

*Via Hand Delivery and First-Class Mail*

February 28, 2017

Senate Committee on Environment and Natural Resources  
Oregon State Capitol  
900 Court Street NE  
Salem, Oregon 97301

**Re: Senate Bill 197**

Dear Senators Dembrow and Olsen,

As doctors and public health experts, we feel the need to speak out on matters affecting public health and the environment. Where appropriate, we also lend our support to commonsense legislative initiatives that enable greater knowledge of and response to matters currently affecting the health and safety of Oregonians. We strongly believe that Senate Bill 197, which would create a long-overdue program for regulating air contaminant emissions from large dairy confined animal feeding operations, will do just that.

There is strong evidence that large-scale, industrial livestock confinement operations can generate dangerous amounts of air contaminants that are harmful to public health, and can have broad negative impacts on the environment, including by acting as a driver for climate change.<sup>1</sup> This is because confinement operations that concentrate significant numbers of farm animals and their waste products in a small geographic area without effective emissions management strategies can release numerous types of harmful air pollutants, including ammonia, hydrogen sulfide, volatile organic compounds, particulate matter, and the greenhouse gases methane and nitrous oxide. Exposure to these pollutants can cause significant health problems, including respiratory illnesses such as bronchitis, pulmonary disease, asthma, and respiratory distress syndrome; irritation to the eyes, nose, and throat; neuropsychological abnormalities; memory loss; and heart disease, and can even lead to death. These effects are amplified in vulnerable populations such as children and the elderly.

Due to growing public concern about the effects of air pollution from large-scale, industrial dairy confinement operations, in 2007 the Oregon Legislature passed Senate Bill 235 to address inconsistencies between state and federal law by allowing the Oregon Environmental Quality Commission (EQC) to regulate agricultural operations to the extent needed under the Clean Air Act. Pursuant to this bill, a Task Force on Dairy Air Quality (Task Force) was established. The Task Force issued a final consensus report in 2008 that strongly recommended the EQC work with Oregon's Departments of Agriculture, Environmental Quality, and Human Services to adopt rules to implement a practical Oregon Dairy Air Emissions Program (Program) with the goal to

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<sup>1</sup> Claudia Copeland, *Air Quality Issues and Animal Agriculture: A Primer*, Congressional Research Service Report No. 7-5700 (2014), available at <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/RL32948.pdf>.

"reduce ... air emissions and to prevent future problems from arising." <sup>2</sup> The Task Force proposed that the Program should move forward immediately, and include a combination of voluntary and regulatory approaches to reduce emissions, including the use of emissions monitoring measures and best management practices.

Despite strong support from family farm organizations, the dairy industry, and environmental and public health professionals, steps have yet to be taken to adopt the Task Force's recommendations. Since then, concerns related to the impacts of large-scale, industrial dairy confinement operations on public health and the environment in Oregon have only continued to grow.

Morrow County is now facing the construction of a new industrial dairy confinement operation named Lost Valley Ranch that, at a proposed 30,000 cows, will exceed the threshold established by the U.S. Environmental Protection Agency for being considered a large dairy concentrated animal feeding operation by approximately forty times. <sup>3</sup> This operation, if constructed, will become the second largest dairy operation in Oregon and one of the largest dairy operations in the country. It will greatly augment air quality concerns in the state -- something the state is currently unprepared to address. <sup>4</sup>

For all these reasons, we strongly support Senate Bill 197, which would require the EQC to finally create the long-overdue Dairy Air Emission Program in Oregon within the next two years. We believe this action is necessary to protect public health and the environment, to facilitate efforts to lessen the impacts of these operations on surrounding communities, and to prevent future problems from arising.

We thank you for your leadership on this issue, and look forward to working with you in support of this important legislation.

Sincerely,

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Oregon Resident

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<sup>2</sup> Oregon Dairy Air Quality Task Force, Final Report to the Department of Environmental Quality and Department of Agriculture, 1 (July 1, 2008), *available at* <http://library.state.or.us/repository/2012/201204101013082/finalReport.pdf>.

<sup>3</sup> 40 CFR § 122.23(b)(4)(i) (An operation meets the definition of a large dairy CAFO if it stables or confines as many or more than 700 mature dairy cows).

<sup>4</sup> *See, e.g.,* Molly Harbarger, *Proposed Oregon Mega-dairy Points to Hole in State Permitting, Says Opponents*, The Oregonian (Nov. 2, 2016), *available at* [http://www.oregonlive.com/business/index.ssf/2016/11/proposed\\_oregon\\_mega-dairy\\_poi.html](http://www.oregonlive.com/business/index.ssf/2016/11/proposed_oregon_mega-dairy_poi.html) ("A proposed 30,000-cow dairy near Boardman has Morrow County's official approval but not its support. The county has no legal way to stop what would be the state's second-largest dairy, and its three commissioners are deeply worried that it will sap already-limited groundwater from local farmers, and exacerbate water and air quality problems.").

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<sup>5</sup> The views and opinions expressed here are those of the signatory and do not necessarily reflect the official policy or position of Oregon State University.

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