**Testimony by Gretchen Sabel on behalf of LWV Minnesota on two bills:**

• [HF2727](https://www.revisor.mn.gov/bills/bill.php?f=HF2727&y=2018&ssn=0&b=house) (Green) Nitrogen fertilizer rule adoption prohibition

• [HF2887](https://www.revisor.mn.gov/bills/bill.php?f=HF2887&y=2018&ssn=0&b=house) (Backer) Nitrogen fertilizer rules not approved by law prohibition

HF2727 prohibits the MN Dept of Ag from adopting rules to regulate nitrogen fertilizers. This is a problem because:

* MDA has followed the MN Admin Procedures Act and gathered much public input
* Public input in support of the draft rule will be negated by this law
* The actions in the rule are required in MS103H, the Groundwater Protection Act

HF2887 is a little different – it requires MDA to get statutory approval of the practices that will be required in the rule. It doesn’t stop the rule making, but adds time to the process by requiring that the Water Resource Protection Requirements be put in law before they can be enforced.

In the hearing, testimony was taken on both bills before the bills were formally moved into discussion. The testimony draft approved by LWV was modified at the hearing to address both bills together. This version reflects what was said.

Testimony on HF2727 (Green) and HF2887 (Backer) Nitrogen fertilizer rule adoption modification

My name is Gretchen Sabel and I am here on behalf of the League of Women Voters Minnesota. Thank you, Mister Chair, for allowing me to testify on this important issue today. This may be the first time that someone from League of Women Voters has testified at the Ag Policy committee, we appreciate the opportunity.

LWV Minnesota is a nonprofit organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. While the League of Women Voters does take positions on issues after a grass-roots study and consensus process, we do not support political parties or individual candidates. Nutrient pollution, especially nitrates in drinking water, is one of the issues that LWV is working to address.

LWV Minnesota opposes HF2727 and HF2887.

The Groundwater Protection Act, now codified in MS 103H, was written to protect the people of Minnesota who use groundwater for drinking water. This 1989 Act laid out a process that has been followed closely by the Minnesota Department of Agriculture, at a pace that has allowed for much public input and deliberation. Commissioner Fredrickson laid this out in detail in his testimony today.

More than twenty years after passage of this Act, MDA has proposed rules which follow the process laid out in the Administrative Procedures Act. The Nitrogen Fertilizer Rule proposed by MDA takes the next step in implementing the Groundwater Protection Act. Public input has been sought all along the way, as required in law.

Despite all the voluntary actions that have been initiated, the amount of nitrate in our groundwater is increasing. Included in the committee’s packets is a fact sheet from LWV, describing drinking water contamination – both private and public water supplies.

There is a pressing need for additional action to reduce nitrogen loading to our groundwater, even from agricultural nitrogen fertilizers. To stop or slow action on reducing the problem is irresponsible. The bills on the docket today would prevent the Minnesota Department of Agriculture from taking the required next steps to implement the Groundwater Protection Act and removes the right of citizens to participate in the public policy process laid out in the Administrative Procedures Act.

MDA’s draft nitrogen fertilizer rule is the first of many steps that will need to be taken to reduce the level of nutrients lost from agricultural sources. Minnesota’s Ground Water Protection Act provides a process for reducing contamination of groundwater. This law’s application to nitrates is overdue, given the number of public and private water supplies that are now impacted by elevated nitrates. The League of Women Voters Minnesota appreciates the work that the Minnesota Department of Agriculture has undertaken to implement this law. This process needs to continue.

Thank you for your time.