

SB 85 -1, -3 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 3/6, 3/13, 3/22, 4/3

WHAT THE MEASURE DOES:

Directs the Oregon Department of Agriculture to study confined animal feeding operations, and to submit a report to agriculture-related interim legislative committees by September 15, 2024.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Establishes legislative findings. Specifies that the measure applies to industrial confined animal feeding operations (CAFO) as defined in rule, which consists of specified threshold numbers of mature dairy cows, veal calves, cattle, swine, horses, sheep or lambs, turkeys, chickens, and ducks. Prohibits, until June 30, 2031, the issuance or renewal of a license or permit to allow construction or operation of a new CAFO, expansion of an existing CAFO, or expansion of an existing livestock farm such that the farm would become a CAFO. Requires the Oregon Department of Agriculture (ODA), in consultation with other specified state agencies and organizations, to report to a natural resources-related interim legislative committee at least twice on the impacts of industrial CAFOs to air quality, climate, water quality, water supplies, small- and medium-sized livestock farms, community and worker health, and animal welfare. Specifies reports must be evidence-based and include an assessment of impacts, recommendations on needed laws or rules and their implementation timelines to ensure prevention of significant adverse impacts, and summaries of best practices in other jurisdictions. Specifies that ODA submit the first report by December 1, 2024, and the second report by December 1, 2026. Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

-3 Specifies that the measure applies to Large Tier 2 confined animal feeding operations (CAFO) for poultry as defined in rule, which consists of specified threshold numbers of turkeys, chickens, and ducks. Prohibits, until June 30, 2025, the issuance or renewal of a license or permit to allow construction or operation of a new CAFO, expansion of an existing CAFO, or expansion of an existing livestock farm such that the farm would become a CAFO. Requires the Oregon Department of Agriculture (ODA), in collaboration with other specified state agencies and organizations, to conduct research to develop specific, science-based recommendations on: regulatory requirements that would reliably minimize adverse large-scale poultry CAFO impacts on water supply and air quality, requirements for waste disposal to further safeguard water resources and public health, the system and resources to ensure compliance, and regulatory authority that could be delegated to local governments to respond to perceived or potential conflicts between large-scale poultry CAFOs and other businesses, facilities, or individuals in the community. Requires ODA to submit a report to natural resources-related legislative committees by December 1, 2024. Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

BACKGROUND:

The legislature first established a regulatory program for confined animal feeding operations (CAFO) in 1989. The legislation directed the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and the Oregon Department of Agriculture (ODA) to inspect CAFO facilities. In 1993, the CAFO statutes were amended to direct the Environmental Quality Commission (EQC) and ODA to enter a formal memorandum of understanding authorizing ODA to perform the CAFO-related functions of DEQ and the EQC.

Confined animal feeding operations (CAFO) are defined in administrative rule as (1) the concentrated confined feeding or holding of animals in buildings or pens: where the surface has been prepared with concrete, rock, or fibrous material; or that have wastewater treatment works; or that discharge wastes into waters of the state; or (2) concentrated animal feeding operations under federal regulations where animals are confined and fed on a lot or facility for at least 45 days per year; no vegetation is grown in the confinement area; and a threshold number for each type of specified animal is confined.

In 2022, there were 504 permitted CAFO facilities in Oregon. Most CAFO permits are for dairy operations, but facilities that meet CAFO requirements for horses, cattle, sheep, swine, chickens, turkeys, quail, egg production, and fur farms necessitate permits as well. In recent years, applications to register new CAFO facilities have ranged from four to 14 permit applications per year.

Senate Bill 85 would direct the Oregon Department of Agriculture to study confined animal feeding operations, and to submit a report to agriculture-related interim legislative committees by September 15, 2024.