



Modern Ag Alliance Testimony

North Dakota Senate

Agriculture and Veterans Affairs Committee

Testimony

To: Chairman Luick, Vice-Chairwoman Myrdal, and members of the Agriculture and Veterans Affairs Committee

Introduction

Good morning, Chairman Luick, Vice-Chairwoman Myrdal, and members of the Agriculture and Veterans Affairs Committee. My name is Elizabeth Burns-Thompson, and I'm here today on behalf of the Modern Ag Alliance—a diverse coalition of nearly 100 agricultural groups that advocates for U.S. farmers' continued access to the crop protection tools they need to ensure we have a robust and affordable food supply. Our partners in North Dakota include the North Dakota Corn Growers, Soybean Growers, Grain Growers, Northern Canola Growers, and Northern Pulse Growers Associations.

It's an honor to represent the Modern Ag Alliance and North Dakota farmers as I speak in support of HB 1318. Growing up on a farm myself, I have experienced firsthand the challenges our farmers face and the importance of providing them with the certainty they need to keep feeding America.

The Future of Farming is at Stake

From falling commodity prices to rising input costs, North Dakota's farmers are already navigating significant challenges. In an industry that operates at the mercy of Mother Nature and the markets, the last thing farmers need is more uncertainty. For those reasons, North Dakotans are deeply concerned by the actions of the litigation industry and California activists relentlessly targeting the tools our farmers rely on to produce safe, affordable, and abundant food. The Modern Ag Alliance's most recent Ag Insights Survey found that 81% percent of North Dakotans, including 90% of farmers, oppose litigation that could limit access to critical crop protection products.¹

If the litigation industry and California activists win, U.S. agriculture could face a crisis felt not just by farmers nationwide, but at every dinner table across America. Absent legislative clarity

¹ Modern Ag Alliance, "North Dakotans Overwhelmingly Support Farmers' Access To Crop Protection Tools, https://modernagalliance.org/wp-content/uploads/2025/03/MAA_Survey_NorthDakota_2025.pdf

around pesticide labeling, farmers will be forced to make difficult decisions that weigh their livelihoods, our food security, and ultimately, national security.

The Issue

As the nation's leading wheat producer and a major producer of soybeans, corn, and sugar beets, North Dakota farmers depend on herbicides for successful harvests.² Without these tools, crop yields would decline, production costs for North Dakota farmers could more than double, and food prices would climb even higher.³

Unfortunately, a growing wave of meritless lawsuits and attacks from those who don't understand agriculture are jeopardizing North Dakota farmers' access to these tools. How did we get to this point? The herbicides in question undergo more than a decade of rigorous research, analysis, and regulatory review before reaching the market—followed by continuous re-evaluation to ensure their safety and effectiveness.

Yet, the litigation industry has made it clear that they will continue suing American crop protection tool manufacturers until additional warning labels are added to these products. However, regulators have firmly stated that such labels will not be approved. This puts agriculture in an impossible position. Worse yet, this avalanche of lawsuits disproportionately targets American manufacturers while leaving foreign competitors untouched, creating an uneven playing field that disadvantages domestic agriculture and American farmers.

While crop protection tools with a track record of safety and effectiveness spanning over 50 years are the topic today, this situation serves as a bellwether for what's ahead. The uncertainty threatens not just existing technologies but also the future of innovation in agriculture.

Left unaddressed, North Dakota farmers and consumers could face severe consequences:

- Reduced crop yields that threaten our food security.
- Rising input costs that could push thousands of farmers out of business.
- Food inflation more than doubling at a time when North Dakota families are already struggling with sky-high grocery bills.

The Path Forward – HB 1318: Ensuring the Label is the Law

Fortunately, legislators here in North Dakota have offered a path forward. HB 1318 provides the certainty North Dakota farmers need to keep feeding America. That's why it passed the House **unanimously** with strong bipartisan support.

² USDA National Agriculture Statistics Services, "2023 State Agricultural Overview, North Dakota,"

³ Aimpoint Research, "Farm Bill Programs And The Role Of Crop Protection Tools," <https://report-directionsgroup.com/farm-bill/>

In short, HB 1318 simply restates that the federally approved label is the law, and a company can't be subject to relentless litigation for following the law. Despite misleading claims pushed by California-based activist groups, HB 1318 is **not** a blanket immunity bill, and it does not change the responsibilities or duties of any manufacturer. Those duties are the same today as they would be the day this bill is signed into law. What it does provide is much-needed clarity on how companies can meet their legal obligations regarding labeling and warnings, helping provide a more level playing field for domestic manufacturers

Additionally, this bill does not impact liability for issues related to product application, such as drift damage or off-label use. Nor would this legislation change North Dakota's authority to regulate the sale and use of pesticides within the state.

This isn't just good policy—it's an issue that enjoys broad, bipartisan support. Our survey found that 100% of farmers and 91% of North Dakotans are more likely to support leaders who stand with farmers over trial lawyers.⁴ When this issue came before the North Dakota House, lawmakers upheld the will of the people, passing it with a unanimous 88-0 vote.⁵

Conclusion

Let me be clear—this legislation is about protecting the backbone of our food system: America's farmers. They already face enough challenges without the added burden of losing another critical tool in their toolbox. North Dakotans recognize the threat of this spiraling issue and want to see lawmakers stand up for farmers by supporting HB 1318, legislation ensuring farmers can focus on what they do best: growing the food and fuel we all depend on.

⁴ Modern Ag Alliance, "North Dakotans Overwhelmingly Support Farmers' Access To Crop Protection Tools, https://modernagalliance.org/wp-content/uploads/2025/03/MAA_Survey_NorthDakota_2025.pdf

⁵ North Dakota Legislature, HB 1318, <https://ndlegis.gov/assembly/69-2025/regular/bill-actions/ba1318.html>