

Governor Brown, Director Whitman, and Director Taylor:

On behalf of 20 rural advocacy, family farm, environmental, animal welfare, public health, and wildlife protection organizations and our hundreds of thousands of Oregon members and supporters, we write to request Oregon take immediate action to protect these interests by denying the National Pollutant Discharge Elimination System (NPDES) permit for Easterday Farms Dairy, LLC ("Easterday").

The Easterday permit application threatens to repeat the recent history of Lost Valley Farm. In 2017, after receiving several thousand public comments in opposition, the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) (collectively "the agencies") jointly approved a NPDES permit for Lost Valley, which proposed confining up to 30,000 cows and producing 187 million gallons of manure and other animal waste annually. The state moved forward with the permit issuance even after Lost Valley had improperly begun construction and without the increased safeguards requested. Almost immediately after the agencies' permit issuance, which they hailed as the most protective concentrated animal feeding operation (CAFO) permit the state had ever issued, it became clear the permit should never have been issued at all.

Incomplete waste storage, inadequate water supply, lax management, and the inherent risks of operating such an enormous mega-dairy resulted in hundreds of documented environmental violations, including overflowing mortalities storage, egregious conditions for animals, and workers lacking bathrooms. The state eventually acted to shut the facility down, in a process that took months and at tremendous public expense. It took more than a year after ODA began revocation of Lost Valley's permit to finally finish cleaning up the site and removing the accumulated waste.

The agencies' rush to 'get to yes,' willingness to ignore warning signs, and insistence on authorizing a new mega-dairy even before construction is complete and water rights are in hand demonstrates that the Lost Valley disaster was a systemic failure, not just a management failure by a sole bad actor. This mega-dairy's approval and eventual shut down revealed deep deficiencies in Oregon's CAFO program that must be reformed before new CAFOs on--or even near--the scale of Lost Valley are considered again.

In the wake of what should have been an eye-opening experience resulting in significant regulatory reforms, the agencies are instead entertaining a permit application from Easterday Farms, a proposed mega-dairy of nearly the same size as Lost Valley, and have already developed talking points that indicate permit issuance is a foregone conclusion. Because this proposal would take Oregon in the wrong direction, we urge your agencies to deny the issuance of a NPDES permit for the proposed Easterday mega-dairy.

The deficiencies of Oregon's CAFO NPDES permitting process are not the only reason Oregon should not allow a new mega-dairy at the Lost Valley site. In addition to their impacts on water quality, mega-dairies unacceptably impact air quality, water supplies, family farms and animal

welfare. Mega-dairies are significant sources of air pollution, including powerful greenhouse gases like methane, and undercut Oregon's efforts to improve air quality and address climate change. Unlike most industrial sources of pollution, mega-dairy emissions remain essentially unregulated in Oregon. Mega-dairies also put enormous strain on our state's water supplies. Easterday would have the water demand of a medium-sized city - in an area already suffering from a shortage of water. Mega-dairies are also putting Oregon's family-scale dairy farms out of business at an alarming rate by overproducing milk and driving down prices to historically low levels. Finally, prioritizing profit over all else, mega-dairies cram thousands of cows into concrete and metal barns without regard for their well-being, which is deeply at odds with Oregon's humane values.

The Lost Valley debacle is indicative of the dangers such too-big-to-fail mega-dairies pose and the current inability of our state to properly regulate these facilities. It is time to collectively push the 'pause button' to protect our state's water, air, and rural communities, ensure humane treatment of animals, and keep family dairy farms on the land. Approving a permit for Easterday Farms would be a mistake that Oregon simply cannot afford to make again. Oregonians take pride in our robust, diverse farming communities as well as our environment; we must preserve and protect what makes our state beautiful and unique before it is too late. Please deny the Easterday Farms NPDES permit.

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Organizational signatures:

Columbia Riverkeeper - Animal Legal Defense Fund - Center for Biological Diversity - Farm Forward - WaterWatch of Oregon - Center for Food Safety - Northwest Environmental Defense Center - Friends of Toppenish Creek - Humane Society of the United States - Cultivate Oregon - Friends of Family Farmers - Oregon Organic Coalition - Oregon Chapter, Sierra Club - WildEarth Guardians - Environment Oregon - Puget Soundkeeper Alliance - Humane Voters Oregon - Oregon Physicians for Social Responsibility - Food and Water Action - 350PDX