

Wild Rice Legislation (SF 2983 and HF 3280)

Fiction vs Truth

THE CLAIM	THE TRUTH
<p>Sulfate is beneficial to wild rice, and is used by those growing it commercially to promote healthy crops of cultivated wild rice.</p>	<p>MISLEADING: Paddy rice and wild rice are grown using different methods. Paddy rice does not stay submerged throughout its growth period, which stops the deleterious sulfide from being formed. Paddies are allowed to dry out seasonally, which removes sulfide before it reaches toxic levels. As a result, paddy rice will tolerate and may benefit from some sulfate being present. True wild rice is harmed by sulfate which is transformed to sulfide by bacteria in submerged soils.</p>
<p>The Administrative Law Judge found the MPCA’s proposed sulfate standard to be “invalid” and that it was not based on sound science.</p>	<p>FALSE: The ALJ found that the implementation of the proposed rule was flawed, but specifically found that the PCA’s equation-based sulfate proposal is scientifically supported.</p>
<p>The 10 mg/L standard is “out of date” and not supported by “current science”.</p>	<p>FALSE: Science does not become “outdated” simply through the passage of time. Only when the original science is superseded by new science can the old science be deemed “outdated.” New science established that the current legal sulfate standard is valid, but the standard can now be applied in a more refined manner due to the MPCA’s recent scientific work which identified other factors important to understanding sulfate’s toxicity.</p>
<p>If the bill does not pass, the current 10mg/L standard could go into effect, even though the standard conflicts with modern science and has never been enforced. (Unattributed hand-out at Senate Finance hearing 4/11/18)</p>	<p>FALSE: The current standard will remain in place under federal law and it has been enforced by MPCA on two occasions. The 10 mg/L standard does NOT conflict with “modern science” and remains a relatively protective measure, although science has now established how the toxicity results, and when the standard can be made less strict (i.e., carbon/iron relationship). If the bill does not pass, the MPCA will continue to work on a revised rule to protect wild rice. MPCA is ALREADY prevented by state law from enforcing the current 10mg/L standard until the rulemaking is completed.</p>
<p>The costs to the WWT plants downstream of the WLSSD will be astronomical, as high as \$500 million to comply with the sulfate standard. (Unattributed hand-out).</p>	<p>FALSE: The MPCA has stated that the standard will not apply to WLSSD, since none of the waters downstream of the WLSSD plant are wild rice waters. To assist in compliance, MPCA has options during permitting, such as variances and schedules of compliance.</p>

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<p>No sulfate standard is needed, because no other state has one, and wild rice is doing just fine across Minnesota.</p>	<p>FALSE: No other state has a wild rice sulfate standard because no other state has such a rich wild rice resource. This is a unique Minnesota resource, as the legislature recognized when wild rice was established as Minnesota's state grain.</p>
<p>The fact that the sulfate standard does not appear in any current permits means that it is not fair to ever enforce it against any business or wastewater discharger. (Unattributed hand-out)</p>	<p>FALSE: The opposite is true. The fact that MPCA has not generally included limits in permits (it has done so in two cases, but the legislature has prohibited MPCA from enforcing those limits) means that it IS FAIR to enforce the standard now because no party has already spent money to comply with it. If the rulemaking is completed, all parties will get a fresh start.</p>

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