

Testimony in support of SB 85 - 1

To: Chair Golden and members of the Senate Committee on Natural Resources

From: Emma Newton

Date: March 22, 2023

Thank you Chair Golden and members of the committee for this opportunity to submit public comment in support of SB 85-1. My name is Emma Newton. I am a born and raised urban Oregonian that strongly supports the efforts of rural communities to stop the expansion of mega-chicken CAFOS in our state.

I appreciate your efforts to make sure the community voices are heard on this critical and imminent threat of mega-poultry operations to Oregon. As we heard in the previous two days of testimony there are some serious gaps in Oregon's regulations of CAFOs of all kinds. Gaps that gravely threaten our state's rural communities, natural resources, and small farmers and that will not be able to be adequately addressed by -3. The -1 amendment will ultimately be the most protective of Oregon's rural communities and natural resources and should be voted out of committee.

My concerns with the -3 amendment are as follow:

- First, **-3 limits the moratorium to 2 years.** Two years is not enough time for the legislature and state agencies to adequately address the numerous problems with the law. As we heard in the informational hearing with agency personnel, there are simply not enough resources for the agency to adequately manage this program as it exists, let alone address its shortcomings. The impacts of CAFOs are too significant and complex to address in two years. The -1 amendment includes an appropriate moratorium length of 8 years and gives enough time for the agencies and legislature to address concerns with the regulations.

- Second and most importantly, **The -3 moratorium does not include Tier 1 poultry CAFOs.** Coupled with the shortened amount of time in -3, not including tier 1 CAFOs within the moratorium puts these communities further at risk. -3 in its current form would still allow for each of the proposed mega-poultry sites to begin construction of up to 349,000/birds per flock and wait out the expiration of the moratorium to continue to expand. That would mean there would still be over 2 million birds in each proposed site per year polluting the air and water.
- Third, I want to note a concern that has not been addressed in any of the testimony yet, that being the inherent conflict of interest Oregon Department of Agriculture (ODA) has in being both the regulator and promoter of animal agriculture in Oregon. If ODA is asked to promote products from CAFOs in Oregon and support them developing and thriving, how can the communities surrounding CAFOs trust that the ODA will also hold these CAFOs accountable to the harms that they cause to their air and water? A look at the CAFO permitting in Oregon indicates that CAFO permits are rarely denied by the ODA and when they are, it is not typically out of concern over harm to the community or environment. Typically permits are denied due to paperwork mistakes and agency staff work with the operator to correct mistakes and reapply (as many times as needed) at which point the permit is then approved. Simply put ODA works hand in hand with the operator to ensure they are successful in getting their permit regardless of the community's position to the CAFO. Oregon's CAFO permitting system is a rubber stamp to pollute and without adequate updates to the regulation our state will continue to be under threat from the out of state, multinational equity funds that want to site CAFOs here and gain access to our natural resources.
- Finally, I believe it is important to ask, how can ODA adequately address the holes in their own program when from the beginning the program has been set

up to fail? In previously submitted testimony by Alan Youse, a former Director with the ODA, Mr. Youse presented information that from the beginning Oregon's CAFO program and the flaws with the program since the beginning. Without strong legislative guidance to support the ODA in addressing the concerns with CAFOs and the gaps in our regulation, I'm worried that we will have another Dairy Air Quality Taskforce situation where recommendations for Oregon's CAFO program improvement sit on a shelf gathering dust while out of state corporations suck up all our water and pollute our air.

The -3 amendment does not protect Oregon from the harms caused by these industrial operations. Please continue to support the efforts of Oregon's rural communities to stop these proposed mega-poultry operations and schedule the -1 amendment for a work session and pass the -1 amendment out of committee.

Thank you.

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