

Testimony in Opposition to SB2174

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I would like to encourage the committee to give this bill a “Do Not Pass” recommendation. This bill has the feel of a heavy-handed state government taking local control away from townships. This is a slippery slope, and if this bill is passed it will encourage additional actions like this by the the state government. SB2174 contains two separate agendas regarding Animal Feeding Operations (AFO). The bill attempts to greatly reduce setbacks but tries to mitigate those reductions by including an odor model. The odor model is theoretical and has not been proven to provide adequate protection for those residing near an AFO. The real agenda of this bill is to reduce setbacks so the AFO can locate almost anywhere they desire. The recent AFO attempts to locate in Noth Dakota have been in the eastern portion of the state, close to the Interstate 29 and 94 highway systems. This allows the facility to more easily ship its products south to finishing facilities or processing centers. This area of the state is the most populist area and the greatest number of people will be adversely affected by these reduced setbacks.

In a letter to the editor in the AGWEEK, state representative Paul Thomas stated that animal agriculture can help rural communities thrive. He quoted a multiplier of 1.62 from a University of Nebraska study. This would be a multiplier from an input-output model, and its technical name is input-output interdependence coefficient. A multiplier measures the linkages between sectors of the economy. If a net new dollar is introduced into an economic unit for that sector, it will result in an additional 62 cents of economic activity being generated before it exits that economic unit. By comparison, the North Dakota crops sector has a multiplier of 3.685 (Coon et al 1985). The relatively low level of indirect and induced economic activity is due primarily to the basic structure of the AFO industry. This industry is concentrated and integrated, resulting in a small amount of economic activity in the local economy.

The AFO buildings located in rural areas are not innocent buildings sitting on the prairie. These facilities are major sources of pollution and environmental problems. These facilities can be sources for air, land, and water pollution. SB2174 acknowledges that odors from an AFO are annoying. However, the real problem is that the odors are actually hydrogen sulfide, methene, ammonia, and carbon dioxide. These are all considered toxic gases by the Environmental Protection Agency. Hog AFOs store the animal waste in pits below the barns and use fans to exhaust these gases 24/7/365. Without adequate setbacks these gases can have adverse medical consequences for persons with methicillin-resistant staphylococcus aureus (MRSA), chronic obstructive pulmonary disease (COPD), asthma, and cardio-vascular disease. Dairy AFO operations tend to store the animal waste in lagoons because of the larger volumes of waste.

The proposed dairy near Abercrombie is projected to produce over 100,000,000 gallons of waste annually. The Iowa Environmental Council (2023) has estimated the additional health expenses due to AFOs in the state to reach \$167.5 million per year. Reducing the setbacks to the distances proposed in SB2174 reduces the level of protection for rural citizens and could potentially cause detrimental effects to their health.

Water pollution can easily occur if nutrient management plans are not properly implemented. Soil test recommendations should never be exceeded when applying manure to fertilize for the nitrogen and phosphorus crop requirements. Applying manure at recommended rates is fertilizing, but exceeding the recommended rates is simply the dumping of waste. Excess nitrogen run-off results in nitrates in the water and the phosphorus run-off has resulted in the growth of algae blooms. The presence of excess nitrates in the water has been linked to cancer (Schneider 2023), and Iowa, a leading hog producing state, has the fastest growing cancer incidence rate of any state in the United States. The Iowa Institute of Hydraulic Research has monitored the water quality in Iowa and documented the increase in pollution and the lack of response to the problem (Jones 2023). North Dakota has many rivers and streams, and reducing setbacks especially near these bodies of water will cause long-term pollution problems in the state.

Rural residents of North Dakota, many of whom work outdoors, have come to expect a standard of living with clean water, fresh air, and the ability to participate in outdoor activities year around. Reducing the setbacks to the distance proposed in SB2174 will definitely challenge these ideals. With hog AFOs constantly venting their manure pits with fans, the adverse effects of their air pollution can destroy their way of life. This will result in citizen push back against these operations as has been experienced in recent years. People will work to protect their property rights, and the proposed unreasonable setbacks will definitely be viewed as a violation of their freedoms and right to a healthy environment. If the people promoting these proposed reduced setbacks think this will be a benefit for rural North Dakota, they are sorely mistaken. Trom Eayrs (2024) has documented what the proliferation of hog AFOs has done to her local community. About all that is left in her county is large hog AFOs, as most family farms, small businesses, and even the school have disappeared. A similar situation has occurred in Iowa, where a study recorded the destruction of the rural areas. The article written from this study by Charlie Hope-D'Anieri (2022), is titled "Towns Just Turned to Dust". I certainly hope this is not the vision the people promoting the reduced setbacks have for North Dakota. Often, passing laws has unintended and unforeseen consequences. North Dakota will not be immune from the well documented problems that other states are dealing with. What has happened in neighboring states will come here, also. SB2174 was conceived by several special-interest groups without any consideration for the rural people of the state they want to "throw under the bus". This is a bad and unreasonable bill, **PLEASE VOTE NO ON SB2174**. Thank you.

REFERENCES

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