

HB 1423 Testimony

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Good morning Chairman Luick and members of the Senate Ag Committee. My name is Randy Coon and I farm in Hill and Howes Townships in Cass County, North Dakota. I previously testified against SB2345 in the 2019 Legislative Session. I was opposed to this bill because (1) it removed the piglets from the animal unit (AU) count, and (2) it removed local control regarding setback variances. The “compelling evidence” attached to setback variance was never defined and was used to reject the evidence provided by the townships. During the House Ag Committee hearing, one of the Representatives stated that everyone got together and came up with a set of rules, but they were no longer working. I disagree with that statement. Seven farmsteads circled the proposed site in Howes Township, and without the variance all of them would have been subjected to the problems associated with a hog concentrated animal feeding operation (CAFO). In this case, I believe the local control accomplished what the law intended it to do.

My farmstead was one of the seven located on the periphery of the proposed hog CAFO. I fully recognize the difficulty in finding fair and adequate setbacks for CAFOs. It pits commodity groups and corporations against rural North Dakota residents. These rural residents have established a quality of life and a lifestyle that they do not want to give up. The problems associated with hog CAFOs are well documented and have resulted in citizens standing up for themselves. I was one of the people who was against the CAFO locating in Howes township. I own and rent land that I farm in that township and felt I needed to protect my investment and I consider myself a caretaker for my landlords property.

The problem with setting up setbacks with associated animal units is that no two sites are exactly the same. For example, the Howes Township proposed site sits right on the shoreline of the historic Lake Agassiz. This is a very environmentally sensitive area. The soils there contain soil eskers (natural occurring drain fields) which would take any contaminates from the CAFO to waterways. Also, this area has a large amount of Hamerly-Tonka soils, which the National Resource Conservation Service (NRCS) rates as the worst possible location for liquid manure application. Another example is the Devils Lake area. This is probably the premier recreation area in North Dakota. I did an economic contribution study in 2018 for the Devils Lake area and those recreation activities generated almost half a billion dollars of economic activity for the state of North Dakota. In 1918, Iowa state senator David Johnson stated that “..... pristine areas could be threatened by livestock runoff and just the odor.” Senator Johnson added, “It’s a

huge economic issue. They ought to declare tourism counties with different rules.” That amount of business activity for the state should not be sacrificed for a hog CAFO. Clearly, a one size fits all setback rule will not serve the people of North Dakota well.

I am opposed to this bill unless changes can be incorporated to make it more equitable to rural North Dakota residents. With the amendments added to HB1423, it has the potential to provide a mutually agreeable set of setback rules. The “compelling evidence” should be set aside until the select committee makes recommendations for the 2025 Session. The proper counting of the piglets must be reinstated. Under counting the AUs serves no good purpose. The result of the select committee will be totally dependent upon the makeup of the committee. It appears to me it is a stacked deck in favor of the pro-CAFO interests. Hopefully, some citizens who have valuable information regarding the hazards of CAFOs can be added to the committee. The committee should include citizens who are not part of commodity groups or in political positions, to help obtain fair and balanced input. I would also like to ask you to please read a couple of short articles using the attached links. The first is a letter to the editor by Dr. Bill Henke from Detroit Lakes, Mn regarding the health hazards attributed to hog CAFOs, and the other is an article based on a report by David Swenson, a regional economist at Iowa State University, documenting the effect hog CAFOs have on rural communities.

Thank you for reading my testimony and letting me express my views.

<https://www.dl-online.com/opinion/letters/letter-antibiotic-resistance-is-a-huge-threat-and-concentrated-feedlots-make-it-worse?fbclid=IwAR1PrjVy3o4eH-hpJoh0JTn0ncH6-hqwgEX8zYWzrNITs-fb9q3upWztDsY>

<https://www.theguardian.com/environment/2022/may/05/us-industrial-hog-farming-rural-towns>

