



April 2, 2021

Testimony in Support of SB 583 – Mega-Dairy Moratorium

Chair Beyer and Members of the Senate Committee on Energy and Environment:

Friends of Family Farmers, or FoFF, is a farmer-led non-profit that has advocated for family-scale agriculture for over 15 years. FoFF has a long history of working to address the problems associated with CAFOS and served on the state's Task Force on Dairy Air Quality in 2007.¹ We've long argued that mega-dairies are using loopholes in Oregon law, like the stock watering exemption, to expand their operations while driving small and mid-sized farms out of business.²

During the public hearing yesterday, we repeatedly heard that SB 583 is a "ban" that will force "dozens of dairies" to shut down. This is false. No dairy in Oregon will be shut down as a result of SB 583. Even Oregon's largest mega-dairy, Threemile Canyon Farms (TMC), would not have to shut down or even reduce its size—TMC simply would be prevented from further expansion while the moratorium is in place.

We also heard additional falsehoods about TMC's environmental record. For example, TMC claims that it is not a major contributor to air quality issues, and it reduces GHG emissions through its methane digester that converts cow waste into burnable gas. In reality, there are no Oregon regulations for air emissions from mega-dairies, even though they emit many air pollutants that harm health and contribute to climate change, like ammonia, hydrogen sulfide, methane, and volatile organic compounds (VOC).³ Even though TMC is likely a major source of VOCs under the Clean Air Act, the state has never required it to obtain a permit.

TMC's ammonia emissions are the highest among any industry nationwide (even in 2005 when the herd was only 50k) and ammonia from TMC contributes to haze pollution in the Columbia River Gorge National Scenic Area.⁴ Even when the coal-fired power plant in Boardman was shut down for maintenance, air quality issues persisted in the Gorge and a published study attributed the pollution to mega-dairies.⁵

It is our position that manure digesters and the factory farm gas TMC now sells to California are a false solution to climate change: they do nothing to reduce other air emissions, can't capture the greenhouse

¹ In 2008, consensus recommendations were developed by the Task Force for the creation of an [Oregon Dairy Air Emission Program](#). This program explicitly called for air quality monitoring and both voluntary and regulatory approaches to address significant sources of these air emission in Oregon—unfortunately, nothing has been done.

² According to data from the USDA Census of Agriculture, forty years ago Oregon was home to more than 4,000 mostly small, family-owned dairies. Now, just over 200 remain.

³ Oregon Dairy Air Task Force Recommendations (2008), <https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/105332>.

⁴ See above and https://www.foodandwaterwatch.org/sites/default/files/fs_1702_oregoncafo-web_2.pdf.

⁵ Jaffe, D.A., *Now you see it, now you don't: Impact of temporary closures of a coal-fired power plant on air quality in the Columbia River Gorge National Scenic Area*, Atmospheric Chemistry and Physics, p. 8004 (October 23, 2009), <https://acp.copernicus.org/articles/9/7997/2009/acp-9-7997-2009.pdf>.

gas emissions from cows themselves, and at *best* can only capture the additional methane created by the lagoon-and-spray system TMC and other mega-dairies use. Revenue from the gas also incentivizes larger herds, leading to more of the greenhouse gases that are not captured.⁶ And TMC’s manure digester was cited for two EPA violations in 2020.⁷

TMC also claims that state regulators ensure CAFOs don’t pollute surface or groundwater, and there is no evidence TMC has or is contributing to groundwater pollution. However, mega-dairies (mainly TMC) and land irrigated with their wastewater, are the biggest source of nitrates in the Lower Umatilla Basin Groundwater Management Area and the pollution is getting *worse*, not better, according to the state’s own studies.⁸ TMC’s practices (lagoon-and-spray) are contributing to regional groundwater nitrate contamination, according to an internal memo from a DEQ hydrologist completed just before the disastrous Lost Valley mega-dairy was permitted in 2017.⁹

Another of the bill’s opponents said that this legislation is from “urban Oregonians who have never been on a dairy farm, nor understand where their food comes from.” These claims couldn’t be farther from the truth. FoFF’s founder, a dairy farmer, comes a long line of dairy farmers. I and other FoFF staff have visited numerous dairy farms, large and small. FoFF’s work is deeply invested in improving regional food security—all of our staff source our food locally, with respect for the farmers and ranchers who produce it, and many of us additionally produce our own food and/or farm.

It is FoFF’s belief that Oregon’s mega-dairies are benefitting a “Wall Street” model of enterprise, not a “Main Street” approach, the latter of which is needed to truly usher in environmentally-just rural economic development. Now more than ever, Oregon needs to rebuild our economy, and re-regionalize our food system, wherein we prioritize feeding our communities instead of shipping commodities like milk nationally and internationally. Putting a moratorium on mega-dairies is an essential—and temporary—first step in addressing these issues and leveling the playing field so that small dairy farmers have a chance again.

Thank you for your consideration.

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⁶ <https://www.foodandwaterwatch.org/insight/renewable-natural-gas-same-ol-climate-polluting-methane-cleaner-sounding-name>.

⁷ <https://echo.epa.gov/detailed-facility-report?fid=110035771901#history110035771901>

⁸ <https://www.oregon.gov/deq/FilterDocs/gw-lubgwma-nitrogen.pdf>.

⁹ Phil Richerson, DEQ Nonpoint Source Hydrologist, memo to agency titled “Why I believe TMCF is currently impacting groundwater quality” (2017), released in public records request to ODA, on file with author.