April 2nd, 2025

Senate Committee on Environment and Natural Resources
900 Court St. NE
Salem, OR 97301

RE: Food & Water Watch Written Testimony on SB 80

Dear Chair Golden and members of the Committee,

Food & Water Watch (FWW) submits the following written testimony in support of SB80, which would prevent state agencies from permitting new or expanding large confined animal feeding operations (CAFOs) in Oregon's Groundwater Management Areas (GWMAs). FWW is a national, non-profit organization that mobilizes regular people to build political power to move bold and uncompromised solutions to the most pressing food, water, and climate problems of our time. FWW uses grassroots organizing, media outreach, public education, research, policy analysis, and litigation to protect people's health, communities, and democracy from the growing destructive power of the most powerful economic interests. FWW submits this testimony on behalf of its more than 44,000 members and supporters across Oregon.

The rapid consolidation of the livestock industry in every sector, driven by factory farms and giant agribusiness companies, is wreaking havoc on Oregon's rural communities and economies. Countless family farms have been driven out of business, as others are forced to get big or get out. Just four processors slaughter 85% of U.S. beef cattle and more than half of all broiler chickens.[1] Over the past 50 years, chicken production has skyrocketed, while the number of chicken farms has plummeted by more than 98%.[2] More than 99% of U.S. broiler chickens are now raised under contract with processors like Foster Farms.[3] These giant agri-businesses are 'too big to fail' and use the threat of job loss and economic impacts to justify ongoing pollution. In Oregon, analysis of USDA agriculture census shows that in 2022, Oregon had fewer than half as many family-scale dairies compared to 2002.

This unchecked corporate consolidation within livestock sectors also contributes to the current nitrate contamination crisis in Oregon's designated GWMAs. Consolidation has led to geographic concentration of livestock production in certain regions and communities where

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[1] White House, *Fact Sheet: The Biden-Harris Action Plan for a Fairer, More Competitive, and More Resilient Meat and Poultry Supply Chain*, https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/03/fact-sheet the-biden-harris-action-plan-for-a-fairer-more-competitive-and-more-resilient-meat-and-poultry-supply-chain/ (Jan. 03, 2022).
[2] Pew Trusts, Big Chicken: Pollution and Industrial Poultry Production in America, https://www.pewtrusts.org/en/research-and-analysis/reports/2011/07/26/big-chicken-pollution-and-industrial poultry-production-in-america (Jul. 26, 2011).
[3] USDA Econ. Res. Serv., Fees paid to growers for raising broiler chickens varied widely in 2020, https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=104642 (Sept. 08, 2022).

dominant companies own processing infrastructure. This has also had the unfortunate effect of concentrating the industry's waste production and environmental impacts in these regions and communities.[4] The Lower Umatilla Basin has become one such environmental sacrifice zone, where Oregon's largest CAFO is located along with dairy processing facilities and numerous other livestock and industrial agriculture facilities.

It is no longer subject to debate that factory farms are contaminating Oregon groundwater resources and threatening drinking water for citizens in rural communities. Thirty-five years ago, Oregon established the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) to address the region's persistent nitrate contamination. Nitrates are associated with increased risks of certain cancers and "blue baby syndrome."[5] They are colorless, odorless, and boiling only concentrates them. As a result, residents reliant on well water often must – if they can afford to – dig new wells or purchase expensive water treatment systems to bring their drinking water within federal and state public health standards. In lieu of these treatment systems, many residents are relying on bottled water deliveries.

Oregon scientists have attributed significant groundwater nitrate contamination in the LUBGWMA to CAFOs and irrigated agriculture.[6] State scientists have specifically concluded that Threemile Canyon Farms is likely contributing to the area's contamination,[7] but that is just one of ten permitted and active CAFOs within the LUBGWMA.[8] The approximately 160,000 animals housed at these CAFOs introduce enormous amounts of nitrogen to the region in the form of animal waste—approximately 4.3 billion pounds annually.[9] Nearly all of this waste is land-applied to agricultural lands, contributing significantly to the "irrigated agriculture" component of the GWMA's overall contamination.[10] But first these huge quantities of waste are collected and stored in "lagoons" that are known to leak and leach nitrogen-heavy waste into the underlying soil, and eventually into the region's particularly vulnerable and shallow aquifers, even when constructed according to current technical standards.[11]

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[4] *Id*. at 40.

[5] DEQ, Fact Sheet: Nitrate in Drinking Water (Aug 15, 2017); JoAnn Burkholder et al., Impacts of Waste from Concentrated Animal Feeding Operations on Water Quality, 115 ENVTL. HEALTH PERSPECTIVE 308, 310 (2008).

[6] Oregon DEQ, "Estimation of Nitrogen Sources, Nitrogen Applied, and Nitrogen Leached to Groundwater in the Lower Umatilla Basin Groundwater Management Area" (Jun. 13, 2011) at ii and 1; Oregon DEQ, "Analysis of Groundwater Nitrate Concentrations in the Lower Umatilla Basin Groundwater Management Area," (Feb. 23, 2012) at Table 5-1, Table 5-2, Figure 1-1. See also Petition for Emergency Action Pursuant to the Safe Drinking Water Act § 1431, 42 U.S.C. § 300i, to Protect Citizens of the Lower Umatilla Basin in Oregon from Imminent and Substantial Endangerment to Public Health Caused by Nitrate Contamination of Public Water Systems and Underground Sources of Drinking Water ("SDWA Petition") (Jan. 16, 2020), at Section IV.C., https://www.documentcloud.org/documents/6657182-2020-01-16-FINAL-Petition-for-Emergency-Action.html.

[7] Phil Richerson, DEQ Nonpoint Source Hydrologist, memo to ODA titled "'Why I believe TMCF is currently impacting groundwater quality" (2017), released by ODA in response to public records request, on file with FWW.

[8] Final Draft Second Lower Umatilla Basin Groundwater Management Area Local Action Plan ("Second Action Plan") (Jan. 09, 2019) at 63, https://lubgwma.org/second-local-action-plan/.

[9] SDWA Petition at 7.

[10] DEQ Water Quality Division, Estimation of Nitrogen Sources, Nitrogen Applied, and Nitrogen Leached to Groundwater in the Lower Umatilla Basin Groundwater Management Area, at 6, 11-12 (Jun. 13, 2011) (available as Appendix I as attached to the EPA Emergency Petition) (categorizing 90% of CAFO waste available for crops under "irrigated agriculture").

[11] Second Action Plan at 10-11, Estimation of N Sources (discussing the region's particularly vulnerable and shallow aquifers), 18-19 (discussing CAFO waste storage lagoons).

The state's existing water pollution permitting process for factory farms is clearly not adequately preventing groundwater contamination, as the nitrate levels in the LUBGWMA continue to trend upwards.[12] SB80 is a commonsense measure to prevent making this crisis worse by allowing new sources of pollution in already polluted parts of the state as the Governor's office and state agencies work to find solutions to ensure clean, safe water for all Oregonians. That is why we urge you to pass SB80 out of committee with a do pass recommendation.

Sincerely,

Tarah Heinzen
Legal Director, Food & Water Watch

[12] Oregon DEQ, Groundwater Nitrate Trend Analysis: Lower Umatilla Basin Groundwater Management Area Well Network at 5-6 (Jan. 22, 2025), https://www.opb.org/pdf/Nitrate_Analysis_1737670254784.pdf.