April 7, 2026

Rep. Peter Fischer
5th Floor Centennial Office Building
St. Paul, Minnesota 55155

Re: Environment and Natural Resources Finance and Policy Committee
Public Comments Submitted by Sonja Trom Eayrs
Public Hearing April 9, 2026

Dear Rep. Fischer and Members of the Committee:

I submit the following comments in support of HF3940, which mandates rulemaking to require an environmental impact statement (EIS) for large animal projects.

I grew up on our family farm in Dodge County, Minnesota. I am an attorney in Minneapolis and am actively involved in the day-to-day operation of our family farm. My family has been on the frontlines for years fighting corporate agriculture and installation of industrial factory farms.

Today, our family farm is surrounded by 12 swine Confined Animal Feeding Operations (CAFOs), *aka* factory farms, housing an estimated 30,000 hogs in a 3-mile radius. These industrial factory farms collectively house an estimated 12,000 animal units. *See*, attached Animals to Animal Units Conversion, Iowa DNR 01/2021 (Number of head (30,000) times equivalency factor (.4) equals animal units (12,000)). Although area factory farms in a 3-mile radius *collectively exceed 12,000 animal units*, *every industrial operation cleverly escaped environmental review*. Every factory farm houses animals just shy of one thousand animal units—the threshold for even minimal environmental review.

My family has had a front row seat to the corporate takeover of rural America. Our story is captured in my book, ***Dodge County, Incorporated: Big Ag and the Undoing of Rural America*** (Univ. of Nebraska Press, Nov. 2024). *See*, https://sonjatromeayrs.com/ My book weaves together my family's struggles with the larger realities of corporate livestock production in the United States: the pollution, the waste, the metamorphosis of thriving, verdant countryside into bleak commercial zones.

In the comments below, I briefly address three topics, including: (1) Dangerous nitrate levels; (2) Corporate consolidation and the decline of rural America; and (3) Harassment on the prairie faced by my family and other frontline families fighting corporate agriculture.

Please incorporate my comments and the noted attachment in the public record. Unfortunately, I am unable to attend the hearing on April 9, 2026, but I welcome the opportunity to provide public comment at future hearings.

Dangerous Nitrate Levels

According to EPA records, "The drinking water of millions of Americans living in or near farming communities across the country is contaminated by dangerous amounts of nitrates and coliform bacteria from fertilizer and manure widely used in agriculture." Private wells in farming communities are routinely found to have nitrate levels above the municipal drinking water safety threshold of ten parts per million. This high bar is based on when levels become potentially fatal to infants, but drinking water at even half this limit increases the risk for colon, kidney, ovarian, and bladder cancers; miscarriages; thyroid disease; and neural tube birth defects.

A 2017 report showed that samplings of private wells in Dodge County between 1995 and 2016 found that 21 percent of private wells contained nitrate "above background concentrations," and 7 percent contained nitrate above the legal drinking water limit of ten parts per million. The county acknowledged that contamination was more prevalent in areas of Dodge "with shallow soils over limestone and over sand aquifers." I'm baffled that even with this contamination data, the county continues to permit feedlots over karst. Residents of Berne in northern Dodge, where karst topography dominates, fought hard against the first large swine CAFO in 2006. The community lost that battle.

In the years that followed, my late husband's mother, Ruth, along with other Berne residents, watched as the nitrate levels in her private well shot up. Ruth encouraged family members to drink only bottled water at the farm. In the fall of 2013, she succumbed to cancer. For years, my husband's family participated in the state's nitrate-monitoring program and dutifully submitted water samples to the local environmental ser vices office in the spring and fall. The results were damning: nitrate levels regularly came back between twenty and twenty-seven milligrams per liter, or three times the municipal drinking limit. My husband's family spent several thousand dollars to install a reverse osmosis system that removes contaminants from the water.

While pigs in the Berne area's factory farms drink pristine water drawn from a well drilled 480 feet down through multiple layers of porous limestone to the Prairie du Chien aquifer, residents drink water filled with nitrate from the pigs' manure. Today, locals refer to County Road B, the main thoroughfare north of my husband's family farm, as "Cancer Road."

County Road B garnered international media attention following a 2023 news report that highlighted the nitrate contamination found in area water supplies. The reporter, Keith Schneider, spoke with four families who shared stories of twelve cancer cases and seven deaths concentrated along a short stretch of this single rural road. "Though the causes of the cancers are not proven, a key suspected culprit is believed to be the elevated levels of nitrates that have contaminated the drinking water for County Road B families," Schneider wrote.

Contaminants deriving from livestock manure are also found in public water systems. A 2020 study found that the drinking water of an estimated half million Minnesotans is drawn from groundwater with elevated nitrate levels, citing "fertilizer and manure that runs off from farm fields and seeps into groundwater" as the primary contamination source. In this and other ways, feedlot pollution is both a localized and a dispersed problem. Groundwater leaching impacts public water supplies in neighboring towns and cities, and pollution in local rivers and streams is an uncontained hazard.

Data from the EPA shows that as of 2018–19, 42 percent of the length of lakes and streams in the United States had elevated phosphorous levels, and 44 percent have elevated levels of nitrogen. The EPA attributes these elevated levels primarily to fertilizer and manure runoff. In Iowa, where hogs outnumber people by seven to one, well over half of all waterways are impaired. The widespread degradation of waterways not only impacts people's health, well-being, and leisure activities but also causes massive fish kills and contaminates the fish that we eat. This is, of course, only a broad summary of the impacts of concentrated livestock agriculture on wildlife and the health of ecological systems.

In 2019 the Minnesota Pollution Control Agency issued a report about pollution in the Minnesota River, which eventually flows to the Mississippi. The report identified livestock manure runoff as a primary culprit behind an emerging environmental emergency that, per local press coverage of the report, is "degrading our superstar Minnesota River to sewer status." Worryingly, while the report indicated that the area of southern Minnesota included in the study contains 135 federally defined CAFOs (those holding a thousand-plus AUs), it did not specify the locations or the sizes of these feedlots—information that the public deserves to know. It also acknowledged that "while a full accounting of the fate and transport of manure was not conducted for this project, it is clear that a large portion of it is ultimately applied to the land surface and therefore, this source is of significant concern." So the MPCA can identify the pollution and deduce that much of it derives from factory farm manure, but lacking oversight capabilities, the agency is unable to pinpoint the most serious offenders or hold them accountable if identified.

Another MPCA study concluded that in Minnesotan regions dominated by agricultural land, "just half or fewer" of the area lakes "do not fully support swimming" due to excessive

phosphorous levels, which are likewise caused in part by manure runoff. Our beloved Minnesota, the "Land of 10,000 Lakes," has become the land of 4,600 impaired waterways. The meatpacking and dairy industries use local rivers and streams as their own personal toilet.

Corporate Consolidation and the Decline of Rural America

The proliferation of industrialized livestock operations has significantly impacted rural farm communities in several states during the first decades of the twenty-first century, including Minnesota. The raw data tells the story well.

The EPA estimates there were more than 17,000 large CAFOs (buildings holding more than a thousand AUs) in 2012 compared to 6,600 in 1995. That's nearly a threefold increase in less than seventeen years. Looking at hogs specifically, the data coming from Iowa, the top hog-producing state, is alarming: CAFOs increased fivefold between 1990 and 2019, with 94 percent of this growth attributable to hog barns.

The straight line between this corporate consolidation and the extinction of independent farmers is easy to follow. Since the mid-1990s, 70 percent of hog farmers have gone out of business. The meatpacking conglomerates seized near-total market control, while their loyal contract farmers have captured an ever-dwindling proportion of profits. In the mid-1980s, thirty-seven cents of every dollar that Americans spent on food went back to farmers, but by 2019 that had decreased to fifteen cents of every dollar. More than half of all farmers have lost money every year since 2013.

Meanwhile, the corporate meatpackers enjoy profits of a previously unimagined scale. Smithfield Foods saw sales increase tenfold between 1990 and 2005 thanks largely to its corporate strategy of buying up competitors and then maneuvering to fix prices and cut off access to a competitive marketplace. In 2013, in what was the largest-ever Chinese acquisition of a U.S. company, the Chinese company WH Group gained control of Smithfield.

Looking at the bigger picture, consolidation is the norm across major agricultural commodity groups. Dairy, soybean seed, and corn seed are other commodities that swiftly consolidated during a similar time frame. Between the years 2005 and 2010, eighty thousand independent farms in the United States disappeared. Then between 2011 and 2018, an additional hundred thousand farms in the United States were lost. In 2019 a feature article in Time about that year's farm bankruptcy crisis put forth a chilling proposition: "Farmers have always talked of looming disaster, but the duration and severity of the current crisis suggests an alarming and once unthinkable possibility—that independent farming is no longer a viable livelihood."

What's so worrying about today's corporate ag economy is that as profits soar and corporations boast to shareholders about outputs and efficiencies, the entire system is a house of cards. The droughts and severe weather associated with climate change have pummeled crops. Trade wars

and unstable commodity prices continually stress the system. Thanks to short-sighted federal policies promulgated under pressure from Big Ag corporations, large farmers rely heavily on subsidies. During the agriculture crisis that former president Donald Trump's trade wars played a role in triggering, $16 billion in aid went to farmers, and 40 percent of farm income in 2018 derived from federal aid and insurance.

Farm subsidies have always been an important governmental tool for protecting producers and consumers from the inherent unpredictability of seasonal yields. Yet when subsidies are overused and funneled primarily to the wealthiest farm operations, the result is a highly unstable, top-heavy system that has no incentive to solve the pressing problems—such as climate change—that cause low and unpredictable yields.

As small farmers left the industry en masse, what has been the impact on rural communities and economies? One of the best efforts to probe this issue is Food & Water Watch's 2022 study of counties in Iowa that compares rural counties with high CAFO density to rural counties with both low CAFO density and more small farmers. The results show that between 1982 and 2017, personal income rose significantly in Iowa; even in the average rural county, income rose 41 percent. But in the top hog-producing counties, personal income fell by 8 percent. The report also found that while retail businesses in Iowa declined by a modest average of 2 percent across the state, counties with the highest CAFO concentration saw a decline of 33 percent.

Meanwhile, the study found that small, independent farms have the opposite impact: counties in Iowa with the highest proportion of small farmers actually experienced retail business growth, beating the state average. (The economic vitality of small farms reminds me that hogs used to be called "mortgage lifters" because raising a small number of hogs on a diversified farming operation brought in some extra cash.)

CAFO approval in Iowa is all but assured by a combination of lax regulatory procedures, county-level industry infiltration, and state and national lobbying efforts. In this system, 97 percent of requested CAFO permits in Iowa are approved. This overt friendliness to CAFOs is a main reason why Iowa produces more pork than any other state, surpassing Minnesota and North Carolina, which both have more regulations on the books. That's good for the meatpacking conglomerates but bad for the people of Iowa. In 2019 a senior official at the Iowa Farm Bureau predicted to ag journalist Austin Frerick that "most rural communities will soon disappear." Frerick observed that the official seemed "accepting of this fate, even a bit happy about it."

CAFO proliferation has disproportionally impacted communities of color and marginalized communities. African American, Hispanic, and Native American people are significantly more likely to live within three miles of a hog CAFO in North Carolina—a pattern that likely exists in other states as well. Writing for the Sustainable Development Law and Policy journal, attorney

Christine Ball-Blakely showed that communities lacking political power, resources, and education are targeted as sites for CAFO development. Targeted communities "lack the resources to leave compromised areas, where they are trapped by decreasing property values and a plummeting quality of life," Ball- Blakely wrote.

A CAFO's impact on property values depends on the size of the CAFO and whether the impacted property is downwind or upwind from the operation. The larger trend, however, is clear: factory farms cause surrounding property values to decline. A 2015 analysis of appraisal values estimated that properties within three miles of a CAFO lose 26 percent of their assessed value, and properties that are very close to a CAFO—within a quarter mile—lose as much as 88 percent of their value.

This impact has a devastating ripple effect in rural communities, where many farm families are asset rich but income poor. The notion of losing a home's value is so frightening that families are forced to choose between taking a "wait and see" approach or being proactive by selling their properties and moving away before a CAFO goes up. I've seen this happen time and again. I'm reminded of a small farmer and self-employed business owner in Goodhue County, Minnesota, whom I will call "Jack." I've contacted Jack several times regarding his community's resistance to area factory farms. Jack asked me to use a pseudonym, as he fears retaliation against his family and small business.

In 2015 he and his wife purchased a rural home on a few acres in Goodhue, an ag county adjacent to Dodge. Ten months after moving into the home with their children, they observed a hog CAFO going up nearby. They soon learned that while they were negotiating the purchase of their home, the Big Ag–friendly Goodhue County Planning Commission had approved the adjacent factory farm by a unanimous vote.

Jack also discovered that the previous owners, who had lived there for many years, were aware of the planned development. No law requires sellers to notify potential home buyers that a feedlot has been proposed or approved in the immediate area. The decision to cut and run before a CAFO is built and to not disclose such information—shuffling the property off to unwitting buyers—is yet another aspect of the factory farm takeover that corrodes social and community relationships.

After the facility went up and additional CAFO applications were submitted in Goodhue County, Jack joined with other neighbors to monitor the air quality near the border of the feedlot's property. The results showed concentrations of hydrogen sulfide far above state safety standards in the area near Jack's home. He is concerned for his kids, who frequently play outside.

Jack's family has been living in Goodhue County since the late 1800s. His father owns a small dairy operation nearby, but he's facing the decision to shut down. The operation is now surrounded by CAFOs, and the nitrate levels in his well have steadily increased. Soon he may be unable to give the water to his cattle.

The story of Jack's family is typical. In CAFO country, a small handful of feedlot operators profit, while their operations are under no legal obligation to abstain from rendering neighboring small farms inoperable and neighboring residences unlivable. Reflecting recently on his family's experience, Jack said, "The industry divides communities and divides families.

Harassment on the Prairie

My family has paid a significant price for speaking out against industrial agriculture—facing years of harassment and intimidation. Fresh bullet holes riddled the stop sign just a few feet from where my brother and I had been picking weeds. Constant garbage left in the roadside near our driveway, harassing phone calls, and nighttime intrusions remained a regular occurrence. False telephone calls to the Dodge County Sheriff's Office, not to report some infraction, but to put the heat on me personally and get me to shut up.

These are just a few examples among hundreds, perhaps thousands, of harassment, intimidation, and outright threats and violence among neighbors that have become all too common in farm country today. The vast majority of these incidents go unreported because the threats are effective. People decide to stay quiet when they realize that speaking against factory farms will put their jobs, businesses, and families at risk. Livestock operators make it very clear that one's position on the latest factory farm development is a purity test that measures the loyalty of the locals.

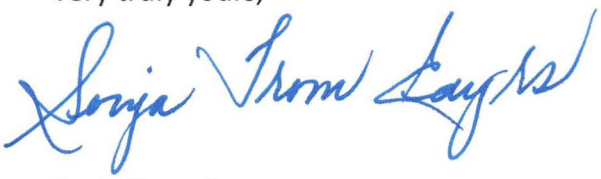
Dead animals left in mailboxes and on front stoops; death threats, raised rents, social ostracization; fires set in front yards; threats to local businesses; getting fired from your job—these experiences are common among rural residents who speak out against new CAFOs or proposed feedlot expansions. When choosing a site for a new CAFO, the industry targets remote rural areas often inhabited by poor or undereducated residents who are likely to either drink the industry Kool-Aid or lack the resources to effectively fight back. In an industry game of Whac-a-Mole, these isolated battles—strategically targeted in remote or impoverished locales—are part of a systematic strategy to permanently anchor the corporate Big Ag factory farm economy.

We need immediate action in Minnesota to address corporate livestock production and the resulting pollution and waste. It is incumbent upon the Minnesota Legislature to halt corporate consolidation and further decline of rural Minnesota. We also need stronger laws in place to

address and punish violators for intimidating and harassing frontline families fighting corporate agriculture, like mine.

Passage of HF3940 is a start in the right direction—requiring an EIS for large animal projects, which consequently will limit the proliferation of large Confined Animal Feeding Operations (CAFOs), restrict further corporate consolidation, and prevent further decline in rural Minnesota.

Very truly yours,



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Animals to Animal Units Conversion

Animal Units are calculated using a factor which converts animals of different species or sizes into equivalent units. Animal units for each species can then be added together to determine the capacity of a facility. The animal unit capacity and type of operation determine which state or federal regulations apply to that operation.

To calculate Animal Units, use the table to multiply the number of animals of each species (column A) by the appropriate equivalency factor (column B) to determine the number of animal units (column C). **Note:** Use average weight during the production cycle to choose the appropriate animal species. Your number of head (column A) should be the maximum number of animals in each category that you would confine at any one time.

To calculate Total Animal Unit Capacity, add the animal units (column C) for each animal species.

Animals to Animal Units Conversion

Animal Species	A. Number of Head	X	B. Equivalency Factor	=	C. Animal Units
Slaughter or feeder cattle		X	1.0	=	0.00
Immature dairy cattle		X	1.0	=	0.00
Mature dairy cattle		X	1.4	=	0.00
Swine over 55 lbs.		X	0.4	=	0.00
Swine 15 to 55 lbs.		X	0.1	=	0.00
Sheep or lambs		X	0.1	=	0.00
Goats		X	0.1	=	0.00
Horses		X	2.0	=	0.00
Turkeys 7 lbs. or more		X	0.018	=	0.00
Turkeys less than 7 lbs.		X	0.0085	=	0.00
Broiler/layer chickens 3 lbs. or more		X	0.010	=	0.00
Broiler/layer chickens less than 3 lbs.		X	0.0025	=	0.00
Ducks		X	0.040	=	0.00
Fish 25 grams or more		X	0.001	=	0.00
Fish less than 25 grams		X	0.00006	=	0.00
Add all Animal Units in Column C to determine **Total Animal Unit Capacity**					0.00

Definitions:

Animal Capacity: the maximum number of animals which the owner or operator will confine in an animal feeding operation at any one time. In a confinement feeding operation, the animal capacity of all confinement buildings will be included in the determination of the animal capacity of the operation, unless the building has been abandoned in accordance with the definition of "abandoned confinement feeding operation structure."

Animal Unit Capacity: a measurement used to determine the maximum number of animal units that may be maintained as part of an animal feeding operation at any one time, including as provided in Iowa Code sections 459.201 and 459.301. For dry bedded confinement feeding operations, "animal unit capacity" means the maximum number of animal units which the owner or operator confines in a dry bedded confinement feeding operation at any one time, including the animal unit capacity of all dry bedded confinement feeding operation buildings that are used to house cattle or swine in the dry bedded confinement feeding operation.

CAUTION: This document is only a summary of administrative rules contained in 567 IAC chapter 65; it is a guidance document and should not be used as replacement for the administrative rules. While every effort has been made to assure the accuracy of this information, the administrative rules will prevail in the event of a conflict between this document and the administrative rules.

April 9, 2026

House Environment and Natural Resources Finance and Policy
Co-Chair Peter Fischer
Co-Chair Josh Heintzeman
G3 State Capitol
St. Paul, MN 55155

RE: Minnesota Pork Producers Association Opposition to HF 3940

Co-Chairs Fischer and Heintzeman and members of the committee,

The Minnesota Pork Producers Association respectfully submits the following written testimony in opposition to HF 3940 which would require an Environmental Impact Statement (EIS) for large animal projects. The Minnesota Pork Producers Association (MPPA) represents Minnesota's more than 3,000 family pig farmers. Our farmers are proud of their work to provide safe and affordable food for hungry people while doing what is right for our animals, people, and the environment.

Our farmers have concerns regarding HF 3940, which looks to set a mandatory threshold for an environmental impact statement.

Minnesota has a comprehensive environmental review process, guided by standards with which our farmers are committed to operating within. Environmental review processes that exist today for Environmental Assessment Worksheets (EAW) and NPDES and SDS permits reflect the environmental review needs for varying types of livestock, and the location of the project, while considering many factors to determine potential environmental impacts of a project including land, air, water, and greenhouse gases.

The current environmental review and permitting process in Minnesota is extensive. The process necessitates hiring an environmental consultant to prepare and navigate the process. Environmental review comes with lengthy review times and comes at a higher cost to farmers as compared to our neighboring states. Legislation to expand the process will continue to put Minnesota at a competitive disadvantage compared to our neighboring states, with all costs falling squarely on family farmers. We believe our environmental regulations are strong in our state, however, further expanding and complicating the process does not serve Minnesotans, our environment, or our family farmers.

We believe it is unnecessary to have an arbitrary statute stipulating when an Environmental Impact Statement should occur. Through the existing EAW review process, the Minnesota Pollution Control Agency commissioner considers the information presented and can determine the need for additional information and review through an EIS.

We welcome the opportunity to work with the author to find ways to continue improving the environmental review process while ensuring Minnesota is a state where family farms can continue to grow and thrive.

Sincerely,

Todd Selvik

Todd Selvik
President, Minnesota Pork Producers Association

Midwest Council on Agriculture (MWCA)

PO Box 604 • Fergus Falls, MN 56538 • (202) 963-0656
midwestcouncil.org

April 7, 2026

Co-Chairs Fischer and Heintzeman and Members
House Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: **Oppose HF 3940** (Pursell) – Mandatory Environmental Impact Statement (EIS) for 10,000+ Animal Unit Feedlots

Dear Co-Chairs Fischer and Heintzeman and Members of the Committee:

On behalf of the Midwest Council on Agriculture (MWCA), we respectfully submit this letter in opposition to HF 3940, authored by Representative Kristi Pursell. HF 3940 would require the Environmental Quality Board (EQB) to amend Minnesota Rules to mandate the preparation of an Environmental Impact Statement (EIS) for the construction of an animal feedlot facility with a capacity of 10,000 or more animal units, or for the expansion of an existing facility to a total cumulative capacity of 10,000 or more animal units. The bill also authorizes the use of a "good-cause exemption" for rulemaking and applies to applications submitted on or after the effective date.

MWCA supports strong environmental protection and believes Minnesota already has a robust, scalable environmental review and permitting framework for livestock projects. The Environmental Assessment Worksheet (EAW) process provides a structured way to evaluate potential impacts and, when warranted based on site- and project-specific facts, the state already has tools to require additional review, including an EIS, within the existing framework.

HF 3940 is unnecessary because it replaces a fact-driven, case-by-case determination with a blanket mandate triggered solely by a single size threshold. In practice, a mandatory

EIS requirement is likely to add significant time and expense—often requiring specialized environmental consultants and extended timelines—without clear evidence of additional environmental safeguards beyond what Minnesota's current system already delivers.

Finally, Minnesota's agricultural competitiveness matters. Additional layers of delay and uncertainty can discourage investment and expansion in Minnesota and shift economic activity, jobs, and value-added opportunities to neighboring states. Minnesota's farmers, livestock producers, and the broader agricultural economy depend on a permitting system that is rigorous—but also predictable, navigable, and timely when operators meet all requirements.

For these reasons, the Midwest Council on Agriculture respectfully urges the committee to oppose HF 3940. We remain ready to work with Representative Pursell, the committee, and state agencies on practical, science-based improvements within the current framework that protect Minnesota's land, air, and water while preserving a business climate in which family farms and rural communities can thrive.

Thank you for your time and consideration.

Sincerely,

Perry Aasness, President

Midwest Council on Agriculture
PO Box 604
Fergus Falls, MN 56538
(202) 963-0656 • midwestcouncil.org
Membership contact: Allison@petersongrp.com

Dear Chairs and Members of the Committee,

The Minnesota Center for Environmental Advocacy supports House File 3940, which requires extremely large feedlots to complete a comprehensive environmental impact statement ("EIS") before construction. These huge feedlots produce incredible amounts of pollution and disrupt local and regional economies. HF 3940 appropriately ensures that the entire suite of environmental and economic impacts of these industrial-sized facilities are considered before any decisions are made.

Feedlots over 10,000 animal units (which could be, as an example, 10,000 cattle, 25,000 hogs, or 300,000 chickens) produce an enormous amount of pollution that threatens Minnesota's natural resources. In southern Minnesota, where most of the large feedlots are located, excess nitrogen from manure has helped make many streams and rivers unfishable and unswimmable. Recent reporting has revealed that people living near large feedlots have elevated cancer rates. Some feedlots are so massive that they produce more greenhouse gas emissions than a gas-fired power plant or a municipal incinerator. And the purchasing power these facilities have over their competitors affects the marketplace and rural economies.

An EIS will help Minnesota better manage the impact these huge feedlots have. Currently, if a feedlot is required to study its environmental impacts it likely will do so through an environmental assessment worksheet ("EAW"). The EAW is designed to set forth basic information about the facility, such as how it will meet its water needs, manage its manure, and estimate its greenhouse gas emissions. But the worksheet stops there; large feedlot EAWs typically do not need to include a pump test to ensure Minnesota's water sustainability priorities will be honored or identify alternative manure and livestock management practices that will better control nitrates and reduce greenhouse gas emissions. An EIS will require this information.

An EIS will also require huge feedlots to assess its impact on the local economy. Feedlots over 10,000 animal units are relatively new to Minnesota. Consolidation in the industry has squeezed out smaller producers and pushed feedlots to get larger. Many small and mid-sized producers have been forced out, stating that dwindling access to markets and wholesale prices have made a previously sustainable operation turn off the lights. An EIS will help understand

these complex systems and provide knowledge about rural economics that can help drive better policy decisions.

Finally, the timing is right for HF 3940. The Minnesota Pollution Control Agency is updating its feedlot rules to better manage pollution, and the Minnesota Department of Agriculture is presently reviewing the Groundwater Protection Rule to ensure it protects drinking water from nitrates. House File 3940 tells Minnesotans that the Legislature is moving in-sync with our pollution control regulators to help protect Minnesota's environment and the well-being of Minnesotans.

Sincerely,

Jay Eidsness
Senior Staff Attorney
jeidsness@mncenter.org // (952) 237-9659

April 07, 2026

House Environment and Natural Resources Finance and Policy Committee
Representative Josh Heintzeman
Co-Chair
Representative Peter Fischer
Co-Chair

The Minnesota State Cattlemen's Association (MSCA) respectfully submits the following written testimony on House File (HF) 3940 requiring an Environmental Impact Statement (EIS) for large animal projects. The MSCA represents around 1,000 members in the state of Minnesota.

Beef producers strive to ensure they leave the land better than they found it for future generations. They go above and beyond to protect the environment because it is crucial for their operations.

Minnesota beef feedlots over 1,000 animal units are regulated through Minnesota Pollution Control Agency's permitting process. This includes National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) permits.

The EIS was created with the intention of fact finding, but the EIS can be leveraged by organizations to increase the costs in order to discourage proposed projects, instead of finding legitimate facts about the project.

MSCA supports that the individual, group or organization filing a petition for an EIS be responsible for additional costs incurred by the EIS process.

We would respectfully oppose HF 3940 as it may hinder agricultural expansion in the state of Minnesota.

Thank you for your consideration.

Kaitlyn Root

Kaitlyn Root

Executive Director, Minnesota State Cattlemen's Association

April 8, 2026

House Environment and Natural Resources Finance and Policy Committee
Co-Chair Rep. Josh Heintzeman
Co-Chair Rep. Peter Fischer
Minnesota House of Representatives
Saint Paul, MN 55155

RE: Riverview LLP Opposition to HF 3940

Dear Co-Chairs Heintzeman and Fischer and Members of the Committee:

On behalf of Riverview LLP, I am writing to respectfully express our opposition to House File 3940, which would require the Environmental Quality Board to amend Minnesota Rules to mandate an environmental impact statement (EIS) for any animal feedlot facility at or above 10,000 animal units.

Riverview is a family- and employee-owned agricultural business based in Morris, Minnesota. Our focus is dairy farming, and we operate several dairy farms in Western Minnesota. Our farm started in Stevens County in 1939, and we have been working with environmental agencies on feedlot permitting since 1972.

Before addressing the substance of this bill, we want to share what motivates our perspective. As we look back on generations of farming and operating dairies in Minnesota, it is with a thankful heart. We have been afforded a great opportunity to raise families and grow a business in a wonderful place. We are grateful for the communities that have welcomed our farms, for the regulatory professionals at the MPCA and DNR who work diligently to protect the environment, and for a state that has historically valued growth, responsible development, and building foundations for the next generation. These values – stewardship, partnership, and long-term responsibility – guide the decisions we make as a business. We believe the collaborative relationship between producers, regulators, and communities in this state is something worth protecting, and HF 3940 would undermine it.

We oppose HF 3940 for the following reasons.

Minnesota's existing environmental review framework for feedlots is already one of the most comprehensive in the nation.

When compared to other states, Minnesota already has one of the most robust – and in our experience, the most comprehensive – environmental review processes for feedlots in the United States. Farms that trigger environmental review must complete an Environmental Assessment Worksheet, which evaluates water quality, water quantity, air quality, greenhouse gas emissions, soils, natural areas, wildlife, cultural resources, scenic views, traffic, cumulative effects, and more – encompassing every conceivable environmental concern. To put the depth of this process in perspective: the currently public-noticed EAW and feedlot permit application for Riverview's West River Dairy expansion total over 800 pages of technical detail, engineering information, and analysis. It took approximately three and a half years to develop this information, and it all has now been made available for a 90-day public comment period and will be subject to a public

informational hearing as well. This level of review reflects a process that is already thorough, transparent, and accessible to the public. We welcome project review and feedback, but we point out these facts to highlight the level of rigor and transparency involved in the currently applicable environmental review process.

The EAW process also already includes a clear pathway to require an EIS. The MPCA commissioner evaluates each project and has the authority to order an EIS whenever the evidence warrants one. Given that, we fail to see the need for the Legislature to substitute its judgment for the professional expertise of the agency that administers these programs. We believe decisions about when an EIS is warranted are best made based on project-specific facts and scientific analysis, not automatic thresholds.

Beyond environmental review, Minnesota's prescriptive feedlot permits and water appropriation permits provide additional layers of enforceable protection. Feedlot permits require zero discharge of pollutants to waters of the state. Water appropriation permits from the DNR regulate the volume of water a permit-holder may withdraw annually and dictate how much water levels can fluctuate due to pumping, protecting aquifers for project neighbors and for future generations alike. Detailed manure management plans, emergency disaster plans, engineered construction plans, and public notice requirements are all standard components of the existing process.

In short, the current process works and it protects the environment, and we are concerned that this bill would add requirements without demonstrating a corresponding environmental benefit.

Collaborative permitting should be encouraged, not punished.

It is also important to know that Minnesota's existing regulatory framework allows for additional requirements through individual feedlot permits. While most feedlots in the state operate under general permits, the MPCA and project proposers can pursue individual feedlot permits, which allows for project-specific requirements and ensure that adequate environmental protections are in place. In our experience, individual permits are developed by the MPCA through a deliberative and intentional process to enhance environmental protections. Riverview has farms that operate under individual permits and has voluntarily delayed the projects to participate in this individual permitting process in good faith. We did so because we believe stronger environmental outcomes are achieved through collaboration, not mandates.

HF 3940 undermines this effort by imposing a one-size-fits-all requirement. If the most burdensome environmental review tool available in state law will be automatically imposed on all projects of a certain class, regardless of an agency or proposer's voluntary effort to proactively identify and eliminate environmental concerns, it becomes harder for any proposer to volunteer for permit enhancements at the MPCA's request. And it disincentivizes similar good-faith collaboration between stakeholders and regulators in the future if the outcome of those efforts can be promptly undone by the Legislature.

Minnesota's dairy industry and rural communities cannot afford additional regulatory uncertainty.

Minnesota's dairy sector generates billions of dollars in economic activity and supports tens of thousands of jobs across the state. The broader agricultural economy contributes over $106

billion in total economic impact and supports nearly 400,000 jobs. Minnesota is home to approximately 1,600 dairy farms, making it one of the leading dairy states in the country. Yet Minnesota is losing dairy farms, and neighboring states are actively competing for agricultural investments.

A common misconception is that large dairy farms cause the decline of smaller ones. It is true that, unfortunately, the decline of dairy farms has been a decades-long national trend. In Minnesota, dairy farms and dairy cows both began to decline by at least 1940[1]. But the data does not suggest a correlation (much less causation) of large-scale dairy farming and dairy farm exits. Approximately 90% of the farms that left Minnesota's dairy industry since 1940 had exited by 1992, well before any meaningful large-scale dairy farming began in this state. In the early 2000's, the decline of dairy cows began to stabilize, while the rate of farm loss has continued, largely unchanged.

That stabilization of herd numbers appears to be due to developments of larger-scale farms. These farms play an important role in sustaining overall milk production levels. We believe that maintaining and increasing cow numbers helps the entire industry remain viable.

The dairy industry is an interconnected economic system. A growing milk supply supports the viability of milk processors, and those processors in turn provide the market that keeps dairy farms – of all sizes – in business. Milk processing capacity is growing both nationally and regionally in response to growing demand for dairy and high-quality protein products around the world. This is creating new opportunities for Minnesota dairy producers and the crop farmers who supply them with feed.

Conversely, when milk supply dwindles, processors eventually close. When processors close, farmers lose their market, which leads to further farm declines. The downward cycle then accelerates – impacting feed suppliers, equipment vendors, veterinary clinics, farm supply companies, and the communities that depend on them. This is precisely what has happened to North Dakota's dairy industry, which currently only has 17 dairy farms remaining. (And this occurred in North Dakota without the presence of "large scale" farms.) In contrast, Minnesota still has a strong base of dairy farms, but that strength depends on maintaining a regulatory environment that is predictable and supportive of continued investment and growth.

Conclusion

We believe Minnesota is a leader in environmental protection. At Riverview, we also believe we have an important role to play in responsibly designing, building, and managing our farms as the good neighbors we strive to be, which includes environmental protection. Our commitment is not only to compliance, but to continuous improvement and long-term stewardship of Minnesota's natural resources. We are committed to working with our regulators to meet or exceed applicable state standards and protections. We ask only that those standards be grounded in sound science and applied consistently.

[1] USDA/NASS QuickStats, found at: https://quickstats.nass.usda.gov/#5458FB99-306A-3EFE-B7CB-05DD3C487BBE

We respectfully urge Committee members to oppose HF 3940. Minnesota already has the tools it needs to protect the environment while allowing agriculture to grow. This bill would add cost and delay without improving outcomes, and it would make Minnesota a less competitive place for livestock producers.

Thank you for the opportunity to provide written testimony.

Respectfully,

Riverview, LLP