



403 SE Caruthers St. #101
Portland, OR 97214
503.223.6418

Testimony of Elisabeth Holmes, Staff Attorney, Willamette Riverkeeper
To Oregon Senate Committee on Energy & Environment
In Support of SB 583 Mega-Dairy Moratorium Bill
April 1, 2021

Senate Committee on Energy and Environment
900 Court Street, NE
Salem, OR 97301

Chair Beyer, Vice-Chair Findley and Members of the Senate Committee on Energy and Environment:

Willamette Riverkeeper, an Oregon nonprofit with approximately 7,000 members and supporters, submits the following comments in support of SB 583, the mega-dairy moratorium bill. I serve as Willamette Riverkeeper's Staff Attorney, and I am also a member. Since 1996, our organization has proudly served as the eyes, ears, and voice of the Willamette River Basin waters. The Willamette, Santiam, Molalla, Clackamas, Tualatin, Yamhill, Calapooia, McKenzie, Long Tom, and Luckiamute Rivers are not just important for fishing and recreation, but also for our threatened salmon habitat, our wildlife, and our fellow Oregonians in the Willamette Valley who rely on these waters for their drinking water.

Willamette Riverkeeper is driven to protect the rivers, creeks, tributaries, and side channels of the entire Basin, and our conservation and cleanup programs enable us and our volunteers to generate positive change for the Willamette River. We support diversity and inclusion in our work to bring all Oregonians to the Willamette River to recreate, enjoy and protect our river. We believe in a river with excellent water quality and abundant habitat, and safe for fishing and recreation. We believe this is a fundamental public right.

We support SB 583, which will protect the waters so important to all Oregonians by stopping mega-dairy expansion and protect Oregon from the same fate as other states that have been overrun by industrial animal agriculture.

Willamette River Basin and Factory Farms

Willamette River Basin lands are a diverse mix of agriculture, forest, and urban uses, intertwined with river systems descending from the Cascades and Coastal Ranges into the main stem of the Willamette River, and into the Columbia River. The Basin covers approximately 12 Oregon Department of Environmental Quality (DEQ) sub-basins, nine Oregon counties (Lane, Linn, Marion, Clackamas, Multnomah, Benton, Polk, Yamhill, Washington), and three Oregon Department of Agriculture (ODA) Concentrated Animal Farming Operation (CAFO) Program Areas: II, III, and IV. The Willamette Valley is Oregon's breadbasket and the most diverse

agricultural region in our state. We proudly produce wine, fruits, vegetables, nursery, and livestock products. Our farmers are young and old, organic and conventional.

Our livestock farming ownership structure and methods are rapidly changing though, and without SB 583, we are left unprotected against corporate farming interests in a business model where products and profit are prioritized over water quality and Oregonians' well-being.

The mega-dairy moratorium bill directly affects Willamette Riverkeeper because approximately 200 of Oregon's 508 permitted factory farms (39%) are located in the Willamette River Basin. This is more than any other region of Oregon, including Tillamook which has approximately 115 (23%) of Oregon's factory farms.

Our review of public records confirm that in the last two to three years, factory farms within the Willamette River Watershed have constructed new manure lagoons, large-scale composting facilities, and solid manure storage structures, potentially priming the area for dairy herd increases. These dairies are already between 1,200 and 4,800 head. The proximity of these industrial operations to Willamette basin waters, with their unlined earthen lagoons storing wet dairy manure, their compost storage areas, and low-lying manure application fields, is incredibly worrisome to Willamette Riverkeeper.

For 2020, Oregon had approximately 127,000 milk cows.¹ This is about a 5% increase in the number of milk cows in the last 10 years. Approximately 37,700 milk cows are in the Willamette River Basin water counties (30% of the state total).² Additionally, the number of replacement heifers in Oregon was about 70,000 for 2020 (a 7.6% increase in 10 years).³ If similarly 30% of replacement heifers are in the Willamette River Basin, that raises the number of dairy-related cattle in the basin by 21,000 to approximately 58,700, exclusive of calves and a limited number of bulls. While certain variabilities can influence the amount of waste each milker or heifer cow produces, Food & Water Watch estimated (from ODA records) that Oregon's dairies produced 6.5 billion pounds of manure in 2019.⁴ For very rough estimate purposes, if 30% of the state's milk cows are in the Willamette Valley, then a load of approximately 1.95 billion pounds of untreated manure is released into the Willamette Valley Basin lands and waters each year.

Willamette River Basin waters are already at-risk and SB 583 would prevent against further degradation. For years, numerous basin waters have been listed as Clean Water Act § 303(d) impaired waters for pollutants including harmful algal blooms (HABs), temperature, E. Coli,

¹ See USDA National Agricultural Statistics Service (NASS) (https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=OREGON) and ODA Oregon Agricultural Statistics and Directory (2021) pp. 55, 57 (<https://www.oregon.gov/oda/shared/Documents/Publications/Administration/AgStatsDirectory.pdf>).

² ODA Oregon Agricultural Statistics and Directory pp. 60.

³ ODA Oregon Agricultural Statistics and Directory pp. 57.

⁴ See Food & Water Watch Fact Sheet, The Urgent Case for a Moratorium on Mega-Dairies in Oregon, n. 12 (11/20).

fecal coliform, turbidity, dissolved oxygen, nitrate, ammonia, flow modification, sedimentation.⁵ Where waters are impaired, Oregon is required to establish “Total Maximum Daily Loads” (TMDLs) to determine the loading capacity of a waterbody, and to use Water Quality Management Plans to change the way pollutants enter the water. The Willamette River has TMDLs for bacteria, temperature, and mercury, but not other pollutants often associated with industrial animal agriculture. Lastly, essentially the entire Willamette River Basin is federally-designated critical habitat for threatened salmonids.⁶ We cannot overemphasize that the current manure load to the Willamette Valley Basin waters *already* poses unacceptable risks to our waterways.

On a personal note, I am the granddaughter of a country veterinarian. I grew up in the Midwest, in a state known for its dairy industry. When I was young, we would drive around with the windows down to smell the sweet, earthy, and fresh odor of the country. In the late 1990s, what had been generations of family-run 200 - 400 head operations jumped to 2,000 - 4,500 head. Instead of breathing in the fresh air, we were hit with walls of acrid odors, causing instantaneous gagging, eye-tearing, and throat seizures. Sometimes you were overwhelmed by the smell before you could even see the dairy. Many of the rivers in my home state are silty, encrusted with cow manure, and clogged with nutrients, fecal bacteria, pathogens, viruses, and waters are laden with water quality problems (nitrogen, nitrate, phosphorus, temperature, pH, dissolved oxygen, BOD5, sedimentation, turbidity, veterinary pharmaceuticals). Harmful algae blooms (HABs) linked to cyanobacteria and nutrient and phosphorus overload are now the norm in my home state. The first week I moved to Oregon, I was stunned at how clear and beautiful the rivers were. I had forgotten what rivers were supposed to look like.

For the last decade, prior to joining Willamette Riverkeeper, I worked primarily on factory farm issues across the U.S. I represented dozens of underserved communities in the Midwest, the Southeast, and the West. Oregon has been targeted by industry for several years now as new and untapped market for expansion opportunities; one of the reasons is that Oregon has not yet learned from the mistakes of other states already ravaged by the pollution of industrial agriculture.

Conclusion

We, as Oregonians, are asking you to pass a law that preserves the status quo: to protect water quality, public health, and our family farms.

⁵ See Oregon DEQ Water Quality 2018/2020 Impaired Waters 303(d) Map and Integrated Report.

⁶ See NOAA National Marine Fisheries Maps for Upper Willamette River Chinook and Steelhead: https://archive.fisheries.noaa.gov/wcr/publications/gis_maps/maps/salmon_steelhead/critical_habitat/chin/chinook_uwr.pdf and https://archive.fisheries.noaa.gov/wcr/publications/gis_maps/maps/salmon_steelhead/critical_habitat/steelhead/steelhead_uwr_ch.pdf.

A mega-dairy moratorium would halt the development of (1) new mega-dairies, and (2) prevent the expansion of existing ones. This concept of a moratorium is endorsed by the American Public Health Association, and is part of proposed federal legislation. Through my work in this field over the last decade, I personally have met hundreds of people across the U.S. who live next to, and downstream or downgradient from factory farms. I can assure you that with the hindsight of what these communities have suffered, they would have no hesitation in supporting this bill.

If you would like additional information on how these issues affect the Willamette Valley, we stand ready to assist you.

Sincerely,

s/ Elisabeth Holmes

Elisabeth Holmes, Staff Attorney and Member
Willamette Riverkeeper
eli@willametteriverkeeper.org