

March 21, 2019

Senate Committee on Environment and Natural Resources  
900 Court St. NE  
Salem, OR 97301  
[senr.exhibits@oregonlegislature.gov](mailto:senr.exhibits@oregonlegislature.gov)

*Submitted via email*

**RE: Food & Water Watch Written Testimony on SB 103 and SB 876.**

Dear Chair Dembrow and members of the committee,

Food & Water Watch submits the following written testimony on SB 103, which would enact a moratorium on permitting of new and expanding mega-dairies and implement various commonsense reforms in how Oregon regulates mega-dairies, and on SB 876, which would enact much more limited reforms. Food & Water Watch is a non-profit organization with more than one million members and supporters nationwide, and approximately 74,000 members and supporters across Oregon. Food & Water Watch champions healthy food and clean water for all by standing up to corporations that put profits before people and advocating for a democracy that improves people's lives and protects the environment. For the reasons explained below, **Food & Water Watch respectfully requests that the committee pass SB 103 out of committee to the full Senate with a 'do pass' recommendation. Food & Water Watch requests that the committee not pass SB 876 out of committee.**

The Lost Valley Farm disaster has highlighted the systemic failures of Oregon's permitting process for confined and concentrated animal feeding operations (CAFOs). Despite opposition from thousands of Oregonians and numerous family farm, public health, environmental, and animal welfare organizations, the Oregon Departments of Agriculture and Environmental Quality permitted Lost Valley to confine up to 30,000 cows and their waste in 2017, in a region with groundwater already contaminated by nitrates. The facility began violating its permit immediately, and two years later is in the process of being shut down at great public expense.

Food & Water Watch commends Senator Dembrow and the committee for their leadership in seeking to prevent another Lost Valley. But although Lost Valley has proven to be a disaster, this operation is only a particularly dramatic example of what can go wrong with too-big-to-fail mega-dairies. Oregon was experiencing the negative effects of a consolidating dairy industry long before Lost Valley, in the forms of mega-dairy air and water pollution, unsustainable water extraction, a dramatic loss of family farms, and concerns for animal welfare. In short, preventing another Lost Valley is not enough. The committee has the opportunity to take a hard look at the failures in Oregon's system that led to Lost Valley's permitting and subsequent litany of violations, while also considering the broader unintended impacts of allowing an influx of mega-dairies into the state. The committee should pass meaningful, structural reforms that will protect Oregon's family farms and environment. SB 103 is the only bill introduced that will do so.

Food & Water Watch works closely with frontline communities and family farmers across the country, including in Iowa, where many rural citizens cannot open their windows or hang their clothes on the line due to persistent swarms of flies and the stench of hog manure, and in Northeastern Wisconsin, where the *New York Times* recently likened widespread groundwater contamination from mega-dairies to “Rural America’s Own Private Flint.”<sup>1</sup> The consequences of continued construction of large, industrial mega-dairies in Oregon are entirely foreseeable from the experiences of other states, and those experiences belie the industry talking points that “a farm is a farm” and “size doesn’t matter.” Rural communities across America, often lacking any meaningful local control, have learned that mega-dairies, and all factory farms, are incompatible with protecting vibrant family farm economies and healthy rural communities. A one-size-fits-all approach that regulates small, mid-sized, and pasture-based dairies the same as industrial-scale mega-dairies that use intensive confinement and produce as much untreated waste as a city, ignores the fundamental differences in these methods of milk production and their impacts on Oregon’s communities and environment. SB 103 not only recognizes that mega-dairies are not just large farms, it also gives rural communities a voice by establishing local control, and empowering local governments to adopt the environmental protections they deem necessary. SB 876 does nothing to advance community self-determination.

Moreover, largely limiting reforms to the National Pollutant Discharge Elimination System (NPDES) permitting process and other existing approval processes, as SB 876 proposes, will fail both Oregon’s environment and its family farms. The minor reforms contemplated in SB 876 do not address the significant air pollution that mega-dairies emit, including the extremely potent greenhouse gases methane and nitrous oxide, as well as ammonia, a respiratory irritant that also contributes to formation of fine particulate matter and regional haze.<sup>2</sup> More than a decade ago, Oregon stakeholders reached a consensus, adopted in the Dairy Air Quality Task Force Report, to begin regulating mega-dairy air emissions. And yet these recommendations have sat on the shelf and the industry’s emissions remain entirely unregulated.<sup>3</sup> SB 103 would require long-overdue implementation of the consensus Task Force recommendations, with clear benefits to public health and the environment. SB 876 would do nothing to address mega-dairy air pollution.

SB 876 would also fail to prevent further groundwater contamination. It is no longer subject to debate that CAFOs are contaminating Oregon groundwater resources and threatening drinking water for citizens in rural communities. Oregon scientists have attributed significant groundwater contamination in the Lower Umatilla Basin Groundwater Management Area (LUB GWMA) to CAFOs and irrigation of CAFO waste.<sup>4</sup> But the existing permitting processes fail to adequately address this risk of contamination. SB 876 would merely require an individual, rather

---

<sup>1</sup> Jack Healy, “Rural America’s own private Flint: Polluted water too dangerous to drink,” *New York Times* (Nov. 3, 2018).

<sup>2</sup> *See, e.g.*, Oregon Dairy Air Quality Task Force, “Technical Support Document for Dairy Air Quality Task Force Report” (2008) at 32-38; Oregon DEQ, “Oregon Regional Haze Plan: 5-Year Progress Report and Update” (Feb. 2016) at i, 21; U.S. EPA, “Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2008” Table 2-1 (Apr. 15, 2010) at 2-4.

<sup>3</sup> Oregon Dairy Air Quality Task Force, “Final Report to the Department of Environmental Quality and Department of Agriculture” (2008) at 3.

<sup>4</sup> Oregon DEQ, “Estimation of Nitrogen Sources, Nitrogen Applied, and Nitrogen Leached to Groundwater in the Lower Umatilla Basin Groundwater Management Area” (Jun. 13, 2011) at ii and 1; Oregon DEQ, “Analysis of Groundwater Nitrate Concentrations in the Lower Umatilla Basin Groundwater Management Area,” (Feb. 23, 2012) at Table 5-1, Table 5-2, Figure 1-1.

than a general, NPDES permit for CAFOs proposed in Groundwater Management Areas. Lost Valley Farm in fact received an individual permit, so it is not clear how this incremental reform would have a meaningful impact or even prevent another Lost Valley scenario from occurring. Common sense dictates that Oregon should not allow any new or expanded mega-dairies in a GWMA, where CAFO contributions to nitrate contamination are already well-established. SB 103 would enact the moratorium needed to prevent future contamination of essential drinking water supplies.

Equally important, SB 876 does not take into consideration the broader impacts of mega-dairies, such as impacts on family farms, public health, and animal welfare. Dairy farms across the nation are suffering from the effects of industrialization, over-production, and resulting low milk prices, and are going out of business at alarming rates. Over the past twenty years, Oregon has lost approximately forty percent of its Grade A licensed dairies, even as cow numbers in the state have increased.<sup>5</sup> SB 103 would require a study of the economic impacts of mega-dairies on family farms and milk prices, and would impose a moratorium on the permitting of new mega-dairies that would likely accelerate Oregon's loss of dairy farms. SB 876 would do nothing to address the crisis that family dairy farmers in Oregon are already experiencing.

While it is critical to prevent another Lost Valley Farm scenario, it is just as critical to look beyond the specific circumstances of the Lost Valley disaster and address the less sensational but equally significant harms caused by all mega-dairies. Limiting reforms to existing permits and approvals, as SB 876 would do, will leave critical issues unaddressed and will fail to achieve the meaningful reforms Oregon needs. A thoughtful analysis of the reforms needed to protect Oregon's environment, communities, and farms requires a time out from the expansion of the mega-dairy industry.

Food & Water Watch respectfully asks the committee to pass SB 103 out of committee with a 'do pass' recommendation, and to not pass SB 876 out of committee. Thank you for your consideration.

Sincerely,



Tarah Heinzen  
Senior Staff Attorney, Food & Water Watch

---

<sup>5</sup> State of Oregon Employment Department, "Oregon Dairy Production Stalls as Milk Prices Fall (Aug. 30, 2018).