



SENATE BILL NO. 2174
SENATE AGRICULTURE AND VETERANS AFFAIRS COMMITTEE
LARRY LUICK, CHAIR
TESTIMONY IN SUPPORT OF SENATE BILL 2174

Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee, I am Parrell Grossman, and it is my privilege to be the Legislative Director for the North Dakota Soybean Growers Association. I appear in support of Senate Bill 2174.

The North Dakota Soybean Growers Association advocates for 8,900 operations that raise soybeans in North Dakota. In 2024, those soybean farmers planted 6,600,000 acres of soybeans, producing over 245 million bushels of soybeans.

This Committee is already well-aware that, according to a 2022 North Dakota Agriculture Industry Economic Contribution Analysis conducted by the NDSU Department of Agriculture, the economic contribution to North Dakota is \$30.8 billion, including \$18.8 billion from direct output and \$12 billion from secondary output.

The Model Zoning Task Force was facilitated and led by Commissioner Goehring and his staff in the Department of Agriculture. Thank you to that agency and, particularly, to Shaun Quissel, for all their hard work in this area. The task force was comprised of representatives of the Department of Environmental Quality, counties and townships, planners and many different agricultural commodities groups. Each agency, entity, or organization brought significant expertise to the group and process. It consisted of many meetings over a 20-month period which included many discussions, diverse opinions, and research including other states' setback distances laws, as well those states' use of odor footprint tools in determining and regulating setbacks for animal feeding operations, or "AFOs." These scientific odor footprint tools have significantly changed the hard and fast rules of setback distances that are nonscientific or otherwise may be arbitrary.

The Association supports this legislation for many reasons. Standardizing setback distances for AFOs serves several purposes, including balancing agricultural interests, environmental protection, and community concerns.

Among other reasons, standardized setbacks support agricultural growth because AFOs are a market for many crops or value-added products, that are suitable for animal feed, including soybeans, corn, barley, wheat, and oats. Soybean meal is a high-quality protein feed ingredient for many animal species. Soy meal is cost-effective and readily available in North Dakota, ensuring a reliable supply chain for AFOs.

In addition to enhancing crop marketing opportunities for North Dakota farmers there are multiple compelling reasons for standardization include:

1. Protecting public health and quality of life, including odor mitigation, air quality, and water protection. These setbacks reduce the likelihood of odor-related nuisances affecting nearby residents, businesses, and public spaces. These setbacks provide adequate space between AFOs and sensitive areas and help limit exposure to airborne contaminants, such as ammonia and particulate matter. Appropriate setbacks from water sources can help prevent runoff from contaminating drinking water supplies, rivers, and lakes.

Providing predictability and clarity. For producers, farmers and ranchers benefit from clear, uniform setback standards, as they provide predictable requirements when planning new or expanded facilities. For example, an entity considering a dairy operation in North Dakota must be able to know the “rules of the road” in considering whether to locate its operations here. Uniform setbacks reduce delays caused by confusion over inconsistent regulations. Residents and local governments can be confident knowing AFOs will be developed with minimum distances to safeguard their environment and property values.

2. Supporting Agricultural Growth. Standardized rules streamline the permitting and approval process for AFOs, reducing regulatory hurdles. Producers can design facilities knowing they meet state or local standards without fear of subjective or inconsistent decisions.
3. Finally, the use of the odor footprint tool will help align the setbacks with science-based policies. Studies based upon odor dispersion modeling support

the use of an odor footprint tool, allowing both flexibility and maintaining a consistent baseline for all operations.

The Association emphasizes the potential for enhancing the soybean market, and the market for other crops produced by our farmers, as well as the other economic benefits to the surrounding areas of AFOs. This legislation will fairly and effectively allow or facilitate the locations of existing or potential AFOs.

The Agriculture Department and Model Zoning Task Force invested significant expertise and thoughtful debate in this work-product and has proposed this legislation. The Association appreciated the opportunity to participate and recommends this legislation as a favorable result.

Mr. Chairman and members of the Senate Agriculture and Veterans Affairs Committee, the Association respectfully urges you, after thoughtful consideration and debate, to give Senate Bill 2174 a “Do Pass” recommendation.

Thank you for your consideration and I would be pleased to answer any questions.