

HOUSE RESEARCH

Bill Summary

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Authors: Wagenius and Poppe

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Analyst: Colbey Sullivan

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Overview

This bill would establish a new Minnesota Agricultural Water Quality Certification Program administered by the Minnesota Department of Agriculture (MDA). A farmer could choose to participate in the voluntary program. To become certified, a farmer must demonstrate compliance with all applicable environmental rules and statutes and score well on a new assessment tool developed by MDA in consultation with other state agencies. State agencies would presume that a certified farmer is contributing his or her share of any targeted pollution reduction plan applicable to the certified farmer.

Section

- 1 Purpose.** Authorizes MDA, in consultation with named state agencies, to implement the new voluntary program. Requires an initial pilot program in selected watersheds until MDA determines the program is ready for expansion.
- 2 Definitions.** Defines key terms.
- 3 Certification instrument.** Requires MDA, in consultation with named state agencies, to develop a certification instrument to determine whether a farmer's water quality and management practices are consistent with state water quality goals and standards.
- 4 License.** Requires a license for each person who performs the required farm certification services. MDA would set the license fee. A licensed certifying agent could not certify a farmer if the certifying agent previously provided technical assistance to the farmer. To be eligible for licensure, a person must be an agricultural conservation professional employed by the state, a local Soil and Water Conservation District, or the United States Department of

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Agriculture's Natural Resources Conservation Service. Alternatively, the person could be a Minnesota certified crop advisor. In addition, a person must pass an exam and meet continuing education requirements.

- 5 **Duties of a certifying agent.** Requires an agent to use the certification instrument to assess whether a farmer is eligible for the program. If the agent concludes the farmer is eligible, the agent must notify MDA and request that MDA issue a certificate to the farmer. If a certifying agent violates any provision or an MDA order, the commissioner may issue a warning or suspend or revoke the agent's license. The agent could appeal to an Administrative Law Judge.
- 6 **Certification procedures.** Requires a farmer who wishes to be certified to conduct an initial assessment, obtain necessary technical assistance, achieve a satisfactory score on the certification instrument, and apply for certification to a certifying agent. If a certified farmer obtains control of additional farmland, the farmer must notify the certifying agent and certify the new farmland within one year. MDA may terminate the farmer's certification for failure to do so. MDA could revoke certification and seek monetary reimbursement from a certified farmer who fails to maintain certification criteria. A farmer could appeal under the same appeals process established for certifying agents in section 5.
- 7 **Certification certainty.** States the benefits and obligations of a participating farmer. A certified farmer would be 1) certified even if the farmer does not comply with new water protection laws that take effect during the certification period, and 2) considered to be meeting their contribution to any targeted pollution reduction (as in a Total Maximum Daily Load plan issued for an impaired water body pursuant to the federal Clean Water Act). A certified farmer would be required to 3) continue implementation of practices that maintain certification, and 4) retain all certification records.
- 8 **Audits.** Requires MDA to randomly audit certifying agents and certified farmers.
- 9 **Data.** Classifies all data that identifies farmers or their location as nonpublic or private data on individuals. Requires MDA to make summary data of program outcomes available.
- 10 **Rulemaking.** Authorizes MDA to issue rules to implement the program.
- 11 **Reports.** Requires MDA to report biennially to the legislature.
- 12 **Granting.** Authorizes MDA to use gifts or other state accounts to issue grants, loans, or other financial assistance.