

The Land Stewardship



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The Whitewater Whistleblower

Paul Wotzka says he was doing his job by sharing his taxpayer-funded research with the public. So why was he fired?

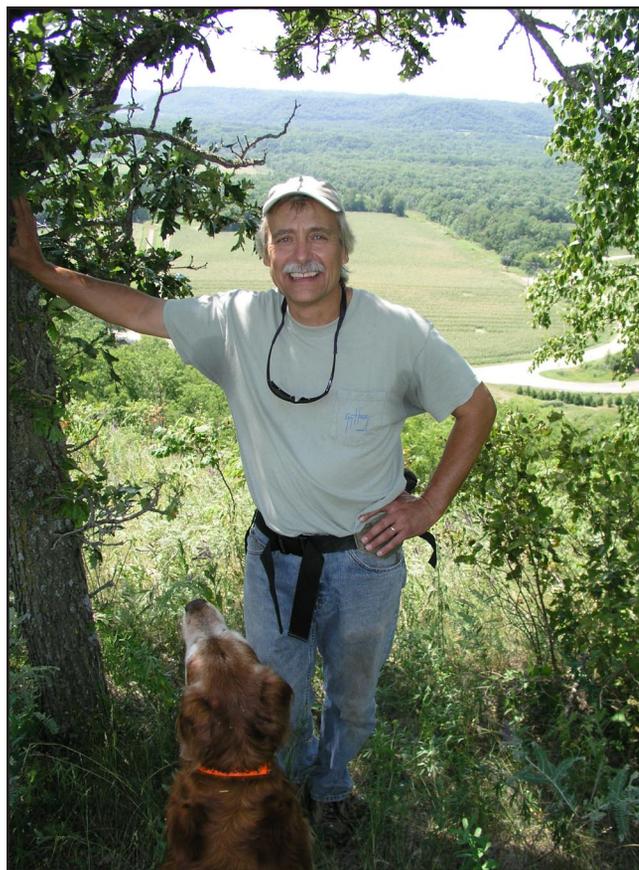
By Brian DeVore

Paul Wotzka's home sits at the base of one of those bluffs that overlook the Mississippi River in southeast Minnesota. From the top of the bluff, one can see the Mississippi's Weaver Bottoms marsh and the Whitewater River Valley simultaneously. But on a recent summer morning, Wotzka was more interested in how a patch of compass-plants was managing to thrive in a goat prairie on the side of the bluff in thin soil under droughty conditions.

"These leaves are like sandpaper," he exclaims as he stoops for a closer look.

Resiliency and toughness are on this man's mind a lot these days, as he takes on a battle that pits him against the State of Minnesota, and, by extension, against a sector of agriculture that would rather not discuss the downsides to a monocultural cropping system.

For over 16 years, Wotzka was a highly-respected hydrologist working for the state, doing cutting-edge research on pesticides in surface water. This spring, he was fired after he asked permission to testify about his research before a state



Hydrologist Paul Wotzka on a bluff overlooking the Whitewater River. "I'm taking public information and giving it to the public," he says. "I've always viewed that as part of my job: inform the public about how their tax money has been spent." (LSP photo)

legislative committee. Wotzka has filed a federal whistleblower lawsuit, claiming that his First Amendment right to free speech has been violated. Wotzka's former employer maintains that his firing is a simple case of an employee not following the rules. But this case is about a lot more than one civil servant who had a difference of opinion with his supervisors. At issue is how publicly-funded science is used to influence policy, the role industry plays in the regulatory system, and the public's right to know.

"Scientists tend to look at our shoes too much and say, 'I don't want to enter into the public policy arena,'" says Wotzka. "Well, somebody has to give the straight story."

Atrazine & water

The straight story Wotzka feels he has to tell is this:

From 1990 to late 2006, he worked as a hydrologist for the Minnesota Department of Agriculture (MDA) monitoring pesticide levels in surface water. What he found was that one of America's most popular weed killers is frequently finding its way off crop fields and into the water of the Middle Branch of the Whitewater River. The herbicide,

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known as atrazine, has been an inexpensive, effective killer of weeds for 48 years. That's why it was used on around 45 percent of the 7.3 million acres of corn planted in Minnesota in 2005, according to the USDA. In fact, more than 1.6 million pounds of the pesticide were used in the state that year alone. But the characteristic that makes it an effective weed killer—its stability and ability to stick around for as much as 100 days in the soil—also makes it a pollution problem. Studies have shown that it can be carried away by surface runoff after application, or can be taken up into the atmosphere, only to return later, sometimes several states away, as precipitation. Once it leaches into groundwater—the water that is beneath the soil in subterranean aquifers—atrazine can remain there for decades. In states like Minnesota, atrazine is by far the most commonly detected pesticide in surface and groundwater.

Wotzka's research showed over the past several years levels as high as 30 parts per billion in the Whitewater after storm events. The Environmental Protection Agency's drinking water standard for atrazine is three parts per billion, and research conducted by the University of California-Berkeley's Tyrone Hayes shows that exposing frogs to as little as 0.1 parts per billion of atrazine causes severe health problems, including inducing a kind of chemical castration. There is mounting evidence that atrazine is an endocrine disrupter, a chemical that messes up hormonal activity in animals, and possibly humans, causing severe problems at extremely low levels.

The European Union has declined to re-register the herbicide because of concerns about its impacts on human and environmental health. The U.S. EPA re-registered the pesticide in 2006, but during the registration process acknowledged there were concerns related to atrazine's effect on amphibians. The EPA has since convened a panel of scientists and may release results on that additional research as early as October.

Wotzka has also found that nitrogen, a keystone fertilizer for row crop farming, is showing up in increasing amounts as a pollutant in the Whitewater.

Pesticides and nitrogen fertilizer take different paths to waterways—the former tends to run overland, while the latter

percolates down through the soil profile. But Wotzka blames the same culprit for the increased contamination levels of both ag inputs: the growing prevalence of annual row crops that cover the land in the watershed only a few months of the year. Corn and soybeans are replacing pastures, hay ground, wooded acres and other year-round plant systems. Since 1975, in a nine-county region in southeast Minnesota, corn and soybeans have gone from 64 percent of all farmed land to more than 82 percent. Combine that with the fact that in recent years more of our heavy rains are coming in the spring, when crop fields are less covered in vegetation and thus more vulnerable, and it's a recipe for disaster, he says.

"I think the goal should be to keep soil, nutrients and pesticides in place," says Wotzka. "The pesticides, the

Want more on atrazine?

The website www.atrazinelovers.com contains links to the latest scientific, environmental and health information related to the pesticide.

nutrients, the soil do wonderful things to grow crops. But the minute they enter aquatic systems, they wreak havoc."

Over the years, Wotzka has not been shy about sharing his results with the public. He has given presentations on his research to farm groups, watershed organizations, physicians, fishing enthusiasts and the general public.

"I'm taking public information and giving it to the public," says Wotzka of these presentations. "I've always viewed that as part of my job: inform the public about how their tax money has been spent."

When talking about agrichemicals in water, Wotzka makes it clear he doesn't blame farmers. He knows they want to do the right thing, but are often forced to use something like atrazine in a vulnerable area because they feel they have no viable alternative for weed control. And many believe they've actually cut atrazine out of their cropping systems, only to find out later it's contained in a tank mix consisting of several chemicals.

"There are now over 90 tank mixes, maybe over 100, containing atrazine. Nobody keeps track of that stuff," says Wotzka.

He lays the blame on government policies that don't inform farmers of such

issues, and, perhaps even worse, promote increased plantings of row crops like corn in environmentally sensitive areas.

Between 2000 and 2004, as he watched atrazine levels go up in the Whitewater, the hydrologist became more adamant that the MDA take action.

"In 2004, we saw levels that we hadn't ever seen before," Wotzka recalls. "We were finding higher and higher concentrations, and I wouldn't let [MDA officials] forget about it."

Agriculture Department officials acknowledge that atrazine is in the water, but say it does not exceed health standards because it is not at those high levels for extended periods of time. The MDA sees as a solution the promotion of voluntary best management practices in cropping areas, such as suggesting that farmers don't apply atrazine within a certain distance of wells, and that grassy buffers be used along streams. Wotzka argues that endocrine disruption research shows the health standard is not low enough, and that even those short-term spikes should be of concern. He also feels voluntary best management practices have limited effectiveness, given atrazine's residual nature and ability to move about in the atmosphere. He says he was all but ignored by MDA officials.

Finally last October, Wotzka had had enough. When a hydrologist position at the Minnesota Pollution Control Agency (MPCA) came open, he applied for it and was hired.

In March, Wotzka's research caught the attention of Ken Tschumper, a southeast Minnesota dairy farmer and freshman member of the Minnesota House of Representatives. During the 2007 session, Tschumper and Sen. John Marty, with the support of the Land Stewardship Project, spearheaded a group of bills that would tighten regulation on pesticides such as atrazine. Tschumper contacted Wotzka and asked that he testify before the Housing Policy and Finance and Public Health Finance Division committee on March 23. The hydrologist responded by sending a copy of a presentation to Tschumper. He also sent a request to testify to his supervisors. (That turned out to be a big week for atrazine at the capitol—during a March 21 hearing on another one of Tschumper's pesticide bills, Tyrone Hayes went head-to-head with Timothy Pastoor, head of Human Safety Assessment for Syngenta, the main manufac-

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turer of atrazine.)

A regional MPCA supervisor turned down Wotzka's request to testify at the March 23 hearing, arguing that the research Wotzka was to present to the committee was done while he was an MDA employee.

Wotzka feels that the real reason is his testimony would have run counter to what the MDA's line is on atrazine contamination. Indeed, when the committee hearing was held, Dan Stoddard, Assistant Director of the MDA's Pesticide and Fertilizer Management Division, conceded that although surface water research showed sharp spikes in atrazine, health standards were not exceeded because those increases were temporary.

A week after the hearing, Wotzka was placed on "investigatory leave." He was told it was for allegedly destroying data while at the MDA and forwarding mail from his MDA address to his MPCA office. On May 8, Wotzka was fired. State officials have declined publicly to comment on the situation, only saying that they do "good science" on pesticides and that the hydrologist's firing is a personnel matter.

Wotzka says his whistleblower lawsuit challenges the state's allegations against him. He believes the firing was simply meant to silence him and undermine his public credibility as an expert on pesticide contamination in water. Public criticism of atrazine is not popular in Saint Paul: Hayes himself was dis-invited from giving a keynote at an MPCA conference in 2004 after concerns were raised his presentation would offend agribusiness interests.

Atrazine at the legislature

In some ways, the controversy over Wotzka's firing threatens to overshadow the fact that some important legislation related to pesticides was on the front burner in Saint Paul this year.

One bill among by Tschumper and Marty became law. Among other things, it lowers the standard for atrazine in private drinking water supplies from 20 parts per billion to three parts per billion, bringing it in line with EPA limits, which were already in place for Minnesota's public water supplies. And in March 2008, the Minnesota Department of Health has to start examining the possi-

bility of establishing new health limits for 11 of the most common contaminants, including atrazine, found in the state's water. The last time such an assessment was done was the early 1990s.

"A ton of research has been done since then," says Tschumper. "The whole field of endocrine research is relatively new."

(LSP played a critical role in getting this legislation passed by getting 21 farm, religious, conservation and environmental organizations to sign a letter supporting raising the health risk assessment levels for atrazine.)

The passage of that legislation provides a good basis for other pesticide legislation becoming law in the near future, says Tschumper. For example, he and Marty plan on reintroducing a proposal to shift registration of pesticides from the MDA to the Health Department.

"The MDA's job is to promote agriculture, and it does an excellent job of that," says Tschumper. "But I believe it lacks the expertise to do health risk assessment. Having MDA regulate pesticides creates an inherent conflict of interest." He cites a recent Legislative Auditor's report that found while in general the MDA does a good job of regulating pesticides, its health risk assessment is lacking.

Paul Sobocinski, an LSP organizer who raises crops and livestock in southwest Minnesota, testified in favor of the Tschumper-Marty bills. Sobocinski, who has used atrazine in the past, says he doesn't think the pesticide should be banned outright at this time. But he thinks this kind of legislation is a step in the

right direction to get more information on the health impacts of pesticides. Farmers want to be careful how they use these chemicals, since they and their families are on the front lines of health issues related to agrichemicals, he says.

More support for alternatives to dangerous chemicals is also needed, such as funding for sustainable agriculture research, says Sobocinski.

"I think it's important we get unbiased research on the health risks of various chemicals, so farmers have options," he says. "That goes for chemicals used by homeowners on their lawns as well."

A message for public servants

Meanwhile, Wotzka does some consulting, talks about his research and works with his attorneys on building a case for the lawsuit. He says it's been tough to have his credibility as a scientist and a public servant called into question, but he's been heartened by the outpouring of support he's gotten from the public, as well as former co-workers.

Among other things, Wotzka's lawsuit asks for monetary compensation of at least \$75,000. But he says the main goal of the lawsuit is to expose some of the methods used by state officials to silence him. Wotzka also thinks it's important to show other public employees that they should feel free to speak out, even when what they say makes powerful interests uncomfortable.

"There are subtle ways the people in power can rein you in," he says. "But in the end, we work for the public." □

Land Stewardship Project

This article was originally published in the Summer 2007 edition of the *Land Stewardship Letter*, the official publication of the Land Stewardship Project. Founded in 1982, the Land Stewardship Project is a private, nonprofit, membership organization devoted to fostering an ethic of stewardship for farmland and to seeing more successful farmers on the land raising crops and livestock.

Our members are farmers, rural residents, suburbanites and urbanites. Together we are working together to develop a family farm based system of sustainable food production. We would love to have you as a member.

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- **White Bear Lake:** 651-653-0618
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