



May 9, 2024

To: Members of the Omnibus Environment Conference Committee

Re: Please support critical investments and programs in Environment Omnibus HF 3911

Dear Conference Committee Members,

Thank you for your leadership this legislative session to put together a budget that responds to the unprecedented challenges facing our state due to climate change and provides a better future for all Minnesotans and our treasured natural resources.

We greatly appreciate the many good policy provisions and targeted investments in this bill that support environmental justice, safeguard our clean water, air and natural resources, reduce our waste and protect the health of all Minnesotans. We are also concerned about some provisions in this bill that must be improved.

As the Conference Committee convenes to consider differences in the House and Senate versions of the Environment Omnibus Bill, HF 3911, we bring to your attention key provisions in the House and Senate bills that our statewide coalition members believe are critical in moving Minnesota forward.

We strongly support and urge you to pass the following provisions into law:

Center People in our Public Institutions and Environmental Justice

It is imperative to center people in our public institutions and environmental justice in policy solutions and appropriations.

- **Identify top polluting facilities**

We support the House provisions to identify the top thirty emitting facilities in Minnesota and require enhanced testing to ensure that these facilities are in compliance with their permits. (p. R46-47)

- **Promptly addressing threats to public health and the environment**

The Senate and House versions include language that authorizes the Minnesota Pollution Control Agency (MPCA) commissioner to direct the immediate discontinuation or abatement of pollution by emergency order when there is imminent and substantial danger to the health and welfare of people as the result of the pollution of air, land, or water. This measure will allow the commissioner to suspend or revoke a permit, issue relevant orders, require financial assurances, and take additional measures when it has evidence of falsification of records, a history of noncompliance, chronic permit violations, or operating without required permits. (p. R51)

- **Compliance when required permit not obtained**
We support the Senate and House language that authorizes the MPCA commissioner to require a person or facility that fails to obtain a required permit to comply with any terms of a permit that would have been issued had the person or facility obtained a permit. (p. R33)
- **Enhance enforcement of environmental laws in environmental justice areas**
We support the House and Senate language and onetime funding of \$2,975,000 and ongoing funding of \$2,625,000 for prioritizing air regulatory work in environmental justice areas. We also support the House and Senate language and onetime funding of \$1,025,000 and ongoing funding of \$535,000 to **expand the use of mobile air pollution testing equipment** in communities overburdened by pollution. (p. R2)

Invest in Natural Climate Solutions

Natural climate solutions provide ecological and societal benefits. We are encouraged by the drive to invest in Minnesota's landscape. Protecting and restoring the natural landscapes that define Minnesota will help provide solutions to climate change while making communities more livable and our natural resources more resilient.

- **Community Tree Planting grant programs**
We support the House language and funding of \$8 million for the Community Tree Planting grant programs to remove and replace trees posing a significant public safety concern, and establish a more diverse forest community to better withstand disease and pests. (p. R72)
- **Minnesota Releaf Program**
We support the House language and funding of \$3.4 million for the Minnesota Releaf Program to enhance community forest ecosystem health and sustainability as well as to reduce atmospheric carbon dioxide levels and promote energy conservation. (p. R79)

Protect Human Health and Natural Resources

- **PFAS Testing**
We support the House language requiring the development of a strategy for PFAS testing and including PFAS testing in water quality permits, and the House funding of \$350,000 for **PFAS testing in sewage sludge**. These measures will help address the environmental health concerns posed by PFAS. (p. R2, p. R63)
- **Setting a state salt purchase report and reduction goal**
We support the language in the House and Senate to quantify the amount of salt the state uses for deicing purposes and to reduce that usage by 25% from the initial reported total. (p. R52)
- **Setting a state nitrogen fertilizer purchase report and reduction goal**
We support the language in the House to quantify the amount of nitrogen fertilizer the state uses and to reduce that usage by 25% from the initial reported total. (p. R52)
- **Pesticide treated seed**
We urge you to support the House language that prohibits the sale of seeds treated with neonicotinoid pesticides for non-agricultural uses. This measure will reduce exposure of people and wildlife to these harmful pesticides. (p. R162)
- **Clarifying the definition of public waters**
We support the House language that responds to the 2022 Minnesota Supreme Court decision to provide certainty that the statutory definition of public waters applies when determining

whether public waters works permits are required or when environmental review is needed. (p. R96-R97)

- **Fish kill response and manure management**

We support the House language **requiring a mandatory environmental impact statement for feedlots** with more than 10,000 animal units that will protect human health and our natural resources. (p. R66) We also support the Senate funding of \$2 million for **manure management grants** to operations with fewer than 1,000 animal units to support small farmers' efforts to avoid water quality impacts related to the nitrate pollution and fish kills in southeastern Minnesota. (p. R15, p. R110)

- **Drain tile disclosure in property transactions**

We support the House language that increases transparency in property transactions and water management by ensuring that the presence of drain tile is disclosed and recorded on the deed when property is sold. (p. R108-R110)

- We support the House and Senate language **initiating the process of setting rules for gas extraction projects in Minnesota** to ensure the protection of human and environmental health. (p. R81-R83)

- **Reinvest in Minnesota Critical Habitat Match program**

We support the House language and funding of \$7,000 for a DNR report on expenditures in the critical habitat private sector matching account and the nongame wildlife management account. (p. R6-R7) This report will provide important information regarding how obligated funds are and will be spent, and the resulting balances. We recognize that habitat projects benefit a variety of Minnesota wildlife and these benefits are hard to divide between game and non-game species. We urge you to not accept the House language that changes how funding is allocated until the DNR expenditure report is reviewed and public input is received (p. R75-R76)

Composting and the Reduction of Waste

Amid historic supply chain disruptions, the intensifying climate crisis, and rampant plastic pollution, there has never been a more important time to invest in a circular economy for Minnesotans that prioritizes reduction and reuse.

- **Tracking progress in waste diversion**

We support the House language to conduct rolling, ongoing waste composition studies which will provide critical information to make decisions and track progress in our efforts to divert organics and electronics out of the waste stream and into composting and recycling. (p. R42-R43)

- **Food Waste Prevention and Hierarchy**

We support the House language prioritizing composting ahead of anaerobic digestion. (p. R34-R35)

- **Banning mercury-containing lighting**

We support the House and Senate language that bans mercury-containing lighting. This to protect Minnesotans' health and save energy. (p. R54-R57)

- **Multifamily Composting**

We support the Senate language and funding of \$1.9 million to **encourage composting by residents of multifamily buildings**. (p. R4)

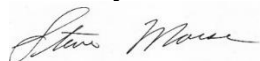
- **Critical Materials Recovery Advisory Task Force**
We support the House and Senate language and funding of \$319,000 to establish a Critical Materials Recovery Task Force to advise the commissioner of the Pollution Control Agency on ways to increase the recovery of critical materials from end-of-life products. (p. R3, p. R64-R65)
- We support the Senate funding of \$150,000 to **study end of life circularity for electronic waste**, and investigate worker safety and material recovery in Minnesota. We urge that this electronic waste study not get rolled into the Critical Materials Recovery Advisory Task Force. (p. R5, R68-R69)
- **Packaging Waste and Cost Reduction Act**
We urge you to support the House version of this bill (Article 5), which requires producers to pay for the lifecycle of their packaging and move towards more recyclable, compostable, and reusable products and packaging. We strongly oppose numerous provisions of the Senate bill, which have significantly weakened the proposal. Minnesota should be a leader in passing an effective program that results in packaging reduction, drives producers to use more sustainable packaging, and puts the needs of impacted communities above the needs of corporate interests. (p. R110-R154)

We bring to your attention concerning provisions in the House and Senate bills that our statewide coalition members believe threaten Minnesota's climate, environment and the health of our people:

- We urge the removal of **Article 3, Environmental Review and Permitting**, from the Senate language. Article 3 significantly alters how the DNR and the PCA conduct environmental review. In effect, it would set impossible deadlines for major projects, requiring that these state agencies defer to the desires of industry at the expense of human and environmental health. For example, a sulfide mine like Twin Metals would be heavily advantaged by a shortened timeline because gathering evidence of its risks - contrary to the industry's interests - takes up crucial time for state agencies. This bill would also amend one of our most fundamental environmental laws - the Minnesota Environmental Policy Act. Any changes to such an important law should not happen haphazardly, but rather with clearly stated legislative intent, ample opportunity for public testimony and input, and robust debate. (p. R176-R182)
- We urge the removal of **Article 2, Section 45** of the Senate language (1st Unofficial Engrossment), which retroactively reduces the royalty rates for existing nonferrous (copper-nickel) state mineral leases. These provisions could affect all stakeholders that would receive potential royalties from state nonferrous leases, including the school trust, local units of government, and local school districts. At a minimum, the impact and extent of these reductions should be vetted by a legislative committee or the Executive Council before any changes are made to existing leases. (p. R104)

We thank you for your leadership and your consideration.

Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the organizations listed on the following page.

Alliance for Sustainability
Bicycle Alliance of Minnesota
Center for Biological Diversity
Clean Water Action Minnesota
Climate Land Leaders
Cooperative Energy Futures*
CURE
Environmental Working Group
Eureka Recycling
Friends of Minnesota Scientific and Natural Areas
Friends of the Mississippi River
Humane Society of the United States
Izaak Walton League Minnesota Division
Lakeville Friends of the Environment*
Land Stewardship Project
League of Women Voters Minnesota
Minnesota Center for Environmental Advocacy
Minnesota Ornithologists Union
Minnesota Trout Unlimited
Minnesota Well Owners Organization
MN350
Northeastern Minnesotans for Wilderness
Pollinator Friendly Alliance
Renewing the Countryside
Roots Return Heritage Farm*
Save Lake Superior Association
Save Our Sky Blue Waters
Sierra Club North Star Chapter
Sustainable Farming Association
St. Paul Audubon Society
Vote Climate

**denotes non-MEP member organization*