



March 16, 2021

Re: HF 1076 – LMC Comments on HF 1076 DE2

Chair Hansen and members of the House Environment and Natural Resources Finance and Policy Committee:

The League of Minnesota Cities appreciates the opportunity to comment on HF 1076. We appreciate the work that the Chair and the committee have done to hear and understand local government concerns this session.

Throughout the session, there have been proposals for ways to reduce and control per- and polyfluoroalkyl substances (PFAS). The work that the Chair, Rep. Wazlawik, Rep. Fisher, and Rep. Lueck have done has been tremendously helpful. In particular, language that directly impacted city liability for water effluent and biosolids has been set aside in favor of other approaches.

The language currently included in the DE2 amendment related to PFAS is much more workable than previous legislation from HF 78 and HF 79, although there are areas we would like to continue to discuss related to how we generate the information needed for local utilities and how future rules and regulations are adopted related to these compounds. We will continue to talk with the Chair and others as the budget process continues to develop solid steps the state can take related to these chemicals that are workable for city water, wastewater, and stormwater utilities.

- While a wide range of sections of this bill affect cities, there are several that we would like to point out other than those related to PFAS:
 - Emerald ash borer grants: Article 1, section 2, subd. 4(j) provides badly needed resources for cities that are trying to plan for and respond to emerald ash borer.
- Climate resiliency and adaptation grants: Article 1, section 2, subd. 7(h) creates a grant program for local governments to do the planning and implementation needed to handle changing climate conditions and the impacts that is having on public infrastructure. Cities have communicated a need for this assistance and it is supported by the League.
- Sewer overflow notification: Article 4, section 3 includes new notification requirements for sewer discharges and overflows. This amended version reflects discussions between cities and the MPCA and addresses previous city concerns.
- Pollution prevention: Overall, the bill contains several attempts to reduce pollutants from being introduced into the environment through labeling and product use restrictions. The League supports removing pollution prior to it becoming a taxpayer responsibility to clean up the contamination.
- City pesticide authority: The League supports allowing cities the option to restrict the use of pesticides determined by the state to be pollinator-lethal, as provided in Article 5, section 16.

- Mississippi River Critical Corridor Area: Article 5, sections 17, 84, and 85 work to clarify and streamline planning requirements in the MRCCA, which applies to land bordering the Mississippi River in the metropolitan area. The changes are helpful to cities.
- Water appropriation: The League supports the provisions found in Article 5, sections 81 and 82, related to expansion of the limits on use of the Mt. Simon-Hinckley aquifer and on the bulk sale of water.

The League looks forward to continuing to work with the legislature, state agencies, and other stakeholders as the legislative budget process continues.

Sincerely,

A handwritten signature in black ink that reads "Craig A. Johnson". The signature is written in a cursive, flowing style.

Craig A. Johnson
Intergovernmental Relations Representative



POLLINATOR FRIENDLY ALLIANCE
PO BOX 934, STILLWATER, MN 55082
WWW.POLLINATORFRIENDLY.ORG

[Support for HF718](#): Empower cities to make choices on pesticide use in their own community

Date: April 2, 2021

To: Minnesota House of Representatives, Environment and Natural Resources Finance and Policy Committee

Pollinator Friendly Alliance strongly supports HR718 to delegate control over pollinator-lethal pesticides to local communities. Currently, Minnesota state pesticide preemption law denies local residents and leaders their democratic right to decide if minimum pesticide use standards set by state and federal law (“the label is the law”) are appropriate for their own communities. As you may know, compliance of the label is impossible to monitor and police. The EPA federal label is NOT the answer.

[Pollinator Friendly Alliance](#) is a Minnesota grassroots conservation organization. We understand the **importance of community pride and empowerment** for local people to invest in their own neighborhoods. During the pandemic, people are at home and in their communities now more than ever and realize the importance of being good stewards for the health of their own community. We also believe in community intelligence and the ability of local people to make good decisions on their own behalf.

Local people and leaders know their own community best and it’s time to empower cities to make their own decisions on the pesticides being used near their homes, schools and businesses. Pesticides that can make us sick and contaminate water, land and our food source. Local control on pesticide choices was taken away in 1989 in Minnesota. Bill HR718 will restore those rights such as other U.S. states enjoy. These are historical times and policymakers such as yourselves have the responsibility to make important decisions to sustain a healthy world for the future.

For example, recent science shows that neonicotinoid pesticides not only kill pollinators outright but also sicken them at sublethal doses, and recent studies show neonics contaminate water ([Five surface water pesticides of concern, Minnesota MDA 2020](#)), birds are affected ([Neonic reduces migration in songbirds, Eng 2019](#)) and most recently effect large mammals ([Effects of neonics on physiology and reproduction of white-tailed deer, Berheim 2019](#)). Chlorpyrifos pesticides were going to be federally banned but are still in use in Minnesota. Chlorpyrifos is an organophosphate pesticide known for its damaging effects on the human nervous system with neurological effects especially for children, and also a chemical of concern in Minnesota. The EPA noted “chlorpyrifos poses drinking water exposure concerns in small sensitive watersheds”. For animals and pollinators that are highly sensitive to chlorpyrifos, exposure to minute concentrations in air or water can be lethal. The EPA indicates that a single application of chlorpyrifos poses significant risks to air, water, humans and animals.

This bill is not a big ask, and it allows a thoughtful approach and is farmer friendly. It allows a city to discriminate between cosmetic use of pesticides in urban areas and agricultural use and provides for a tiered decision-making process to allow only what is necessary. Currently, fifty Minnesota communities passed [Pollinator Protection Resolutions](#) pledging to remove pollinator-lethal pesticides, so we know this is a need. Granting local control does not guarantee increased regulation – rather it allows communities the chance to do what is appropriate in their own backyards, school yards, parks and local public areas for a healthy community. **Please support HF718 by voting YES to keeping Minnesota communities healthy and strong.**

Thank you,
Laurie Schneider, Executive Director,
and the Members of the Board of Directors
Pollinator Friendly Alliance
laurie@pollinatorfriendly.org
www.pollinatorfriendly.org

Selected support references:

PESTICIDES IN MINNESOTA WATERS: Minnesota Department of Agriculture, *surface water pesticides of concern* (2020)

<https://www.mda.state.mn.us/surface-water-pesticides-concern>

POLLINATOR DECLINE: Xerces Society: *The science behind the role neonics play in harming bees*. Jennifer Hopwood, Aimee Code, Mace Vaughan et al. (2016)

https://xerces.org/sites/default/files/2018-05/16-023_01_XercesSoc_ExecSummary_How-Neonicotinoids-Can-Kill-Bees_web.pdf

NEONIC EFFECTS ON LARGE MAMMALS: Scientific Reports: *Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer*. Elise Hughes Berheim, Jonathan A. Jenks, Jonathan G. Lundgren, et al. volume 9, Article number: 4534 (2019)

<https://www.nature.com/articles/s41598-019-40994-9>

NEONIC EFFECTS ON SONGBIRDS: Science: *A neonicotinoid insecticide reduces fueling and delays migration in songbirds*. Margaret L. Eng, LeBridget, J. M. Stutchbury, Christy A. Morrissey. Issue 13 Sep 2019: Vol. 365, Issue 6458, pp. 1177-1180.

<https://science.sciencemag.org/content/365/6458/1177>

CHLORPYRIFOS and PUBLIC HEALTH: *EPA science says chlorpyrifos exposure threatens public health*. Cara Schulte, July 2019.

<https://www.hrw.org/news/2019/07/22/trump-administration-refuses-ban-neurotoxic-pesticide#>

Bluestem Prairie: *Corteva to stop manufacturing chlorpyrifos by end of year; MN lawmakers asked for ban in 2017*. Sally Sorenson, February 2020.

<https://www.bluestemprairie.com/bluestemprairie/2020/02/corteva-to-stop-manufacturing-chlorpyrifos-by-end-of-year-mn-lawmakers-asked-for-ban-in-2017.html>

POLLINATOR PROTECTION RESOLUTION: *Model resolution for cities, counties, state agencies, school districts*. Pollinator Friendly Alliance, Humming for Bees, Pesticide Action Network, Pollinator Minnesota 2020.

<https://static1.squarespace.com/static/59fcf40ab1ffb6ee9911ad2a/t/5f8fb7dcac3e6348089291a2/1603254237712/MODEL+resolution+2020.pdf>



POLLINATOR FRIENDLY ALLIANCE
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HF1210: Prohibit neonicotinoid and chlorpyrifos insecticide use in protected areas for fish and wildlife preservation.

Date: April 1, 2021

To: Minnesota House of Representatives, Environment and Natural Resources Finance and Policy Committee

Pollinator Friendly Alliance strongly supports HF1210 which will *prohibit use of neonicotinoid and chlorpyrifos insecticides within protected wildlife areas to include the following DNR managed lands - Minnesota state parks, state forests, aquatic management areas, scientific and natural areas, and wildlife management areas (especially leased crop land).*

[Pollinator Friendly Alliance](#) is a Minnesota grassroots pollinator conservation organization. We understand the [science and importance of removing lethal and sublethal toxins](#) from the natural environment to preserve and protect pollinators and other wildlife.

Protected wildlife lands are set aside for fish and wildlife preservation. Protecting biological diversity and integrity and conserving the system's wildlife are the central tenets of a refuge system's mission. Neonicotinoids are neurotoxic pesticides that have proven negative impacts on pollinators, migratory birds, and other wildlife. The use of pesticides that have lethal and sublethal effects on wildlife and there should not be a question since these areas are intended to be a refuge for wildlife species.

Chlorpyrifos were scheduled to be federally banned but are still used in Minnesota. Chlorpyrifos are implicated in brain disorders of children and highly toxic to animals, pollinators and contaminates drinking water. Chlorpyrifos is an organophosphate pesticide known for its damaging effects on the human nervous system. These neurological effects pose especially elevated risks for children as their brains and nervous systems develop. Chlorpyrifos contamination of air and drinking water is also of concern; Minnesota named the pesticide a "**chemical of concern**" for this reason, and the **U.S. EPA** noted that chlorpyrifos use poses "drinking water exposure concerns in small sensitive watersheds." For animals and pollinators that are highly sensitive to chlorpyrifos, exposure to minute concentrations can be lethal. The EPA indicates that a single application of chlorpyrifos poses significant risks to water, humans and animals.

Some protected wildlife areas such as regional parks and DNR scientific and natural areas, lease land for agriculture. Genetically modified (GMO) seeds are often developed to be resistant to a certain pesticide, like a neonicotinoid, ensuring that the pesticide can be used freely without harming the crop yield. Banning the pair (GMO and pesticide-coated seed) and pesticide sprays within wildlife areas protects the lands and wildlife from harmful chemicals.

This bill is not a big ask, park districts, county and regional parks have already removed systemic insecticides and neonicotinoids from their land management toolkits years ago. Currently, there is a

verbal or written agreement to prohibit neonicotinoid use in some of these areas, but not all.

Neonicotinoid and chlorpyrifos use is still discretionary, and a law banning their use needs to be enacted to remove this harmful chemical. For lands leased for crops, the lease needs to specifically prohibit the use of pesticide coated seeds and insecticide sprays. *No neonicotinoid or chlorpyrifos insecticides (active ingredients acetamiprid, clothianidin, imidacloprid, thiamethoxam, chlorpyrifos) may be used in the treated seed application or as a spray.*

Recent science shows that neonicotinoid and chlorpyrifos insecticides kill pollinators outright or sicken them at sublethal doses, and contaminate water ([Five surface water pesticides of concern, Minnesota MDA 2020](#)), birds are affected ([Neonic reduces migration in songbirds, Eng 2019](#)) and most recently effect large mammals ([Effects of neonics on physiology and reproduction of white-tailed deer, Berheim 2019](#)). The DNR is about to release data collected in Minnesota from deer spleens showing levels of accumulated neonic pesticides. Two flagship species, monarch butterfly and rusty patched bumble bee (Minnesota state bee) are under the watchful eye of pollinator researchers and the latest 2021 data shows [declining numbers of monarchs](#). This is critical - pollinator populations are declining more than ever, while animal, bird and insect species continue to disappear.

Please support HF1210 by voting YES to keeping protected wildlife areas free of wildlife and pollinator-harming pesticides.

Thank you,
Laurie Schneider, Executive Director,
and the Members of the Board of Directors
Pollinator Friendly Alliance
laurie@pollinatorfriendly.org
www.pollinatorfriendly.org

Selected support references:

PESTICIDES IN MINNESOTA WATERS: Minnesota Department of Agriculture, *surface water pesticides of concern* (2020)

<https://www.mda.state.mn.us/surface-water-pesticides-concern>

Neonic-treated seed in ag landscape harmful to wildlife study: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6793935/>

POLLINATOR DECLINE: Xerces Society: *The science behind the role neonics play in harming bees*. Jennifer Hopwood, Aimee Code, Mace Vaughan et al. (2016)

https://xerces.org/sites/default/files/2018-05/16-023_01_XercesSoc_ExecSummary_How-Neonicotinoids-Can-Kill-Bees_web.pdf

NEONIC EFFECTS ON LARGE MAMMALS: Scientific Reports: *Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer*. Elise Hughes Berheim, Jonathan A. Jenks, Jonathan G. Lundgren, et al. volume 9, Article number: 4534 (2019)

<https://www.nature.com/articles/s41598-019-40994-9>

NEONIC EFFECTS ON SONGBIRDS: Science: *A neonicotinoid insecticide reduces fueling and delays migration in songbirds.* Margaret L. Eng, LeBridget, J. M. Stutchbury, Christy A. Morrissey. Issue 13 Sep 2019: Vol. 365, Issue 6458, pp. 1177-1180.

<https://science.sciencemag.org/content/365/6458/1177>

German study looks at 63 nature preserves and found that 75% of insect biomass declined from 1989 to 2013 due to nearby agricultural intensification.

<http://www.bouldercountybeekeepers.org/wp-content/uploads/2016/02/Orbrioch-Nature-reserve.pdf>

Facts about chlorpyrifos. <https://www.panna.org/resources/chlorpyrifos-facts>

Center for Disease Control, US Dept of Health and Human Services – toxicology of chlorpyrifos:

<https://www.atsdr.cdc.gov/toxprofiles/tp84.pdf>



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April 6, 2021

Dear members of the House Environment and Natural Resources Finance & Policy Committee,

On behalf of the Greater Minnesota Parks and Trails (GMPT) organization, we are reaching out to provide our comments on the House Omnibus Environmental Bill, HF 1076 DE2. GMPT is a member organization of more than 125 cities, counties, individuals, non-profits and businesses dedicated to improving quality of life for all Minnesotans through strong local and regional parks and trails.

We thank you for including the FY2021 and FY2022 Environment and Natural Resources Trust Fund (ENRTF) Bills. In a time of continuing economic crisis, it is important to move this legislation forward to create jobs, fund important research, and help expand outdoor and recreational opportunities for all Minnesotans.

While the pandemic has caused many strains on our state, it has also highlighted the importance of local parks and trails. Health experts and government officials at all levels emphasize that citizens should continue to go outside and be active while maintaining safe physical distances. Minnesota's local parks and trails play an essential role in providing such opportunities and have seen record usage over the past year.

Both the FY2021 and FY2022 ENRTF bills contain funding for statewide local parks and trails grant programs as well individual projects. At a time when local parks and trails are especially important to the wellbeing of our communities, these grant programs are a wise investment.

We must also express our disappointment that this committee continues to ignore the needs Greater Minnesota parks and trails. For the second legislative session in a row, this committee has denied even a hearing on the request for operating funds for the Greater Minnesota Regional Parks and Trails Commission, HF 1264. In contrast, this committee not only held a hearing on the Metropolitan Council's request for operating funds for their parks and trails, but also included this request in the omnibus bill. Greater Minnesota regional parks and trails are already at a disadvantage because they receive far less Legacy funding than the Metropolitan area and they do not receive dedicated lottery-in-lieu funding like Metropolitan parks do. We do not begrudge the Metropolitan Council the funds for their programs, but in the interest of equity, Greater Minnesota should not be ignored.

Parks and trails play an essential role in the health and wellbeing of all Minnesotans. We appreciate the support you have provided to statewide programs, but respectfully request that you

include operating funds for the Greater Minnesota Regional Parks and Trails Commission in your final omnibus bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nigbur", with a long horizontal flourish extending to the right.

Michael Nigbur
Chair, Greater Minnesota Parks & Trails
Rochester Parks & Recreation, Park and Forestry Division Head

A handwritten signature in blue ink, appearing to read "Ben Anderson", with a long horizontal flourish extending to the right.

Ben Anderson
Vice Chair, Greater Minnesota Parks & Trails
Stearns County, Parks Director

FRESHWATER

2550 University Ave Suite 212N | St. Paul, MN 55114 | 651.313.5800 | freshwater.org

Freshwater Society is a nonprofit organization working to inspire and empower people to value and preserve our freshwater resources.

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April 8, 2021

Dear Rep. Hansen and Committee Members:

We appreciate the House's leadership on environment and natural resources issues as contained in the DE amendment to HF1076. We focus here on two key topics of importance to Freshwater and the state: water storage and stable funding for Soil and Water Conservation Districts (SWCDs).

Water storage

Creating a framework within BWSR to incentivize water storage practices that reduce sediment and nutrient loading to our rivers will also provide co-benefits to those who participate. There are various ways to decrease runoff to rivers including improving soil water-holding capacity, restoring wetland habitat, and increasing perennial vegetation cover.

We agree the program should prioritize water storage in the Minnesota River Basin. Decades of study have determined where and how water storage can most effectively reduce peak flows that are widening our rivers and ravaging ravines. Communities, individuals and agribusiness leaders in the Minnesota River Basin have come together to support a water storage initiative so this program has broad community support. Focusing water storage in this well-studied basin will benefit everyone downstream and use limited state funding most effectively.

Stable, sufficient funding for SWCDs

SWCDs play a valuable role in the work to protect and restore Minnesota's waters by engaging directly with farmers, foresters, other local governments, and landowners to identify problems, provide technical and financial assistance, and implement programs like the water storage program discussed above. Consistency of funding is crucial to allow SWCDs the ability to more deeply engage in the long-term planning and relationship building that is necessary to strategically pursue opportunities to advance conservation goals. They need a reliable and sufficient funding source that will continue long past the Clean Water Fund (CWF) sunsets in 2034. It's important to note the Clean Water Council's budget recommendations have never included SWCD funding but it has been used by the legislature as a short-term solution in the last few budgets cycles. Freshwater is committed to seeing the recent use of the CWF come to an end. We support the efforts that are seeking to find a more appropriate and long-term funding source, so long as the funding is sufficient. If the CWF is used for SWCDs, we ask the Legislature to incorporate the General Fund payback language as has been done in the past.

Thank you for your efforts moving these two important pieces of legislation forward through your omnibus bill. We look forward to working with you.

Respectfully,

John Linc Stine, Executive Director
Dr. Carrie Jennings, Research and Policy Director
Jen Kader, Senior Program Manager



April 5, 2021

The Honorable Rick Hansen
Minnesota House of Representatives
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Position: Oppose

Re: H.F. 1076 DE2 - Prohibition of Lead Ammunition for Taking Small Game on WMAs

Dear Representative Hansen:

On behalf of the National Shooting Sports Foundation (“NSSF”), I express strong opposition to a provision in the H.F. 1076 DE2 amendment (Page 202.21) which seeks to ban the use of traditional, or lead, ammunition while hunting on wildlife management areas in Minnesota.

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, the NSSF seeks to promote, protect, and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen’s organizations. Our manufacturer members make the firearms used by law-abiding Minnesota sportsmen and women, the U.S. military, and law enforcement agencies throughout the state.

The proposed prohibition, of the choice of lead shot on WMAs will undoubtedly increase the price of alternative ammunition and could have a detrimental impact on hunting in Minnesota, affecting not only sportsmen and women and Minnesota’s tourism economy, but wildlife and conservation efforts in Minnesota. Recently, efforts by the Minnesota Department of Natural Resources (“DNR”) to ban traditional ammunition on WMAs was met with strong opposition by hunters and conservation groups demonstrating that choice in ammunition is vitally important to Minnesota’s hunting communities.

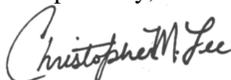
The provision banning the use of traditional ammunition will increase the price of alternative ammunition and decrease the number of sportsmen and women in Minnesota, which will undoubtedly lead to the loss of our hunting heritage with future generations. Despite there being no scientific evidence to support the hypothesis that lead ammunition is endangering the health of individuals or any wildlife, anti-hunting interest groups are continuing to press state legislatures and departments around the country to support a ban on traditional ammunition. Much more research on the actual claims of toxicity in humans must be done prior to even considering abolishing the use of lead in ammunition.

Our industry is proud of its strong presence and economic impact in Minnesota, but we are equally mindful of the important role sportsmen play in Minnesota’s economy. Our membership includes Minnesota-based federally licensed firearms retailers, most of which are small “mom-n- pop” businesses that are the backbone of the state’s economy, and large ammunition manufacturers such as Federal Premium Ammunition. Such a ban on the use of traditional ammunition could lead to the closure of small businesses and exasperate the ammunition shortages Minnesota is currently experiencing. This will of course impact mostly rural communities since these businesses are the ones that bring tax revenue to the small towns and provide the jobs for the citizens.

Additionally, any action taken by the legislature that leads to the reduction in the number of hunters or creates barriers for hunters will adversely affect management and restoration funding of wildlife in Minnesota. NSSF member, Federal Premium Ammunition, has totaled over several hundred million dollars in funding for the Pittman-Roberston Act over the last few years. The Pittman-Robertson Act funds wildlife nationally as well as in Minnesota.

For these reasons, the NSSF strongly opposes any attempt to ban the use of lead ammunition, or lead shot, also known as traditional ammunition.

Respectfully,



Christopher Lee

April 7, 2021

Chair Hansen and Members of the House Environment and Natural Resources Finance and Policy Committee:

Thank you for the opportunity to submit written testimony on HF 1076 (DE amendment), the Environment and Natural Resources Omnibus Bill.

Minnesota Realtors® (MNR) was founded in 1919 and is a statewide business trade association with a membership of over 21,000 real estate professionals working with buyers and sellers of all types of property in every corner of the state.

New \$25 Fees on the Mortgage Registry and Deed Taxes

MNR opposes the new \$25 fees on both the mortgage registry and deed taxes in Art. 6, Sec. 3.

MNR does not believe the real estate transaction should be responsible for funding programs and activities that benefit all Minnesotans. In addition, we oppose proposals that would increase the cost of housing, which this provision does by adding these new fees to the existing and regressive mortgage registry and deed taxes.

In FY 2019, \$256 million in mortgage registry and deed taxes was collected. For each of those taxes, 97% goes to the state General Fund and 3% is retained by the counties. In addition, a "County Conservation Fee" of \$5 is added to the mortgage registry and deed taxes in the 10 counties that participate in the Minnesota Agricultural Land Preservation Program.

There are also recording fees associated with these taxes.

Under current law, a typical seller, who is also buying their next home, is responsible for:

- Paying the deed tax
- Paying the \$46 recording fee for paying off their mortgage on the house they are selling
- Paying the mortgage registry tax on the house they are buying
- Paying the \$46 recording fee for the mortgage registry
- Paying the \$46 recording fee to record the deed.

The new fees in Art. 6, Sec. 3 would add to this list of cost items.

In addition to increasing costs for buyers and sellers, these fees would also further complicate the confusing tax and fee structure that currently exists.

Finally, comments were made in previous committee hearings that this revenue source is appropriate because, “it is tied to the land.” It is important to note that those who pay mortgage registry and deed taxes, and the other fees associated with these taxes, and who would pay these proposed fees, already pay another tax tied to their land—the property tax.

Application of Certain Pesticides Prohibited

In previous committee hearings on HF 718, which is included in the DE amendment (Art. 5, Sec. 16), the Minnesota Pest Management Association (MPMA) submitted a document highlighting what they view as the unintended consequences of this language.

According to the MPMA, one of the unintended consequences of this provision relates to housing, “...*because termite treatments are required for FHA loans for new construction in most of Minnesota.*” MPMA’s document goes on to state, “*Most conventional lenders require termite inspections too. If termites are found upon inspection, then treatment is required for loan approval in many cases.*”

MNR believes any impacts this provision may have on housing and the ability to secure financing must be thoroughly researched, including consulting with the Federal Housing Administration, and mitigated before this provision moves forward.

Thank you again for the opportunity to provide written testimony on HF 1076 (DE amendment).

Sincerely,



Paul Eger
Vice President, Governmental Affairs
Minnesota Realtors®



Friends of Minnesota Scientific & Natural Areas

April 6, 2021

Representative Rick Hansen, Chair, and
House Environment and Natural Resources Finance and Policy Committee
Via e-mail only: Peter.Strohmeier@house.mn

**Re: Support of HF 1076 (DE2): Environment and Natural Resources Omnibus Bill
Section 29 (page 188) – Support ban on neonicotinoid insecticides and chlorpyrifos on
state land**

Hearing Date: Thursday, April 8, 2021; 1:00 p.m.

Dear Chair Hansen and Committee Members:

Friends of Minnesota Scientific and Natural Areas (FMSNA) is a Minnesota non-profit, tax-exempt [“501(c)(3)”] corporation organized to protect and enhance Minnesota’s Scientific and Natural Areas (SNAs).

These 168 SNAs are the crown jewels of Minnesota’s state land base, protecting some of Minnesota’s rarest and most sensitive plant and animal species and the ecosystems upon which they depend.

The Environment and Natural Resources Omnibus Bill (HF 1076, DE2), section 29 (lines 188.7 to 188.10) contains the language:

“Sec. 29. [84.9735] INSECTICIDES ON STATE LANDS.

A person may not use a product containing an insecticide in a wildlife management area, state park, state forest, aquatic management area, or scientific and natural area if the insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.”

Our organization **fully supports this language** as another step towards protecting public health, along with a healthy ecosystem.

Public education efforts to discourage the use of neonicotinoid insecticides and chlorpyrifos have failed to result in meaningful change. Although educational efforts to increase public awareness remain important, **legislation is required to adequately address neonicotinoid and chlorpyrifos insecticide pollution.**

Friends of Minnesota Scientific and Natural Areas thanks you in advance for your favorable vote.

Very truly yours,

Thomas E. Casey

Thomas E. Casey
Board Chair
Friends of Minnesota Scientific and Natural Areas, Inc

Please send correspondence to:

2854 Cambridge Lane
Mound, MN 55364
telephone: (952) 472-1099
e-mail: tcasey@frontiernet.net

cc: Representative Rick Hansen, via e-mail: rep.rick.hansen@house.mn

Written Testimony, Submitted in support of HF1210 (Currently in omnibus HF1076)

HF1210: Prohibit neonicotinoid and chlorpyrifos insecticide use in protected areas for fish and wildlife preservation.

Date: April 7, 2021

I am writing in support of **HF1210**. Neonicotinoid and chlorpyrifos insecticides have no place on the DNR-managed lands (*Minnesota state parks, state forests, aquatic management areas, scientific and natural areas, and wildlife management areas*) that have been acquired with public funds for protection of the natural features therein. These insecticides have been widely proven to be harmful to pollinators, which have a profoundly important role in ecosystem (and human) health, but also have deleterious effects on other non-target species in these natural systems.

It is notable that the Minnesota Department of Agriculture designates these chemicals as Pesticides of Concern, as stated on MDA's website: "On February 10, 2020, a notice was published in the Minnesota State Register of the Commissioner's preliminary decision to designate three neonicotinoid insecticides, clothianidin, imidacloprid, and thiamethoxam, as "surface water pesticides of concern" ([State Register Volume 44, Number 33](#)).

There is no reasonable justification for use of these insecticides on these public lands (including any acreage leased out to farmers). Scientific and Natural Areas, in particular, were preserved for the purpose of protecting high quality, intact examples of the state's native plant communities and rare, significant natural features. The state and the people of Minnesota have invested in the protection of these lands, and their management should be consistent with safeguarding that investment. Use of these toxins in such areas negatively impacts the biodiversity and functioning of the natural systems they were designated to protect.

I have served on the Minnesota DNR's Commissioner's Advisory Committee, and understand the value of these lands and the biodiversity they contain, as well as the many efforts underway to address the alarming decline in pollinators. We must do everything possible on public lands to support these efforts.

This bill is common sense and long overdue. Please help to ensure that it becomes law.

Laurie Allmann, Marine on St. Croix, MN.

April 7, 2021

TO: Representative Rick Hanson, Chair, and Members of the MN House Environment and Natural Resources Committee

FR: Dr. Eileen P. Weber, DNP, JD, PHN, RN

RE: Testimony supporting all the PFAS-reduction and prevention language in the Environment and Natural Resources Omnibus Bill

Thank you for this opportunity to offer testimony in favor of all the PFAS and PFOS reduction and prevention language in the Environment and Natural Resources Omnibus Bill. I live in the SE Twin Cities Metro area affected by the flume of "forever chemicals" left in our area's groundwater by 3M's manufacturing processes decades ago. In part because of that proximity, and in part because of my certification in public health nursing, I was appointed to the state's legislatively mandated [Environmental Health Tracking and Biomonitoring Advisory Panel](#) as a representative for the Minnesota Center for Environmental Advocacy. On the advisory panel, I help to advise state agencies like MDH and MPCA on their surveillance of the health impacts of chemicals like PFAS and PFOS. The more we study and learn about the health impacts of chemicals in people, especially children, the less we can tolerate waiting to do something to reduce and prevent exposure to them. I applaud the interventions proposed in the omnibus bill, such as those protecting drinking water, addressing biosolids, waste water and solid waste, and eliminating these harmful chemicals in food packaging. These measures enjoy bipartisan support in the House. Similar activity is happening across the country, and the nation looks to Minnesota to continue to lead.

We drank, bathed, laundered and cooked with Cottage Grove's contaminated water for 15 years. During that time, we were raising our family and I was pregnant with our youngest child. Our kids now have grown and we moved to property in the area with our own well and septic. While our water now tests negative for PFAS - though troublesomely positive for Atrazine - I will now worry for the rest of my life if any future negative health problems in our family were caused or exacerbated by the exposure we had for 15 years in Cottage Grove. This is especially because some PFAS do build up in the body over time. And as my 64-year old husband and I eagerly await our turn at full COVID-19 vaccination, the information from the MPCA website that PFAS can cause a reduced immunological response to vaccination worries us more than a little.

There is also an equity concern that supports you doing all you can against PFAS and PFOS, and explains why this bill has bipartisan support. There are pockets of poverty in the SE Metro where people don't have the means to move out of the flume. For example, in 2019, 12% of Newport residents had an income below the poverty level, which was significantly more than the poverty level of 9.0% across the entire state. Black people in Newport are those most likely to be in poverty, with over 38% of them below the poverty level. As with so many

environmental health issues, our Black and brown community members often unfairly suffer more. That injustice ends up costing all of us more to address.

As a clinical associate nursing professor at the University of Minnesota, we teach health professional students about the precautionary principle. The precautionary principle underscores the duty that those in charge of public health have to prevent harm when there is reasonable suspicion about the cause, even if direct causation is initially unclear. It's the principle we uphold in the face of avoidable risk when we say, "better safe than sorry." We frequently hear about judicious, expeditious action taking place "out of an abundance of caution." That idea supports you doing everything you can now to make all of us more safe and less sorry.

Thank you for your hard work, especially during our current, lingering public health crisis.

Sincerely,



Dr. Eileen P. Weber, DNP, JD, RN
weber058@umn.edu
M: 651-276-1730

P. O. Box 712, Excelsior, MN 55331 / info@hummingforbees.org

April 7, 2021

To: Minnesota House Environment and Natural Resources Finance and Policy Committee

Subject: Support for Inclusion of HF718 and HF1210 in HF1706 Omnibus Bill

Dear Rep. Hansen and Committee Members:

Humming for Bees, along with our members and supporters, strongly supports inclusion of HF718 and HF1210 in HF1706.

HF718 will enable Minnesota Cities to make more responsible choices with the use of pesticides known to be harmful to pollinators and non-targeted forms of life.

There are at least 50 communities across Minnesota that have passed resolutions protecting pollinators. With greater ability to manage insecticide use, these cities, and more, will be better able to make meaningful change for properties and public areas.

Neonicotinoids have negative effects on pollinators, beneficial insects, and other non-targeted species from water-borne to birds and mammals. With the growing body of evidence that neonicotinoids harm beneficial insects, persist in the environment, and now found in Minnesota's deer population, it is increasingly important that the best and correct decisions are made regarding pesticide use. With local control, officials and citizens will be better informed and then can make the best decisions regarding pesticide use.

Decisions on the use of these chemicals, when made at the most local level, will have the best outcome for citizens and communities.

HF1210 will prohibit the use of neonicotinoids and chlorpyrifos in Minnesota's wildlife areas.

There is an ever-growing body of evidence that neonicotinoids have very harmful effects on not only insects but aquatic life, birds, and mammals. Neonicotinoids persist in the environment in our water systems and in unplanted, coated seeds. And just recently, with the release of the MN DNR Deer Spleen Study, the impacts on mammals cannot be ignored.

It is fundamental that our State Parks, Wildlife and Scientific Natural areas be maintained, if not allowed to exist, to promote natural plant and animal diversity both above the ground and within.

Please continue Minnesota's environmental leadership and stewardship, and include HF718 and HF1210 in HF1706.

Thank you for your attention.



Jeff Dinsmore



Patricia Hauser

Co-founders, Humming for Bees



April 6, 2021

SUPPORT HF 79

Honorable Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
Room 407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1298

Dear Chair Hansen and Committee members:

We write to strongly urge you to protect Minnesota residents from exposure to a class of chemicals that threaten public health by supporting HF 79, legislation that would ban the intentional use of PFAS in food packaging. There is an urgent need for the enactment of this bill.

Consumer Reports is an independent, nonprofit organization - with over 35,000 members in Minnesota - that works with consumers for truth, transparency, and fairness in the marketplace through rigorous, independent testing and research. We empower and inform consumers, incentivize corporations to act responsibly, and help policymakers prioritize the rights and interests of consumers in order to shape a truly consumer-driven marketplace.

Per- and polyfluorinated alkyl substances (PFAS) are a group of more than 4,700 chemicals that are very widespread and dangerous. Three characteristics of PFAS make them especially dangerous to humans. First, they are extremely persistent, resistant to breaking down naturally in the environment and remaining in people's bodies for years. This is why they have been described as "forever chemicals." Second, they are highly mobile, spreading quickly in the environment and prevalent throughout our environment. Finally, they can be toxic at very low doses—even at parts per trillion levels, they have been associated with a variety of severe health effects, including cancer.

Because PFAS are so persistent, prevalent, and toxic, they must be regulated. Indeed, given their widespread use, PFAS are detectable in the blood of 97 percent of people in the United States.^[1] Some of the toxic effects associated with exposure to these chemicals include immunotoxicity, cancer, thyroid disease, birth defects, and decreased sperm quality.^[2] They reduce the immune response to childhood vaccines and may increase the risk of infectious disease.^[3]

In addition, PFAS exposure has been directly linked to several underlying conditions that make people more vulnerable to severe symptoms of COVID-19, including obesity, asthma, kidney disease, and high cholesterol.^[4] Compared to people with no underlying conditions, patients who have these conditions are six times as likely to be hospitalized with COVID-19 and 12 times as likely to die of the disease.^[5]

Among the ways that consumers can be exposed to PFAS are through food that contains PFAS. HF 79 should reduce consumer exposure to PFAS through banning its use in food packaging.

Some manufacturers add PFAS to food packaging to make it water- and grease-resistant, which can contaminate the food with which it comes into contact. Indeed, the Food and Drug Administration (FDA) last year reported that it had detected PFAS in a variety of foods purchased around the country, including produce, meats and seafood.^[6] People are exposed when they eat the contaminated food. In a recent test, PFAS were detected in the packaging of foods sold by major retailers.^[7] This prompted some retailers to announce a switch to safer alternatives, thereby demonstrating the availability of and feasibility of non-PFAS food packaging.

We also believe that all the PFAS compounds should be treated as a class. EPA's 2015 Significant New Use Rule for PFOA- and PFOA-related chemicals provided a definition for a category of a subgroup of the so-called long-chain PFAS chemicals, which are defined as having 8 or more carbon atoms. The idea was that these long-chain PFAS have more persistent in the environment and more likely to bioaccumulate than short-chain PFAS (having 7 or fewer carbon atoms), and so short-chain PFAS should be not persist in the body, so would not bioaccumulate and would consequently be less toxic.

These short-chain PFAS emerged as a replacement to long-chain PFAS in food packaging due to safety concerns in 2011.^[8] Indeed, beginning in 2011, FDA started working with industry to get them to voluntarily remove long-chain PFAS as food contact materials. In 2016, FDA had revoked the regulation of the remaining uses of long-chain PFAS in food packaging (see 81 FR 5, January 4, 2016 and 81 FR 83672, November 22, 2016).^[9] Again, the thinking was that the short-chain PFAS should be relatively safe for use as food contact substances.

However, in July 2020, FDA announced a voluntary phase out of use of certain short-chain PFAS (6:2 FTOH) for use as food contact substances after FDA scientists published their analyses of certain short-chain PFAS that showed that they did persist in rodent studies, such that "the data suggest the potential of 6:2 FTOH to also persist in humans from chronic dietary exposure. Further scientific studies are needed to better understand the potential human health risks from dietary exposure to food contact substances that contain 6:2 FTOH."^[10]

In addition, a draft EPA toxicity review of two short chain PFAS, GenX (a replacement for PFOA) and PFBS (a replacement for PFBS), show that GenX is almost as toxic as PFOA. Thus, the short-chain PFAS are not necessarily less persistent in the human body and nor significantly less toxic than long-chain PFAS. In addition, a study published in 2020 looked at the Key Characteristics of Carcinogens framework for cancer hazard identification for 26 PFAS chemicals, including long-chain and short-chain PFAS, and found that all 26 chemicals had at least one key characteristic of a carcinogen.^[11] These studies suggests that short-chain PFAS are not necessarily safer than the long-chain PFAS that they are replacing.

Since many PFAS are so resistant to break down, their presence in food ware means that they will leach out in the landfill and enter the environment. In addition, the increase in the consumption of take-out foods as a result of the pandemic has increased the risk of consumer exposure to PFAS.

There are alternatives to PFAS-treated food ware, and major retailers and restaurants including Panera Bread, Taco Bell, Chipotle, Whole Foods Market, Sweetgreen, Cava, Freshii,^[12]

[McDonald's](#), [Trader Joe's](#), [Ahold Delhaize](#), and [Rite Aid](#) have already started the switch to these safer alternatives.

Conclusion

HF 79 is a bill that would go a long way toward protecting consumers from exposure to PFAS through food packaging. By enacting HF 79, Minnesota could join New York, Maine and Washington in banning PFAS from food packaging materials. We strongly urge you to support this bill.

Sincerely,

Michael Hansen, Ph.D.
Senior Scientist
Consumer Reports

Brian Ronholm
Director, Food Policy
Consumer Reports

^[1] Lewis RC, Johns LE, Meeker JD. 2015. Serum Biomarkers of Exposure to Perfluoroalkyl Substances in Relation to Serum Testosterone and Measures of Thyroid Function among Adults and Adolescents from NHANES 2011–2012. *Int J Environ Res Public Health*. 12(6): 6098–6114. At:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4483690/pdf/ijerph-12-06098.pdf>

^[2] <https://www.atsdr.cdc.gov/pfas/health-effects/index.html>

^[3] Grandjean P and E Butdz-Jørgensen. 2013. Immunotoxicity of perfluorinated alkylates: calculation of benchmark doses based on serum concentrations in children. *Env Health* 12(35). At:

<https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-12-35>

^[4] <https://www.atsdr.cdc.gov/pfas/health-effects/index.html>

^[5] Stokes EK, Zambrano LD, Anderson KN et al. 2020. Coronavirus Disease 2019 Case Surveillance—United States, January 22–May 30, 2020. *MMWR Morb Mortal Wkly Rep* 2020; 69:759–765. DOI:

<http://dx.doi.org/10.15585/mmwr.mm6924e2>

^[6]

<http://blogs.edf.org/health/2019/11/20/fdas-updated-results-for-pfas-in-food-suggest-progress-but-raise-questions-about-its-method/>

^[7] <https://toxicfreefuture.org/packaged-in-pollution/>

^[8] <https://www.fda.gov/food/chemicals/authorized-uses-pfas-food-contact-applications>

^[9] *Id.*

^[10]

<https://www.fda.gov/news-events/press-announcements/fda-announces-voluntary-agreement-manufacturers-phase-out-certain-short-chain-pfas-used-food>

^[11] Temkin AM, Hocevar BA, Andrews DQ, Naidenko OV and LM Kamendulis. 2020. Application of the key characteristics of carcinogens to per- and polyfluoroalkyl substances. *Int J Environ Res Public Health* 17(5). At:

<https://www.mdpi.com/1660-4601/17/5/1668/htm>

^[12] <https://toxicfreefuture.org/pfas-free-paper-food-packaging-alternatives-a-resource-for-restaurants-and-retailers/>



The Nature Conservancy in
Minnesota, North Dakota, South
Dakota
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nature.org

Chair Rick Hansen
Environment and Natural Resources Finance Committee
407 State Office Building
St. Paul, MN 55155

RE: Environment Finance and Policy Omnibus, HF 1076 DE

April 7, 2021

Dear Chair Hansen and members of the Committee:

Thank you for the opportunity to provide comments as the Committee considers the delete-all amendment to HF1076, the Omnibus Environment and Natural Resources Finance and Policy bill.

We are pleased to see several important investments and policy provisions included in the bill, and we hope the committee will continue to advance these items after further deliberations:

- A \$1 million appropriation to the Department of Natural Resources (DNR) for light detection and ranging data (LIDAR) for forest inventory. Forests offer the largest potential for natural carbon sequestration in the state, but we must be able to measure progress. LIDAR technology offers the unique ability to monitor forest biomass relatively inexpensively on a large scale and can be repeated for regular monitoring. (*Article 1, Sec. 3 (h)*)
- A \$2.6 million appropriation to DNR for tree planting and nursery capacity for carbon sequestration. Science tells us the most critical natural lands-based tool to sequester carbon in Minnesota is through expanded tree planting. Investments to expand these activities are needed urgently to address climate change. (*Article 1, Sec. 3 (i)*)
- A \$1 million appropriation and policy for the Board of Water and Soil Resources (BWSR) to establish a water quality and storage program. While water storage is needed in critical areas around the state, this appropriation sets a foundation to begin a program that can expand in the future. (*Article 1, Sec. 4 (k); Article 6, Sec. 5*)
- A policy provision that would change the match ratio in the Reinvest in Minnesota Critical Habitat Match fund from 1:1 to 2:1. The existing Critical Habitat Match program has yielded successful conservation projects to date, and changing the match ratio will incentivize private matching dollars that will increase the rate at which projects can be implemented. (*Article 5, Sec. 24 (b)*)

There are also several items included that we encourage the Committee further consider while finalizing the omnibus bill:

- While the delete-all includes a \$1 million appropriation for a BWSR soil health cost-share program, we recommend a \$5 million investment to accelerate and expand deployment of soil health practices. The program should be developed with input from stakeholders with interest in agriculture, climate change and water quality to evaluate soil health effectiveness and provide multiple benefits. Cover crop adoption in Minnesota remains below 4%; however, to achieve water quality and carbon sequestration goals we will need to increase soil health practices including cover crop utilization to nearly 50%. As a pilot last year, the program demand from SWCDs and farmers far exceeded the available funds. This is a timely opportunity to expand cover crop adoption while providing positive outcomes for water quality, resilience and carbon sequestration. (*Article 1, Sec. 4 (k); Article 6, Sec. 6*)
- While a laudable appropriation is recommended for tree planting for carbon sequestration, the State will need to plant trees at an even greater scale to realize carbon sequestration benefits. We recommend the Committee consider a minimum investment in new reforestation and tree planting for carbon storage of \$5 million. (*Article 1, Sec. 3 (i)*)
- The proposal to create a new revenue source to fund Soil and Water Conservation Districts (SWCDs) through a \$25 mortgage and deed fee is a creative solution to provide a permanent funding source for SWCDs. While we appreciate the House commitment to advancing a permanent funding solution for SWCDs, we recognize this proposal will not address the full need for SWCD funding. We encourage the Legislature to continue to work after this 2021 legislative session with State Agencies, the Governor and stakeholders to identify a permanent and stable funding source for SWCDs. (*Article 6, Sec. 3*)
- Increasing the Critical Habitat Match to 2:1 is a positive improvement to allow for increased non-game spending while still achieving the conservation purposes for game and non-game species alike. Greater investment should be spent on non-game activities, but not beyond the DNR's demonstrated need which is approximately 30% of the Critical Habitat Match. The remaining 70% of critical habitat match funds would continue to support other protection, restoration and enhancement activities that benefit both game and non-game. Further restricting the Critical Habitat Match account limits the ability of the DNR to meet conservation needs to protect, restore, enhance and develop conservation plans for critical habitat. (*Article 5, Sec. 24 (c); Sec. 26*)

We appreciate the Committee's efforts to advance climate and conservation measures this session, and thank you for your work on behalf of the State of Minnesota.

Sincerely,

Stephanie Pinkalla
Government Relations Manager
The Nature Conservancy in Minnesota



MINNESOTA ZOO®

SENT VIA EMAIL

John Frawley, Minnesota Zoo Director
13000 Zoo Boulevard
Apple Valley, MN 55124

April 7, 2021

Representative Rick Hansen
407 State Office Building
St. Paul, MN 55155

Representative Rick Hansen:

As you know, the Minnesota Zoo is a unique state agency. As a state agency who generates 2/3 of its own revenue, the COVID-19 pandemic has created a lot of hardship for the organization.

Zoo closures and dramatically reduced capacities resulted in the Zoo needing to take drastic non-salary budget measures to sustain its operation; including suspension of contracts and RFPs where feasible, halting or delaying all major projects except those funded by asset preservation, and freezing expenditures.

And, unfortunately, in May 2020 – the Zoo was forced to lay off 48 staff with an additional 77 positions impacted by way of demotion, reduction of hours or cancelled hiring. These staffing changes affected 33% of the Zoo's total workforce.

While these measures have helped reduce costs by nearly \$8 million in FY 2020-21, concern remains over the ability to perform routine care for the animals and Zoo facilities, which is why we are writing in support of HF 1076; Environment and Natural Resources Omnibus Bill.

The funding in this bill (HF 1076) is critical to ensuring we can continue to serve Minnesota. Without the funding provided in the bill, we do not have a way to rebuild our reduced staffing and animal collection which is necessary to serve 1.3 million guests annually. We will not be able to accommodate nearly 90,000 school children who visit our campus from nearly 1,000 schools in Minnesota as we did pre-COVID. We will not be able to rebuild our onsite or offsite programming. And, our \$226 million of economic impact to the State of Minnesota will be drastically reduced.

Additionally, the Environmental and Natural Resources Trust Fund appropriations contained in HF 1076 for 2020 and 2021 projects allow the Minnesota Zoo to continue to address important conservation work related to native mussels, water quality and Minnesota's imperiled turtles.

HF 1076 provides the funding the Minnesota Zoo needs to sustain operations until the vaccine is widely distributed throughout the population. It will allow the Zoo to rebuild experiences that Minnesotans expect from our world-class zoo. And, it will help to ensure the Zoo can return to generating 2/3 of its own revenue, becoming less reliant on the state funding as we continue on our pathway to recovery.

Thank you, Mr. Chair and Committee members, for your continued support of the Minnesota Zoo.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Frawley', written in a cursive style.

John Frawley

CC: Representative Robert Bierman
Senator Greg Clausen
Representative Josh Heintzeman, Republican Lead
Representative John Huot
Peter Strohmeier, Committee Administrator
Representative Ami Wazlawik, Vice Chair



100% Campaign
705 Raymond Ave. - Suite 100
Saint Paul, MN 55114
www.100percentmn.org

April 7, 2021

Chair Hansen and Members of the Committee,

We are writing in support of several provisions in the House Environment omnibus bill, HF 1076 DE02 Amendment. We are writing in support of provisions that will help Minnesota communities adapt to our changing climate and build resilience across the state.

Minnesota is already experiencing climate change impacts. There are proactive actions and investments our state government can make to help Minnesota prepare for and adapt to climate change. This bill includes a number of them.

First, we support creating a climate adaptation and resilience program at MPCA (12.18-12.25) to provide technical assistance and grants to Tribal governments and local government units. Tribes and local governments provide essential on the ground leadership to help Minnesota communities address climate impacts. In order to do this work as effectively as possible, these units of government need the technical help and financial assistance at a scale that meets the needs across the state. Creating and investing in the program will pay dividends in climate resilience for years to come. We strongly encourage the committee to match the Governor's proposal by supporting this program at \$1.358 million in FY 2022, \$1.606 million in FY 2023, and \$1.482 million each year thereafter.

Second, we support assessing the cumulative impacts of pollution as part of environmental review and permitting in environmental justice areas (6.17-6.23, 6.30-7.2, 158.1-160.30). For too long, some communities in our state have borne more of the negative impacts of pollution, particularly, communities with larger percentages of residents who are Black, Indigenous, and people of color, lower-income families, and non-English speakers. We know that as climate change continues, these same communities are more vulnerable to climate impacts. Therefore, we also support requiring regular public meetings to review nonexpiring air quality permits (6.24-6.29, 161.23-162.13) and the \$184,000 appropriation for better air monitoring equipment (6.7-6.11). These are important first steps for Minnesota to proactively address how cumulative impacts of pollution and further industrial development could harm the health of highly impacted environmental justice areas.

Third, we are supportive of the bill's focus on and investment in trees and forests as both a natural carbon sequestration strategy and as a climate resilience strategy. As Minnesota's climate changes, making sure our state has trees that are climate-adapted is essential to our forest and community resilience. In particular, we support helping communities plant more diverse, climate-adapted tree species as ash trees continue to die off. Maintaining healthy urban tree canopies is especially important for communities as summers get hotter in Minnesota. We also support improving forest inventory technology (21.20-21.26), accelerating tree planting

(21.27-21.33, 22.1-22.23, 40.27-40.33), and adding a natural carbon sequestration as a priority for public forest management (185.4, 185.13, 198.10, 198.17-198.18, 199.17-199.18, 213.6) and establishing goals for increased natural carbon sequestration in forests (214.21-214.28).

Fourth, we support the development of a soil-health cost share program run through the Board of Water and Soil Resources (34.24-24.26, 220.10-221.30). Soil-healthy practices improve our state's water quality and build climate resilience in our state's agricultural landscapes by helping to manage the increased large rain events expected as a result of climate change. In short, promoting soil health is a key climate adaptation strategy, and we support it.

Fifth, we support creating a water quality and storage program at BWSR to assist local governments in developing and implementing projects to control water volumes and rates that protect our state's infrastructure and water quality, and to help communities adapt to climate change (34.27-34.30, 218.21-220.9). As Minnesota communities continue to deal with the effects of both increased precipitation and this precipitation coming in larger single rain or snow events, these kinds of water storage projects will be essential to protect our communities.

We are glad to see this bill recognize that climate change is already happening in Minnesota. In order for all of us to thrive, the state must support local governments in climate adaptation and resilience leadership, protect at-risk communities, and make smart, targeted investments in programs that build resilience in key ecosystems and sectors.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Chris Conry". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Conry
Campaign Director
100% Campaign

Cc: Rep. Fue Lee, Rep. Todd Lippert, Greta Gauthier



P.O. Box 211453 651-645-7509
Eagan, MN 55121 lona@wildernessinthecity.org

April 5, 2021

Honorable Representative Rick Hansen, chair
Members
House Environment Committee
Via email

RE: HF 1210 Wildlife management areas and state lands, certain insecticide use prohibition

Dear Honorable Chair Hansen and members of the House Environment committee,

The Legacy of Nature Alliance (LONA) brings together organizations and individuals with a unifying mission; "to ensure ecosystems are restored and preserved within the metropolitan regional parks system and throughout the entire region to provide high-quality habitat for wildlife, and year-round Nature-based opportunities to inspire the next generation of environmental stewards." LONA is comprised of 25 organizations and numerous individuals with thousands of others on mailing and contact lists.

We are supportive of including the following language into the House Environment Omnibus bill, ""Section 1. **[97A.138] INSECTICIDES ON STATE LANDS.**

A person may not use a product containing an insecticide in a wildlife management area, state park, state forest, aquatic management area, or scientific and natural area if the insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos."

. As part of LONA's mission to restore, protect and provide high quality wildlife habitat and year round Nature-based opportunities, we support protecting public lands from chlorpyrifos and neonicotinoid pesticides.

As you know, WMA, state parks, state forests, aquatic management areas and scientific and natural areas are an essential part of Minnesota's outdoor recreation system. They are important for:

- protecting wildlife habitat for future generations,
- providing citizens with opportunities for hunting, fishing and wildlife watching and,
- promoting important wildlife-based tourism in the state.

There are 10 SNA, 29 WMA and one state park in the Twin City metropolitan area. These special places purchased and supported through a variety of mechanisms including taxpayer dollars from the Outdoor Heritage Fund.

Chlorpyrifos is an organophosphate pesticide that has been shown to harm children's brain development¹ in addition harming unintended species and wildlife. In a study conducted by Emory University and published in the peer reviewed journal, Public Health Nutrition, 59% of conventional milk samples had detectable levels of chlorpyrifos.² According to the National Pesticide Information Center, "Mallard ducks fed chlorpyrifos laid fewer eggs and raised fewer ducklings. The eggshells were thinner than normal, and many of the young ducklings died. Of all birds, robins are most often found dead following accidents involving chlorpyrifos use.

"Chlorpyrifos is also very toxic to fish and aquatic invertebrates. It may build up in the tissues of fish and other animals that eat smaller animals. Chlorpyrifos is very toxic to bees. It can poison non-target insects for up to 24 hours after it is sprayed. Chlorpyrifos can be toxic to earthworms for up to 2 weeks after it is applied to soil.³

Neo-nicotinoid pesticides have been found to harm numerous unintended wildlife species including beneficial and pollinating insects, birds and mammals. Recently neo-nics have been found in deer throughout the state and, neo-nics are implicated in reproductive anomalies and stillborn fawns. Sub-lethal effects in birds in the lab include hypo-reactivity, lack of coordination, wing drop, immobility, disruption of migratory coordination, eggshell thinning, reducing egg hatching, impaired testicular function and low weight chicks.⁴

Given the significant risk of harm chlorpyrifos and neo-nicotinoid pesticides pose to children, fish, pollinating insects and wildlife in Minnesota, it makes sense to limit their use on public lands.

Sincerely,

Catherine Zimmer and Holly Jenkins, Coordinators
The Legacy of Nature Alliance

¹ National Pesticide Information Center, Chlorpyrifos fact sheet, <http://npic.orst.edu/factsheets/chlorpgeen.html#:~:text=Can%20chlorpyrifos%20affect%20birds%2C%20fish,eggs%20and%20raised%20fewer%20ducklings>, viewed 4/5/2021.

² Walsh, J., et al, Production-related contaminants (pesticides, antibiotics and hormones) in organic and conventionally produced milk samples sold in the USA, Pub Hlth Nut Volume 22 , Issue 16 , November 2019 , pp. 2972 – 2980.

³ National Pesticide Information Center, Chlorpyrifos fact sheet, <http://npic.orst.edu/factsheets/chlorpgeen.html#:~:text=Can%20chlorpyrifos%20affect%20birds%2C%20fish,eggs%20and%20raised%20fewer%20ducklings>, viewed 4/5/2021.

⁴ Roy, C., et al, Sci Tot Env, Multi scale availability of neo-nicotinoid treated seed for wildlife in an agricultural landscape during spring planting, Sep 10 2019: 682:271-281.



DEDICATED TO A STRONG GREATER MINNESOTA

To: Representative Rick Hansen and members of the House Environment and Natural Resources Committee

Re: House File 1076 DE2

Date: April 6, 2021

Dear Chair Hansen and committee members,

I am writing on behalf of the Coalition of Greater Minnesota Cities (CGMC), an organization of more than 100 cities located outside the Twin Cities metropolitan area. We have a great interest in this omnibus bill, HF 1076 DE2, because it has a direct impact on our member cities, which are stewards of Minnesota's waters through their wastewater, drinking water and stormwater systems.

We appreciate the opportunity to comment and thank you for consideration of our input. We want to voice our support for several aspects of the bill and voice some concerns regarding others.

PFAS PROVISIONS

We appreciate the time Rep. Wazlawik, Rep. Fischer, Rep. Lueck and others have put into working with us on our concerns about several pieces of legislation addressing per-and-polyfluoroalkyl substances (PFAS), particularly the removal of a proposal to declare PFAS as a hazardous substance in favor of addressing PFAS through source control and other tactics.

We still have concerns about efforts to address limits for certain types of PFAS through statute, rather than rulemaking (art. 4, sects 43 and 44). For example, although we appreciate the desire to enact water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), we are concerned that the timeline for completing those standards may put the rules ahead of the science and treatment options. We look forward to continuing to work on those provisions.

CLIMATE RESILIENCY GRANTS

Extreme weather is not going away, and many cities are currently ill-prepared to address these challenges. Cities need help in assessing how to adapt their infrastructure to withstand extreme weather events in a cost-effective way. We appreciate the inclusion of funding for climate resiliency planning grants in the omnibus bill. These grants are an important first step in preparing our cities for the future. The grants will help cities assess their vulnerabilities, create infrastructure plans, and even do pre-design to help seek assistance for stormwater system upgrades.

Our only disappointment is that budget concerns do not allow more expansive funding for these grants. If additional funds become available, we encourage increased funding for these grants.

SEWER OVERFLOW LANGUAGE

We appreciate the willingness of the chair and the Minnesota Pollution Control Agency to work with us on the language regarding notification after sewer overflows (art.4, sect. 3). The compromise language provides a workable solution for our wastewater facilities.

LCCMR LEGISLATION

Thank you for including both the FY2021 and FY2022 recommendations from the Legislative-Citizens Commission on Minnesota Resources. These recommendations contain multiple proposals that will benefit our communities and the environment, such as studying PFAS in biosolids, studies addressing common challenges at wastewater facilities, and funding for local, regional, and state parks, trails and natural areas. We appreciate your continued leadership in moving these recommendations forward.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Zylka". The signature is fluid and cursive, with the first name "Greg" and last name "Zylka" clearly distinguishable.

Greg Zylka, Mayor, City of Little Falls
President, Coalition of Greater Minnesota Cities



To: Members of the House Environment and Natural Resources, Finance and Policy Committee

From: Riley Titus, CropLife America

Date: 4/7/2021

RE: H.F. 1076, Environment and Natural Resources Appropriations

Chair Hansen, and distinguished members of the Environment and Natural Resources, Finance and Policy Committee:

Thank you for the opportunity to submit written testimony regarding HF 1076. We respectfully oppose Article 5, Sec. 16 and Sec. 29 of this bill and request removal from H.F.1076.

Article 5, Section 16 (Pesticide Application in Cities)

We support and promote science-based policy and regulatory processes necessary for the regulation of pesticide products at both the state and federal level. The manufacture, sale, and use of pesticides is extensively regulated by the Minnesota Department of Agriculture (MDA), and U.S. Environmental Protection Agency (EPA).

This language would weaken the state's authority and ability to regulate pesticides safely and effectively. MDA ensures safe and proper pesticide use in the state through registration of pesticides, licensing of pesticide applicators, and through research, inspection, and enforcement activities. The state pesticide law under MDA's jurisdiction comprehensively regulates virtually every other aspect of labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the state.

State regulation of pesticides also ensures uniformity with federal regulation, and between states and their municipalities to avoid confusion that may endanger public health or the environment from differing requirements. Article 5, Section 16 removes this authority and weakens important standards, increases costs, creates confusion and the potential to endanger public health and the environment.

Pesticides play an important role in agriculture and IPM (Integrated Pest Management). Crop protection tools and technologies are vital to protect farmers crops and enable farmers to grow more food using less land and resources, therein protecting farmers investments, and making food more abundant and affordable.

Pesticides are among the most highly regulated products in the nation. Overriding the authority of the Department of Agriculture would create a patchwork of local rules and regulations across the 107 home rule cities and the 746 Statutory cities. This action would have unintended consequences on the safe and appropriate use of these products. Furthermore, unlike localities, the Department of Agriculture, has the expertise and financial resources to oversee and regulate these products, including enforcement and education. Both state and federal pesticide regulatory agencies have significant staff resources devoted to reviewing and understanding proper uses, risks, and benefits of pesticides before registering them for use.

Article 5, Section 29 (Insecticides on State Lands)

Representing the Crop Protection Industry

1156 15th St. N.W., Suite 400 Washington, D.C. 20005 • 202.296.1585 phone 202.463.0474 fax www.croplifeamerica.org

Neonicotinoids and chlorpyrifos insecticides are important crop protection tools used for combating invasive and harmful pests like root worms, boring insects, vegetable maggots and aphids, particularly in fruit and vegetable crops. Prohibiting the use of neonicotinoids and chlorpyrifos insecticides would remove tools and options from farmers and land managers, ultimately impacting integrated pest management (IPM) practices. Proper IPM management practices recognizes that in certain situations, the judicious use of pesticides may be necessary to rectify a pest problem. Article 5, Section 29 would strip wildlife refuge land managers of their ability to combat invasive species, which in some cases, neonicotinoids are the only option for species eradication, and left unchecked, invasive species present a serious threat to the goals and management of wildlife management areas. It would also hinder cooperative agriculture, which is used on refuges only in situations where the Service Agency cannot meet its resource management objectives through the maintenance, management or mimicking of natural ecosystem processes or functions in other ways.

Neonicotinoids represent one of the most significant advances in insecticide technology in recent history and are among the safest pesticides for people and the environment. Initially registered as a reduced risk pesticide, neonicotinoids are an important crop protection technology and vital agricultural tools that protect a wide variety of crops.

The health of pollinators is of paramount importance to everyone, particularly CLA and our customer-farmers. Pesticide registrants have invested both time and resources into bee health and supporting stewardship initiatives. Comprehensive reports by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describe a broad range of issues or “stressors” negatively affecting bees, including habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens. The research and data collected nationally¹ shows the leading stressor to honeybee colonies is overwhelmingly varroa mites. We support initiatives to promote pollinator health and believe its complexity calls for thoughtful, stakeholder engaged solutions.

We are concerned that Article 5, Section 29 fails to recognize the robust pesticide regulatory review, oversight and enforcement system that is in place and ongoing. In 2013, the EPA made labeling changes to neonicotinoids labeled for outdoor foliar use to minimize exposure to pollinators. The label changes included a “Pollinator Protection Box,” as well as new pollinator language to the Directions for Use section of each label, and that information is now found on every container of these products. On January 30, 2020, EPA released Proposed Interim Decisions (PIDs) for several neonicotinoids under their registration review process². The PIDs contained new mitigations to reduce potential ecological risks, particularly to pollinators, and protect public health. Additionally, the EPA requested that registrants implement a national stewardship program to increase grower awareness and use of best management practices to reduce ecological risks. As part of this process, the EPA published a Federal Register notice, and allowed for public comment on the proposals for 60 days. EPA is currently reviewing and responding to comments and will issue final interim decisions in summer 2021. Taking any action on neonicotinoids prior to EPA releasing their interim decisions, after reviewing the most contemporary science, data and information available, is premature.

Chlorpyrifos is one of the more widely studied pesticide products in the world; having been reviewed and registered for use in approximately 80 countries. It is a valuable tool for Minnesota agriculture, combating a range of pest pressures to fruit and vegetable crops. Eliminating this pesticide would remove an invaluable tool for farmers and could cause future threats to food security and production in Minnesota, and cost commodity producers, the state, and land managers substantial amounts of money in damaged investments and natural

¹ “Honey Bee Colonies” Released August 3, 2020, by the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, United States Department of Agriculture (USDA), <https://downloads.usda.library.cornell.edu/usda-esmis/files/rn301137d/nc5819380/t148g6070/hcny0820.pdf>

² United States Environmental Protection Agency, Pollinator Protection, Schedule for Review of Neonicotinoid Pesticides, <https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides>

resources.

In September 2020, EPA released its draft risk assessment for chlorpyrifos, finding among other things, “With the limited remaining residential uses of chlorpyrifos EPA found no risks of concern, including to children’s health, when products are used according to the label instructions.” The draft risk assessments are an extensive evaluation of current, available data on chlorpyrifos’ health and environmental impacts. We are concerned that Article 5, Section 29 fails to recognize the recent findings and robust pesticide regulatory process.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

Riley Titus
Director, Government Affairs
CropLife America
rtitus@croplifeamerica.org
202-872-3856

CropLife America (CLA) represents the manufacturers, formulators and distributors of crop protection products in the United States. CLA member companies produce, sell and distribute virtually all the crop protection products used by American farmers.



April 7, 2021

Re: County Input on HF1076 DE2 Amendment

Dear Representative Hanson (Chair) and Members of the House Environment and Natural Resources Policy and Finance Committee:

On behalf of the Association of Minnesota Counties (AMC), a voluntary association representing all 87 counties, we want to thank you for your work this session and the time you have invested in hearing legislation and allowing us to offer support and critiques. We appreciate the opportunity to outline our perspective on how various proposals included in the HF1076 DE2 Amendment impact county government and for your consideration of this input as you move forward.

This is a very comprehensive bill and we have been able to offer direct testimony on many of the provisions with county impacts in previous hearings. However, we would like to acknowledge that there are many policy and funding provisions in this bill that counties support. We want to thank you for funding many of the core state and local programs that counties lead, support or benefit from, such as: County Feedlot Program, SCORE Grants, Recycling Market Development, Environment and Natural Resources Trust Fund allocations, Organics programs, Subsurface Sewage Treatments System programs, Natural Resources Block Grants, Invasive Species prevention and enforcement, and many other positive environmental work areas.

With that in mind, we offer the following comments on a few of the provisions:

- **Carpet Stewardship Report** (Art 1 Sec 2, Subd 7, i): AMC has had numerous meetings with the proponents of the Carpet Stewardship Proposal as introduced in HF1426. There are several core issues with that program in its current form that need to be worked out. A reset, as proposed with the report language included in the bill, will allow us to reassess the goals of the proponents and determine how to best structure a program that benefits businesses and consumers, and maximizes carpet waste diversion.
- **PFAS Blueprint:** AMC supports the provisions in this bill that aim to reduce upstream contamination through product restrictions and source evaluations and analysis. The funding included in both Article 1 (Environmental Fund), particularly the source evaluation work at solid waste facilities (Art 1, Sec 2, Subd 2, m), and Article 2 (ENRTF) will fund important research and data collection before more comprehensive source reduction efforts are put in place. AMC looks forward to continued work with the Legislature and Minnesota Pollution Control Agency.

- **Landfill Responsibility Act** (Art 4, Sec 17 -22): Counties are concerned that this proposal does not recognize that public facilities are already part of integrated waste management systems that direct revenues toward waste reduction efforts in their waste sheds. This proposal could divert funding from successful local programs and send revenue to efforts outside the landfill's waste shed. We believe a revised approach to support more reuse and repair programs could be achieved with less administrative costs and better outcomes.
- **Deed and Mortgage Fees** (Art 6, Sec 3): Counties view Soil and Water Conservation Districts as key partners in local environmental efforts, and currently contribute to their operations with funding from the local property tax levy. The contribution from counties has continued to increase, including more significantly since the first state contribution on FY2016. The state money has supplemented local dollars, program funds and grants to allow for greater achievements on conservation efforts. We would hope that this provision would not supplant.
- **Prohibition on Bulk Transfer of Water** (Section 62): AMC supports this proposal to strengthen Minnesota statutes against potential exports of Minnesota water resources.
- **Metro Landfill Contingency Action Trust** (Art 1, Sec 2, Subd 10, b) The state has made several transfers from MLCAT in the past with the promise of repaying the funds. The funding in MLCAT is necessary to address known and future contamination from metro area landfills. We appreciate the effort to put in place a mechanism to pay back the account.

Again, thank you for your consideration of our perspective. Should you have any questions about the information provided above, please don't hesitate to reach out.

Sincerely,



Brian Martinson, Policy Analyst
Association of Minnesota Counties
bmartinson@mncounties.org
651-246-4156



MINNESOTA FOREST INDUSTRIES



*Minnesota Timber Producers
Association, Inc.*

903 Medical Arts Building • 324 West Superior Street • Duluth, MN 55802 • 218-722-5013 • Fax 218-722-2065 • www.minnesotaforests.com

April 6, 2021

Rep. Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155

Dear Chair Hansen and Committee Members:

Thank you for including the provisions in HF1260 pertaining to DNR timber sales relief in the Environment and Natural Resources Omnibus bill.

This logger relief provision will be critical in assisting loggers impacted by the closure of the Verso mill in Duluth last year, allowing them to continue performing the important work of managing Minnesota's healthy forests.

I urge the entire committee to support this provision, providing a helping hand to the thousands of men and women who work in the forests and mills in Minnesota, keeping our forests *and* rural communities healthy.

Regards,

A handwritten signature in black ink that reads "Mike Birkeland". The signature is written in a cursive, flowing style.

Mike Birkeland
Executive Vice President



April 7, 2021

Representative Rick Hansen, Chair
House Committee on Environment, Natural Resources Finance and Policy
100 Dr. Martin Luther King Jr. Blvd
St. Paul, MN

RE: HF 1076, Environment and Natural Resources Appropriations

Chair Hansen, Members of House Committee on Environment and Natural Resources
Finance and Policy:

Thank you for the opportunity to submit testimony on HF 1076, we respectfully oppose the provisions contained in **Article 5, Section 16** as well as **Article 5, Section 29**. The language contained in these sections would create a litany of unintended consequences while undermining the regulatory authority of the Minnesota Department of Agriculture.

Article 5, Section 16 would weaken the state's authority and ability to regulate pesticides in Minnesota. Pesticides in Minnesota are registered and regulated by the Minnesota Department of Agriculture.

These regulations enforced by the Department of Agriculture ensure safe and proper pesticide use in the state through registration of pesticides, licensing of pesticide applicators, and through research and enforcement activities. Further, uniform state law comprehensively regulates virtually every other aspect of labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the state.

State regulation of pesticides also ensures uniformity with federal regulation, and between states and their municipalities to avoid confusion that may endanger public health from differing requirements and increase costs to the people of Minnesota to comply with differing requirements. Article 5, Section 16 removes this authority and weakens important standards, creating confusion and the potential for endangering the people and natural resources.

Pesticides are important public health and environmental tools, protecting people, pets and property from pest and insect-borne disease, invasive and non-native plants, and providing safe and healthy places to live, work, and play. Pesticides are rigorously reviewed, evaluated, and approved for sale and use at the state and federal levels on an ongoing basis, ensuring they meet the most current scientific and safety standards.

The manufacture, sale, and use of pesticides is extensively regulated by the Minnesota Department of Agriculture, and U.S. Environmental Protection Agency (EPA). Article 5, Section 16 not only weakens regulatory, public health and environmental standards, but could create a patchwork of unworkable rules, and cause marketplace confusion.

Pesticides are among the most highly regulated products in the nation. Overriding the authority of the Department of Agriculture would create a patchwork of local rules and regulations across the 107 home rule cities and the 746 Statutory cities. This action would have unintended consequences on the safe and appropriate use of these products. Furthermore, unlike localities, the Department of Agriculture, has the expertise and financial resources to oversee and regulate these products, including enforcement and education. Both state and federal pesticide regulatory agencies have significant staff resources devoted to reviewing and understanding proper uses, risks, and benefits of pesticides before registering them for use.

Our industry also respectfully opposes the provisions contained in Article 5, Section 29. This section bans the use of neonicotinoids as well as chlorpyrifos in State wildlife management areas.

Neonicotinoids and chlorpyrifos pesticides are important tools land managers rely on when managing green spaces through proper integrated pest management (IPM) practices. IPM is important because it allows all tools in the toolbox to be used to manage invasive pests and species. Proper IPM management practices recognizes that in certain situations, the judicious use of pesticides may be necessary to rectify a pest problem.

Our industry fully opposes the singling out of broad classes of chemistry for restriction. Especially when said chemistries have been thoroughly reviewed by the federal EPA and the Minnesota Department of Agriculture. It is the job of our regulatory bodies to review pesticides and to determine which necessary restrictions should be applied to their use. The proposed restrictions through legislation undermine the regulatory authority that already exist within the state.

Pollinator health is a complex issue and is one our industry is greatly concerned with. Research points to multiple factors affecting their health, with the primary stressor being the varroa mite as well as microbial diseases, lack of ample nutrition, bee management practices, habitat loss, and climate change.

Restricting the use of neonics in wildlife management areas will not in any significant way support pollinators and their health. At this time more research is required to understand what issues exist for pollinators in Minnesota.

At this time, our industry cannot support the provisions contained in Article 5, Section 16 as well as Article 5, Section 29. As the committee pursues a final draft of this legislation, we respectfully request the committee not move forward with these sections.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Gaeta". The signature is fluid and cursive, with a large initial "J" and "G".

Jon Gaeta

jgaeta@pestfacts.org

RISE

Director, State Affairs

4201 Wilson Blvd. suite 700

Arlington, VA 22203

RISE (Responsible Industry for a Sound Environment) is the national trade association representing manufacturers, formulators, distributors and other industry leaders engaged with specialty pesticides.



April 7, 2021

Rep. Rick Hansen, Chair
Environment and Natural Resources Finance and Policy Committee
407 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155

Dear Chair Hansen and Committee Members:

I am writing today to thank you for the many strong provisions in the **Environment and Natural Resources Finance and Policy** package released this week by your committee. Many provisions in the bill will help protect Minnesota's lakes and rivers and the wildlife dependent on them. On behalf of the 250 lake associations MLR represents, we are grateful.

Of particular interest to lake lovers are the following bills which you included in HF 1076 DE Amendment (H1076DE2):

- **HF 30 & HF 151** (Hansen)- LCCMR Funding for 2021 and 2022 is long overdue and much needed for lake and river protection, including the Stop Starry Project which seeks to contain the spread of the invasive algae starry stonewort.
- **HF 228** (Acomb)- DNR Aquatic Invasive Species Management plan. While many on the committee may have the impression that HF 228 would be redundant due to the 2009 Minnesota Invasive Species Advisory Council (MISAC) plan and imperil the federal AIS dollars connected to that plan, this is not the case. In fact the current federal guidelines in the MISAC plan encourage the writing and implementation of more specific plans to coordinate on the ground AIS activities. Again, it is long past time for the MN DNR to have a comprehensive, statewide plan that includes all stakeholders in its drafting and implementation, and recognizes climate change impacts. Our waters will be the better for it.

- **HF 932** (Fischer)- The Water Quality and Storage Program will benefit Minnesota's iconic water and improve public health.
- **HF 1491** (Hansen)- Water Use Permit/Bulk Transport will help address a growing concern. As climate change impacts hydrological and meteorological patterns across the continent, there will be ever more pressure to turn water into a commodity. The recent listing of water on the financial exchanges is a red flag making this legislation a critical provision.
- **HF 1896** (Morrison)- AIS Surcharge Increase is a much needed user fee to pay for AIS management, prevention and the Minnesota Aquatic Invasive Species Research Center. It is non controversial and also long overdue. The dedication of funds to MAISRC will ensure critical research on AIS is on a stable foundation. We have a true MN asset in MAISRC.
- **Other** - We are much encouraged and supportive of the language to end the commercial harvest of turtles, improve soil health, provide funding for No Child Left Inside, all important measures that would improve water quality, protect wildlife and diverse habitat and engage youth in outdoor activities. In addition, the watercraft registration fee increase will help balance the water recreation account and provide needed maintenance and upgrades to water accesses.

Thank you for not only these important water quality measures. It is a remarkable achievement to draft such a forward and effective package given the meeting limitations of Covid 19. Thank you for your commitment to Minnesota's natural resources.

Sincerely,



Jeff Forester, Executive Director, MLR
612-961-6144
jeff@mnlakesandrivers.org

April 7, 2021

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

Re: Support for H.F. 1076

Dear Chair Hansen,

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board consisting of Hennepin, Ramsey and Washington counties formed to address waste management and energy issues. The Partnership seeks to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate. We appreciate the opportunity to express support for several provisions of H.F. 1076, as well as articulate concerns that we hope will result in a bill that will work even better for Minnesota.

Carpet Product Stewardship

The Partnership strongly supports the provision in Article 4, Section 45 to task the MPCA with developing a carpet product stewardship plan with the assistance of a stakeholder task force and public engagement. The Partnership strongly supports product stewardship and the goal of valuing carpet as a resource for recycling. We look forward to participating in the planning process for a product stewardship system that reduces the life cycle impacts of carpet and the burdens faced by local government and Minnesota residents in dealing with waste carpet.

Compostable Products Certification and Labeling

The Partnership supports provisions in Article 4, Section 40 that expand the current compostable plastic bag labeling standards law to all food or beverage products and packaging, that establish science-based certification requirements for composability claims and that require clear identification of products claiming to be certified as compostable.

These provisions are an important step toward achieving the sustainable organics recycling system that is necessary for reaching the 75% recycling goal. We believe these provisions will be valuable in that effort in multiple ways, including the following.

- Give consumers, food establishments and others confidence about which products are truly compostable and can be diverted from trash for composting.
- Increase the volume of organic wastes that will be diverted for composting and other organics management technologies, such as anaerobic digestion.
- Provide more assurance that organic material delivered to compost sites is clean and ready to compost.

- Help compost sites cost-effectively produce quality compost and increase marketability for use in landscaping, road construction and gardens. This is the key to closing the loop on organics recycling.

MPCA Environmental Justice Authority

The Partnership's legislative platform articulates the desire to enhance the health and resiliency of communities we serve while advancing equity. As such, we support the intent of Article 4, Sections 9, 30 and 34 to expand the MPCA's authorities to define and advance environmental justice in the course of its permitting and enforcement activities, to examine cumulative impacts and to engage with communities and community members and act on community concerns in the permitting process.

Food Rescue, Food Waste Reduction and Organics Diversion Funding

The Partnership appreciates continued funding for efforts to rescue more edible food before it becomes waste, to prevent food waste, to reduce barriers to collecting and recovering organic waste and to divert organics to higher and better uses than waste-to-energy facilities and landfills. Over 25% of the trash stream is food and other organic materials that must be prioritized for recovery to meet ambitious recycling goals and realize significant reductions in greenhouse gas emissions from the waste stream.

PFAS in Food Packaging

The Partnership is very concerned about the persistent presence of PFAS in the state's land, water and other resources. We support the initiative in Article 4, Section 41 to address PFAS in food packaging as a strategy to protect public health and reduce the potential for PFAS to appear in waste materials and facilities managing those materials.

Reducing Sources of PFAS in Solid Waste Facilities

The Partnership supports funding an initiative to reduce sources of PFAS that show up in wastewater treatment and solid waste facilities. The Partnership is pleased to be included in the advisory group supporting the work of the state agencies and others to create this initiative.

Environmental Trust Fund Projects

Community Forests Infected by Emerald Ash Borer (EAB)

The Partnership strongly supports funding to communities bracing for the growing expense of the emerald ash borer (EAB) infestation, which is now identified in at least 27 Minnesota counties and continues to spread. Grants to communities to manage EAB and restore urban canopy are critically needed as we approach the peak years of this threat.

EAB Impacts in Black Ash Forests

The Partnership supports the grant to the University of Minnesota to study the statewide impacts of EAB on water, vegetation and wildlife. This is particularly urgent in North Central Minnesota where millions of black ash trees that soon be in the path of the EAB.

Food Rescue for Greenhouse Gas Reduction

The Partnership supports providing funding to Second Harvest Heartland, a partner to member counties in the fight against food waste. This provision has the added benefits of making more food available for those in need and reducing greenhouse gas emissions from food that otherwise would decompose in landfills.

Eco-Friendly Plastics from Lignin

The Partnership supports the appropriation for the development of eco-friendly plastics from lignin produced at the Cloquet Pulp Mill. This alternative material will lead to products which remain stable while in the marketplace but which degrade much more rapidly following their use.

Jobs Through Waste Diversion and Reuse

The Partnership is particularly excited to see funding for projects focused on reuse of household goods, building materials and other products. The project with Better Futures Minnesota and the Natural Resources Research Institute is a significant strategy to avoid losing valuable resources and to reduce greenhouse gas emissions from what would otherwise be waste from remodeling, construction and demolition activities. This effort will concurrently provide valuable opportunities for individuals who otherwise face barriers in securing stable, good paying jobs. Likewise, funding for ReUSE Minnesota advances an important strategy to reduce waste, keep materials in use and support job growth in established and emerging reuse businesses and non-profit organizations.

PFAS

The Partnership supports funding to help landfills and compost facilities develop strategies to manage PFAS in land-applied biosolids and to work with the private waste industry to demonstrate the potential for innovative technologies to address PFAS from point sources such as landfills.

Community Ash Grants

Given the scale of effort required to address EAB as suggested above related to funding EAB-related trust fund projects, the Partnership is pleased to see appropriations for community grants for planning, tree replacement and canopy diversification as found in Article 1, Section 3, Subd 4 (j). The Partnership urges the legislature to identify additional resources to slow the spread of EAB and appropriately manage disease-affected trees.

SCORE Funding Increase

The Partnership strongly supports providing counties across the state additional resources to bring to bear on reducing, reusing and recycling waste to achieve state goals and policy in the Waste Management Act, including the very ambitious goal of 75% recycling by 2030 for metro area counties. The Partnership requests an increase from current funding levels of \$17.75 million for FY 2022 and 2023 to increase diversion of valuable resources from landfills, bring more jobs to manufacturing and other sectors and further reduce greenhouse gases by moving more quickly to a circular economy.

E-Waste Recycling

Article 4, Sections 11-16 update the electronic waste recycling statutes to achieve manufacturer reporting requirements and regulatory oversight and enforcement sought by the MPCA. The Partnership can support this effort by the MPCA and strongly encourages the MPCA to work with counties and others to bring additional legislation forward that would more significantly reform the state's electronic waste recycling system. Unlike programs in some other states, Minnesota's e-waste recycling law has never shifted the costs of the program from counties to the producers and purchasers of electronic products. We look forward to participating in an effort that seeks legislative support for a product stewardship system for e-waste that addresses significant cost burdens counties now face, reflects current and future challenges in managing unwanted electronic products and, most importantly, better serves Minnesota residents.

Metropolitan Landfill Contingency Action Trust

The Partnership encourages the committee to fully incorporate the language from H.F. 836 into H.F. 1076 to allow the transfer \$13.905 million from the general fund to fully repay the metropolitan landfill contingency action trust (MLCAT) account by June 30, 2022.

The provision in Article 1, Section 2, Subd. 9(a) of H.F. 1076 is a welcome but inadequate action to restore funds borrowed from the MLCAT account used to balance the general fund budget since 2003. The transfer of \$1.125 million annually starting in FY 2024 falls far short of the funding urgently needed now and in the coming years to protect public health by addressing short- and long-term care needs at metro area landfills, including four in the counties represented in the Partnership.

Thank you for the opportunity to present the Partnership's positions on H.F. 1076. We stand ready to work together to advance these important issues for the benefit of our communities and the state.

Sincerely,



Commissioner Victoria Reinhardt, Ramsey County
Chair, Partnership on Waste and Energy

C. Peter Strohmeier, Committee Administrator
Commissioner Debbie Goettel, Hennepin County
Commissioner Fran Miron, Washington County



RE: Surcharge on Recorder's Fees – HF1076

April 7, 2021

Dear Chair Hansen and Committee Members,

The Minnesota County Recorder's Association (MCRA), part of the Minnesota Association of County Officers (MACO), strongly opposes the section of HF1076 which to add a surcharge on the current mortgage and deed fee structure. We respectfully request that that section be deleted from the bill.

While the MCRA continues to agree that clean water is an important cause, an added surcharge to the recording fee is not the appropriate funding source for such an initiative.

We appreciate that Chair Hansen revised the language to make the surcharge more consistent. However, because the fee would only be collected on certain document types (deeds and mortgages) it remains not uniform. Further, it is regressive in nature going against many counties' disparity reduction initiatives. The adoption of this surcharge would create unnecessary administrative burdens on Counties and undermine the concept of uniform recording fees. It has been shown that such fees reduce certainty and facilitate commerce for both the land title industry and related stakeholders.

An alternative mechanism for funding currently exists. A portion (97%) of the Mortgage Registration Tax and State Deed tax collected by the counties is remitted to the State and could be designated for funding. In 2020 over \$300 million dollars were collected through these two funding sources alone. Another funding source mechanism would be the \$10.50 that the State General Fund currently receives from recording fees collected by the counties.

It is important to remember that a uniform recording fee was established in state law in 2005. This law was supported by a wide-ranging coalition of interests, including: the MCRA, the Minnesota Land Title Association (MLTA), the Real Property Section of the Minnesota State Bar Association (MSBA) and Minnesota Realtors. The statewide uniformity, collaborative effort, and accountability of this legislation made Minnesota a nationwide leader. This legislation is now being used as a model for similar legislation throughout the country. The predictable fees established in this legislation are designed to ensure that recording offices have uniform fees that allow our industry partners to transact business with our offices and support real estate commerce in our state. Predictable recording fees are desired as an industry standard for many reasons, with the ability to comply with consumer protection laws high on the list.

This proposed surcharge, although applicable to all counties would not apply to all documents that require a recording fee and as such, will reverse several solutions to former problems that occurred when consistent fees were not ubiquitous. The logistical challenges in managing work in which a lack of continuity exists in the fees between counties are various and creates administrative costs that had been eliminated when uniform recording fees were established in 2005.

The recording fee is \$46 for all real estate documents. The most common document types include not only mortgages and deeds, but also satisfactions and releases, transfer on death deeds, mechanic's liens, Court Orders, Trust documents and other various real estate documents. Our customers have come to rely on the standard \$46 fee. To differentiate fees by document type would send the recording industry in Minnesota backwards when so much effort has already gone into uniformity and consistency for fee standards.

The advantages of preserving the predictable fees established within the "Fee Bill of 2005" are:

- When submitters can effectively predict recording fees, they will see a reduction in errors. For recorders, predictable fees result in fewer rejections for shortages and overages resulting in cost savings in employee time, postage and office supplies.
- Minnesota has already addressed in a progressive manner predictable fees as a solution to a wide-spread industry problem.
- The ability to effectively predict recording fees saves time and money for the consumer, the recorder, and the submitter.
- The primary benefits of predictable recording fees for consumers are avoiding delays in closing, confusing fee changes or the need for disclosures to be re-executed, all leading to a more transparent experience for the consumer.

Along with other major stakeholders, Recorders must successfully integrate the regulatory requirements placed upon the industry by the federal government's TRID, "Know Before You Owe," regulations. TRID require lenders to accurately disclose all fees in the loan estimate. If the loan estimate does not closely match the closing disclosure, the closing may be delayed resulting in increased costs to your constituents. If the lender is not able to estimate the correct recording fees and transfer taxes at the time the loan application is made, additional consumer notification paperwork will be required before the loan can be closed. This potentially causes delays in the settlement and, as a result, the homeowner may incur additional expenses. The surcharge proposed in HF1076 will make compliance with TRID much more difficult. Besides easing compliance with important customer protection regulation, uniform recording fees have:

- Eliminated page count calculations which will reduce rejections
- Improved accuracy of budget revenue estimates
- Reduced training time on all the recording fees for recording staff and submitters
- Reduced questions from staff and customers on interpreting fees
- Reduced postage costs for rejected documents because of payment discrepancies
- Eliminated or reduced recording fee refunds

MCRA/MACO continues to oppose adding any recording fee surcharge such as is in HF1076 that would create a non-uniform fee, no matter how worthy the cause. We believe other potential Soil and Water Conservation funding sources would be more appropriate as mentioned above.

Sincerely,



Sharon Budin, President, Minnesota County Recorder's Association

Betti Kamolz, Co-Chair, Minnesota County Recorder's Association Legislative Committee

Amber Bougie, Co-Chair, Minnesota County Recorder's Association Legislative Committee

cc: *Dan Pearson, Chad Novak, and Dawn Anderson, MLTA Legislative Co-Chairs*
Jennifer L. Carey and Kevin Dunlevy, MSBA Real Property Law Section Legislative Co-Chairs
Christopher Galler, CEO, MN Realtors Association

April 7, 2021

The Honorable Representative Rick Hanson
Chair, MN House Environment and Natural Resources Finance and Policy Committee

The Honorable Representative Ami Wazlawik, Vice Chair, MN House Environment and Natural Resources Finance and Policy Committee

The Honorable Members of the MN House Environment and Natural Resources Finance and Policy Committee

Re: Testimony Supporting all PFAS Language in HF 1076 DE 2

Dear Chair Hanson, Vice Chair Wazlawik, and Committee Members

Thank you for your work on HF 1076 that addresses many important issues. I especially thank Representative Wazlawik for her attention to PFAS and I request that this Committee support the PFAS language in this bill.

I live in Woodbury and have been following water quality and quantity issues closely for several decades. For the past seven years, my husband, Howard, and I have been doing weekly water sampling of Valley Creek, a trout stream in Washington County, for temperature and turbidity as volunteers in the Minnesota Pollution Control Agency Water Monitoring program.

I have heard Rebecca Higgins, Research Scientist, MPCA, give two Zoom presentations about the PFAS in Washington County water and foam, including PFAS in Valley Creek. I see foam in Valley Creek when I take my water samples.

While efforts are underway with the 3M Settlement to address some of the PFAS pollution issues, we need to do more:

- 1) Stop using PFAS in our food packaging
- 2) Continue to address PFAS pollution, and
- 3) Require and fund MN Department of Health PFAS work, especially to require water quality standards for certain PFAS chemicals and the Health Risk Limit for PFOS.

I appreciate your consideration of PFAS language to help us better understand and address PFAS contamination. And thank you for your concerted efforts by all of you and staff to help keep government working and people safe during COVID-19. I value the real time and taped video access to your meetings very much.

Sincerely,

Lynne Markus
Howlyn11@comcast.net
651-731-8114



Unintended Consequences of HF 718

Potential Solution and Alternative to HF 718 to Protect Pollinators: State-wide restriction of certain uses of neonicotinoid pesticides to professionals only would be a better solution and alternative to HF 718. States that have done this: [Connecticut](#), [Maryland](#), [Massachusetts](#), and [Vermont](#). We applaud Representative Vang's commitment to protecting pollinators. MPMA prefers state-wide protections compared to a patchwork of local government regulation.

HF 718 Will Harm the Minnesota Real Estate Market & Working and Middle-Class Homebuyers: HF 718 will ban most, if not all pesticides used in termite treatments. This is a problem because termite treatments are required for FHA loans for new construction in most of Minnesota. Most conventional lenders require termite inspections too. If termites are found upon inspection, then [treatment is required](#) for loan approval in many cases. [For ALL new construction, termite treatments are required in 64 of Minnesota's 87 counties by the Federal Government's Housing and Urban Development.](#) If HF 718 is passed, and a city enacts a ban on these pesticides treatment options for termites will be exponentially more expensive or impossible. HF 718 will severely hinder the Minnesota real estate market.

HF 718 Would Eliminate Our Industry's Ability to Apply Pesticides Around Building Foundations, Even Though Structural Pest Control Uses are Unlikely to Impact Pollinators: It is known that structural pest control uses of pesticides and neonicotinoid pesticides, which is one of the main classes of pesticides impacted by HF 718, are unlikely to pose a threat to pollinators, as a recent [Cornell University study](#) on neonicotinoid pesticides illustrates: **"Negligible risk to pollinators from household pest control and antiparasitic uses... Such applications are unlikely to lead to substantial exposure for insect pollinators."** MPMA stresses the impact that the structural pest management industry has on pollinators is nominal. The content in HF 718 does not currently reflect this reality. Please amend the bill so it does or find a state-wide solution. Pesticide risks to pollinators are not only focused on the toxicity of a chemical but also the potential for exposure. Structural pest control is very unlikely to lead to exposure. Similarly, exterior treatments applied to the structure and other areas around the structure are also unlikely to result in significant exposure. MPMA members support, teach, and implement [Best Management Practices \(BMPs\)](#) developed by the National Pest Management Association, which greatly increases the ability of our members to safely use pesticides in a manner that doesn't impact pollinators.

HF 718 Would Hinder Our Industry's Ability to Manage Pests Around the Structure – Causing MORE Pesticides to Be Applied Indoors: Bed bugs can be brought into the home from people traveling or cockroaches from groceries or takeout food, but in the majority of cases, pests enter the structure from the outside (ants, carpenter ants, flies, silverfish, termites etc.,). Our industry's uses of pesticides do not impact pollinators and HF 718 would prohibit our ability from applying pesticides around the foundation or to the exterior of the structure to prevent pests from entering. HF 718 would only allow our industry

to apply pesticides indoors, instead of allowing us to defend the home from the outside which is an unintended consequence—more pesticide applications indoors.

HF 718 Empowers Uninsured, Unlicensed, and Illegal Pest Control Companies: ALL MPMA member companies are insured, licensed, and thoroughly regulated. Our members comply with the law and would comply with city ordinances, if HF 718 is passed. However, unlicensed homeowners and illegal pest control companies would fill the pest control needs in the market. The unintended consequences of this are extremely concerning.

HF 718 Will Make it Harder to Adapt to Climate Change and Protect Public Health: As mentioned in the [Fourth National Climate Assessment](#) and the [Senate Democrats Special Committee on Climate Crisis](#), climate change is increasing and will further increase the prevalence of mosquitoes and mosquito-borne diseases and ticks and tick-borne diseases (e.g., Lyme disease). Unfortunately, we also recognize the pattern of [low-income residents](#) being disproportionately impacted by mosquito-borne diseases. Ultimately, residential mosquito and tick control will be an inevitable part of life in adapting to climate change to protect public health.

MPMA is not alone in sharing this view, as Katherine Dykes, the Commissioner of the Connecticut Department of Energy and Environmental Protection testified on a similar bill to HF 718, in 2019, in Connecticut and conveyed her alarm for the [negative public health implications](#) with:

“The unintended consequences that could result from unfettered municipal pesticide bans include an inability to control disease vector pests such as ticks and mosquitoes that pose human health threats...”

Other Mosquito/Tick Control Concerns: While the bill does not apply to the Metropolitan Mosquito Control District, the MMCD only services 6 out of 87 counties. This leaves the remainder of the state less able to control mosquitoes, therefore mosquito borne diseases will increase. Similarly, with ticks carrying Lyme Disease - it is already bad and [will get worse](#). The bill should include over the counter products and products sold on the Internet and exclude all applications by trained, licensed professionals.



The Honorable Rick Hansen
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

April 7, 2021

Dear Chair Hansen and Members of the House Environment and Natural Resources Finance and Policy Committee:

The Parks & Trails Council of Minnesota is a 67-year-old, non-profit organization dedicated to protecting and enhancing Minnesota's parks and trails. We raise private money to purchase land for parks and trails, and we advocate for critical investments in parks and trails statewide.

We appreciate the opportunity to offer our perspective on the HF1076 DE2 amendment. In particular, we are concerned with the committee's choice to increase state park entrance fees. State parks have been vital for Minnesotans' physical and mental wellbeing during the COVID-19 pandemic, and now is not the time to discourage their use by making them more expensive to visit. Minnesotans have turned to parks and trails for COVID-19 relief in record numbers precisely because they're affordable, close-to-home outdoor sanctuaries. During the pandemic they have been just what the doctor ordered.

Minnesota State Parks are funded by a mix of user fees and General Funds so access to them remains affordable. But that mix began to shift in 2017 when lawmakers cut General Fund support to state parks by \$2.7 million and increased entrance fees 40%. And now, despite a \$1.6 billion budget surplus and \$2.6 billion from the federal American Rescue Plan, this bill would raise entrance fees yet again. Increasing entrance fees 80-100% in only a five-year span as this bill would do will hit working families, the unemployed and low-income Minnesotans the hardest.

Rather than increasing entrance fees again while Minnesotans try to recover from the economic impacts of the pandemic, we urge lawmakers to use the budget surplus to increase General Fund support to state parks by \$2-3 million annually so the DNR has time to explore tier-based fee options, partnership programs and other alternatives that keep parks affordable well into the future.

We appreciate the opportunity to offer our perspective on HF1076 and encourage members to oppose state park entrance fee increases while Minnesotans use our state parks for COVID-19 relief.

Sincerely,

A handwritten signature in black ink that reads "Brett Feldman".

Brett Feldman
President, Parks & Trails Council of Minnesota



April 7, 2021

Honorable Rick Hansen
Chair, Minnesota House Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Chair Hansen and the Environment and Natural Resources Committee:

I would like to thank Chair Hansen and the Environment and Natural Resources Finance and Policy Committee for the opportunity to provide testimony on the Committee's omnibus bill, H.F. 1076 on behalf of the Union of Concerned Scientists (UCS). UCS is the nation's leading science-based nonprofit organization, with 6,800 supporters in Minnesota. I am writing specifically to name our support for the inclusion of environmental justice provisions to protect frontline communities from cumulative impacts of pollution and increase engagement with impacted communities, namely Article 4; Sections 1, 9, 10, 30, 34, and 42.

UCS is grateful for the leadership of Chair Hansen and Rep. Fue Lee in defining and prioritizing environmental justice within the omnibus bill, and we fully support the cumulative impacts framework to address injustices and community concerns for environmental justice areas.

At UCS, we believe science [can and should be applied](#) to reduce racial and economic inequity. It is not enough to develop solutions that improve health, security, and the environment at a general level; we must ensure the solutions we pursue do not cause additional harm, and favor those solutions that can alleviate existing inequities. Data shows that certain populations in the United States, particularly African Americans, Latinos, and low-income communities, bear the worst brunt of environmental injustice, with disproportionate exposure to environmental pollutants and unequal health and safety risks from climate change.

Since health and safety are enjoyed unequally across racial lines, policies focused on the health and safety of communities should also focus on addressing inequities. Science has too often ignored or exacerbated racial inequities and must now be used to right those wrongs. Requiring community engagement and the analysis of cumulative impacts of pollution before issuing permits employs science and data to directly address and reduce environmental injustice. Data-driven policies that identify environmental justice communities and include the full context of disproportionate, compounded burdens they face in decision-making are

key to addressing environmental racism. This omnibus bill is a major step forward in the pursuit of environmental justice for all Minnesotans.

This bill would set strong criteria to define environmental justice populations, ensure the permitting process includes input from communities and analysis of cumulative impacts, and lay the groundwork to better protect environmental justice populations from pollution. Enactment of this bill would create long overdue protections for the Black, Brown, Indigenous, Immigrant and low-income communities, which experience disproportionate impacts of pollution and climate change *and* are often excluded from adequate participation in environmental decision-making.

Article 4, Sections 1, 9, 10, 30, 34, and 42 would provide enhanced public participation and agency review for actions that may affect environmental justice populations. This policy would help combat the as-yet intractable reality that Black, Indigenous, and Latino communities, as well as other communities of color, low-income residents, and those lacking English language proficiency, are disproportionately burdened by environmental contaminants and lack the environmental and energy benefits afforded to other, whiter and wealthier communities.

Currently, environmental justice guidelines often inform but do not drive decision-making. This allows for the concentration of polluting industries and facilities in our most vulnerable communities. Providing avenues for increased engagement with environmental communities and more rigorous analysis of the cumulative impacts of a long legacy of inequitable pollution will help center equity and environmental justice in decision-making.

The need for interventions to protect environmental justice communities becomes clear when looking at the data on air pollution and on health and economic outcomes, as well as the data on siting of polluting facilities and hazard waste sites.

The Union of Concerned Scientists recently analyzed exposure to air pollution from vehicles in Minnesota, and found stark inequities.¹

- Looking at the state as a whole, African Americans are exposed to *65 percent higher PM_{2.5} concentrations from on-road transportation than the average PM_{2.5} exposure for all Minnesotans*. Latinx residents experience concentrations 28 percent higher than the average resident. At the same time, white residents have an average exposure that is *9 percent lower* than the average for the state.
- Furthermore, PM_{2.5} exposure varies greatly within Minnesota (Figure 2). Ramsey County is exposed to the worst pollution levels, with an exposure that is 116 percent higher than the state average, followed by Hennepin County with an exposure that is 54 percent higher than the state average. Together, these two counties in which Saint Paul and Minneapolis are located, are home to almost one third of the state's population.

¹ <https://blog.ucsusa.org/cecilia-moura/who-breathes-dirtiest-air-from-vehicles-minnesota>

- The analysis also shows that less affluent households have a higher exposure to air pollution than more affluent households, although this disparity is not as pronounced among income brackets as it is among racial and ethnic groups. One of the most striking examples is in Hennepin County, where our analysis shows that the lower the income, the dirtier the air breathed by those households. Figure 4 shows this trend. Those earning less than an annual \$20,000 breathe air that is 25 percent more polluted than the county average, while those earning more than \$200,000 breathe air that is 15 percent cleaner than the county average.

According to the Minnesota Pollution Control Authority’s report [*The Air We Breathe: The State of Minnesota's Air Quality, 2021*](#), local pollution impacts of the most polluted areas have not decreased as much as average air pollution. The report continues, “in Minnesota, discriminatory housing policies, the placement of freeways in Black neighborhoods² and zoning and permitting decisions led to people of color being concentrated together with pollution sources. The result is air pollution that threatens higher health risks in areas where Black, Indigenous, people of color, and low-income residents live. The social, economic, and health inequities these groups face make them more vulnerable to the health effects of air pollution, further intensifying the impacts. Air pollution and health are closely linked, and even low levels of air pollution can contribute to serious illnesses and early death. The disproportionate impact of COVID-19 on Black, Indigenous, and people of color has brought the necessity of air equity into even sharper focus.”

The health impacts of the cumulative burdens of pollution from fossil fuels, industry, and other sources warrant even higher scrutiny in light of the COVID-19 pandemic, an acute respiratory syndrome.

The COVID-19 pandemic is devastating communities across the United States, exposing vulnerabilities that have long, entrenched links with inequality.³ Disparities in mortality rates by race, life expectancy decreases by race, vaccination rates by race, and employment by race paints a bleak picture of inequity.⁴

Data has shown the disproportionate impacts of COVID-19 on communities of color due to inequitable access to healthcare and other forms of systemic and structural racism.⁵ Communities of color have also endured disproportionate economic impacts due to the pandemic: Black and Latinx Minnesotans are more likely to work in essential industries (which are often underpaid, lack health benefits, and have few worksite protections) and less likely to be in jobs that allow them to work from home.⁶ Latinx and multiracial Minnesotans

² <https://www.dot.state.mn.us/I-94minneapolis-stpaul/background.html>

³ https://ucsusa.org/resources/covid-19-and-vulnerable-populations?_ga=2.208657937.203435562.1613151042-858563513.1612976248#ucs-report-downloads

⁴ <https://www.motherjones.com/coronavirus-updates/2021/02/covid-coronavirus-racial-disparities-deaths-impact/>

⁵ <https://news.harvard.edu/gazette/story/2020/04/health-care-disparities-in-the-age-of-coronavirus/>

⁶ <https://mn.gov/covid19/data/data-by-race-ethnicity/index.jsp>

are more vulnerable to layoffs and, through the course of the pandemic, 58% of Black workers and 46% of Indigenous workers have filed for unemployment insurance benefits.

Data also show that race is the most consistent factor in determining the location of commercial hazardous waste sites, nationally.⁷ Neighborhoods with higher populations of people of color also lack access to reliable municipal infrastructure and to healthy housing, food, green spaces, and other resources that mitigate environmental and energy burdens.⁸ These same communities are now at increasing risk from the high heat and severe weather events associated with the climate crisis.⁹

Since sources of toxics and air pollution are historically sited in BIPOC and under-resourced communities, which already suffer disproportionately from the health impacts of pollution as well as other socioeconomic vulnerabilities, it is key to take cumulative, disproportionate impacts into account in the permitting process to avoid further exacerbating the compounded impacts of a legacy of environmental racism and residential segregation.

The enhanced public participation and review outlined in these bills address inequities faced by environmental justice communities and provide tools for those communities to shape and benefit from environmental, energy, climate, and public health laws and policies. **The requirements for meaningful public input and the use of cumulative impact data in permitting decisions is a critical step towards ensuring that all residents of Minnesota, regardless of their zip code and color of their skin, have the right to health, clean air, and safe communities. Thank you again to Chair Hansen and Rep. Lee for your leadership in following the science and meaningfully increasing environmental justice for all Minnesotans.**

Thank you,

Meghan Hassett
Midwest Clean Energy Advocate
Union of Concerned Scientists

⁷ Paul Mohai and Robin Saha, [Which Came First, People or Pollution? Assessing the Disparate Siting and PostSiting Demographic Change Hypothesis of Environmental Justice](#)

⁸ Rachel D. Godsil, Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules and Environmental Racism, 53 Emory L.J. 1807, 1841–49 (2004), <https://ssrn.com/abstract=594066>; see generally The Call for Environmental Justice Legislation: An Annotated Bibliography (PRRAC 2018), <https://www.prrac.org/pdf/EJLegislationResearchGuide.pdf>.

⁹ H. Orru et al., The Interplay of Climate Change and Air Pollution on Health, 4 Current Env'tl. Health Report 504, 504 (2017) See also U.S. Global Change Research Program, Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II (2018) https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf



Minnesota Outdoor Heritage Alliance

April 7, 2021

Re: HF 1076DE2 Support for No Child Left Inside

To: Chair Hansen and Members of the Environment and Natural Resources Finance and Policy committee

The Minnesota Outdoor Heritage Alliance supports the inclusion of funding for the No Child Left Inside grant program, in the House Environment omnibus bill. MOHA recognizes the importance of programs that foster youth engagement in the outdoors and natural resource based education for the young people of Minnesota. We support the funding of this program being provided by general fund dollars.

Sincerely,

David Carlson, President
Minnesota Outdoor Heritage Alliance