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August 21, 2017

Dear Mr. Gunderson and committee,

I am submitting the following comments on behalf of Toxic Taters, a group of concerned individuals who have been adversely impacted by industrial potato farming in Minnesota.

We would like to begin by acknowledging that the creation of a nitrogen fertilizer rule is an important step forward in cutting the amount of damage being done to our groundwater and that encouraging the use of alternative management tools is, we believe, key to the success of that effort.

On reviewing the draft rule we reflected on the mission and goals of the MDA to enhance Minnesotans' quality of life by ensuring the integrity of our food supply, the health of our environment, and the strength of our agricultural economy.

We found the draft rule heavily weighted toward addressing the immediate concerns of the agricultural economy at the cost of the medium and long term concerns of the agriculture economy and concerns in all areas of MDA's mission.

The Groundwater Protection Act of 1989 states as its goal that "groundwater be maintained in its natural condition, free from any degradation caused by human activities." The law goes on to recognize that this is not always possible, but that "where prevention is practicable, it is intended that it be achieved. Where it is not currently practicable, the development of methods and technology that will make prevention practicable is encouraged."

We have reached a point in time at which even if we don't increase the amount of nitrogen fertilizers used we will continue to be victim to the impacts for decades to come. For the long term future of our farming economy as well as our environment and human health it is imperative that best management practices be made mandatory. Farmers who choose to work with MDA and other agencies to farm using the best practices possible for their land and livestock should not be made to bear the burden for those who do not. No person nor part of the environment should have to bear the damage done by a failure to use best management practices.

MDA should also provide additional education and incentives to encourage pursuing crops that are not nitrogen or pesticide intensive.

Secondly, all rural communities deserve access to clean drinking water now and into the future. Increased attention needs to be put into ensuring that vulnerable communities that haven't yet reached the 10%

threshold of contaminated wells don't reach that threshold. As noted in the 2015 Minnesota Nitrogen Fertilizer Plan "Preventing nitrate contamination from occurring in drinking water supplies is typically much more cost effective than removing the contamination."

Mandatory best management practices should be implemented and the use of alternative management tools encouraged in all vulnerable townships.

Thirdly, a timeline for action is essential. Currently, the draft rule indicates that evaluations will not be conducted for at least three growing seasons. However, it does not include a definitive timeline for action. As written, evaluations, in some areas, may not occur for many more years and a follow up could take even longer. And, even in the case of significant degradation of the region such as increase in the number of wells testing over health limits the commissioner is limited in his ability to re-designate the township appropriately (i.e if a township were to increase from 10 to 15% wells over the threshold over six years. It could not be moved from a level 2 to a level 4.)

Also in consideration of the rights of all individuals to clean drinking water and to the rights of the environment to survive and thrive, we recognize that farmers hold an important role in the creation and implementation of local advisory committees, however, we believe that the whole community including any persons, animals, or plants that depend on the groundwater systems need to be taken into consideration and have means of representation in the development and implementation of best management practices affecting their drinking water.

Finally, prior to the development of the rule it is clear that additional plans need to be put in place to determine how the rule will be implemented. It was quite clear from MDA staff comments at the listening sessions that MDA is not prepared to implement this rule were it to pass. Further steps need to be taken to outline collaborative efforts with other state agencies to ensure that reporting tools will be both effective and not duplicative as well as in the best interest of the health of the waterways of Minnesota ensuring the integrity of our food supply, health of our environment, and strength of our agricultural economy. Without proper preparation and foresight the state will be left with a rule that cannot be implemented for several years and our waterways will continue to degrade.

Thank you for your consideration in this matter. We look forward to reviewing the updated draft.

Sincerely,



Amy S. Mondloch
Toxic Taters, Coordinator