

My name is Nina Brenner. This is testimony **in support of SB 85** 2023 Regular Session relating to confined animal feeding operations

I live in Scio less than a mile from a small broiler operation that emits intermittent foul odors. I live .9 miles from the proposed CAFO on Thomas Creek. We manage a 65-acre NRCS wetland/oak savanna habitat that hosts many types of wild birds that are vulnerable to avian flu including Canada geese, egrets, ducks, turkeys, flickers, red-winged blackbirds, several hawk species, and more. We also grow 30 acres of hay.

The 3 proposed chicken CAFOs in Linn and Marion counties threaten the fragile watershed. These issues have not been addressed adequately.

1. **Water Pollution:** How exactly will operators prevent contamination of Thomas Creek and the Santiam River by chicken waste from CAFOs only yards from the riverbanks? There will be floods; hoping that the water doesn't get high is not a solution.
2. **Heavy Truck Traffic and Road Damage:** There will be heavy traffic of large trucks on narrow country roads not engineered for it – who will pay to improve the roads and how will the county get easements?
3. **Air Pollution:** How will air pollution affecting nearby schools and residences be prevented? If it's not prevented, how will it be mitigated?
4. **Avian Flu:** What are the action plans for avian flu, which has struck operations all over the world in spite of strict biosecurity protocols. How would culled birds be disposed of and where?
5. **Nitrogenous Waste:** Where exactly are the thousands of tons of manure, litter, and carcasses going to be disposed? We are told that organic farmers will use it as fertilizer: what farmers, and where will it be processed and composted? Show us contracts with these farmers that list specific processes and procedures.
6. **Local or Sold Outside of Oregon:** We are told that these CAFOs will grow chickens for Oregon. We need proof, in the form of a contract, that Oregon-raised chickens will be kept separately out of the flow in the Kelso, Washington slaughter house and sent back to Oregon. That plant does have a permit to export to China.
7. **Stockwater Exemption Abuse:** In Oregon, CAFOs have flouted regulations and abused the stockwater exemption: <https://www.statesmanjournal.com/story/tech/science/environment/2018/03/22/lost-valley-mega-dairy-oregon-used-loophole-tap-aquifer-allowed-state-officials/426738002/>
8. **New Zoning Needed:** If we are going to do industrial mega animal operations, Oregon needs to think bigger. We need to create a new Industrial Ag zone where CAFOs are located at appropriate sites that are near major transportation routes, have adequate facilities to handle waste (manure and dead birds), and have access to sufficient groundwater. The current "anything goes" EFU zoning is not adequate.

Foster Farms and avian flu best practices

Jamie Cate's legislative aide wrote in an email: "But Rep Cate's hope is that anyone concerned about these farms, will please visit one for themselves. The team at Foster Farms has made the offer repeatedly, and to our knowledge, none of the community members concerned have taken them up on it."

Chicken CAFOs all over the world have gone into strict biosecurity lockdown to try to avoid culling millions of birds due to avian flu. Humans cannot visit poultry operations without following strict PPE and sanitation protocols. Inviting the public into CAFO poultry barns also invites questions about their ability to manage a CAFO.

Learn from the Lost Valley Dairy CAFO Debacle:

We have been through this CAFO cycle before, where thousands Oregonians objected in vain, with the predicted disastrous results. This is why many of us are not reassured by the promises of ODA, DEQ, and some legislators.

A Frequently Asked Questions (FAQ) was published by Oregon Department of Agriculture and the Oregon Department of Environmental Quality in March 2017, after approving the Lost Valley megadairy. It pointed out that many of the issues brought up by the public were "beyond the scope" of the permitting process (air quality,

animal health, antibiotic use) so not regulated. If these critical issues are not in ODA/DEQ's scope, whose scope are they in?

<https://www.oregon.gov/ODA/programs/NaturalResources/Documents/CAFOPublicNotices/LostValleyFarm/LostValleyFarmFAQs.pdf>

ODA/DEQ only took responsibility for the water management, and reassured everyone that “the CAFO permit for Lost Valley Farm is the most protective of surface and groundwater of all similar permits in Oregon” and that “the permit provisions controlling pollution are designed to lead to improvements (nitrate reduction) in the aquifer over time, which will be measured through monitoring.”

In spite of ODA/DEQ's assurances, water from multiple wells in Boardman and Irrigon is undrinkable due to nitrate contamination.

<https://www.opb.org/article/2022/06/10/morrow-county-state-of-emergency-drinking-water-contamination-nitrate-levels/>

Pass SB 85 and take the time to update zoning laws and other legislation to address the concerns above.