

Megadairy regulation proposals die in Oregon Legislature as key deadline passes

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Efforts to tighten rules for new and expanded megadairies, launched in response to a regulatory and environmental disaster at Oregon's newest large dairy, have failed.

Senate Bill 876 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB876>), put forward by a legislative work group that met for months, died in committee Tuesday as a key deadline to move measures forward passed. So did two related bills pushed by a coalition (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB103>), of 22 health, environment and animal welfare groups.

"Even the most reasonable reforms were blocked by lobbyists working with these big corporate agribusinesses," said Ivan Maluski, policy director for Salem-based Friends of Family Farmers.

Other environmental protection measures also failed to advance in the Oregon Legislature this past week. Bills aimed at reducing algae blooms, restricting pesticides and establishing more rules governing aerial spraying either died or were watered down.

Lost Valley Farm violations cited

Lost Valley Farm opened in April 2017 to supply milk to the Tillamook County Creamery Association, which makes Tillamook Cheese at its nearby Boardman factory. Its permit allowed it to have 30,000 cows.

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Lost Valley's owner, California dairyman Greg te Velde, had previously leased property from Threemile Canyon Farms, another area megadairy supplying milk to Tillamook.

Between its opening and February 2019, when a bankruptcy trustee [sold the dairy](https://www.oregonlive.com/story/tech/science/environment/2019/02/19/oregon-dairy-lost-valley-farm-sold-lone-bidder-cows-auctioned/2906759002/) and auctioned off its herd, Lost Valley was fined nearly \$200,000 [for more than 200 environmental violations.](https://www.oregonlive.com/story/tech/science/environment/2018/10/16/oregon-megadairy-lost-valley-farm-fined-environmental-violations/1659452002/)

New tech: [Manure is big at Oregon's largest dairy with conversion to natural gas](https://www.oregonlive.com/story/tech/science/environment/2019/03/31/oregon-threemile-canyon-farms-dairy-natural-gas-manure/3247197002/)

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Lost Valley Farm, owned and operated by Greg te Velde, near Boardman, Ore., on Sunday, March 18, 2018. (Photo: MOLLY J. SMITH / Statesman Journal)

State regulators had allowed the dairy to open before construction was complete, before it had secured access to water for the cows and for dairy operations, and before its animal waste management plan was approved.

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The workgroup, led by Sen. Michael Dembrow, D-Portland, had proposed tightening the permit process to ensure construction is complete before dairies open. It also would have limited the use of the stock-watering exemption in Oregon water law, which allows dairies to tap wells outside of the normal permitting process, even in areas with water shortages.

The advocacy groups also wanted a moratorium on new and expanded megadairies until Oregon could put rules in place to ensure a similar disaster wouldn't happen again.

More: [Groups ask Oregon Legislature for mega-dairy moratorium](https://www.oregonlive.com/story/tech/science/environment/2018/12/10/oregon-legislature-mega-dairy-moratorium-proposed/2265978002/)

And they called for large dairies, generally over 2,500 cows, to be defined as industrial, rather than farming operations, meaning they wouldn't qualify for regulatory exemptions available to farmers.

Both Tillamook and Threemile Canyon Farms testified against the bills, saying the entire industry should not be punished for the faults of one bad actor.

Easterday Farms, based in Pasco, Wash., has purchased Lost Valley Farm and has indicated it will reopen it as a dairy.

Cows auctioned: [Troubled Oregon megadairy Lost Valley Farm sold to lone bidder](https://www.oregonlive.com/story/tech/science/environment/2019/02/19/oregon-dairy-lost-valley-farm-sold-lone-bidder-cows-auctioned/2906759002/)

Threemile, with 70,000 cows, already has expanded into te Velde's previous leased dairy. And it's told the state it plans a further significant expansion.

Other bills that health and environment groups had called priorities also died or were significantly watered down as the deadline passed:

WATCH: [Oregon revokes permit of Oregon mega-dairy](#) ([/videos/news/2018/06/27/oregon-revokes-permit-oregon-mega-dairy/740579002/](#))

Algae blooms and drinking water

Four bills aimed to improve prevention, detection and response to [harmful algal blooms](#) ([/story/tech/science/environment/2019/03/15/toxic-algae-bloom-oregon-legislature/3164958002/](#)) in drinking and recreational water supplies. The push followed several recent incidents, including a toxic algae bloom that shut down Salem's municipal water supply for more than a month last year.

Among the bills' proposals: Requiring the state to identify susceptible water sources, develop a system to monitor and test those sources, and develop a protocol for issuing hazard advisories to the public; requiring state environment officials to identify sources of pollution contributing to algal blooms; and creating a task force to study how to prevent and control toxic algae blooms.

Salem water: [How an early warning system may predict toxic algae at Detroit Lake](#) ([/story/news/2019/03/29/detroit-lake-toxic-algae-bloom-oregon-state-university/3291790002/](#))

One proposal would have cracked down on possible contributions from forestry, banning clearcuts, pesticide applications and new logging roads on private forests.

One bill made it past the deadline, but has been watered down. [House Bill 3326](#) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB3326>) continues temporary funding, approved last year, for state laboratory services related to algae blooms. And it allocates an amount, not yet set, for the state to hire a recreational algal bloom coordinator.

Legislation: [Growing number of toxic algae blooms worries Oregon Legislature](#) ([/story/tech/science/environment/2019/03/15/toxic-algae-bloom-oregon-legislature/3164958002/](#))

Pesticide restrictions

Lawmakers debated several bills to [ban or restrict](#) ([/story/tech/science/environment/2019/03/23/oregon-bills-call-more-restrictions-harmful-pesticides/3204271002/](#)) certain classes of pesticides.

The bills would have made neonicotinoid pesticides, which can harm bees and other pollinators, available only to licensed applicators. And they would have banned chlorpyrifos, a widely used organochloride pesticide tied to health problems in humans. Farmers said the chemicals are safe when used according to directions, and said no good alternatives exist.

Both bills have moved forward, but with amendments.

[HB 2619](#) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2619>) has been amended to ban chlorpyrifos. [HB 3058](#) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB3058>) now simply calls on the Oregon Department of Agriculture to review the safety of chlorpyrifos, and report to an interim legislative committee by Jan. 1, 2020. Neither bill addresses neonicotinoids.

"A lot of bills died in the last few days. We're really excited there remains something to take action on with chlorpyrifos, because of the harm it causes to children's developing brains," said Lisa Arkin, executive director of the Eugene-based environmental group Beyond Toxics.

Aerial spraying records

Three bills took aim at [aerial pesticide spraying](#) ([/story/tech/science/environment/2019/03/23/oregon-bills-call-more-restrictions-harmful-pesticides/3204271002/](#)), a target of environmental groups for several legislative sessions after a series of high profile incidents where neighboring residents and farms were accidentally sprayed with pesticides.

Two bills would have required aerial sprayers to record and share more information about applications. Another would have prohibited aerial spraying on state forestland.

All three died in committee.

Legislation still in play

So what items on environmentalists' lists are still alive?

The big one is pending [cap-and-trade legislation](https://www.oregonlive.com/story/tech/science/environment/2019/03/25/oregon-carbon-cap-bill-fuel-cost-fewer-greenhouse-gas-exemptions/3247167002/) ([/story/tech/science/environment/2019/03/25/oregon-carbon-cap-bill-fuel-cost-fewer-greenhouse-gas-exemptions/3247167002/](https://www.oregonlive.com/story/tech/science/environment/2019/03/25/oregon-carbon-cap-bill-fuel-cost-fewer-greenhouse-gas-exemptions/3247167002/)), which Gov. Kate Brown and legislative leaders have identified as among their top priorities for the session. [HB 2020](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2020) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2020>) aims to stem climate change by capping the amount of carbon released across all sectors of Oregon's economy.

Several bills to [reduce plastic waste](https://www.oregonlive.com/story/tech/science/environment/2019/04/05/oregon-moves-closer-banning-plastic-bags-polystyrene-containers/3316078002/) ([/story/tech/science/environment/2019/04/05/oregon-moves-closer-banning-plastic-bags-polystyrene-containers/3316078002/](https://www.oregonlive.com/story/tech/science/environment/2019/04/05/oregon-moves-closer-banning-plastic-bags-polystyrene-containers/3316078002/)) also are moving along: [HB 2509](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2509) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2509>) would ban single-use plastic bags, with some exceptions. [SB 90](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB90) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB90>) would make restaurant customers ask for plastic straws, rather than get them automatically. And [HB 2883](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2883) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2883>) would ban polystyrene take-out containers.

A bill putting a [10-year moratorium](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2623) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2623>) on hydraulic fracturing, or fracking, has [passed the House](https://www.oregonlive.com/story/tech/science/environment/2019/02/07/oregon-legislature-fracking-ban-oil-gas-development/2795705002/) ([/story/tech/science/environment/2019/02/07/oregon-legislature-fracking-ban-oil-gas-development/2795705002/](https://www.oregonlive.com/story/tech/science/environment/2019/02/07/oregon-legislature-fracking-ban-oil-gas-development/2795705002/)) and is headed for the Senate, although there aren't currently any plans to frack in Oregon.

And Brown has signed into law a bill banning [offshore drilling](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB256) (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB256>) in [Oregon's waters](https://www.oregonlive.com/story/tech/science/environment/2019/01/29/offshore-gas-oil-drilling-ban-oregon-legislature/2712038002/) ([/story/tech/science/environment/2019/01/29/offshore-gas-oil-drilling-ban-oregon-legislature/2712038002/](https://www.oregonlive.com/story/tech/science/environment/2019/01/29/offshore-gas-oil-drilling-ban-oregon-legislature/2712038002/)), as well as construction of any infrastructure that would allow drilling in federal waters. That, too, was unlikely to happen any time soon.

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- [Oregon moves to permanently ban offshore oil drilling along coastline](https://www.statesmanjournal.com/story/news/politics/2019/03/20/oregon-moves-permanently-ban-offshore-oil-drilling-along-coastline/3223483002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
(https://www.statesmanjournal.com/story/news/politics/2019/03/20/oregon-moves-permanently-ban-offshore-oil-drilling-along-coastline/3223483002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
- [Hanford Nuclear Reservation could see \\$416M spending cut to cleanup budget](https://www.statesmanjournal.com/story/news/2019/03/18/hanford-nuclear-reservation-could-see-spending-cut-cleanup-budget/3203890002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
(https://www.statesmanjournal.com/story/news/2019/03/18/hanford-nuclear-reservation-could-see-spending-cut-cleanup-budget/3203890002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
- [Official: Trump signs bill creating 30,000-acre Oregon wilderness in public lands deal](https://www.statesmanjournal.com/story/news/2019/03/12/devils-staircase-wilderness-trump-signs-bill-creating-new-oregon-wilderness-public-lands-deal/3136003002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
(https://www.statesmanjournal.com/story/news/2019/03/12/devils-staircase-wilderness-trump-signs-bill-creating-new-oregon-wilderness-public-lands-deal/3136003002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
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- [Oregon wolves, including OR-7, could lose protections under Trump plan to remove endangered status](https://www.statesmanjournal.com/story/news/2019/03/06/oregon-wolves-trump-white-river-endangered-species-act-gray/3080785002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=3224290002)
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