutes require, the comprehensiveness of these reviews varies.
- MDA lacks adequate policies—and lacks policies entirely for some aspects of the program—to ensure producer compliance with MAWQCP standards, which contributes to inconsistencies in program implementation.

We begin the chapter by discussing the agency's approach to certifying producers who do not meet program standards. We then review how MDA uses audits to monitor producer and certifier compliance with program standards. Finally, we discuss MDA's policies for MAWQCP. Throughout this chapter, we make recommendations for improvement.

Certification Contingencies

According to statutes, MAWQCP certification is for "a producer who demonstrates practices and management sufficient to protect water quality."[2]

MDA certifies producers that have not met the program's standards.

Rather than certifying only producers who have already met program standards, MDA also certifies producers who agree to meet the standards in the future. Some of these producers' certification agreements state that the producer must implement or maintain certain practices, referred to as "contingencies."[3] The specific contingencies listed on a producer's certification agreement depend on the producer's operation. Some contingencies require the producer to install or repair a structure on their land,

[1] "Program standards" include receiving eligible scores for certification on the assessment tool, addressing all identified water quality concerns, complying with relevant regulations, and abiding by the certification agreement.

[2] *Minnesota Statutes* 2025, 17.9891.

[3] Throughout this report, we use the term "contingency" to refer to the specific practices a producer has agreed to implement, which are listed in Exhibit A of their certification agreement.

such as a grassed waterway.[4] Other contingencies require the producer to change their management practices, for example by reducing soil tillage.[5] Still other contingencies require the producer to continue a practice that is already in place, such as continuing to apply the recommended amount of fertilizer to their crops.[6]

We reviewed files for all 127 producers certified in 2019 and found that 92 percent (117 producers) of certification agreements contained at least one contingency.[7] Some certification agreements included contingencies requiring producers to maintain a practice that was already in place. However, of the 117 producers certified with contingencies, 80 percent (94 producers) needed to make at least one change to their operation to meet the program's standards.

Over 90 percent of producer certifications from 2019 listed one or more contingencies.

Source: Office of the Legislative Auditor, based on a review of files for producers certified in 2019.

MDA has certified producers who do not meet program standards since the beginning of the program, but key information about certification contingencies is not easily accessible. MDA did not collect data on contingencies until 2025, after our office began evaluating MAWQCP.[8] For many of the more than 1,600 producers certified prior to that date, information on contingencies is available only in individual producer files. Some area certification specialists said they track contingencies informally to follow up with producers on contingency implementation. We are aware of only one MAWQCP Area that has collected data on certifications with contingencies. According to data collected by certifiers in the Southeast Area—the region with the most certified producers—more than one-half of all producers certified in the area since the program began had contingencies listed on their certification agreement.

Contingencies from our file review varied widely in the amount of resources required for implementation. Some producers needed to repair or reshape only 1 grassed waterway, while others needed to establish or reshape 15 or more grassed waterways. Exhibit 3.1 provides examples from our file review of certification agreements with differing levels of contingencies. In both of these examples, the producer was certified prior to the contingencies being implemented.

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[4] A grassed waterway is a channel of vegetation that slows the flow of surface water in an effort to stabilize soil and remove nutrients from water.

[5] Tilling is the agricultural practice of preparing the ground for planting by mechanically agitating it through digging, stirring, or turning over the soil. Reducing soil tillage limits soil disturbance and increases the amount of plant residue left on the soil surface, which can reduce erosion and improve soil health.

[6] The appendix provides additional examples of conservation practices that may appear as contingencies on certification agreements.

[7] We reviewed MDA's files for all 127 producers that were either initially certified or recertified in calendar year 2019. We reviewed certifications from 2019 so we could also review MDA follow-up on contingency implementation. We discuss the extent to which producers met their contingencies later in this chapter.

[8] MDA's recent change to data collection on contingencies is not retroactive to past certifications and applies only to certifications beginning fall 2025.

Exhibit 3.1
Example Certification Agreements with Contingencies

Certification Agreement with Minimal Contingencies
Certification is contingent on the implementation of the following: 1. All Fields: Continue to maintain existing conservation practices and resolve items indicated below in a timely manner. 2. Field 1: New Grade Stabilization Structures as indicated on the map.

Certification Agreement with Multiple Contingencies
Certification is contingent on the implementation of the following: [redacted]: Treat open surface intakes with a water quality inlet, rock tile intake, dense pattern tile or filter sock. [redacted] Stabilize soil erosion where surface runoff leaves the field with minor shaping and a critical area planting. [redacted] Stabilize soil erosion and filter runoff by using a cover crop and installing field borders where runoff enters and leaves the field. [redacted] • Control gully erosion on the west side of the field with a critical area planting, and start farming on the contour. • On the east side of the field, reestablish and extend the grassed waterway or install a water and sediment control basin.

Note: We redacted parts of a certification agreement to protect not public information.

Source: Office of the Legislative Auditor, based on review of files for producers certified in 2019.

While MDA staff said they have made efforts in recent years to limit the use of contingencies, our analysis did not support this. Program staff said they have changed their guidance to certifiers on contingencies, and MDA staff review certification agreements in an effort to restrict contingency use. However, we reviewed producer agreements from 2025 and found that a similar percentage of agreements included contingencies (84 percent) as in 2019. Furthermore, certifiers reported different ways they determine whether to issue a contingency, some of which did not reflect MDA's updated guidance on contingencies.

Contingency Implementation

Some producers certified with contingencies did not meet program standards years after certification, yet they still received the benefits of certification.

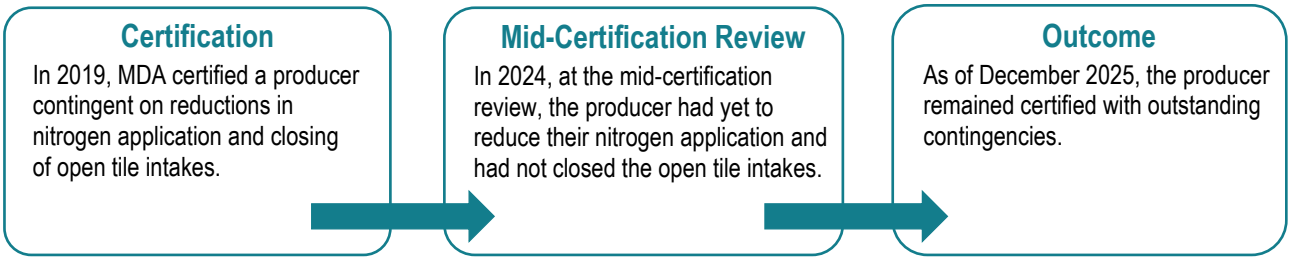
MDA has often certified producers first and then worked with them to ensure they implement practices that bring their operation up to program standards, but the legal authority for this practice is unclear. As previously discussed, statutes establish that MAWQCP certification is

for producers who *demonstrate* practices and management sufficient to protect water quality.[9] Statutes do not authorize certification for producers who have *committed to* demonstrating practices and management sufficient to protect water quality.

Further, producers do not always follow through on implementing their certification contingencies. Of the 106 producers we reviewed whose files had active contingencies, 3 producers (3 percent) had not addressed any contingencies by the time of their mid-certification review—over four years after signing their certification agreements.[10] Another 28 producers (26 percent) had implemented some of their contingencies by their mid-certification review but still had at least one unmet contingency.[11] Additionally, it was unclear based on MDA's documentation if 20 producers (19 percent) had addressed their contingencies.[12] Exhibit 3.2 outlines an example from our file review of a producer who had not met their certification contingencies by their mid-certification review.

Exhibit 3.2

Example of a Producer with Unmet Contingencies



Source: Office of the Legislative Auditor, based on a review of files for producers certified in 2019.

Certifiers described various reasons a producer may not have met all of their contingencies by their mid-certification review, such as being unable to afford to implement the new practice. A few certifiers said some producers are unaware of or forgot that they needed to implement contingencies as a condition of their certification.

MDA staff and certifiers told us that it is challenging for certifiers to follow up with producers in a timely manner to ensure they have implemented contingencies. Agency staff ask certifiers to verify contingency implementation during mid-certification reviews, but they encourage certifiers to follow up with producers sooner if possible.

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[9] *Minnesota Statutes* 2025, 17.9891.

[10] The mid-certification review is an audit MDA conducts mid-way through certification to ensure a producer is compliant with program standards. We discuss mid-certification reviews later in this chapter. This calculation excludes producers whose contingencies no longer applied by the time of their review due to changes in their operations. For example, if a producer's contingency was to install a grassed waterway on a field they no longer managed at the time of their review, we considered the contingency as null.

[11] While some of these producers may have addressed contingencies through alternative means or MDA determined that addressing the contingency was not required to meet program standards, they did not meet the terms of the certification agreement. We discuss MDA's response to producers not meeting specific conditions of their certification agreements later in this chapter.

[12] To determine the implementation status of contingencies, we reviewed the producer's mid-certification review form and MDA's mid-certification review tracking spreadsheets. Based on this documentation, we were unable to confirm whether these 20 producers had implemented the contingencies in their certification agreements.

Some certifiers said a producer's mid-certification review is often the first or only time they can follow up with producers about contingencies. Certifiers we spoke with expressed a desire to conduct follow-up with producers sooner, but they said they often do not have the capacity to do so.[13]

As discussed in Chapter 1, MAWQCP certification offers producers multiple benefits. First, producers receive public recognition for having implemented practices and management that benefit water quality. Upon receiving certification, producers receive a sign to display on their land marking their operation as MAWQCP certified. Some producers may also use their certification for marketing purposes while selling the product, for example, at a farmer's market. Second, statutes offer certified producers the benefit of regulatory certainty for the duration of their certification.[14] Regulatory certainty means a producer is considered in compliance with any new state water quality rules and regulations while certified through MAWQCP. Third, MAWQCP certification gives producers greater access to financial assistance. Participation in the program provides certified producers extra points on certain grant applications.[15]

We question whether producers should receive these benefits if they do not yet meet program standards.[16] In one case we reviewed, MDA certified a producer in 2019, contingent on establishing buffers.[17] By the producer's mid-certification review in 2023, they still had not established the required buffers. In 2025, MDA suspended the producer's certification. The producer never complied with program standards, but they still received six years of program benefits.

Benefits and Drawbacks of Contingency Use

MDA staff and program certifiers told us there are benefits to certifying producers with contingencies. Program staff and certifiers indicated that using contingencies shortens the certification process for producers, and a shorter process supports program retention. Some changes required for certification may take years to implement, and waiting for these changes may result in producers dropping out of the certification process. MDA staff noted that some changes cannot be implemented until there are certain conditions in place; for example, the season or weather may affect producers' ability to install a new structure on their land. Certifiers told us that MAWQCP certification helps producers to access financial assistance for changes needed to their operations and to receive technical assistance to implement contingencies. MDA program staff said an additional benefit is that certified producers commit to installing and maintaining practices that generate benefits to water quality for the duration of their certification.

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[13] We discuss certifier capacity in Chapter 2.

[14] *Minnesota Statutes* 2025, 17.9897.

[15] Financial assistance to producers as a benefit of the program is discussed in greater detail in Chapter 4.

[16] MDA told us that producers with contingencies in their certification agreements are not entitled to the benefit of regulatory certainty until they demonstrate that they have met all contingencies. However, the process is apparently untested. MDA said the agency has no record of requests to confirm a producer's certification status for the purpose of providing the producer regulatory certainty, nor any documented instances of when regulatory action was made or avoided due to MAWQCP certification.

[17] A buffer is a strip of land with permanent vegetation, such as grass, that acts as a barrier between agricultural fields and sensitive areas. In 2015, Minnesota set standards for buffer width in state law (*Minnesota Statutes* 2025, 103F.48).

Though some certifiers indicated that contingencies are beneficial, others reported drawbacks. A few certifiers said they now restrict how often they certify producers with contingencies because producers were not following through with the required changes. MDA program staff said they have taken steps to limit contingency use, because contingencies carry the risk that producers will not follow through on the agreed-upon changes. Contingencies also add to certifiers' workloads, as certifiers must verify that producers are implementing the contingencies. One certifier said they hope their workload will lighten as they use fewer contingencies.

RECOMMENDATION

MDA should discontinue the use of contingencies in MAWQCP certification agreements.

When MDA certifies a producer with contingencies, the agency risks that the producer may never meet the program's standards or take years to do so. By extension, the agency risks that certified producers are negatively contributing to water quality while their contingencies remain unaddressed. We acknowledge MDA's perspective that MAWQCP certification offers value by getting producers to commit to making changes to their operations that benefit water quality. But, without a robust system to ensure producers implement contingencies in a timely manner, certification means something different from one producer to the next. Furthermore, statutes state that certification is for producers who *demonstrate* practices and management sufficient to protect water quality, not for those who promise to do so.[18] Therefore, MDA should discontinue the use of certification contingencies and only certify producers that meet the standard for certification set in law.

Discontinuing the use of contingencies will affect how the program operates and require MDA to change its approach for working with producers. For example, it will likely affect how long producers spend working towards certification if they need to make all required changes prior to certification. We recommend MDA explore the creation of a pre-certification track for producers who are seeking certification but do not yet meet program standards. This approach could still offer producers many of the benefits of certification, such as access to technical and financial assistance, while protecting the significance of MAWQCP certification.

Alternatively, if the Legislature would like MDA to continue using contingencies, the Legislature should amend the program's statutes accordingly. The Legislature could establish parameters around the use of contingencies, such as determining criteria for which contingencies are permitted. The Legislature could also amend the program's statutes to allow MDA to promulgate rules for the program.[19] The rulemaking process would give MDA the opportunity to clarify how the agency will administer contingencies consistently across the state.

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[18] *Minnesota Statutes* 2025, 17.9891.

[19] *Laws of Minnesota* 2013, ch. 114, art. 2, sec. 14, codified as *Minnesota Statutes* 2025, 17.991, allows the commissioner to adopt rules for the program. However, this law passed in 2013, and MDA has not yet promulgated rules using this authority. Therefore, the Legislature would need to reauthorize rulemaking to allow MDA to begin the rulemaking process. *Minnesota Statutes* 2025, 14.125.

Producer and Certifier Audits

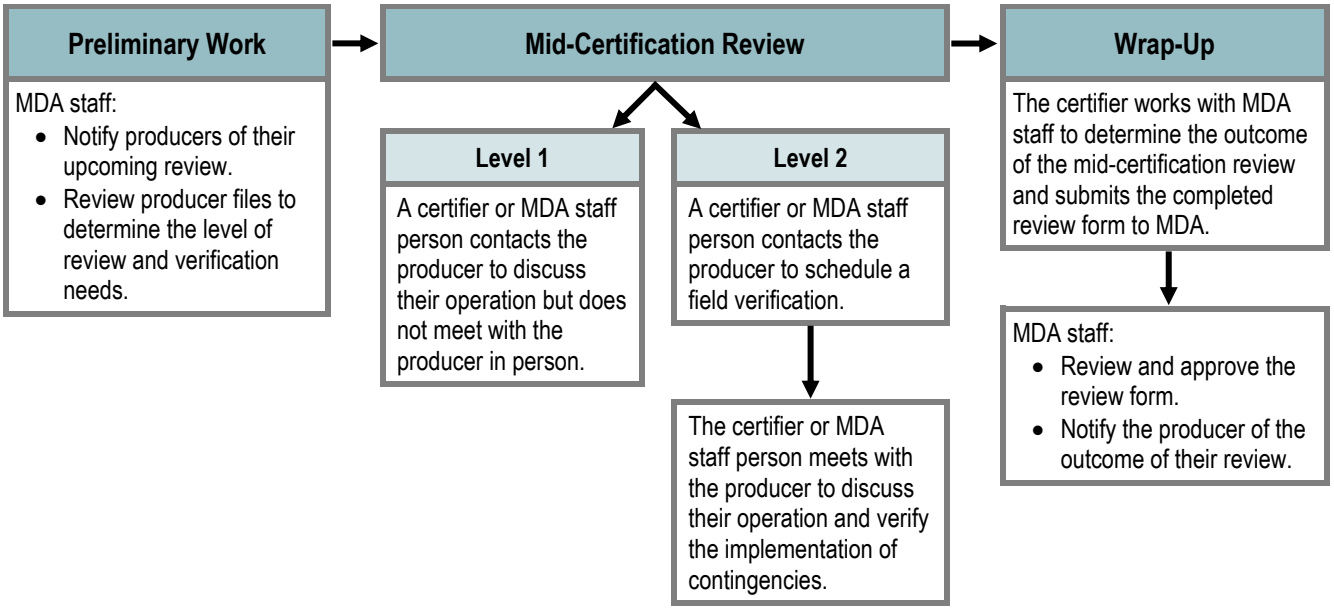
According to statutes, MDA "shall perform random audits of producers and certifying agents to ensure compliance with the program."[20] We refer to producer audits as "mid-certification reviews" in this report.

Mid-Certification Reviews

Rather than perform "random" audits, MDA staff decided early in the program to review all producers in their fourth year of certification. Program staff said conducting a mid-certification review for all producers creates opportunities to check in with producers and offer additional assistance while ensuring they are compliant with program standards.

MDA uses two levels of mid-certification reviews based on whether the producer's certification had contingencies or not. Level 1 mid-certification reviews consist of a phone call and are typically for producers certified without contingencies. Level 2 mid-certification reviews generally involve field verification and are for producers certified with contingencies or who have made operational changes since their certification. Exhibit 3.3 provides more information about the mid-certification review process.

Exhibit 3.3
Mid-Certification Review Process



Source: Office of the Legislative Auditor, based on MDA process documents and an interview with MDA program staff.

[20] *Minnesota Statutes* 2025, 17.9898.

While the program conducts more mid-certification reviews than statutes require, the comprehensiveness of these reviews varies.

Level 1 mid-certification reviews can be quite limited; producers may not even be aware that the mid-certification review has occurred. Over 100 certified producers who responded to our survey had a Level 1 mid-certification review, according to program data.[21] However, more than 60 percent of these producers said they did not have a mid-certification review or did not know if they had one. We question whether a phone call is sufficient to check on producers' compliance and whether this fulfills the program's statutory requirement to "audit" producers.

While field verifications included in Level 2 mid-certification reviews are more in depth, they can be very time consuming. Certifiers estimated that Level 2 reviews take on average three times as long to complete as Level 1 reviews, as shown in Exhibit 3.4.[22]

Exhibit 3.4

Estimated Minimum, Mean, and Maximum Number of Hours it Takes to Complete Mid-Certification Reviews

Task	Minimum	Mean	Maximum
Level 1 Review	<1	2	8
Level 2 Review	1	6	40

Note: Estimates exclude time taken to travel for field verification or to meet with producers in person.

Source: Office of the Legislative Auditor, based on area certification specialists' responses to our questionnaire.

MDA retains limited documentation on mid-certification reviews, which makes it challenging to know if they meet the intended purpose of ensuring producer compliance with program standards. MDA does not require certifiers to document key details on the mid-certification review forms. Based on our file review, some mid-certification review forms include little detail about the content of the mid-certification review. Even when documentation on the form was unclear or lacked detail, MDA staff approved the producer's mid-certification review. Exhibit 3.5 provides examples of mid-certification review forms, both of which indicated the producer was in good standing.

[21] In September 2025, we surveyed all 1,523 producers we identified as being certified as of June 30, 2025. We removed 19 certified producers from the survey population for various reasons, including the producer being deceased. We received responses from 459 certified producers for a response rate of 31 percent. For this question, our survey asked certified producers if MAWQCP staff had conducted a mid-certification review of their farming operation.

[22] Exhibit 2.7 in Chapter 2 provides additional information about the time certifiers spend conducting other certification activities such as initial certifications and recertifications.

Exhibit 3.5

Differences in Details Provided on Level 2 Mid-Certification Review Forms

Producer A

List practices required for certification (see Exhibit A):

Conservation Practice(s) and/or Management Change(s)	Installation Verified	Funding Source
Treat open surface intakes w/ a water quality inlet, rock tile intake, or dense [pattern] tile or filter sock	Yes	Self Funded
Stabilize soil erosion where surface runoff leaves field w/ minor shaping & critical area planting	Yes	FA Grant
Stabilize soil erosion and filter runoff by using a cover crop & installing field borders where runoff leaves field	Yes	FA Grant
Control gully erosion on W side w/ critical area planting; farm on the contour	Yes	FA Grant
On E side, reestablish & extend existing grassed waterway or install [water and sediment control basin]	Yes	Self Funded

Verification Notes:

Open intakes on [redacted] and [redacted] have been converted to rock intakes. The rock is covered with geotextile fabric and then soil is placed over the top.

The waterway on [redacted] has been extended.

Verification Photos:

Waterway

Critical Area Planting

Cover crop

Producer B

List practices required for certification (see Exhibit A):

Conservation Practice(s) and/or Management Change(s)	Installation Verified	Funding Source
New grassed waterway & reshape existing		FA Grant
New grassed waterway		
Maintain critical area planting		
Possible new grade stabilization structure		

Verification Notes:

redid a few waterways, converted one field that was concerning for erosion to continuous hay and haven't had any problems since making that change, reshaping a waterway this spring

Verification Photos:

Notes: The examples above are excerpts of MDA's three-page review form. We redacted one certification agreement to protect not public information.

Source: Office of the Legislative Auditor, based on a review of files for producers certified in 2019.

MDA does not meet its own timeliness goals for mid-certification reviews.

As stated previously, MDA attempts to conduct a mid-certification review for every producer in the fourth year of their certification. Our file review of producers certified in 2019 indicated that MDA did not conduct mid-certification reviews for about one-quarter of these producers during the fourth year of their certification, as seen in Exhibit 3.6.

Exhibit 3.6

Not all producers certified in 2019 received a mid-certification review in the planned year (2023).

(N = 127)

Years	Received a Mid-Certification Review	Percentage
2023	96	76%
2024	15	12%
2025	12	9%
Not yet reviewed	4	3%

Note: This table includes the completion status of mid-certification reviews as of December 2025.

Source: Office of the Legislative Auditor, based on a review of files for producers certified in 2019.

Program staff acknowledged that sometimes certifiers are unable to conduct the mid-certification review during the fourth year of a producer's certification. A certifier may not be able to contact a producer or schedule a time to meet with them during the fourth year of their certification. When this occurs, the producer's mid-certification review rolls over to the following year.
In our file review, we found some of these mid-certification reviews had not been completed for multiple years, if at all. As of December 2025, 4 of the 127 producers certified in 2019 had not yet received a mid-certification review.

When timely mid-certification reviews do not occur, MDA risks that producers will remain certified even when they do not meet program standards. As discussed in the previous section, mid-certification reviews may be one of the only times certifiers have contact with producers during their ten-year certification. A delay in conducting the mid-certification review can mean a delay in identifying new risks related to water quality that appear in the months or years after certification. Multiple mid-certification reviews from our file review uncovered new concerns to water quality, such as erosion and over-application of fertilizer, that producers needed to address. Without mid-certification reviews, those concerns could go unaddressed and continue to negatively impact water quality.

Mid-Certification Review Outcomes

Certifiers work with MDA staff to determine the outcome of each mid-certification review. Exhibit 3.7 outlines the possible outcomes of mid-certification reviews.

Exhibit 3.7
MDA staff described the following possible outcomes for a producer's mid-certification review.

Status	Description
In good standing	The producer's certification is in good standing with no follow-up items needed to meet certification standards.
In good standing – other follow-up needed	The producer needs minor follow-up on items that are not needed to meet certification standards.
Follow-up required to maintain certification	Follow-up is needed to ensure the producer meets certification standards.
Certification canceled	The producer voluntarily ended their certification.
Certification suspended	MDA ended the producer's certification because the producer does not meet program standards.

Source: Office of the Legislative Auditor.

MDA allows producers to remain certified even if their mid-certification reviews reveal that they do not comply with program standards.

MDA determined that about 70 percent of producers (88 producers) in our file review were in good standing with the program after their mid-certification reviews, but it was unclear if all of these producers met program standards.[23] MDA considered producers in good standing even when they had not implemented contingencies listed in their certification agreements. Roughly one-third (25 producers) of the 74 producers with certification contingencies who were in good standing had not clearly implemented all of their contingencies by the time of their mid-certification review.[24] For example, some producers with contingencies to establish or repair grassed waterways still had not done so by their mid-certification review.

MDA rarely suspended certifications for producers not complying with their certification agreements at their mid-certification review. The majority of producers in our file review who had not met the contingencies listed in their certification agreements by the mid-certification review remained certified (96 percent). MDA staff and some certifiers said they choose to work with producers to get them back into

[23] This calculation includes all producers MDA identified as in good standing, including those requiring additional follow up. Of the 88 producers in good standing, 29 required additional follow up.

[24] We excluded any producer from this figure if none of their contingencies applied at the time of their review due to changes in their operation since certification.

compliance rather than suspending certification.[25] However, it is unclear if some of the producers whose files we reviewed have ever come into compliance with their certification agreement. By allowing noncompliant producers to remain certified, MDA risks that certified producers' practices negatively affect water quality. Additionally, allowing producers who do not meet program standards to remain certified lessens the value of the MAWQCP certification.

MDA staff maintain that some of the producers with unmet contingencies meet the program's standards. They said producers still meet program standards if they find alternative ways to address contingencies or have a plan in place to do so. However, producers are contractually bound to implement the contingencies written in their certification agreements—a fact that MDA staff acknowledged. If the original contingencies change or no longer apply, MDA could direct program staff to amend the certification agreement to reflect these changes.[26]

However, program staff have not followed MDA's existing guidance to amend certification agreements when required to do so. MDA's amendment guidance states that "amendments are required for addition/removal of acres farmed and/or for changes in land use, crop rotation and/or management that negatively affect a certification score during the certification period."[27] Our file review indicated that certifiers and program staff did not consistently file amendments when producers made these changes to their operations, as shown in the box to the right.

Producer A and Producer B both added about 200 acres to their operations.

Only Producer A had an amendment to their certification.

Source: Office of the Legislative Auditor, based on a review of files for producers certified in 2019.

RECOMMENDATIONS

- **MDA should focus its mid-certification reviews on producers at the highest risk of being out of compliance with program standards and ensure producers follow program requirements.**

- **The Legislature should revise the requirement to conduct random producer audits.**

Statutes require MDA to conduct "random" audits of producers, but the agency currently reviews all producers' operations. Rather than take either of these approaches, we recommend a more targeted method for conducting mid-certification reviews.

[25] MDA staff stated that the certification agreement permits the agency to continue working with producers rather than revoke certification, as long as producers have a plan in place to address concerns.

[26] Based on our file review, MDA rarely amended certification agreements when such changes occurred.

[27] Minnesota Department of Agriculture, *Amendments & Recertification*. Additionally, statutes require producers to notify MDA when they begin managing new land, through either ownership or lease, so the new land can be assessed. *Minnesota Statutes* 2025, 17.9896, subds. 2 and 3.

Mid-certification reviews can play an important role in MDA's oversight of certified producers. However, MDA's decision to conduct mid-certification reviews for all producers reduces certifiers' ability to conduct comprehensive reviews when needed. We recommend MDA instead take a risk-based approach. MDA program staff told us that they plan to send a questionnaire to producers identified as needing Level 1 reviews in 2026. Staff said the questionnaire will ask if producers have made changes or identified issues within their operations to determine whether these producers need further review. We suggest that the agency go even further by using the questionnaire to determine whether producers need a mid-certification review at all due to changes to their operation or other pressing concerns.

We believe there are multiple benefits to first screening producers through a questionnaire and then focusing mid-certification reviews on only certain producers. The certified producers with the greatest risk of noncompliance are those who have made changes to their operations since certification or who have certification contingencies. By focusing on these producers, MDA program staff and certifiers can concentrate their limited resources on higher risk cases where producers may not be meeting program standards.

Both program staff and certifiers discussed the value of conducting mid-certification reviews for all producers, but we believe the questionnaire presents a sufficient opportunity to interact with producers without needing to spend finite resources where risk of noncompliance is low. Furthermore, if the agency conducts mid-certification reviews for fewer producers, it may be more successful in meeting its timeliness goals.

To allow for this approach, the Legislature should remove the requirement in statutes that MDA conduct random audits of producers. It should replace it with a requirement that MDA conduct targeted audits of producers most at risk for being out of compliance with program standards.

MDA should ensure that only producers who meet program standards retain MAWQCP certification. We believe it is unreasonable to say a producer meets program standards four years into their certification when they have unimplemented contingencies and only a plan in place to address concerns. If producers retain certification when they are noncompliant with program requirements, it diminishes the significance of MAWQCP certification for certified producers who do meet the requirements.

Certifier Audits

Just as with producers, statutes require MDA to conduct random audits of certifiers to ensure compliance with the program.[28] MDA's policy requires the program to audit each licensed certifier once during their five-year license period.

[28] *Minnesota Statutes* 2025, 17.9898.

MDA has not complied with statutory requirements or the agency's policies related to certifier audits.

MDA did not begin auditing certifiers until recently, despite the requirement in statutes. Our review of MDA data on certifier audits indicates that the agency completed its first certifier audit in August 2024, about 10 years after MAWQCP began certifying producers. An MDA staff person we spoke with acknowledged that MDA should have started auditing certifiers earlier than it did. This person explained that MDA planned to start conducting audits around the winter of 2020 but did not due to challenges related to the COVID-19 pandemic and a staffing shortage.

Exhibit 3.8

Audit Status for MAWQCP Certifiers Licensed as of July 2025

Status of Certifier	Number of Certifiers
Audit conducted within five-year licensure period	4
Audit conducted after five-year licensure period	5
No audit conducted and five-year licensure period has passed	4*
Audit not yet due	4
Total	**17**

* This excludes 8 licensed certifiers who were no longer providing certification services by the time MDA began conducting audits.

Source: Office of the Legislative Auditor, based on MDA data on audits of licensed MAWQCP certifiers.

Even if MDA had started auditing certifiers in 2020 as the agency planned, the first certifier audit would still have occurred more than five years after the program began. Our review of program data indicated that MDA has not audited all certifiers during their five-year licensure period, as shown in Exhibit 3.8. We found that MDA had not audited four certifiers who had been licensed more than five years as of July 2025.

RECOMMENDATION

MDA should comply with requirements in statutes and agency policy to audit certifiers.

Both statutes and MDA policy require audits of certifiers.[29] Though program staff are working toward compliance, the agency has fallen short on meeting requirements for a majority of the program's existence. Conducting audits of certifiers ensures they are adhering to program standards and supports the program's credibility. Moving forward, program staff should ensure certifiers receive audits in a timely manner, consistent with MDA's policy and the law. Doing so provides certifiers useful feedback and helps to ensure consistent implementation of the program's standards.

[29] *Minnesota Statutes* 2025, 17.9898. Minnesota Department of Agriculture, *Minnesota Agricultural Water Quality Certification Program: Policies and Procedures for Licensed Certifying Agents*, updated May 2025.

MAWQCP Policies

MDA has developed policies and procedures to guide the agency's administration of certain elements of MAWQCP. For example, the agency's *Policies and Procedures for Licensed Certifying Agents* define certifier licensure requirements, audit procedures, and the conflict of interest policy. However, MDA has limited policies and procedures in place for other aspects of the program.

MDA lacks adequate policies—and lacks policies entirely for some aspects of the program—to ensure producer compliance with MAWQCP standards, which contributes to inconsistencies in program implementation.

As described previously, program certifiers have frequently certified producers with contingencies, but MDA does not have policies for the use of contingencies. Instead of a written policy, MDA staff said they provide guidance to certifiers on contingencies, and contingency use is still largely at the discretion of individual certifiers.

MDA's lack of adequate policies creates inconsistencies across MAWQCP areas and even from one certifier to the next. For example, MDA's policy does not require certifiers to set deadlines for producers' contingency implementation. Only 2 of the 117 certification agreements with contingencies in our file review included due dates for all listed contingencies. A producer from one MAWQCP area in our file review had a due date to close all open tile intakes, while a producer in another area with the same contingency did not. The producer who had a due date implemented the contingency by the time of their mid-certification review. The producer who did not have a due date set for closing the open tile intakes had yet to implement the contingency by the time of their mid-certification review—four years into their certification.

MDA policy does not define when a producer is in good standing with the program based on their mid-certification review. Throughout our evaluation, we asked MDA program staff to define each potential outcome of a producer's mid-certification review, as described in Exhibit 3.7. Program staff provided varying answers about the criteria a producer must meet to be in good standing and noted that they make some decisions on a case-by-case basis. In our file review, we found that MDA inconsistently applied its own guidance on mid-certification review outcomes. Some of the inconsistencies we described previously regarding how MDA and certifiers address issues identified at mid-certification reviews could be related to this lack of direction in policy.

RECOMMENDATION

MDA should strengthen its administrative policies for MAWQCP.

Previously in this chapter, we recommended that MDA discontinue the use of contingencies when certifying producers. If MDA chooses to continue the use of contingencies or create a pre-certification status for producers working toward certification, the agency should either promulgate rules or create agency policies to govern this process and mitigate the risks posed by contingency use. Regardless of whether the agency chooses to discontinue contingency use or create a pre-certification status, agency policies should indicate how MDA will hold producers already certified with contingencies to program standards.

We also recommend MDA clarify its policies and guidance regarding the outcomes of mid-certification reviews and steps to take after the reviews. Although MDA provides certifiers with some guidance, there are no clear written policies for determining the outcome of a producer's mid-certification review. Assessing situations on a case-by-case basis contributes to inconsistencies in mid-certification review outcomes and in the experience of certified producers, as we saw in our file review. We recommend MDA establish clear criteria that producers must meet to be in good standing with the program after their mid-certification review. The agency's policies should require certifiers to provide sufficient evidence to support the outcome of a producer's mid-certification review. Additionally, the agency should establish expectations in policies to ensure certifiers appropriately follow up with producers after their mid-certification review.

Chapter 4: Program Purpose and Impact

Protecting the state's water from pollution, including agricultural pollution, is an ongoing effort. Pollution from agriculture is generally considered "nonpoint" source pollution, which means that the pollution's source is diffuse, as opposed to "point" source pollution, in which the pollution is tied to a specific source. Unlike point source pollution, there are limited regulations in place to address nonpoint source pollution. Instead, government agencies have traditionally encouraged individuals involved in activities that generate nonpoint source pollution to voluntarily change their practices by participating in conservation programs, such as the Minnesota Agricultural Water Quality Certification Program (MAWQCP).

Key Findings in This Chapter

- Because MAWQCP's purpose is not well defined, identifying appropriate outcome measures is challenging.
- MAWQCP's effect on water quality is not clear.
- Producers who responded to our survey reported that MAWQCP offers many benefits to them and few drawbacks.

In this chapter, we first discuss the purpose of MAWQCP and the program's intended effects. Then we describe how the Minnesota Department of Agriculture (MDA) has reported the program's impact. Finally, we discuss certified producers' experiences with MAWQCP.

Program Purpose

Because MAWQCP is established in state law, we look first to statutes to identify the program's purpose and intended effects.

MAWQCP's statutory purpose is unclear.

MAWQCP's authorizing statutes do not clearly state what the program is intended to accomplish. There are a number of possible interpretations of the program's purpose—such as to certify producers as recognition for their practices, to protect water quality, or to reduce pollutants—based on the following language in statutes:

> The commissioner [of the Minnesota Department of Agriculture]…may implement a Minnesota agricultural water quality certification program whereby a producer who demonstrates practices and management sufficient to protect water quality is certified for up to ten years and presumed to be contributing the producer's share of any targeted reduction of water pollutants during the certification period.[1]

[1] *Minnesota Statutes* 2025, 17.9891.

While these purposes are related, focusing on one purpose over others when implementing MAWQCP could result in different outcomes. For example, if the main purpose is to certify producers, MDA might focus on the quickest way to increase the number of producers in the program overall. This might result in MDA prioritizing the certification of producers who have already implemented conservation practices required for certification. On the other hand, if the main purpose is to protect water quality, MDA might prioritize certifying producers who need to make changes to their operations, as that could result in greater environmental impact.

Conservation Practices

Conservation practices are techniques implemented by producers to conserve or protect natural resources. These practices are defined by the U.S. Department of Agriculture's Natural Resources Conservation Service.

Agricultural best management practices (BMPs) are agricultural conservation practices to prevent or reduce water pollution. MDA publishes information about agricultural BMPs commonly employed in Minnesota.

Best management practice improvements are practices that protect the environment but do not rise to the standard of conservation practices. MDA tracks certified producers' BMP improvements.

We generally refer to all of these practices as "conservation practices" or simply "practices" throughout this report.

— U.S. Department of Agriculture – Natural Resources Conservation Service; and MDA

Stakeholders have provided different interpretations of the program's purpose. Since the program began, the MAWQCP Advisory Committee has discussed what it hopes to accomplish through the program, from expanding the program to more producers to providing value to certified producers through program benefits. When we interviewed several current MAWQCP Advisory Committee members, most told us that part of the program's purpose is to help producers implement conservation practices. Some certified producers expressed concerns about the program, such as that it is more focused on showing Minnesota agriculture in a positive light than on making real change. And other stakeholders, including some certifiers and certified producers, told us the program's goals are unclear.

Because MAWQCP's purpose is not well defined, identifying appropriate outcome measures is challenging.

MDA must report on MAWQCP on a regular basis. The agency must report on the program's status biennially, under MAWQCP's authorizing statutes.[2] Additionally, MDA must report *measurable outcomes* as a recipient of Clean Water Funds.[3]

However, what constitutes an appropriate "measurable outcome" depends on the purpose of the program. If the program's purpose is simply to certify producers, then a corresponding measurable outcome would be the total number of producers certified. On the other hand, if the purpose of the program is pollutant reduction, then appropriate measurable outcomes would be changes in the amounts of different water pollutants. Exhibit 4.1 identifies potential measurable outcomes for MAWQCP, depending on the program's purpose.

[2] *Minnesota Statutes* 2025, 17.992. Additionally, statute requires MDA to make summary data on program outcomes available. *Minnesota Statutes* 2025, 17.9899.

[3] *Minnesota Statutes* 2025, 3.303, subd. 10(b).

Exhibit 4.1
Possible MAWQCP Purposes and Corresponding Outcome Measures

Potential Program Purpose	Key Measurable Outcomes
Certify producers as recognition for their practices	Total number of certified producers
Increase producers' implementation of conservation practices	Total number of conservation practices implemented as a result of the program
Reduce water pollutants	Decreased use of products known to pollute water or decreased quantities of pollutants reaching water
Protect water quality	Maintained or improved water quality as demonstrated by stable or decreased pollutant levels measured in surface or ground waters

Source: Office of the Legislative Auditor.

RECOMMENDATION

The Legislature should clarify MAWQCP's purpose and identify intended outcomes.

Without a clear purpose, it is unclear whether the program is meeting its objectives and, therefore, whether tax dollars are spent effectively. The Legislature should amend statutes to specify what the Legislature wants the program to accomplish overall.

Additionally, the Legislature should clarify what measures it expects MDA to report on to demonstrate the program's outcomes. The Legislature could consider some of the program outcome measures described in this chapter or other measures, as it sees fit. As we note in the upcoming discussion, some outcome measures that MDA currently reports are better suited than others to demonstrate MAWQCP's effects on water quality.

Program Outcomes

In the absence of a clear program purpose, MDA has reported a variety of MAWQCP outcome measures. MDA has consistently reported the number of certified producers and certified acres to demonstrate the program's results. The agency has also reported estimated reductions in certain pollutants. For example, in its 2025 biennial MAWQCP report, MDA estimated that the program prevents more than 62,000 pounds of phosphorous from entering Minnesota water annually.[4] The box at right summarizes some of the key MAWQCP outcome measures MDA has reported.

Examples of Reported MAWQCP Outcome Measures

- Number of certified producers
- Number of certified acres
- Number of new conservation practices
- Estimated reduction of total suspended solids
- Estimated reduction of phosphorous
- Estimated reduction of a greenhouse gas (carbon dioxide)

— MDA's 2024 Clean Water Fund Measurable Outcomes; and 2025 Biennial MAWQCP Report

[4] Minnesota Department of Agriculture, *Minnesota Agricultural Water Quality Certification Program: A Report to the Minnesota Legislature* (2025), 3 [i.e., 7].

MAWQCP's effect on water quality is not clear.

The measures MDA has reported to demonstrate MAWQCP's effects do not capture what impact the program has had on water quality in Minnesota. In the upcoming sections, we discuss limitations of the following reported outcome measures:

- Total certified producers
- Total conservation practices
- Pollution reduction estimates

Finally, we discuss the potential for conducting water quality monitoring to better understand MAWQCP's impact on water quality.

Total Certified Producers

When researchers investigate a program's outcomes, they consider "additionality," or whether a specific outcome occurs due to the program. Changes that would occur regardless of participation in the program should not be attributed to it.

MAWQCP certification does not necessarily mean that the producer has had an impact on water quality due to their participation in the program.

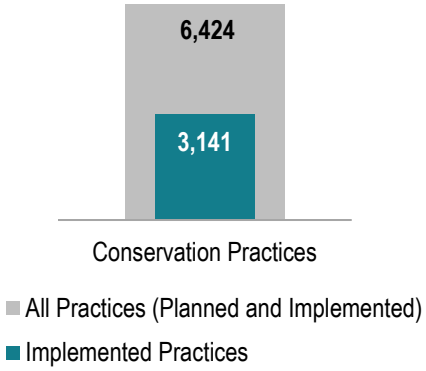
The total number of certified producers is not a reliable way of identifying the additionality of MAWQCP because not all certified producers make changes to their operations for certification. According to MDA's data, more than 25 percent of producers certified between fiscal years 2018 and 2025 were certified without needing to implement any new practices. We surveyed certified producers, and two-thirds of the producers who responded to our survey said that the certifier did not tell them that they needed to make changes to their operation to be certified.[5]

> We have always farmed in a way that protected nearby water, improved soil health, and exceeded all recommended best management practices. The MAWQCP simply put a "stamp" on our existing good practices that the public and government regulators can easily understand. We have not improved water quality or soil health as a result of our participation in the program because we have ALWAYS been mindful of operations impact on the environment and always done our best to minimize impact.
>
> **— Certified producer**

[5] In September 2025, we surveyed all 1,523 producers we identified as being certified as of June 30, 2025. We removed 19 certified producers from the survey population for various reasons, including the producer being deceased. We received responses from 459 certified producers for a response rate of 31 percent.

Exhibit 4.2

MAWQCP Planned and Implemented Practices, as of Fiscal Year 2025



Notes: This graph may not reflect all practices for producers that were certified before Fiscal Year 2018 due to limitations with MDA's data. In general, it does not include practices for land that was previously certified, such as a practice on land that the certified producer has since sold. This graph also excludes practices for which MDA does not track the implementation status.

Source: Office of the Legislative Auditor, analysis of MDA data.

Furthermore, MDA has regularly certified producers before they make all changes required to meet program standards. As we described in Chapter 3, producers certified with "contingencies" may still need to implement new conservation practices to meet the program's standards. Through our review of program files for producers certified in 2019, we found that more than one-quarter of producers certified with contingencies had not implemented all required practices by their mid-certification review.

While MDA did not collect data on contingencies until recently, the agency has historically captured whether a producer has planned a conservation practice or implemented it.[6] Many planned conservation practices are not implemented until years after the producer signs their certification agreement. Only 49 percent of planned practices since the program began were implemented by the end of Fiscal Year 2025, as shown in Exhibit 4.2. The way producers protect water quality through this program is by implementing practices and management changes. If producers do not implement new practices as part of being certified by this program, then their certifications do not necessarily indicate improvements to water quality.

Total Conservation Practices

To study additionality, MDA should capture when producers make changes to their operations due to MAWQCP.

MDA's reporting on MAWQCP conservation practices is not a reliable indicator of the program's impact.

MDA reports publicly on the number of implemented practices; however, MAWQCP staff may not learn about implemented practices until well after producers put those practices in place. As a result, MDA may undercount conservation practices in some of the agency's reporting. Some certifiers we spoke with told us that they often do not follow up with producers about the implementation of required practices until their mid-certification review, which occurs years after the producer has been certified. It is possible that producers have implemented at least some required practices before these mid-certification reviews, meaning that program data would undercount implemented practices. Additionally, MDA staff told us that certifiers sometimes count multiple practices as one practice in program data, which would also undercount the total number of implemented practices.

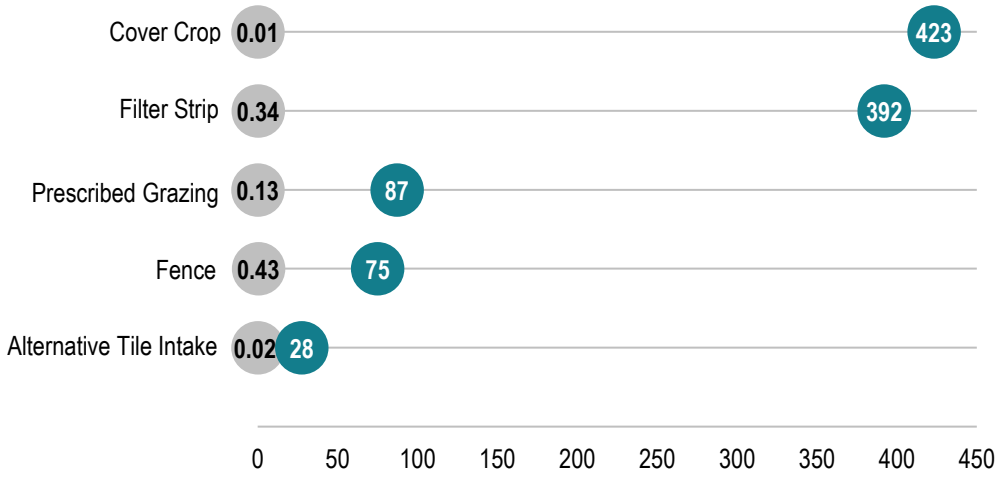
[6] As discussed in Chapter 3, MDA began collecting data on contingencies in its assessment tool in the fall of 2025. MDA's data on planned or implemented practices should not be considered equivalent to counts of contingencies. Planned and implemented practices may or may not be required for the producer to be certified, whereas contingencies are required for certification.

MDA staff also said some practices that are first implemented as part of certification are not captured as such in program data. As part of the certification process, certifiers record producers' "existing" practices, meaning those implemented prior to the certification process. Certifiers also record "new" practices, or those implemented after the certification process begins. However, MDA staff told us that certifiers have incorrectly recorded "many" new practices as existing practices. MDA staff were not able to estimate the extent to which this occurs, but it calls into question the reliability of conservation practice data.

Regardless of the reliability of the data, reporting the number of implemented conservation practices does not provide a consistent or reliable way of gauging the program's impact. Conservation practices vary widely, so presenting a count of the number of conservation practices implemented due to MAWQCP oversimplifies the practices' impact. As an example, Exhibit 4.3 shows that estimated phosphorus reductions for new cover crops implemented as part of MAWQCP ranged from less than 1 pound to more than 400 pounds of phosphorus per year.[7] This variation may be the result of different factors, including the number of acres on which the practice occurs; as a result, the number of practices—without additional information—is not a sufficient outcome measure.

Exhibit 4.3

MAWQCP Estimated Reductions in Phosphorus to a Water Body (Pounds per Year) by Conservation Practice



Notes: This graph captures the minimum and maximum annual phosphorus reduction estimated for conservation practices implemented by producers who were certified as of the end of Fiscal Year 2025. For more information on the conservation practices included in the graph, see the Appendix.

Source: Office of the Legislative Auditor, analysis of MDA data.

[7] MDA asks program certifiers and staff to calculate pollution reduction estimates for conservation practices implemented by producers using estimation tools and enter this information into the program's data. We analyzed MDA's program data to find the range of estimated phosphorus reduction for select conservation practices.

Pollution Reduction Estimates

Research indicates that there is significant variation in the estimated effectiveness of individual conservation practices. For example, some soil types are more prone to erosion and pollutant loss than others, affecting how well conservation practices address these concerns. MDA staff and certifiers use multiple estimation tools to calculate the projected pollution reduction associated with the conservation practices implemented by certified producers.

Pollution reduction estimates capture projected impacts of conservation practices, rather than the actual impact, and MDA's data on reduction estimates have significant limitations.

While pollution reduction estimates may better represent MAWQCP's impact than simple counts of certified producers or conservation practices, these estimates still have limitations. Pollution reduction estimates may account for some variation in the conditions in which practices are implemented, but it is difficult to account for all such variation. For example, estimation tools might account for the average rainfall for the part of the state in which the practice was installed. However, actual rainfall varies from year to year and can change the effectiveness of a given practice. A large rainfall event can overwhelm some conservation practices intended to minimize untreated water flow into surface water, causing greater runoff. If a given year has more large rainfall events than the average year, the pollution reduction estimate for that conservation practice would overestimate the practice's pollution reductions for that year.

Furthermore, the way MDA records conservation practices—and by extension, pollution reduction—limits the usefulness of this data. One limitation is that MDA captures an implementation date that is later than the practice's actual implementation date for some practices. MDA has instructed certifiers not to record the *actual* implementation date in the "implementation date" field when doing so would result in the omission of the practice from MDA's reporting to the Minnesota Pollution Control Agency (MPCA). MDA reports all known practices since the last reporting period to MPCA; if program staff learn about a practice that was implemented during a past reporting period, and they record the actual implementation date, then this practice would go uncounted in these reports. Structuring the data in this way means that MDA cannot systematically determine whether producers have actually implemented practices by a certain point in time. If MDA cannot say when a practice started and therefore when the projected pollutant reductions first occurred, the data have limited value for quantifying total estimated pollutant reductions attributable to these practices over time.

Additionally, MDA does not track the implementation date for a set of practices known as best management practice improvements (BMP improvements). An MDA staff person said BMP improvements do not rise to the standard of other conservation practices but still benefit the environment.[8] MDA records pollutant reductions for BMP improvements, just as the agency does for other conservation practices. Unlike other

[8] BMP improvements are different from the formal conservation practices and BMPs described in the Appendix.

conservation practices, MDA does not record an "implementation date" for these practices. MDA assumes that BMP improvements will be implemented as soon as possible. But our review of producer files indicates that this may not be a reasonable assumption. Five producers from our file review committed to BMP improvements at certification and had not clearly implemented them by the mid-certification review. MDA's data in 2026 still included estimated pollutant reductions for some of these producers, even though it was not clear that the producers ever implemented the practices.[9]

Water Quality Monitoring

To understand whether the practices that MAWQCP certified producers have put in place have actually had an impact on water quality, the program would need to either measure water quality or use existing water quality monitoring data to demonstrate the effectiveness of implemented practices.

MDA does not collect data that would allow the agency to measure MAWQCP's actual impact on water quality; however, measuring MAWQCP's impact on Minnesota's lakes, rivers, streams, and groundwater may not be feasible.

During the certification assessment, certifiers collect extensive information about producers' practices, but they do not include baseline water quality measurements against which MDA could measure progress. For example, certifiers do not conduct water quality testing, such as edge-of-field or tile line testing, that would show baseline levels of pollution in runoff.[10]

Methods for Monitoring Water Quality

Edge-of-field testing: Tests water runoff at the edge of a producer's field.

Tile line testing: Tests water at tile lines for subsurface drainage tile.

Private well testing: Tests drinking water from private wells.

Multiple stakeholders have expressed interest in understanding how MAWQCP affects water quality beyond the estimates MDA provides. One certified producer told us it would be helpful to understand their operation's impact on water quality but noted that limitations on MAWQCP financial assistance grant funding meant they could not use these funds to test the body of water adjacent to their land. Several certified producers expressed concern about the lack of testing required for MAWQCP. One certified producer who responded to our survey said "I was surprised when all it took was filling out paperwork

[9] BMP improvement pollutant reductions recorded in MDA's data include some of the pollutants we have discussed elsewhere in this chapter, like phosphorous reductions and greenhouse gas reductions.

[10] Some certified farms, such as those participating in Discovery Farms Minnesota, do collect relevant information as part of their regular operations. Discovery Farms Minnesota collects information on farms operating in Minnesota to understand the impact of farm management decisions on water quality. MDA partners with the Minnesota Agricultural Water Resources Center, local Soil and Water Conservation Districts, and Watershed Districts to administer this program. However, there are only a small number of Discovery Farms in the state, so the extent that these farms can demonstrate MAWQCP's outcomes may be limited.

at my breakfast table - no field inspections, no water tests at the beginning to serve as a benchmark for the water quality on my farm." Another producer said:

> NO testing was done on our property…I don't think we should be using computer models to tell us what the on the ground outcomes should be. We should be testing periodically and being transparent about those results regardless [of] the results.

Even if MDA collected the data necessary to measure the program's actual effects on a local scale (i.e., on and near producers' fields), there could be challenges to using this data to show the program's effects on a larger scale. A producer may implement new conservation practices that result in some changes to the water that runs off of their land, as measured by edge-of-field monitoring. However, by the time affected water joins a stream, river, or lake, there could be a dozen or more other sources of pollution affecting the water quality of that body of water. If there was an improvement in water quality, it would be difficult to conclude that MAWQCP was the cause of the improvement. Additionally, there are time lags in measuring the impacts of many agricultural conservation practices, so a change in a producer's practices today might not result in measurable progress in surface water until years later.

In addition, the costs of program-wide water quality monitoring may be prohibitive. MDA provided us cost estimates for different methods of monitoring certified farms' water quality. MDA estimated that the cost to install edge-of-field monitoring on every certified farm would be over $140 million, and annual monitoring costs would reach almost $10 million, excluding certain costs such as staff time. Another method MDA contemplated was tile line monitoring. MDA estimated that the costs to conduct annual sampling at tile lines would be approximately $500,000, also excluding certain costs. These estimated costs are relatively large when compared to MAWQCP's annual legislative appropriations—$3.5 million in Fiscal Year 2025—and may detract from other program efforts. MDA also noted that the Legislature has not directed the agency to conduct research as part of MAWQCP, nor has it allocated appropriations to this activity.[11]

Recommendation

The two methods discussed above for evaluating water quality effects—modeling and monitoring—both have advantages and disadvantages.

Modeling can estimate the effects of a given practice, factoring in available information about the land, such as geographic data. MDA staff have stated that modeling matches the approach other state agencies take and allows for more comparable reporting statewide. This approach can be more cost-effective than monitoring. Some public entities, such as the Board of Water and Soil Resources, allow open access to their estimation tools, so it is possible to estimate the effects of conservation practices across an entire program with little additional cost beyond increased staff time. However, uncertainty exists when using models, due to the number of factors that may impact their accuracy.

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[11] Minnesota laws appropriating funds to MAWQCP do not specify how MDA should use the funds beyond administering the program. For example, for fiscal years 2024 and 2025, the Legislature appropriated $3.5 million each year to MDA "to implement the Minnesota agricultural water quality certification program statewide." *Laws of Minnesota* 2023, Chapter 40, art. 2, sec. 3(f).

Monitoring can show the actual change—or lack thereof—over time, in response to the implementation of different practices. For example, monitoring the effects of the implemented practices with edge-of-field testing may demonstrate whether there have been changes to levels of pollution in the water leaving a producer's fields. This can alleviate some concerns about the reliability of modeled projections. However, there can be limitations to the generalizability of data collected from monitoring sites, and it may be difficult to demonstrate that changes to pollution levels are related to practices implemented at a given site. Finally, monitoring water quality can be a relatively expensive undertaking, as previously discussed.

RECOMMENDATIONS

MDA should:

- **Address limitations in the agency's data on conservation practices and pollutant reduction estimates.**
- **Consider ways to incorporate water quality monitoring for a selection of certified producers.**

MDA relies on conservation practice and pollution reduction estimates to demonstrate some of the program's outcomes, but we found limitations in MDA's data. We recommend that MDA address these limitations. For example, MDA should capture the actual implementation date for a practice, even if that means that MAWQCP staff must enter into the program's database both an actual implementation date and an implementation date for reporting purposes. MDA should also ask MAWQCP staff to report the implementation date of BMP improvements and only report pollution reduction estimates for those practices when implementation is confirmed. Implementing these changes would improve the reliability of MDA's outcome reporting.

MDA should also consider alternative approaches that would enable it to measure the water quality effects of the program. While monitoring the effects of MAWQCP for each certified producer may not be feasible, MDA could consider monitoring water quality for a selection of producers who implement new conservation practices through the program. MDA could also consider encouraging certified producers to participate in water quality testing independently and report their results to the program. For example, certified producers could test their private wells for pollutants. Private wells, which some certified producers access for drinking water, may be affected by the same chemicals that affect surface water from farm operation runoff. As a result, testing private well water could be another source of information for the program.

MDA program staff cautioned that monitoring the program's effects in a scientifically valid manner would be difficult and expensive. While this may be true, we question whether modeled estimates of the program's effects are adequate to support some of the claims about the program's impacts, especially given the limitations of MDA's data. It may be beneficial to report actual measured impact of the program on at least a select number of farms.

Producer Experience

As a voluntary program, MDA relies on producers being interested and willing to participate in MAWQCP. MDA has said that establishing relationships with producers is key to the success of the program. We surveyed producers and also met with a number of certified producers across the state to learn about their experiences with the program.

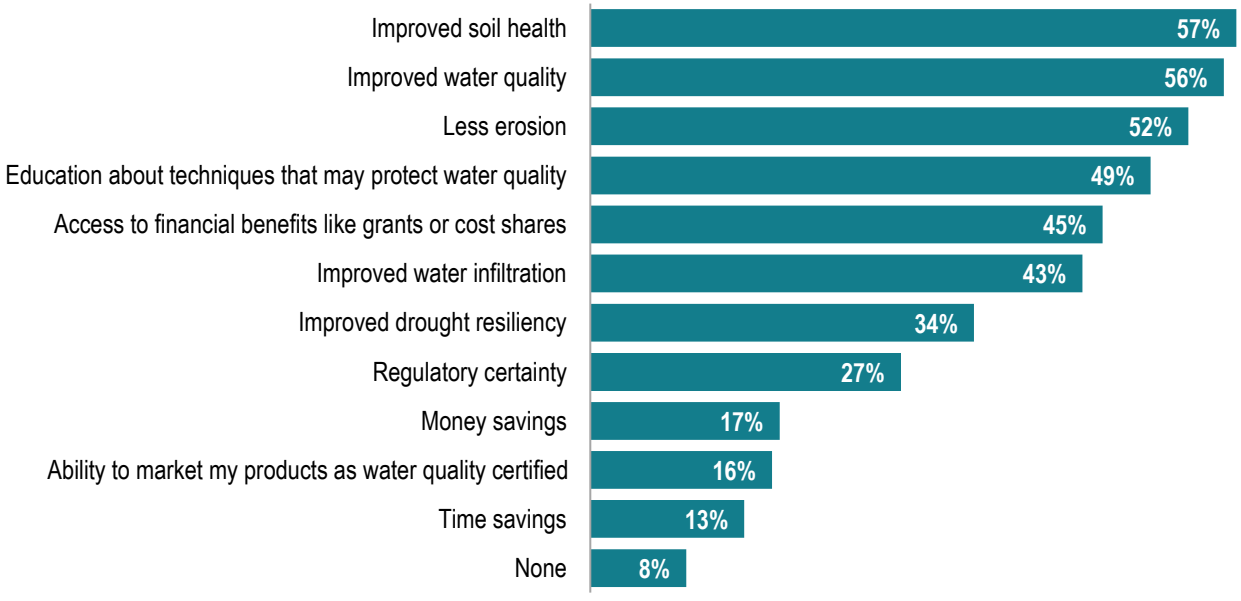
Producers who responded to our survey reported that MAWQCP offers many benefits to them and few drawbacks.

Though our research cannot confirm benefits related to water quality, over one-half of the certified producers who responded to our survey said that improvements in water quality and soil health were benefits of this program, as shown in Exhibit 4.4. One certified producer said MAWQCP is:

> …very helpful…and beyond that, I believe a vitally ESSENTIAL program to help farmers understand the impacts of what they do on their farms, and further, to help them to address critical issues to improve water quality impacts resulting from practices employed on their individual farms, and the decisions that they personally make on a daily and ongoing basis.

Exhibit 4.4

Survey Results: Certified producers reported many benefits of MAWQCP certification in response to the question "What benefits do you believe your farming operation has experienced as a result of your certification by MAWQCP?"



Notes: This graph does not include missing responses (*N = 452*). The graph above reflects the most frequent responses to our question about the benefits of MAWQCP certification.

Source: Office of the Legislative Auditor, survey of certified producers, September 2025.

Other producers emphasized the program's educational role, and a few producers reported that they hoped their participation in the program would influence other producers who are not in the program. For example, one producer said "We are…thankful for the Program to enlighten conventional farmers. We utilize [occasional] custom operators for planting [and] harvesting. Through the experience of dealing with our fields, 2 of them have, to a degree, modified how and when they plant and harvest."

> I think it is a great program that helped our operation. It helped us qualify for grants and programs. It has educated us on things like the importance of winter cover and helped pay for it. I believe that when we share about our certification it is a good representation of cattle operations and agriculture that we care about the land and water.
>
> **— Certified producer**

Of the certified producers who responded to our survey, 45 percent indicated that access to financial assistance was a benefit of MAWQCP. Some producers provided more detailed information about how this was a benefit to their operation. For example, one producer said they believed MAWQCP "was the main reason we received the financial support for a project that [we] would not have been able to complete without financial support. The funding available leveraged other assistance including personal investment in the project."

> I appreciate the financial help made available through grants which made it possible to accomplish some of these important water quality improvement practices that I otherwise may not have been able to justify in the short-term, but that I recognize are essential to the [best management practices] of my farm, and as a steward of the land and member of my community at large.
>
> **— Certified Producer**

Being certified or pursuing certification can also strengthen a producer's application for other forms of financial assistance. For example, MDA's Soil Health Financial Assistance Program prioritizes grant applicants who are MAWQCP-certified or working towards certification. However, some certifiers noted that financial assistance may not adequately motivate some producers to make the changes to their operations necessary for certification. An area certification specialist said that some producers will apply and start the assessment, but if they do not receive the grant they are pursuing, they will not follow through with certification.

More than 85 percent of certified producers who responded to our survey said there were no drawbacks to certification, and less than 10 percent said the program has offered them no benefits. Several producers explained that the program did not offer them benefits because they were already implementing conservation practices. One certified producer said "After 10 [inches] of rain, I noticed silt washing but being left in the field, or just on the edge of the fields. This was due to [buffers], and terraces that were already in place. These things helped me get certified, but they had already been done before I started the certification process."

> I did not make any changes to qualify for the program and so have received no benefit…nor any negatives.
>
> **— Certified producer**

List of Recommendations

- The Legislature should update the Minnesota Agricultural Water Quality Certification Program's (MAWQCP's) authorizing statutes. (p. 26)

- The Minnesota Department of Agriculture (MDA) should clarify expectations for communication with regulatory agencies and require MAWQCP staff and certifiers to communicate with these agencies when necessary to administer the program. (p. 27)

- MDA should discontinue the use of contingencies in MAWQCP certification agreements. (p. 34)

- MDA should focus its mid-certification reviews on producers at the highest risk of being out of compliance with program standards and ensure producers follow program requirements. (p. 40)

- The Legislature should revise the requirement to conduct random producer audits. (p. 40)

- MDA should comply with requirements in statutes and agency policy to audit certifiers. (p. 42)

- MDA should strengthen its administrative policies for MAWQCP. (p. 44)

- The Legislature should clarify MAWQCP's purpose and identify intended outcomes. (p. 47)

- MDA should address limitations in the agency's data on conservation practices and pollutant reduction estimates, and consider ways to incorporate water quality monitoring for a selection of certified producers. (p. 54)

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Appendix: Conservation Practices

Conservation practices are techniques that producers implement to protect or reduce the degradation of natural resources, such as water. The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) maintains a list of conservation practices and publishes standards for each one. NRCS defines the practice; identifies its purpose and applicability; and establishes the minimum standards for design, installation, operation, and maintenance that practices must meet. The Minnesota Department of Agriculture (MDA) also publishes information about agricultural conservation practices commonly employed in Minnesota, referred to as Best Management Practices (BMPs). MDA's *Agricultural BMP Handbook for Minnesota* contains information on each practice. Throughout our report, we refer to both types of practices as "conservation practices" or simply "practices." The table below provides examples of conservation practices, including some that we reference in our report.

Exhibit A.1
Conservation Practice Descriptions

Practice	Description
Access Control/Fencing	Access control is the temporary or permanent exclusion of livestock, people, or equipment from an area, most often referring to permanently excluding animals from coming into contact with surface water. The practice prevents pollution from animal waste entering surface water.
Alternative Tile Intakes (Underground Outlet)	Alternative tile intakes are used to cover openings in subsurface drainage tile. This practice limits sediment and nutrient entry into subsurface networks that may empty into surface water.
Conservation Crop Rotation	Conservation crop rotation means growing several different crops one after another in a planned order on the same field. This practice decreases nutrient loss from fields, reducing the potential of nitrogen entering surface water.
Conservation Tillage	Conservation tillage is any tillage practice, such as reduced or no till, that leaves additional residue on the soil surface. The practice helps control erosion and reduces nutrient and pesticide entry into water.
Cover Crops	Cover cropping is planting additional crops on fields used for cash crops, like corn or soybeans, to provide seasonal coverage over soil that would otherwise be bare. The practice limits soil erosion and increases nutrient retention on fields, instead of entering surface waters.
Field Borders and Filter Strips	Field borders and filter strips are areas of vegetation established at the edge of a field or around a body of water. Both practices could be implemented to comply with Minnesota's Buffer Law.[a] The practices reduce sediment, nutrients, pesticides, and other contaminants in runoff that may enter surface water.
Grassed Waterway	A grassed waterway is a vegetated channel for water to flow through as it drains from a field. The practice prevents erosion, which may impact surface water.

Practice	Description
Integrated Pest Management	Integrated pest management is the environmentally and economically focused use of prevention, avoidance, monitoring, and suppression strategies to manage weeds, insects, diseases, animals, and other organisms that can cause damage to crops. The practice involves regular monitoring of pest populations to enable targeted use of pesticides. The practice reduces the amount of pesticides that may enter the environment, which could potentially reach water resources.
Irrigation Management	Irrigation is the practice of applying controlled amounts of water to fields to help grow crops. Irrigation management supports efficient application of water by controlling irrigation rate, volume, and timing. The practice reduces runoff that may contain contaminants and could enter surface water.
Nutrient Management	Nutrient management optimizes the application of nutrients by managing the rate, timing, source, and placement of fertilizers. The practice reduces excess nutrients leaving a field, which may reach water resources.
Prescribed Grazing	Prescribed grazing is the management of the number, distribution, location, and timing of grazing animals to maintain the health of vegetation. The practice reduces erosion and contaminants released into surface water.
Subsurface Drainage Tile Design	Subsurface drainage tile design is the arrangement of pipes in the ground, including their depth and density, to achieve adequate and uniform drainage of water in a field. The practice reduces the flow of water running off a field that may carry contaminants.
Waste Storage Facility	A waste storage facility is a containment structure created by excavating earth or constructing a structure to hold and treat agricultural waste, including waste from animals, wastewater, and contaminated runoff. The practice can prevent the uncontrolled release of contaminants into surface and ground water.
Water and Sediment Control Basin	Water and sediment control basins consist of embankments built across the slope of a field or minor waterway to temporarily hold water and then slowly release it. The practice allows sediment in water to settle which reduces the amount of sediment-bound pollutants entering surface and ground water.

[a] Minnesota's Buffer Law requires the establishment of perennial vegetation along lakes, rivers, streams, and ditches to help filter nutrients and sediment out of water as it runs off fields. *Minnesota Statutes* 2025, 103F.48.

Source: Office of the Legislative Auditor, based on a review of NRCS's *Conservation Practice Standards* and MDA's *Agricultural BMP Handbook for Minnesota*.

DEPARTMENT OF AGRICULTURE

July 8, 2026

Judy Randall
Legislative Auditor
Centennial Building, Room 140
St. Paul, MN 55155-1603

Dear Auditor Randall,

Thank you for the opportunity to review and respond to the program evaluation of the Minnesota Department of Agriculture's (MDA) Minnesota Agricultural Water Quality Certification Program (MAWQCP). We appreciate this thorough review of our program and the recommendations to strengthen one of Minnesota's most prominent accomplishments in agricultural conservation. MAWQCP demonstrates that a voluntary, science-based approach can deliver both thoroughness and measurable public benefit.

As the first program of its kind in the nation, Minnesota built a comprehensive framework integrating certification standards, verification protocols, and producer support into a cohesive, robust system. The result is a program defined by technical excellence and strong partnerships: a certification that upholds Minnesota's leadership in advancing responsible, forward looking agricultural practices while strengthening water quality. Notably, MAWQCP has generated greater annual pollutant reductions than any other agricultural water quality program operated in Minnesota—over 1.1 million pounds of nitrogen, 76,000 pounds of phosphorus, and nearly 60,000 pounds of sediment—all at a fraction of the cost.

As discussed in the report, Minnesota's water resources, which include over 11,000 lakes and 10 million acres of wetlands, deserve protection. That is why MAWQCP reports outcomes using the metrics, methods, and calculations established by the State of Minnesota for all agencies, including its Minnesota Nutrient Reduction Strategy, which provides the scientific foundation for estimating water quality benefits from conservation practices. MAWQCP follows the same established approach used in state level tracking systems, federally funded water pollution prevention and clean-up projects, watershed implementation efforts, and comparable programs across the nation.

We acknowledge there are ways to improve this program and are incredibly proud of MAWQCP and all it has done to further our state's commitment to enhancing water quality and conservation. Overall, we agree with many of the recommendations outlined by the report but have several points of clarification that we feel are important to include. The following are our responses to each recommendation.

Recommendation 1

The Legislature should update MAWQCP's authorizing statutes.

The MDA agrees that some program activities do not fully align with authorizing statutes and that updates to the statutes are appropriate.

Recommendation 2

MDA should clarify expectations for communication with regulatory agencies and require staff and certifiers to communicate with these agencies when necessary to administer the program.

The MDA supports improved clarity for certifier communications with regulatory agencies. To that end, we are developing a comprehensive guidance document to provide additional clarity for certifiers which will be available in the fall of 2026.

The MDA believes that protecting producer data is essential to maintaining trust with farmers, so statutory data privacy requirements for MAWQCP should remain.

Recommendation 3

MDA should discontinue the use of contingencies in MAWQCP certification agreements.

Contingencies are a critical part of each certification agreement. The agreements contain a set of management commitments applicable to all crop or production scenarios occurring on each piece of land. We acknowledge that during the period analyzed by the OLA contingencies were overutilized and applied to practices that created issues with verification. However, the MDA does not support the discontinuation of all contingencies. We have and will continue to make strides to limit the use of contingencies to situations where practices cannot yet be implemented due to agricultural conditions, such as weather, crop rotation, or seasonal production timing.

Contingencies allow certification to proceed, but they do not provide regulatory certainty. Regulatory certainty is available only after all contingent practices are implemented and all commitments are current.

MAWQCP has made several improvements since the period analyzed in the report, including expanded technical staffing; reducing and eliminating use of contingencies for structural practices; development of the risk assessment tool database to improve tracking of follow up activities; and reduced reliance on major contingencies.

Recommendation 4

MDA should focus its mid-certification reviews on producers at the highest risk of being out of compliance with program standards and ensure producers follow program requirements.

The MDA agrees with emphasizing higher risk mid-certification reviews. Since these reviews were first conducted, the MDA has used a multitier system to classify risk level, with those identified as higher risk already receiving greater attention.

The MDA has also taken several steps to strengthen mid-certification review processes. A tracking system was implemented in the risk assessment tool for review assignments and follow up activities. Contingencies at the point of certification are reduced, and greater emphasis is placed on amending agreements when alternative practices are used to meet requirements. Additional improvements are underway, including clearer definitions and timelines for contingency implementation; guidance on allowable contingencies; updates to certification agreement language to remove maintenance expectations; and revised procedures when producers have outstanding contingencies at the time of review.

Recommendation 5

The Legislature should revise the requirement to conduct random producer audits.

The MDA agrees that random producer audits should not be the sole basis for mid-contract reviews. The MDA already conducts mid-certification reviews consistent with the Office of Legislative Auditor guidance, including the use of a questionnaire to reduce time spent on lower risk cases.

The MDA also agrees that dedicating additional resources to reviews for producers who made more significant changes to achieve certification is appropriate. This approach aligns with current practice, in which reviews are prioritized based on the level of change required for certification and the corresponding potential for non-compliance.

Recommendation 6

MDA should comply with requirements in statutes and agency policy to audit certifiers.

The MDA agrees with this recommendation and has brought all audits of active, licensed certifiers up to date. The MDA also notes that all certifiers have attended multiple trainings each year since the program launch. We would also like to clarify that since the first certifier licenses were not issued until 2016, the planned 2020 audits (delayed by the COVID-19 pandemic) would not have begun too late to comply with MDA policy (page 42, lines 17-21).

Recommendation 7

MDA should strengthen its administrative policies for MAWQCP.

The MDA agrees with this recommendation. This work has been underway as part of ongoing program improvements since initial launch of the Risk Assessment and Planning Tool in fall 2024. Technical unit staff are updating written policy and guidance for the risk assessment tool, which will replace earlier materials, including cited bulletins.

As noted in MDA's response to Recommendation 6, certifiers have, since program inception, participated each year in multiple trainings conducted by MAWQCP staff in St. Paul. State staff consistently share guidance with certifiers through regularly scheduled meetings as well as individualized support and training.

Agricultural sites and management approaches are distinct and continually evolving, making universally prescriptive policies neither practical nor effective. Successful intervention depends on accredited professionals working with producers on a case-by-case basis—an approach built into MAWQCP's design. Policies and standards are essential, but site-specific assessment and response to resource concerns is a necessity.

Recommendation 8

The Legislature should clarify MAWQCP's purpose and identify intended outcomes.

The MDA supports revising obsolete language in Minnesota Statute 17.9891 but does not support any limitations to outcome tracking or quantification.

The MDA tracks multiple outcomes and can incorporate additional valid metrics for agricultural water quality performance as requested. Because a single metric cannot represent all outcomes—for example, practice counts do not quantify pollution reductions—the MDA's established practice is to track both practice counts and site specific, peer-reviewed analysis of the scope and effect of each implemented practice.

Recommendation 9

MDA should address limitations in the agency's data on conservation practices and pollutant reduction estimates and consider ways to incorporate water quality monitoring for a selection of certified producers.

The MDA conducts several monitoring programs outside MAWQCP, including long-term surface and groundwater monitoring networks, targeted watershed studies, and specialized nutrient and pesticide monitoring efforts. These programs are structured to evaluate water-quality trends at scales appropriate for scientific assessment and statewide strategy development. Monitoring a small subset of certified producers—even with the rigor required for scientifically valid data—would not produce results with broad application given the number and complexity of variables affecting water quality.

MAWQCP does not set parameters or protocols for determining water-quality results; the program follows the State of Minnesota's existing approaches, including its Nutrient Reduction Strategy.

State strategies rely on peer-reviewed research and large-scale modeling designed to provide scientifically validated results for program use. The MDA reports outcomes using the same methodologies applied by other state agencies, which incorporate monitoring frameworks that account for the many variables influencing ground and surface water.

We appreciate the constructive and professional manner you and your staff conducted this evaluation and thank you for your partnership. The MDA remains dedicated to a certification framework that advances responsible, innovative agricultural practices and supports the state's long-term water quality goals. MAWQCP will continue to uphold Minnesota's commitment to rigorous, science-based water stewardship, carrying on the numerous strengths that have defined the program since its launch.

Sincerely,

Thom Petersen
Commissioner

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