

Chair Goldman members of the Committee,

My name is Kendra Kimbirauskas.

I am re-submitting my testimony in support of SB 85-1 and ask that the committee move these amendments forward.

I live and farm in the community of Scio, a community that is being targeted by a multinational corporation looking to expand massive chicken operations next to our farms and homes, next to a rural Scio school, in the middle of a rural neighborhoods and on the banks of the North Santiam River.

The -3 amendment does not adequately protect our community from the proposed operations and their impacts. We believe that were this amendment to pass as is, it would not prevent the poultry operations from even breaking ground and doing so under the guise of a tier 1 operation, while waiting out the expiration date of the moratorium to expand to a tier 2 size.

There is precedent of this happening at this moment in Aurora, as ODA agency staff is allowing the deconstruction of an old chicken farm and the construction of a new massive poultry operation in its place. They are doing this in phases, I believe in order to avoid public review and input.

The two-year moratorium in the -3 does not give the agencies enough time to provide the research necessary in order to enact protective rules to mitigate impacts from large scale industrial poultry operations.

For the reasons above I ask that you move the -1 amendments forward to a work session and that they be voted out of committee.

I will be submitting my written testimony in support of the -1 amendments as well. Thank you.

Testimony from 3/13 in support of 85-1

I grew up on a dairy farm, that was my father's and his father's before him. My lineage is one of farmers as far back as I can trace and today I live and farm with my husband on approximately 70 acres in Scio, Oregon. I am here with my farmer neighbors to support SB 85-1.

We have known for a long time that Oregon's laws are flawed when it comes to adequately protecting family farmers and rural communities from industrial-scale livestock operations.

However, nothing could underscore just how problematic and underprepared our existing regulatory scheme is, than the experience that my community has been through for the last two years.

Foster Farms - now owned by Atlas Holdings, a global equity firm - is attempting to site 13 million chickens/year in our rural community in 44 barns that each house 46,000 birds. These barns are significantly larger than the poultry barns that have previously been in our state.

Unfortunately, these investors don't care about the people who live here. We know this because they've proposed millions of birds right next to our farms and homes, next to a rural Scio school, in the middle of a rural neighborhoods, on the banks of the North Santiam River and on top of Thomas Creek's most popular swimming hole.

Let me tell you what we have learned over the course of the last two years.

- 1) Oregon has worked to protect farmers from burdensome regulations. Yet as large CAFOs have grown in size and scale, that state has not modernized its rules. From a regulatory standpoint there is virtually no difference between a farm that raises 500 chickens and one that is raising 500,000.

- 2) Our county commissioners have told us that state laws have tied their hands from being able to put any reasonable safeguards on where these operations can site and how they operate, because, despite their industrial scale and impacts, they are an outright permitted use if sited on EFU land.
- 3) There is no public notice at the county level for industrial sized CAFO operations being sited on EFU lands. My neighbors found out about these sites through the community rumor mill. By contrast, If I would want to add a temporary dwelling for an elderly relative at my farm, there would be a public process to allow my neighbors to weigh in but not for 4.6 million chickens.
- 4) The state CAFO permit calls poultry litter “dry litter” and therefore doesn’t regulate where it goes. The animal waste management plan simply says “exported” and there is no accounting of where that waste ends up. Contrast that with the family-scale dairies in our area that have to account for nearly every drop of dairy manure they generate. The poultry facilities are going to be producing thousands of tons of manure per year and no one knows where it’s going.
- 5) The state does not regulate air emissions from CAFOs and incorrectly argues that air emissions are not a contributor to water contamination. This is despite the fact that other states have noted ammonia emissions from poultry CAFOs *specifically* as a reason for ammonia deposition, water contamination and algal blooms.
- 6) Because of an antiquated law, industrial CAFOs have no limit on how much groundwater they can withdraw to water their birds, even in groundwater management areas that have limited water availability.
- 7) According to our rural and mostly volunteer fire department these operations are exempt from fire mitigation technologies such as sprinkler systems because they are defined as “agriculture.” Yet we

know these operations can be flammable and are being sited in fire prone areas.

- 8) And lastly to add insult to injury, Oregon's laws make it so that neighbors have no legal recourse to bring a nuisance case against an operation that has proven to be a bad actor.

These are the reasons we need a time out. Let's be solution-oriented to address the concerns of our rural communities.

Thank you.