



Senate Environment and Natural Resources Committee

March 21, 2019 - SB 876

Chair Dembrow and Members of the Committee:

Oregon Farm Bureau (OFB) has concerns with several provisions of SB 876. OFB appreciated the opportunity to participate in the CAFO workgroup convened by Chair Dembrow and is looking forward to continuing conversations on this bill in the next few weeks. Notably, SB 876 applies to all types of CAFOs in Oregon, including chickens, hogs, sheep, horses, beef cattle and dairy cattle. As such, OFB has a strong interest in making sure its provisions are workable for all species who will fall under its purview.

As drafted, it creates significant new permitting hurdles for dairies, including insurance requirements, broad cost recovery authority, and new attorney fees provisions that don't exist for any other industry.

- **The insurance provisions are unworkable.** OFB has called a number of insurance providers, and we do not believe it is possible for producers to get the insurance required by the bill, Even if they could, we believe it would be cost prohibitive for most CAFOs.
- **No other industry can be held liable for attorneys' fees.** The bill allows ODA and DEQ administrative cost recovery authority that does not exist for any other industry in Oregon, including several which are much more environmentally intensive than dairy farming. We are concerned allowing for attorney's fees will incentivize agencies to take action against farmers even when it's not warranted by the facts, and put farms on the hook for unlimited liability. The state has significant enforcement ability as it is, and does not need this ability when it does not have it for any other industry in the state
- **The bill should not include stockwater prohibitions.** We also understand there are some amendments to this bill that would eliminate new CAFOs ability to utilize the stockwater exemption. Notably, the stockwater exemption is simply an exemption from needing a water right, not an exemption from state regulation. OWRD has all of the tools it needs to regulate any new water use in an area that is causing harm to other users or the resource, and no additional limitations are needed.

Oregon's farmers are some of the most forward-thinking in the nation. They were at the front of the curve in voluntarily coming under the confined animal feeding operation (CAFO) water quality program in the 1970s and have continued to build on their record of environmental stewardship since then. The program is protective of water quality and has been carefully administered by ODA.

These new provisions risk costing Oregon dairy farm thousands, if not millions of dollars, that our struggling dairy farms cannot afford. I urge your opposition to SB 876.

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