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## **Testimony to the Oregon Board of Agriculture**

Director Hanson, members of the Board, thank you for the opportunity to provide testimony today. Friends of Family Farmers works to promote and protect family scale agriculture in Oregon, with a focus on policies important to the viability of small and mid-sized family farms.

We set our priorities based on listening sessions with farmers and ranchers across Oregon, which we have held since 2009. In the first half of 2016, we held 18 distinct listening sessions in farming communities across the state with over 200 participants. Our producer survey drew responses from nearly 300 Oregon farmers and ranchers. The top issues that came up in our 2016 listening sessions included: Access to Land for Beginning Farmers, Water Resource Management and Conservation, Labor, Food Safety Modernization Act Compliance, and Land Use. We also heard concerns from producers over issues of unwanted pesticide drift across property lines, the need for better state and local controls over poorly regulated genetically engineered crops that pose significant risk to Oregon producers, poorly crafted trade deals that have the potential to undercut the profitability of family scale operations, and the need for greater state involvement in supporting the growth of direct marketing and local and regional food systems.

But today, I wanted to alert you to the growing controversy over a proposed 30,000 head dairy concentrated animal feeding operation (CAFO) in Morrow County, called Lost Valley Ranch. The ODA opened a comment period on the National Pollution Discharge and Elimination (NPDES) permit for this operation this past summer. After a request from Oregon's Environmental Justice Task Force, the ODA re-opened the comment period for 30 additional days this past fall, which we thank the agency for doing. Several thousand comments in opposition were received over the two comment periods, perhaps the most in ODA's history. Significant critiques were received from a wide range of stakeholders, including from federal agencies with responsibility for protecting air quality in the region, the Confederated Tribes of the Umatilla Indian Reservation, the Morrow County Court, and a number of organizations.

The proposal has underscored several serious flaws in Oregon's permitting process for operations of this scale that we believe need to be addressed:

- Water quality - The facility would be a major new source of groundwater pollution in the Lower Umatilla Basin Groundwater Management Area (GWMA), an area designated in 1997 due to nitrogen contamination in groundwater. The stated goal of the GWMA is to reduce nitrogen contamination in groundwater, but the most recent analysis in 2012 shows that area-wide nitrate concentrations are high and continuing to increase. Agriculture, including CAFOs and the land irrigated with manure wastewater generated at CAFOs, is by far the

biggest contributor to this continued problem. The Lower Umatilla Basin Groundwater Management Area is simply an inappropriate location to site the Lost Valley Ranch proposal.

- Air quality – It is well understood that large concentrated livestock operations can have significant air quality impacts, from hydrogen sulfide and ammonia emissions, to methane. In 2005, the US Forest Service identified Threemile Canyon Farms as one of the two largest sources of air pollution contributing to acidified fog in the Columbia River Gorge. The Oregon Legislature in 2007 established a Dairy Air Quality Task Force to address air quality issues around large livestock operations, resulting in a 2008 report that called for the creation of a state Dairy Air Quality program. This would have included monitoring and measuring air emissions, the development of science-based best management practices and enforcement of air quality rules for large sources beginning in 2015. Unfortunately, neither the DEQ nor ODA has moved forward with the task force’s consensus recommendations, which should have already been put into place to address air quality issues related to Lost Valley Ranch. To this day, the state of Oregon has still not adopted the Dairy Air Quality Program called for by the state’s Dairy Air Quality Task Force in 2008, a major breakdown in oversight and accountability. Oregon must act to create the long-overdue Dairy Air Quality program called for by stakeholders on all sides of this issue back in 2008.
- Land use - Despite concerns ranging from impacts on groundwater to fugitive dust emissions impacting neighboring farms, and noting with significant concern that facility construction had begun before any permit had been issued, Morrow County felt it had no choice but to issue a land use compatibility statement for Lost Valley Ranch. While Oregon’s land use system provides strong protections for agriculture, it was created at a time before livestock increasingly began being raised in large CAFOs, which involve pouring tremendous amounts of concrete and sometimes constructing half-mile long buildings on farmland. And while these operations can produce a volume of biological waste comparable to major metropolitan areas, they are not treated any differently from more traditional farming operations when it comes to land use permitting. As more of these types of operations move to Oregon from California, other states or even foreign countries, seeking cheap and abundant water and less stringent environmental oversight, the state should consider upgrades to the land use system to give local communities greater ability to say ‘no.’
- Impact on smaller farms - While the ODA’s mission includes protecting the natural resource base for present and future generations of farmers and ranchers and promoting economic development, the agency to our knowledge does not conduct any sort of economic impact analysis during its permitting process to assess the economic tradeoffs associated with large CAFOs. Across the US, the push for larger dairies has put small family dairy farms out of business. In Oregon, it has been well documented that in the five years after Threemile Canyon Farms moved to Oregon, nearly half of the state’s dairy farms went under, even as overall dairy cow numbers increased. These were mostly smaller, family scale operations. The question now is, if ODA issues a permit to Lost Valley Ranch, what will be the impact on family dairy farms in Oregon? Is the agency even asking these questions? If not, we believe the ODA must begin looking at the economic tradeoffs of its permitting decisions to assess the real world impacts its decisions have on Oregon’s agricultural landscape.

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