

I urge you to support SB 85-1 for the following reason(s).

My name is Alan Youse and I worked for the Oregon Department Agriculture from September 1986 retiring September 2009. During my tenure with the ODA my responsibility was to develop the state's infant Confined Animal Feeding Operation (CAFO) program. During those years this writer along with the livestock industry(s) and assistance from various state and federal agencies fabricated the program. The program was based on me being charged to conduct citizen complaints regarding the unlawful discharge of animal waste(s) primarily from dairy operations. My efforts, as one person I have worked in all of Oregon's 36 counties conducting inspections. My efforts revealed there was not enough time and adequate trained staff to address the massive wastewater discharge problems on a statewide basis. The passage of the then HB 3445 created the CAFO program with very limited staff and meager funding. With the aid of then Rep. Jeff Gilmour resulted in the first ever WPCF permit and fees for livestock operations. It took several years to identify livestock operations to begin the permit process. I developed a uniform complaint form and inspection procedure. Balking at regulatory aspects of the CAFO program several Soil and Water Conservation Districts conducted investigations. The SWCD's efforts failed once again brought to light the much-needed trained staff to monitor all aspects of the program. A timeline of ODA events.

1986: One FTE to develop program. FTE had 16 other areas of responsibilities. Key thought, inadequate time to manage CAFO program.

1990: Second FTE added to staff for the CAFO program, however, 50% of new FTE's time delegated to state's Smoke Management Program.

1992: Section 319 of the Federal Clean Water Act enacted for Washington County. A multi-agency effort to identify and correct water quality issues from livestock operations and suspected septic tank issues. This program developed a procedure to identify problem areas from CAFO(s) under the ODA purview. Aerial photography located livestock operations within the county and later verified their existence. Successful efforts accomplished to correct perceived and verified waste management issues. A few Washington County SWCD directors assisted the 1986 FTE to complete inspections. This set the stage to identify CAFO problems throughout the state. Summary: Not enough staff and a hostile statewide livestock community.

1996 to 1998: New state legislation authorized ODA to hire additional CAFO staff (6 FTE's) and approximately 10 other FTE's to undertake the new State Water Quality Management Program. The two programs did not overlap because the CAFO program was regulatory in nature and the new program was not.

1997: The state had already established a map depicting six geographic areas and the estimated number of CAFO(s) within each area. Inspectors or Livestock Water Quality Specialist were geographically located in each area. And charged with inspection authority, however, their location added travel time to each permitted CAFO and in most cases not enough time was allocated to thoroughly review and inspect each component of their approved Animal Waste

Management Plan. Summary: Time and distance impacted much needed verification and compliance with their permit and state laws.

In view of the potential approval of a large-scale Tier 2 Poultry operation I bring this to your attention as a former agency official, I have serious concerns about the Department of Agriculture's program to regulate Large Tier 2 Concentrated Animal Feeding Operations (CAFOs). I understand the importance of regulating CAFOs to protect public health and the environment, but I believe that the program is hampered by significant resource constraints that limit its effectiveness.

One major issue is that the agency staff (1.5 FTE(s) are responsible for enforcing regulations are significantly under-resourced. This means that they are unable to effectively monitor compliance with regulations and ensure that Large Tier 2 CAFO operators are held accountable for any violations. As a result, many CAFO operators may be able to avoid complying with regulations, which undermines the program's effectiveness. Each operation must have an approved Animal Waste Management or a Nutrient Management Plan. Whatever source each of these plans come with significant Operation and Management (O &M) components that must be routinely inspected. My experience is that staff does not have the time or will take the time to address all components of their plan(s). Regardless of all of the state and or federal guidelines, Failure is eminent.

Additionally, the current program does not adequately address the environmental impacts of CAFOs. These operations produce vast amounts of animal waste, which can contaminate nearby water sources and harm aquatic ecosystems. The regulations do not do enough to prevent this contamination from occurring. Furthermore, the program fails to address the air pollution caused by CAFOs, which can harm the health of nearby communities.

An example of one loophole is the fact that the Agency allows poultry operations Animal Waste Management plan for dealing with their waste to simply "export" the waste off site. The Agency does not monitor or track the recipients where the waste is being applied nor are they assuring that it is being done so at agronomic levels. This is a major hole in the program, particularly as the state is experience proposals for many industrial chicken operations to be sited in the Willamette Valley of Oregon.

Further, Oregon does not regulate air emissions from any livestock operations. This is a huge concern, particularly with the proposed poultry CAFOs in Linn and Marion County which are being sited right next to streams and waterways. A major vector for water contamination is the air and ODA is not taking this into consideration.

In conclusion I believe that the Department of Agriculture's current CAFO program is inadequate for addressing the impacts of Large Tier 2 CAFOs. The agency staff responsible for enforcing regulations are significantly under-resourced, and this hampers the program's effectiveness. Additionally, the program does not adequately address environmental concerns. As a former agency official, I urge the Department of Agriculture to address these resource

constraints and reevaluate and strengthen its program to ensure that CAFOs are held accountable, and that public health and the environment are protected.

I urge you to support SB 85-1