



April 2nd, 2025

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

RE: Stand Up to Factory Farms Written Testimony on SB 80

Dear Chair Golden and members of the Committee,

The Stand Up to Factory Farms coalition (SUFF) is submitting the following testimony in support of SB80. SUFF is a coalition of 32 local, state and national organizations focused on a variety of issues affecting Oregonians, ranging from maintaining Oregon's vibrant family-scale farms and rural communities and building a more just and equitable food system, to protecting Oregon's air, water, and climate, and improving animal welfare. We are deeply concerned about the impacts factory farms have on Oregon's air, water, climate, rural communities, small farmers, workers, public health, and animal welfare. A moratorium on new and expanding factory farms in Oregon's groundwater management areas is a common sense step to prevent further pollution in Oregon's already overburdened communities.

SUFF submits the following organizational sign-on letter on behalf of our coalition and allied organizations, which was delivered to legislators in February in support of this important legislation:

February 26th, 2025

Re: SB-80 which would prohibit new and expanding large confined animal feeding operations (CAFOs) in existing Groundwater Management Areas, due to the ongoing public health crises over dangerous levels of nitrates in drinking water.

Dear Legislator,

The undersigned organizations urge you to support the enactment of SB80. SB80 would prevent the construction of any new or expanding large confined animal feeding operations (CAFOs) in Oregon's Groundwater Management Areas (GWMAs). Our organizations work to protect Oregon's environment, family farms, rural economies, frontline rural communities, public health, and animal welfare. Collectively, we represent over 250,000 Oregonians.

Over the past few years we have seen the acute and systemic harms caused by factory farms across the state, including in the state's GWMAs where nitrate contamination has been severe for decades. In 2023, SB 85 was a good step towards addressing these problems, this bill is the next step in preventing additional harm.

The Lower Umatilla Basin, home to the largest operating CAFO in Oregon, suffers from depleted and degraded groundwater with widespread nitrate contamination caused by irrigated agriculture and CAFOs. Morrow County started testing residential wells in 2022 and found pervasive high levels of nitrates in residents' drinking water. The County declared a local state of emergency in June 2022 to help it address the crisis and provide safe drinking water to residents.<sup>1</sup>

Due to the voices and advocacy of community members living without safe drinking water, we have seen increased engagement by elected officials and regulatory agencies in response to the public health crisis associated with nitrate pollution in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Despite this engagement, recent plans to address contamination continue to lack mandatory regulatory action to reduce pollution at its sources. These same plans acknowledge the difficulty and expense of removing and reducing pollution and the importance of stopping additional pollution at its sources. Additionally, in response to a Safe Drinking Water Act petition, the Environmental Protection Agency has told the state to deal with the sources of nitrate contamination.<sup>2</sup> Specifically, in a July 2022 letter to Oregon agencies, EPA stated that Oregon must "hold nitrate sources accountable...to change their practices to reduce the amount of nitrate they discharge to groundwater in order to protect the health of their employees and neighbors," identifying the Oregon CAFO NPDES General Permit as a "required" tool, rather than historic reliance on voluntary best management practices. Therefore, legislators have a unique opportunity to pass legislation that would help prevent new sources of pollution from being sited in already overburdened communities. Stopping new or expanding factory farms from being sited in GWMAs is a concrete and common sense step that can be taken right now to prevent this public health crisis from growing even worse.

This bill will prevent pollution in the other two GWMAs from worsening and prevent a severe public health crisis like what is occurring in the LUBGWMA. The Northern Malheur County GWMA already has a concentration of large beef feedlots, and continues to have unsafe levels of nitrates since the GWMA was declared in 1989. This bill would ensure that another facility doesn't expand or move into the area.

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<sup>1</sup> Monica Samayoa, *Morrow County declares emergency over high nitrate levels in wells*, OPB (June 10, 2022), <https://www.opb.org/article/2022/06/10/morrow-county-state-of-emergency-drinking-water-contamination-nitrate-levels/#:~:text=Morrow%20County%20declared%20a%20local,action%20to%20protect%20drinking%20water>. See also Stand Up to Factory Farms Statement, <https://standuptofactoryfarms.org/2022/06/13/morrow-county-commission-declares-state-of-emergency-over-nitrate-contamination-in-groundwater/>.

<sup>2</sup> Kowalski, Edward. EPA Letter Re: January 16, 2020, Petition to EPA for Emergency Action Pursuant to Safe Drinking Water Act Section 1431 to Address Nitrate in the Lower Umatilla Basin in North Central Oregon. 2022.

The Southern Willamette Valley GWMA was declared in 2004 and is the most recent GWMA. There are three large CAFOs in the GWMA. About 6% of nitrate contamination is due to CAFOs in the area,<sup>3</sup> and wells within one kilometer of a CAFO had vastly higher mean nitrate levels than those not near a CAFO<sup>4</sup>. As we saw most recently with the proposed Foster Farms facilities in Linn county, the Willamette Valley has become a target for large corporations interested in building factory farms. In spite of SB-85, community-led opposition, and Linn county subsequently passing setbacks, ODA still did everything it could to ensure J-S Ranch will be able to build in the county, and most recently issued the facility a NPDES permit in direct violation of property setbacks enacted by the county shortly after the passage of SB-85. This shows that additional regulations are not enough to limit water pollution. Passing this bill would be a step towards stopping future expansion of factory farms in the Willamette Valley.

Drinking nitrate-laden water can lead to serious health problems. Nitrate contamination has been linked to thyroid issues and numerous types of cancer. The negative impacts of nitrate contamination are especially harmful to infants and pregnant women and have been associated with blue baby syndrome, a potentially fatal condition that can deprive infants of oxygen. In spite of designating these polluted areas as GWMA's decades ago, we have seen little substantive progress towards stopping additional pollution in the areas, much less bringing nitrate levels back down to safe levels to protect people's health. Allowing more factory farms to move into the state's GWMA's would perpetuate and worsen the public health crisis caused by the harmful pollutants emitted by factory farms in already overburdened communities.

In addition to polluting drinking water, factory farms and their manure lagoons emit toxic air pollutants including ammonia, hydrogen sulfide, and particulate matter, all of which can lead to adverse respiratory symptoms.<sup>5</sup> According to a recent study, airborne emissions from livestock production - primarily ammonia - are responsible for 12,700 deaths per year in the United States.<sup>6</sup> Workers at CAFOs experience high levels of asthma-like symptoms, bronchitis, and other respiratory diseases due to their daily exposure to these toxic air pollutants.<sup>7</sup> In 2005, when Threemile Canyon Farms mega-dairy housed 52,300 cows, it reported the highest ammonia emissions in the nation among industrial sources.<sup>8</sup> Yet despite long standing stakeholder recommendations and overwhelming support from impacted citizens, the Environmental Quality Commission has been unable to take action to regulate this harmful air pollution from mega-dairies, demonstrating that legislative solutions are necessary to protect our frontline communities. These failures demonstrate that issues with factory farms are not due to a few "bad

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<sup>3</sup> Audrey Eldridge, Southern Willamette Valley Groundwater Summary Report, (Jan. 30 2004), Department of Environmental Quality

<sup>4</sup> Pisticelli, Cody. A Trend Analysis of Nitrate in the Southern Willamette Valley Groundwater Management Area (GWMA), (Sept. 2019)

<sup>5</sup> National Academies of Science. Air Emissions From Animal Feeding Operations: Current Knowledge, Future Needs. Washington, DC: National Academies Press at 54 and 67 2003; Hribar, Carrie. National Association of Local Boards of Health. "Understanding Concentrated Animal Feeding Operations and Their Impact on Communities." 2010 at 5 to 6; Michigan Department of Environmental Quality. CAFO subcommittee of the Toxics Steering Group. "Concentrated Animal Feedlot Operations (CAFO's) Chemicals Associated with Air Emissions." May 10, 2006 at 9; Von Essen, Susanna G. and Brent W. Auvermann. "Health effects from breathing air near CAFOs for feeder cattle or hogs." Journal of Agromedicine. Vol. 10, No. 4. 2005 at 56 and 60.

<sup>6</sup> Domingo, Nina GG, Srinidhi Balasubramanian, Sumil K. Thakrar, Michael A. Clark, Peter J. Adams, Julian D. Marshall, Nicholas Z. Muller et al. "Air quality-related health damages of food." Proceedings of the National Academy of Sciences 118, no. 20. 2021.

<sup>7</sup> Donham, Kelly J. et al. "Community health and socioeconomic issues surrounding concentrated animal feeding operations." Environmental Health Perspectives. Vol. 115, Iss. 2. February 2007 at 317 to 318.

<sup>8</sup> This was the last year TMCFA was required to report its ammonia emissions. Letter to EPA, National Association of Clean Air Agencies, March 27, 2008, <http://www.4cleanair.org/Documents/CAFOLetter32708.pdf>.

actors,” but instead show that our regulations are not sufficient to protect Oregon’s resources from these industrial facilities, especially in already overburdened communities.

Large CAFOs also use large amounts of water - for animal drinking water, CAFO operations and irrigation of associated cropland - which strains groundwater supplies and exacerbates contamination of sensitive water supplies and exacerbates contamination of remaining groundwater, in part by drawing contaminated water in shallow aquifers into deeper aquifers.<sup>9</sup>

Industrial polluters have essentially turned the LUBGWMA region into an environmental sacrifice zone where the interests of corporate profits are elevated over the health and wellbeing of the communities living in the basin. While factory farms are only one of many polluters contributing to this crisis, this bill would begin alleviating the source, while regulatory agencies, the governor, and EPA continue to work to address the crisis.

We urge Oregon Senators and Representatives to pass SB80 as a common sense step in working to address nitrate contamination in Oregon.

Sincerely,

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<sup>9</sup>Levy, Z. F., Jurgens, B. C., Burow, K. R., Voss, S. A., Faulkner, K. E., Arroyo-Lopez, J. A., & Fram, M. S. (2021). Critical aquifer overdraft accelerates degradation of groundwater quality in California's Central Valley during drought. *Geophysical Research Letters*, 48, e2021GL094398. <https://doi.org/10.1029/2021GL094398>.

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