

Submitter: Ted Kulongoski
On Behalf Of: Self
Committee: Senate Committee On Natural Resources
Measure: SB85

Chair Golden and Members of the Senate Committee on Environment and Natural Resources:

My name is Ted Kulongoski. I served as Governor of Oregon from 2003 to 2011. I live in Portland.

Today I am submitting written testimony regarding SB 85-1.

In 2022, I visited two of the sites in the Willamette Valley that are being considered for siting large-size concentrated animal feeding operations (CAFOs), where animals (in this case, chickens) are fed and raised in confined feeding operations.

I believe that any action on SB 85-1 must include a moratorium—a suspension—on the siting or licensing of CAFOs as defined in SB 85-1. The moratorium would remain in effect until the impacts on the environment and on public health issues are fully studied and understood by the Legislature and the licensing authority.

In particular, the issues of water quantity and quality are critical concerns to me and to the citizens of Oregon regarding the siting of CAFOs because those issues affect both public health and the livelihoods of Oregonians. The legislature needs more information on the effects of both water quantity and quality with regard to CAFOs.

In 2007, during my tenure as Governor, the legislature passed and I signed SB 235, which created a joint task force of the Oregon Department of Environment Quality (DEQ) and the Oregon Department of Agriculture (ODA). This joint task force was charged with studying the emissions from dairy operations, and making findings and recommendations to the Legislature. SB 235 did not include a moratorium while that study was undertaken. That is, business continued as usual.

A report was eventually issued to the Legislature and, for all practical purposes, that was the end of the matter. Other than the report's acknowledging that there was a problem, there was little impact on the reduction of emissions from dairy operations. The study required by SB 235 resulted in a lot of words but little, if any, action, on behalf of the public. After numerous meetings and a lot of talk, nothing had changed. I believe that nothing was done in that 2007 case because the legislation did not include a moratorium provision. There needed to be pressure on the government and the polluters to find a way to reduce dairy emissions.

I believe that the public would've been better served in 2007 if there had been a moratorium provision in SB 235 that would've prevented more damage to the environment and to public health while the study of the problem was ongoing.

I also believe that a moratorium in 2007 would have put some pressure on the proponents of the dairy industry and other interest groups, as well as on the regulatory authority, to implement the necessary requirements to protect our communities, and our health, and our environment before any siting and licensing decisions were made.

The same lesson holds true for SB 85-1. Without a moratorium on the government's licensing and siting of CAFOs as defined in SB 85-1, the issues of water quantity and quality will remain unaddressed.

In short, there must be a moratorium that prevents the siting and licensing of CAFOs until governmental regulators can conduct appropriate studies and obtain the information on water quantity and quality, emissions, and other issues that allow the regulatory authorities to make an informed decision. If there is a regulatory conflict between the two regulatory authorities, DEQ and ODA, that conflict should be identified and brought to the attention of the Legislature. The issue of identifying regulatory conflicts should be added to the language of SB 85-1. Appropriate legislative action will be needed to resolve the conflict.

I do not see this moratorium provision as a limitation on regulatory authority but as a basic element of good governance. The public simply expects and demands that the government—all of it—protects our health and our livelihoods.