



Wild Rice Sulfate Standard

BACKGROUND

[Minnesota rules](#) protect wild rice from sulfate pollution, which recent scientific studies prove can be fatal to wild rice. This rule, adopted in 1973, has only sporadically been enforced in water pollution permits. There have been a series of efforts to legislatively repeal this standard and require rulemaking to replace this standard. In 2011, the Minnesota Legislature directed the MPCA to do a new rulemaking. This process took seven years, and included funding from the Legislature to conduct new scientific research to determine the level of sulfate that damages wild rice. Ultimately this rulemaking, which would have created a formula based on several factors, was rejected by an Administrative Law Judge in 2018 because of the failure to “establish the reasonableness of the rule” and because it conflicted with the Clean Water Act.

Subsequently, another challenge to the wild rice sulfate standard emerged. U.S. Steel petitioned for a “site specific standard,” effectively a zone where higher sulfate pollution was allowed, downstream of their Keetac mine. The MPCA denied this request in April 2024, finding that it was not “scientifically defensible.” U.S. Steel sued, and at the end of March 2025, the Minnesota Court of Appeals rejected that appeal, upholding the MPCA’s decision.

Republicans in the House Workforce committee [attempted to graft repeal of the wild rice sulfate standard onto a needed extension of unemployment insurance benefits](#). While this was rejected, this language has resurfaced as the DE2 amendment to HF 3023.

KEY POINTS

- The wild rice sulfate standard currently limits sulfate to 10 mg/L on waters that are used for the cultivation of wild rice (which includes naturally occurring wild rice stands.) This limit is backed by [extensive research](#), including recent research funded by the Minnesota Legislature.
- [The amendment](#) would replace it with a statute that requires approval of any application for a site specific standard, prohibits the MPCA from requiring any permittee from being required to spend money to reduce sulfate, and requires the MPCA to once again attempt to rewrite the sulfate rule in the same manner that was rejected in 2018 for violating the Clean Water Act.
- The wild rice sulfate rule, the rulemaking to replace it, and the MPCA’s decision to deny U.S. Steel’s request for a site specific standard have been extensively litigated by the State of Minnesota, the Fond du Lac Band of Lake Superior Chippewa, a number of other tribal governments, WaterLegacy, and the Minnesota Center for Environmental Advocacy.

- On March 31, 2025, the Minnesota Court of Appeals rejected U.S. Steel's appeal of MPCA's decision to deny a site specific standard, finding that the MPCA had not committed an error of law and rejecting U.S. Steel's argument that MPCA's decision was not supported by substantial evidence.
- Federal environmental standards are being reduced, federal workers responsible for enforcing federal environmental laws are being stripped of their union rights and fired, and we can no longer depend on the federal government to protect clean water. That's why upholding and strengthening Minnesota's environmental protections are essential.
- This is an extremely important rule and this amendment would have significant implications for Minnesota environmental policy. At a bare minimum, this change should be fully vetted, testimony should be allowed from all sides, and the Attorney General should be consulted to determine the impact this change would have on existing and future litigation. It should not be adopted as an amendment, especially when this has never been heard as a bill in either body.
- The State of Minnesota and other litigants have spent thousands of hours and millions of dollars on scientific research, rulemaking, and legal work related to the wild rice sulfate rule. Despite efforts to portray this rule as unscientific and unsupported, a series of scientific studies and judicial decisions have upheld the existing 10 mg/L standard. If adopted, this amendment would wipe away all of that work and disregard the scientific research into the impact of sulfate on wild rice that taxpayers paid for.
- Wild rice, and regulations to protect it from pollution is a matter of great importance for tribal governments and indigenous people in Minnesota. This is a matter for government-to-government consultation, not a surprise amendment to a budget bill.
- This amendment would require a rulemaking. Rules are created through a detailed process culminating in an administrative law judge review, where all sides get to present evidence, and where public comment is taken. The Senate State and Local Government committee has jurisdiction over rulemaking, and this committee has not vetted this amendment.
- For years, advocates for the mining industry have said that people "should trust the process" and "Minnesota has the highest environmental standards." If adopted, this amendment would directly contradict both of these statements. **This amendment is not just changing the rules in the middle of a game, it's changing the rules after you've already lost the game and demanding a do-over.**
- This amendment would reduce environmental standards and **allow increased sulfate pollution at every existing taconite mine in Minnesota and at every copper-nickel mine proposal in the future**, including the Twin Metals proposal next to the Boundary Waters, the NewRange proposal (formerly PolyMet) near the St. Louis River and upstream of Lake Superior, and the Talon Tamarack proposal upstream of the Mississippi and St. Croix Rivers.



For additional information:

Aaron Klemz, Chief Strategy Officer,
Minnesota Center for Environmental Advocacy

aklemz@mncenter.org // (763) 788-0282