

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.¹ 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

¹ 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." ² 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. ³ 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. ⁴

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,

Catherine Bax, PA
Oregon Resident

A. Sonia Buist, MD
Professor Emerita of Medicine
Oregon Health & Science University

² 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>.

³ 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).

⁴ *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 ("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.").

Oregon Resident

Kelly Campbell
Executive Director
Oregon Physicians for Social Responsibility
Oregon Resident

Nancy Crumpacker, MD
Oregon Resident

Nathan Donley, PhD
Senior Scientist, Environmental Health Program
Center for Biological Diversity
Oregon Resident

Martin Donohoe, MD, FACP
Oregon Resident

Jillian P. Fry, PhD, MPH
Project Director
Johns Hopkins Center for a Livable Future
Assistant Scientist, Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health

Doug Gurian-Sherman, PhD
Director of Sustainable Agriculture and Senior Scientist
Center for Food Safety

Andy Harris, MD
Oregon Resident

Zeenia Junker, ND
Oregon Resident

Susan Katz, MD
Oregon Resident

Marjorie Kircher, MS OTR
Oregon Resident

Kendra Klein, PhD
Staff Scientist, Agroecology & Environmental Health
Friends of the Earth

Patricia Kullberg, MD, MPH
Oregon Resident

Robert S. Lawrence, MD, MACP
Founding Director
Johns Hopkins Center for a Livable Future
Professor Emeritus, Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health

Bob Martin,
Senior Lecturer and Food System Policy Director
Johns Hopkins Center for a Livable Future

Regna Merritt, PA
Oregon Resident

Joseph Miller, PhD
Oregon Resident

Patricia Murphy, ND
Oregon Resident

John Pearson, MD
Oregon Resident

Bonnie Reagan, MD
Oregon Resident

William J. Ripple
Distinguished Professor
Oregon State University⁵
Oregon Resident

Maye Thompson, PhD, RN (ret)
Oregon Resident

Theodora Tsongas, PhD, MS
Oregon Resident

M. Ann Turner, MD
Oregon Resident

Thomas T. Ward, MD
Oregon Resident

⁵ 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.

Sacoby Wilson, PhD, MS
Assistant Professor
Director, Community Engagement, Environmental Justice, and Health (CEEJH)
Maryland Institute for Applied Environmental Health
University of Maryland School of Public Health

cc: Richard Whitman, Director, Oregon Department of Environmental Quality
Alexis Taylor, Director, Oregon Department of Agriculture