

Testimony in Support of SB 197
Senate Committee on Environment and Natural Resources
March 9, 2017

Senator Dembrow and Members of the Committee:

For the record, my name is Kendra Kimbirauskas. In October 2007, I was appointed by Governor Ted Kulongoski to the Oregon Dairy Air Quality Task Force, which was established by the Oregon Legislature earlier that year. It was with great honor that I represented farmers and ranchers who were very concerned about the impact that air emissions from Threemile Canyon Farms was having on public health, the quality of life for neighbors and the Columbia River Gorge.

Before I get into my testimony, it is important for you to know that I am quite familiar with agriculture. I raise hogs, beef cattle, poultry and goats on about 70 acres in Linn County. I am also very familiar with dairy, as I grew up on a dairy farm and spent many hours during my formative years milking cows with my dad. I saw and felt the struggles of dairy farming, as my dad and other farmers in my community were faced with low milk prices. Many dairy farmers, including my dad couldn't survive the milk prices of the 80s. And despite the fact that many small and medium sized farms have gone out of business over the years, the number of has cows increased in fewer but larger farms.

My dad has since passed, but I still own the family farm. Today, I lease it to a dairy farmer, who now two years in a row I have had to work with on lease payments because it is costing him more to milk cows than he gets for his milk. I tell you this to say that I am quite familiar and very sympathetic with the struggles of dairy farmers in this state and the last thing I would ever want to do would be to see a bill come forward that might make it more difficult for a small dairy farmer to survive.

The issues raised during the 2007 Legislature were not about the impact that small and medium farmers were having on Gorge Air quality – it was specifically about the fact that Threemile Canyon Farms' 55,000 cows at the time was putting 5.6 million pounds of ammonia gas into the air each year and that those emissions were contributing to acid haze and rain on the eastern end of the Gorge. Further, the state had no tools to require the operation to mitigate or reduce these harmful emissions.

And let me say something about emissions from decomposing animal waste. Untreated liquefied manure releases over 160 toxic gases. In addition to ammonia, these are gases like Hydrogen Sulfide, Carbon Dioxide, Carbon Monoxide and Methane. The

issues with these gases aren't just that they aren't aesthetically pleasing, it's that in high enough concentrations these gases can kill you. Every year there seems to be a tragic story in some state where someone got too deep into a manure waste system, was overtaken by fumes and died. These gases can be dangerous.

The Oregon Dairy Air Quality Task Force was set up specifically to come up with recommendations to address emissions while easing in an air quality program for dairies. As you can imagine, there were many that were skeptical that such a diverse set of stakeholders – small farmers, environmentalists, the dairy industry, legislators, academics and agency representatives - would agree on anything. However after seven months of building trust and working relationships while examining the science, we came up with a set of recommendations in 2008 that everyone agreed to.

The Task Force came to a consensus and 'strongly' recommended that beginning in 2009, the Oregon Environmental Quality Commission, working with Oregon Department of Agriculture, DEQ and Oregon public health agencies, adopt rules to address emissions. The program was to be informed by ongoing input from stakeholders, new scientific information, and it was to be scale-appropriate, first voluntary and then mandatory. The Task Force described the proposed program and timeline as 'an optimal balance between the need to protect air quality and ensure the viability of Oregon's dairies.'

Before today's hearing, I was listening to the audio from a hearing before this committee back in 2008 when Marty Myers from Threemile Canyon Farms, then ODA Director Katy Coba and Andy Ginsburg from DEQ reported back on the Task Force process and the recommendations. It was a bit emotional for me to hear the late Senator Bates' voice but what he said rang true, and it still rings true today. He said that the process that led to the consensus Task Force recommendations represented 'the best of Oregon' and I believe that to be true. We were a set of diverse stakeholders coming from different places and we put forward a plan for a program that had everyone's support. In fact, at our first Task Force meeting in January 2008, Senator Betsy Johnson was asked what process success looks like and she said (according to the minutes from that meeting):

This task force will work the best when participants represent Oregonians, not just their entrenched positions. We must be willing to come to the middle, see each other's perspective and come together on recommendations. We should work to be proud of the process, as well as the outcome.

I believe we did just that and I am proud of the outcome. However, what I am not proud of is that here we are 10 years later and nothing has been done to move forward with the rules we all agreed to. The consensus Task Force recommendations were the culmination of hard work, compromise and countless hours of time from stakeholder representatives, including volunteers like me. The fact that some members of the Task Force have now walked away from the consensus we all shared to establish an air emissions program does not reflect the best of Oregon. The Task Force recommendations were a package, a complete program, not a single item.

SB 197 is the next step in the process of actually seeing the full recommendations of the Task Force implemented – nothing more, nothing less. And the time is ripe. Despite the fact that the Dairy Air Quality Task Force recommended that emissions targets would become mandatory in 2015, and that new dairies should be required to comply with the program upon startup, we now have another proposed mega dairy under construction, this one with 30,000 dairy cows. This facility has begun construction despite not having received state water pollution permits. But underscoring the need for SB 197, Oregon still has no rules in place to ensure our air quality is protected, that air emissions are even monitored, or the means to ensure that emissions from this operation don't negatively impact the surrounding community or pollute the air.

Mega dairies make it harder for family dairy farmers to compete and we need rules in place so that Oregon doesn't become a magnet for these operations, making increasingly difficult for already struggling family scale dairy farmers.

One thing to note is that in the Task Force deliberations we had many discussions about whether or not to include small and medium sized dairy farms in the recommended air emissions program. Small and mid-sized farms are not the problem when it comes to the biggest pollution issues the Task Force was tasked with addressing. Despite my best efforts to exclude small and medium sized farmers, it was ultimately representatives from the dairy industry who insisted that all grade A cow dairy operations be covered in these recommendations.

I urge you to support SB 197 with a 'do pass' recommendation. But I would also support an amendment that excluded small and medium size operations from mandatory emission mitigation requirements so that we can prioritize addressing the the biggest sources.

Thank you.