

Testimony of Perry Sullivan
North Dakota Board of Professional Soil Classifiers
SB 2308
February 6, 2025

Chairwoman Roers and members of the State and Local Government Senate Committee, my name is Perry Sullivan. I am a Professional Soil Classifier, and I serve as the chairman of the North Dakota Board of Professional Soil Classifiers (NDBPSC).

I am here today on behalf of NDBPSC to express the Board's opposition to SB 2308, which eliminates NDBPSC. Although NDBPSC doesn't receive any state funding, eliminating it will have a costly and adverse impact to the state and one of its most valuable resources – our soil.

Legislation was passed in 1973 to recognize soil classification as a profession and establish thresholds for entry into the profession (North Dakota Century Code Chapter 43-36). This was particularly important at that time because of the need for reclamation after the onset of extensive surface coal mining. We believe professional and highly trained soil classifiers are even more critical today as North Dakota is on the verge of unleashing its full energy potential through coal mining, oil and gas development, and infrastructure expansion. Responsible energy growth and economic prosperity depend on sound soil stewardship. As the industries grow, the need for qualified, vetted, soil classifiers grows alongside them.

The soil classifiers law is similar to the professional engineering's statute and requires a number of years of experience and a thorough testing program to become registered. The profession is governed by NDBPSC. NDBPSC consists of three professional soil classifiers and two "at large" members, all of whom are appointed by the Governor. NDBPSC's activities are funded solely by exam and registration fees.

Professional Soil Classifiers have a rich history in North Dakota, and we are proud of the work our profession has done to further soil science and survey and soil health, especially with land reclamation. Many companies and private citizens utilize our services. Whether assisting the North Dakota Department of Transportation, conducting wetland work for environmental companies, helping municipalities find suitable landfill sites, or aiding new homeowners with septic system placement, we provide comprehensive support. This is very important work as it has a direct effect on soil health, water quality, environmental health, and ultimately human health.

Eliminating the NDBPSC will leave no checks and balances on who is or is not qualified to do soil classification work in this state. If our Board is eliminated, there would be no vetting process in

place. This change would ultimately hurt not only soil, but also indirectly our water resources and water quality, as well our two largest industries – energy and agriculture.

In addition, North Dakota law mandates the involvement of Professional Soil Classifiers in key regulatory areas. NDCC Section 38-14.1-14 requires a Professional Soil Classifier for mine land soil surveys and reclamation planning. NDBPSC is aware this bill redefines soil classifier in section 38-14.1-14 in an attempt to mitigate the potential drawbacks from eliminating the Board. But the new definition in 38-14.1-14 simply requires an individual to have “special knowledge.” This is not the same as a vetted professional licensed by the NDBPSC.

Many people think soil is endless and indestructible. It is neither. Only about 3 percent of the earth’s surface provides the soil we rely on for agriculture crops, and it is remarkably fragile. It is a priceless, irreplaceable resource and right now soil is struggling for survival.

We are not gaining any more soil, every year more and more soil is being impacted here in North Dakota. Urban sprawl, oil and gas impacts, coal mining impacts, and many other human impacts on North Dakota soils is occurring every year.

NDBPSC is opposed to SB 2308 and strongly urges you to remove NDBPSC from the list of groups slated to be eliminated. Soil classification is essential for responsible land use planning in agriculture, energy development, construction, and conservation and now is not the time to eliminate NDBPSC. In addition, eliminating NDBPSC provides no cost savings to the state.

Our Board has been working for more than 50 years to help safeguard soil, a critical natural resource and welcomes any opportunity to discuss how it can better serve North Dakota and provide additional information on the importance of NDBPSC. This concludes my testimony and I am happy to stand for any questions you may have.