



February 4, 2025

Chair Golden and Committee Members:

Center for Food Safety offers this additional testimony in support SB 747, which establishes basic reporting requirements for fertilizer applications on the state's largest farms. In addition to all the very good policy reasons to collect this crucial data, I want to address some of the misconceptions and misleading information offered by opponents of this bill.

First, clearly certain groups misinformed their members about what the bill will actually do: it will *not* result in fines for over-applying fertilizer. The enforcement section allows a fine for failure to report, not for overuse. Section 2 states that violation of Section 1 is subject to a civil penalty of up to \$10,000. The only way a person can violate Section 1 is by failing to report to the department the information listed in Section 1 (3), rate of fertilizer used, etc. Thus, while some farmers were clearly misinformed by those who should know better, this bill will not result in any fines of person for "overapplying" fertilizer.

Second, reporting this type of information is not such a high burden to farmers that manage over 200 acres of land. We hear the same refrain from representatives and Big Ag lobbyists every session: any type of regulation on this industry will kill it. This sky-will-fall scare tactic has never proven true. It strains credulity to imagine that large farms (200 acres and over) do not keep records on the amount of fertilizer they purchase and use in each growing season.

The testimony in opposition to the bill during the hearing made it clear that these large farms have sophisticated equipment to apply and monitor their fertilizer use, so how is giving this information to our environmental regulators such a burden? Further, confined animal feeding operations that land apply their waste are required to record similar information under current permits, as are other Water Pollution Control Facilities permittees.

While opponents claim that the potential to contaminate groundwater is dependent on more than pounds of fertilizer used, and this is true, the bill provides ODA and DEQ with a starting place to look. And if all those other factors were required to be reported as well, the burden would be higher.

Third, while it may be true that farmers largely do not use more fertilizer than needed for the yield they desire due to its cost, our groundwater is getting more contaminated. Further, the opponents also say that there is no common definition of "overuse" and that they use as much fertilizer as needed for "optimal production" of their crops. While saving money on inputs is surely a concern, farmers that seek to maximize yield, without monitoring whether the fertilizer applied is leaching to



CENTER FOR FOOD SAFETY

groundwater, have no way to say they are *not* overusing fertilizer. Why are Groundwater Management Areas trending worse if there is no overuse? Voluntary measures *have not worked* to reverse these trends, and opponents offer no other real solutions. This is why the state must step in to study this environmental justice problem and without data, the state simply cannot do so.

Fourth, blaming everyone but large farms for overuse of fertilizer is another classic of the Big Ag playbook. Opponents of the bill blamed homeowners and even other farmers (small farms) for the overuse of fertilizer that is impacting groundwater. But a quick fact check for the Lower Umatilla Basin GWMA shows this is clearly misleading: the number of acres of homes and small farms pale in comparison to the acreage that large farms represent. It is particularly interesting to hear “animal operations” blamed for nitrate contamination in groundwater by the same people that vehemently oppose any additional regulations on manure management on confined animal feeding operations.

Finally, no bill will be the panacea for an environmental or social problem. SB 747 is a common-sense incremental step to collecting information that other states already collect, to better understand the problem. This bill lets expert agencies determine the details of whether fertilizer is overapplied, as ODA will be doing in developing the Nutrient Application Permit required by SB 85 for farms that apply exported CAFO waste within GWMA.

Thank you for your time and consideration.

Sincerely,

Amy van Saun

Senior Attorney

CENTER FOR FOOD SAFETY