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Testimony on SB 1513 Senate Rules Committee

Chair Burdick, Members of the Committee:

Friends of Family Farmers represents small and mid-sized family farmers across Oregon. We have a long history working to address the problems associated with very large confined and concentrated animal feeding operations (CAFOs) in Oregon and served on the state's Task Force on Dairy Air Quality in 2007. Last year, we participated in the work group discussions regarding SB 876, which is similar to SB 1513. We are very concerned about the trend in Oregon of fewer but larger dairy farms, and opposed the failed Lost Valley mega-dairy due to the likelihood of harmful impacts to Oregon's small and mid-sized dairy farms, groundwater resources, and air quality.

Unfortunately, we are unable to support SB 1513. The disastrous failure of the Lost Valley mega-dairy near Boardman revealed significant inadequacies in Oregon's permitting and oversight of large Concentrated Feeding Operations (CAFOs). Since that time, we have called for a 'time-out' on permitting new or expanding large-scale industrial CAFOs so that the state can enact new policies that protect the viability of small and mid-sized farms, water, public health and the environment from the threats that mega-CAFOs pose. Unfortunately, Oregon has not yet enacted a single reform in the wake of the Lost Valley debacle.

SB 1513 does not represent a real solution and, unless significantly strengthened, will not prevent the harmful impacts of new and expanding mega-CAFOs on family-scale farmers, water quality and quantity, air quality and the climate.

SB 1513 makes a small number of 'window dressing' type changes to the permitting process for new large CAFOs with over 2500 dairy cows, 3500 beef cattle and other very large operations with different animal types. The bill speaks to some of the worst agency failures observed during the Lost Valley permitting process, but will not prevent the harmful impacts as more of these mega-scale operations move to Oregon. It is frankly shocking that ODA and DEQ would need a new law to require the changes outlined in SB 1513, for example, to ensure a facility is fully built before animals are allowed on site, or to direct ODA and DEQ to consult with the Oregon Water Resources Department to determine if enough water is available for a new large CAFO to operate. As such, SB 1513 falls far short of the meaningful solutions Oregon needs as more and more mega-CAFOs move to our state to take advantage of our lax rules. What Oregon needs now is a time-out on issuing new mega-CAFO permits to allow time to meaningfully address the issues raised by Lost Valley and the failures of state agencies in granting that operation a permit.

The failure of Lost Valley exposed serious problems in Oregon's CAFO permitting process as it relates to very large operations. In the wake of these failures, it is clear that substantial new reforms must be enacted to ensure that what went wrong with Lost Valley cannot happen again. The timing is made all the more important by the news that another mega-CAFO, Easterday Farms, is already proposing to start up on the Lost Valley site despite many of issues still unresolved from Lost Valley's failure.

The history of Lost Valley clearly demonstrates that it was a combination of loopholes in state law and failures by state agencies during the permitting process that led to the Lost Valley fiasco. It was not simply 'one bad actor.' Problems with agency oversight included:

- Construction of the facility began improperly months before the CAFO permit was approved but no fines or financial penalties were issued.

- Agency staff focused on meeting arbitrary deadlines to approve the CAFO permit for Lost Valley while questions were ignored about the likely pressure to tap restricted groundwater for dairy operations should they approve the permit.
- The CAFO permit was approved and thousands of cows were allowed on site before permanent water rights were secured for dairy operations, before construction of manure containment infrastructure was completed, and before a final Animal Waste Management Plan was approved. This despite the fact that Lost Valley was located in a region with contaminated drinking water and in a restricted groundwater area with declining supplies
- The DEQ and ODA actively promoted the supposed ‘economic benefits’ of the facility in the absence of any economic analysis or consideration of the economic crisis facing many family dairy farms in Oregon. Mega-dairies are flooding the market with milk, driving down prices to historically low levels that are putting family farms out of business in Oregon and across the country.
- The agencies ultimately allowed an ongoing series of violations at the facility to become ‘severe’ before taking significant action despite the fact that many of these problems stemmed from the agencies approving the CAFO operating permit prematurely.

In addition, a 2008 program to require mega-dairies to reduce their air pollution was still not in effect at the time of permitting, raising significant concerns about Oregon approving a massive new industrial-scale source of haze-causing ammonia and methane, a potent greenhouse gas.

Beyond its well documented pollution problems, Lost Valley also utilized an exemption in state law for stock watering to tap millions of gallons of restricted groundwater, which state agencies were warned was possible in advance of approving the permit. **SB 1513 would do nothing to close this loophole.**

The State of Oregon clearly failed throughout the process of permitting Lost Valley and in the implementation of its CAFO program. Unless significant reforms are made to how operations of this scale are permitted and regulated in the future, the state agencies responsible could easily make the same mistakes again next time.

Federal and state rules define dairies with over 700 milking cows as ‘large’ but we are now seeing new operations that are at least ten times that size, with some significantly larger. Because of their size, the largest mega-dairies produce manure, urine and wastewater on the scale of some of Oregon’s larger cities, with emissions of ammonia and methane that rival many of the larger industrial sources in the state. Mega-dairies require tremendous amounts of water to operate, and pose significant risks to water quality, water quantity, air quality and the climate. In addition, mega-dairies are making it increasingly difficult for dairy farms that are smaller in size to be economically viable and stay in business.

Friends of Family Farmers counts Oregon dairy farmers among our membership, and we have seen family run dairy farms in Oregon that are among the best environmental stewards in the state, grazing animals on pasture, protecting soil and water, and caring for the land while producing the highest quality dairy products. We are firm believers that well managed grazing and pasture management is part of the solution to a number of environmental challenges, including climate change. We should be promoting these types of operations, not ushering in more mega-dairies that threaten to put them out of business.

Thank you for your consideration,



Shari Sirkin
Executive Director