

SB 104 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 3/21

WHAT THE MEASURE DOES:

Defines an "industrial dairy" as a dairy: (1) having less than 700 mature dairy cows that does not guarantee to provide the cows with seasonal daily access to pasture land or (2) having more than 2,500 cows. Classifies industrial dairies as industrial facilities for purposes of right to farm, water and air pollution, water rights, and land use laws. Authorizes local governments to adopt ordinances to protect human health and safety by restricting or prohibiting air and water emissions by industrial dairies modelled on recommendations in final report of Task Force on Dairy Air Quality (Task Force) created in 2007. Prohibits the Departments of Environmental Quality and Water Resources from issuing any license or permit for a new or expanded industrial dairy that would violate a local ordinance adopted under this Act.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The legislature first established a regulatory program for confined animal feeding operations (CAFOs) in 1989. The legislation required the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and directed 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 into a formal memorandum of understanding (MOU). The MOU authorizes ODA to perform the CAFO-related functions of DEQ and the EQC. Most CAFO permits are for dairy operations, but other types of operations with concentrated, confined holding or feeding of animals also require a permit. At the end of 2017, there were 509 permitted CAFO facilities in Oregon.

Senate Bill 104 would define "industrial dairy" for purposes of Oregon laws on right-to-farm, air and water pollution, water rights, and land use.