

Oregon Rural Action
P.O. Box 1231
La Grande, OR 97850
Phone (541) 975-2411
www.oregonrural.org

OREGONrural ACTION

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SOWING SEEDS OF **CHANGE**

Co-chairs Helm and Owens, vice chair McDonald, and members of the House Committee on Agriculture, Land Use, Natural Resources, and Water,

My name is Kaleb Lay and I'm director of policy & research with Oregon Rural Action. ORA is a community-led nonprofit that has worked for years with the communities affected by the pollution crises in northeast Oregon's Lower Umatilla Basin. The LUB is one of the most diverse and economically productive regions in Oregon; at the same time, it is home to a disproportionately high rate of low-income households as well as some of the state's most polluted water, air, and land.

ORA opposes HB 4006. It appears that this bill would significantly increase the amount of acreage in the LUBGWMA utilizing industrial-scale irrigation, which studies show us is the leading source of nitrate contamination in the region's groundwater. Substantially increasing the footprint of the region's largest polluting sector will undoubtedly lead to more groundwater pollution, particularly given that little has changed to address legacy and ongoing pollution issues in the Basin. This would not only be counter to the needs of Oregonians in the LUBGWMA, it would also be in direct conflict with Oregon's statutory responsibility to reduce groundwater contamination to safe levels.

That nitrate contamination has polluted the drinking water of thousands of rural Oregonians living in the Lower Umatilla Basin. Drinking nitrate-tainted water is linked to higher rates of miscarriage, birth defects, low birth weight, preterm birth, and causes a condition called methemoglobinemia, also known as "blue baby syndrome," which can be lethal to infants. It is also linked to several gastrointestinal cancers, thyroid dysfunction, and most recently was linked to an increased risk of dementia.

The most recent study available on sources of nitrate pollution in the LUBGWMA's groundwater indicates that roughly 70% of nitrate originates from the "irrigated agriculture" sector. This pollution is driven predominantly by the overuse of nitrogen and overirrigation of nitrogen-loaded soils. Because the soils in the Basin tend to be very sandy, there is an extremely high risk of over-application of nitrogen and water causing the downward movement of contaminants through the soil and into groundwater.

This problem has not been addressed in the LUBGWMA, and pollution is still occurring. A January 2025 study by DEQ confirmed that nitrate levels continue to rise across the Basin, even 35 years after the groundwater management area was established. And while lobbyists and allies of industry frequently claim that irrigation practices in the LUBGWMA are some of the most advanced in the world, a report released just two weeks ago indicated that there was roughly a 0% compliance rate with longstanding basic backflow prevention rules in the region at the start of a recent irrigation season.

Furthermore, that same report indicated that domestic wells in the LUBGWMA tested by OHA tend to show higher levels of nitrate in the second and third quarters of the year. This trend of nitrate levels peaking consistently at certain times of the year strongly suggests that leaching is actively occurring over the course of a growing season. This would indicate that current land use decisions are having a direct and ongoing effect on groundwater quality. The aforementioned DEQ study from January 2025 reached a similar conclusion.

Anecdotally, community members frequently share with ORA that the nitrate levels in their domestic well water are still increasing. At the same time, they continue to share stories of health issues linked to nitrate. Multiple community members ORA works with in the Basin have become so sick with conditions associated with nitrate that they can no longer attend community meetings, and others have died in recent years.

Other indicators that the pollution is still occurring include recent violations of DEQ permits, including some under a permit held by Simplot in Umatilla County. Also of note is the fact that nitrate levels are increasing in areas far upgradient from the nearest septic system, which industry advocates are quick to blame for the entire nitrate crisis despite a lack of supporting evidence. The evidence that pollution of groundwater by industrial-scale agriculture in the LUBGWMA is extensive, but despite that reality, sources of pollution continue to relentlessly expand in pursuit of greater profits.

As ORA has shared with many members of the Legislature over the years, the LUBGWMA has become an Oregon sacrifice zone – a 562 square mile area home to our worst groundwater contamination crisis, four of the five dirtiest power plants in the state, nearly half of the state's air pollution from large industry, the main dumping site for biosolids from the City of Portland, and around 45,000 Oregonians who are living with the health conditions that stem from this over-exposure to pollution. As a state, we cannot continue to prioritize economic output and profit over the wellbeing of rural Oregonians.

Greenlighting growth of a major polluting sector in the LUBGWMA at this stage is very simply the wrong decision. We urge you not to advance HB 4006.

Respectfully,

Kaleb Lay

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