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Environmental Organizations Catalog Walz Administration's Repeated Failures to Stop Polluters

"People Not Polluters" Demand Legislative Hearings on State Agency Failures

St. Paul, MN, June 10, 2024 — An informal group of environmental organizations has cataloged a pattern of unwillingness by the Walz Administration to enforce environmental laws. The People Not Polluters website (www.peoplenotpolluters.com) includes twelve examples of agency failures from all around the state including state responses to nitrate pollution from agriculture in southern Minnesota, destruction caused by the Line 3 pipeline in northern Minnesota and air pollution from Smith Foundry in Minneapolis.

Longtime environmental advocate Don Arnosti said, "These are not isolated incidents. Again and again, state agencies refuse to use the tools the legislature has provided to protect Minnesotans and our environment." Arnosti said the problem of polluter capture is not new, adding, "Governor 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."

The organizations supporting the "People Not Polluters" project include Climate Generation, CURE, East Phillips Neighborhood Institute, Friends of the Boundary Waters, Health Professionals for a Healthy Climate, Izaak Walton League of America - Minnesota Division, Minnesota Environmental Justice Table, Minnesota Environmental Partnership, Minnesota Interfaith Power & Light, Minnesota Well Owners Organization, MN350, Pollinator Friendly Alliance, Sierra Club North Star Chapter, TakeAction MN, Waadookaamad Amikwag, and WaterLegacy.

Organizers said "polluter capture" of state agencies is a form of regulatory capture "where corporate polluters have too much influence over how they are regulated." The examples of polluter capture of state agencies cited by the coalition included the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), Department of Health and the Department of Agriculture.

Environmental Justice At Stake

“Polluting industries like Enbridge say they care about Indigenous concerns, but they don’t,” said Dawn Goodwin, a water protector from White Earth and member of the RISE Coalition who opposed the [Line 3 Pipeline](#) (Agency Failure #3). “They will say what they need to say to get their permit, then do what they want. They do not care about us, our trauma, or our Treaties. We needed the Walz Administration to care, and it didn’t. It promised environmental justice and Tribal consultation and it failed.”

“The MPCA ignored community concerns about [pollution from the Smith Foundry](#) (Agency Failure #2) for years,” said Joe Vital, organizer with the East Phillips Neighborhood Institute. “Our community has high asthma rates and the foundry’s fine-particle pollution contributes to the problem. It took a surprise inspection from the U.S. Environmental Protection Agency (EPA) to bring to light something we have known for years. We don’t understand why the MPCA has sided with a polluter for so long.”

The MPCA allowed [Northern Metal metal shredder](#) (Agency Failure #5) in North Minneapolis to continue operating for a decade, in spite of ongoing asthma-inducing air quality violations. “If Northern Metal was in Linden Hills, it would have been shut down quickly,” neighborhood activist Roxanne O’Brien told the Twin Cities Daily Planet. “But apparently, we’re expendable...”

Courts and Federal Agencies

Several examples of agency failures cited by the coalition included courts or state agencies validating concerns raised by advocates. This includes:

- The MPCA’s failure to identify significant air permit violations by Twin Cities-area foundries that only came to light after surprise EPA inspections;
- The DNR’s misuse of federal funding meant for improving wildlife habitat which instead benefited the timber industry;
- The Minnesota Supreme Court’s 2023 ruling finding the MPCA was “arbitrary and capricious” and engaged in irregular procedures to avoid dealing with EPA concerns when it issued wastewater permits for the proposed PolyMet NorthMet Mine;
- A multi-state-agency failure to address dangerous levels of nitrate contamination from farm runoff getting into private wells in Southeastern Minnesota. The EPA addressed its concerns to the MPCA, and the Minnesota departments of Health and Agriculture. It estimated 9,218 residents were or still are at risk of excess exposure. It ordered the state to provide those residents the opportunity to get alternate drinking water until nitrate contamination falls below the danger level.

“This isn’t just a matter of opinion,” said Paula Maccabee, Advocacy Director and Counsel for WaterLegacy. “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.”

Voluntary Measures Don't Work

Coalition partners noted the pattern that state agencies too often rely on incentives or other voluntary measures that have not been effective.

“Everyone depends on clean water. And Minnesotans have a right to expect state agencies to enforce the law to protect our water and our health. But the Walz administration won't do it. They continue to rely on the failed approach of asking permit holders to voluntarily reduce pollution. So it's time for the legislature to exercise their oversight authority and hold hearings,” said Jeff Broberg, the founder and current board member of the Minnesota Well Owners Organization (MNWOO), which opposes [nitrate pollution](#) (Agency Failure #1). “The agencies need to be held accountable in public. Why do they think voluntary measures will suddenly start working?”

Call For Legislative Hearings

The People Not Polluters website includes a [tool for citizens to ask Legislators to hold oversight hearings](#).

“Our state's environmental community – and all Minnesotans – are counting on state agencies to protect our health and our common home,” said Steve Morse, Executive Director of the Minnesota Environmental Partnership. “We ask Legislators to fulfill their constitutional role to ensure the agencies live up to their responsibilities and secure clean water and air for all.”

“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 Sierra Club North Star Chapter.