

SB 103 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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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 (DEQ) and Agriculture (ODA) from issuing any license or permit to allow construction or operation of a new or expanded industrial dairy. Directs the Environmental Quality Commission (EQC) to establish by rule an Industrial Dairy Air Emission Program modelled on the Task Force report not later than January 1, 2021. Requires that program include provisions to reduce specified emissions. Prohibits DEQ and ODA from authorizing or allowing an industrial dairy to begin operation unless it has obtained water rights that are not subject to appeal, identify a water source with sufficient capacity to supply the full amount of water allowed under the permit, and allow all uses required to operate the dairy. Limits stockwatering exemption if user is an industrial dairy. Requires industrial dairy to post bond with ODA as security against environmental, health, or animal welfare costs from dairy operation. Directs ODA to study the effect of industrial dairies on the economic viability of small and medium size dairies, including effect on milk prices and issue report not later than one year after effective date of Act. Creates Task Force on Dairy Animal Welfare to conduct a review of animal welfare practices at industrial dairies and submit a report to interim legislative committees no later than September 15, 2020. Requires EQC to submit an annual status report to interim legislative committee regarding industrial dairy program and rules. Takes effect 91st day following adjournment sine die.

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