

State Government

Gettin' messy under the DFL tent: Environmental groups call out Walz over 'polluter capture'

Sixteen environmental groups say industry and agriculture hold too much sway in Minnesota with the officials who regulate them.

by **Peter Callaghan**

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People Not Polluters on Monday called out Gov. Tim Walz and his agencies for what it termed “polluter capture,” a phrase that asserts that industry and agriculture hold too much sway with the people who regulate them. Credit: MinnPost photo by Tom Olmscheid

Lt. Gov Peggy Flanagan was referencing an intra-party disagreement over the war in Gaza when she quipped at the DFL convention in Duluth earlier this month, “We’re a big tent, y’all, and it can get real messy in here.”

The latest mess under the DFL tent is over the environment.

People Not Polluters on Monday called out Gov. Tim Walz and his agencies for what it termed “polluter capture,” [a phrase that asserts](#) that industry and agriculture hold too much sway with the people who regulate them. While it isn’t unusual for environmentalists to raise concerns about what the organizations consider friendly regulation of agriculture and industry, pointing the finger at a Democrat who considers himself an environmental ally certainly is.

The 16-member coalition, which refers to itself as “an informal group of environmental organizations” [posted a website](#) Monday citing a dozen instances across Minnesota where it says the Walz administration was lax in its regulation, including slow intervention in air quality concerns at the Smith Foundry in Minneapolis, nitrate pollution from farming in southern Minnesota and state approval of the Line 3 crude oil pipeline in northern Minnesota.

The [coalition](#), which includes the Sierra Club North Star Chapter, Take Action Minnesota, the Minnesota Environmental Partnership, Friends of the Boundary Waters Action Network and the Izaak Walton League, said criticisms of the Walz administration’s lack of action have been validated by third parties. Those include federal interventions into state agency actions and successful lawsuits.



Paula Maccabee

“This isn’t just a matter of opinion,” stated Paula Maccabee, advocacy director and counsel for WaterLegacy, in the written announcement. “We know capture of state agencies is a serious problem because both Minnesota courts and federal agencies have had to step in where our state agencies failed to follow the law, control toxic pollution, or protect Minnesota health and water quality.”

The coalition pointed to what it sees as a tendency for regulatory agencies to help move projects through the permitting process rather than requiring compliance with environmental protection law.

“Minnesota regulators seem to think their primary job is to help companies get their permits approved,” the coalition stated in a statement. “Agencies rarely if ever say ‘no.’ That puts the burden on organizations or Tribal governments to take a state agency to court to reverse an ill-considered permit.”

The DFL-controlled Legislature gets high grades from the coalition. Walz's execution of laws passed by the House and Senate do not.

"Multiple organizations and individuals have tried to get the Walz administration's attention on this. But they refuse to acknowledge the problem or propose meaningful solutions. It's time for the Legislature to exercise their oversight authority and hold hearings," said Margaret Levin, state director of the Sierra Club North Star Chapter.

"Gov. Walz didn't create this problem, but he needs to fix it. Instead, it is getting worse on his watch. So the Legislature needs to hold hearings," said longtime Minnesota environmentalist Don Arnosti.

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The administration responded to the complaints with a general statement about its record on environmental issues.

"We're proud of Minnesota's state agencies who are constantly working to stop polluters and keep Minnesotans safe," Walz press secretary Claire Lancaster said in response to the criticisms from the coalition. "The state has a strong record of holding polluters accountable and working with the community and the Legislature to ensure health and our natural resources are protected."

The four primary environmental agencies released a letter they sent to Arnosti in January offering to meet with environmental groups.

"While we disagree with several of the characterizations in your letter, we recognize and appreciate that these issues are challenging and require the full attention of our agencies to ensure we protect and improve the environment and human health," stated the Jan. 5 letter from Health Commissioner Brooke Cunningham, Minnesota Pollution Control Agency Commissioner Katrina Kessler, Agriculture Commissioner Thom Petersen, and Department of Natural Resources Commissioner Sarah Strommen.

"The work of our state agencies to manage Minnesota's natural resources, ensure the health of residents, promote sustainable farming, and protect the environment is complex and challenging," [the four wrote](#). "We would welcome your thoughts and accept your invitation to meet with representatives of the group of signatories in the new year."

The environmental groups said they met with members of the administration on three different occasions earlier this year. Despite that dialogue, the environmental groups decided to move forward with the website.

Rep. Rick Hansen, the South St. Paul DFLer who chairs the House Environment and Natural Resources Committee, said he agrees that “regulatory capture” is a problem in Minnesota, something he said is perpetuated by the tendency to create advisory committees and task forces of stakeholders.

“It’s a systemic problem that has been decades in the making,” Hansen said. “One of the things we have done in Minnesota is almost institutionalized it with having stakeholders embedded in advisory groups, commissions and the decision-making process.

“That’s been the Minnesota model over time, over many years,” Hansen said. There is an expectation by interest groups, of which the environmental community is one, of having that voice in how programs are administered.

“The solution is remembering we work for the public, not the stakeholders,” he said.

As to the request for hearings, Hansen said the Legislature doesn’t have a lot of hearings outside of the legislative session but it does have the Office of Legislative Auditor that conducts investigations into programs and agencies at the request of the [Legislative Audit Commission](#) that Hansen currently chairs.

“Some of these specific examples that were used, such as Water Gremlin, we had the auditor look into,” he said. “That’s a tool the Legislature has.”

In the Water Gremlin case, [the auditor found](#) significant weaknesses in the MPCA’s permitting and enforcement activities.



State Rep. Rick Hansen



Water Gremlin Credit: Anderson Companies

In the meantime he hopes voters ask candidates this summer and fall about the issue of how much say interest groups have in environmental regulation.

This session, the [Minnesota Pollution Control Agency](#) requested and was granted new powers by the Legislature that could allow it to be more aggressive with polluters. The change lowers the legal threshold for when the agency can seek emergency closures of polluting businesses. But the law doesn't require the agency to act, only allows it to intervene.

Walz isn't on the ballot this November, but he is taking a prominent role in national presidential politics as chair of the Democratic Governors Association. And he frequently describes himself as an environmentalist and environmental champion. On Earth Day this year he posted [a video](#) that touted his actions to combat climate change.

"I ran for governor with a promise to take bold, decisive action to combat climate change," he says in the video. "Together, we're positioning our state to be a national leader in climate solutions and keeping Minnesota a great place to live, work and raise a family for future generations to come."

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Most of his public statements surround climate change, not air and water pollution, such as the Clean Car rule and green energy jobs.

“The idea that we can create a clean energy future where we can protect our water, protect our land, and do that in a manner that grows the economy in Minnesota,” Walz said after the 2023 session passed legislation containing [40 different environmental law](#) changes.

[Another law](#) that session required assessments of “cumulative impacts” of environmental degradation in what are termed environmental justice areas. Those are areas of the state where pollution disproportionately endangers communities of color. But even that law [was narrowed](#) after complaints from some businesses, labor unions and local governments.

A mining compromise at the DFL convention

Tensions over environmental protection and jobs also surfaced at the state DFL convention over a perennial subject: mining. In that case, however, a compromise platform statement satisfied both environmental organizations and labor unions.

The “Prove It First” movement wants a moratorium on copper-nickel mining until its impact on the environment, especially water, is proven. Labor opposes the concept and argued that mining could be done safely and that the minerals are needed for climate change technology.

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The group had proposed a DFL party resolution stating that the party “supports the Minnesota Legislature holding hearings on the proposed Prove It First legislation, and supports withholding all permits for copper nickel sulfide mines in Minnesota until it can first be proven that such mines can be operated safely in our water rich environment and not violate state, federal, and tribal water quality standards.” The measure relates to the [rejection of such hearings](#) by DFL legislative leaders this past session.

Labor leaders, led by the Laborers International Union (LIUNA), said they would support the measure if the words “the proposed Prove It First legislation” was removed. It was and the resolution was easily adopted.



[Peter Callaghan](#)

Peter Callaghan covers state government for MinnPost. Follow him on Twitter [@CallaghanPeter](#) or email him at pcallaghan@minnpost.com.

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