

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: April 14, 1993 TAPES: 121-122 PLACE: Hearing Room CTIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator Gordon Smith Senator Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research Associate Kus Soumie, Clerk MEASURES HEARD: SB 195 PUB SB 1010 PUB SB 1005 PPW SB 1008 PPW HB 2838 PPW

- THESE MINUTE CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS PLEASE REFER TO THE TAPES.

TAPE 121 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC HEARING ON SB 1005 WITNESSES: Tom Barrows, Northwest Mining Association Ron Geitgey, DOGAMI

009 TOM BARROWS, Northwest Mining Association, offers testimony on SB 1005, and presents Senate Agriculture and Natural Resources April 14, 1993 Page 2

overview of EXHIBIT A.

030 RON GEITGEY, DOGAMI, offers testimony in support of SB 1005.

WORK SESSION ON SB 1005

046 MOTION: Sen Kintigh moves SB 1005 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: In a ROLL CALL VOTE, MOTION PASSES, 7 - 0.

ACTION: TO THE FLOOR DO PASS PUBLIC HEARING ON SB 195

WITNESSES: QUINCY SUGARMAN, OSPIRG ERIK NICHOLSON, PCUN MICHAEL DALE, OREGON LEGAL SERVICES, FARM WORKER SERVICES .~ 062 QUINCY SUGARMAN, offers testimony on SB 195, and presents overview of EXHIBIT B.

070 MICHAEL DALE, Oregon Legal Services, Director, Farm Worker Services, offers testimony on SB 195, and presents overview of EXHIBIT C. - questions from committee members on cultural issues - the word for pesticides translated into spanish is "medicine" or medicine and is viewed as good medicine for the plant not as a toxic material that is dangerous to the worker

150 CHAIR CEASE: What about the attitudes of the farmers and supervisors on the issue of dangers of pesticides?

171 DALE: It varies, but the attitude that there isn't a problem is common.

175 ERIC NICHOLSON, PCUN (spanish acronym for Northwest Tree Planter and Farm Workers United), offers testimony on SB 195, and presents overview of EXHIBIT D. - the common attitude among workers is the fear of losing their job - the burden of proof is on the workers

221 SEN KINTIGH: Do you feel that OSHA is not doing an adequate job?

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225 DALE: There are many farms in Oregon and few OSHA inspectors. There needs to be another mechanism to give people access to this information.

235 NICHOLSON: The violation would have had to be witnessed by an OSHA inspector for charges to be pressed. SB 195 would begin to relieve the dependence on OSHA or other state entities.

261 DAVID SPARKS, OSHA, offers testimony on SB 195, and presents overview of OSHA's involvement in rules and enforcement in dealing with farm worker pesticide exposure currently being worked out within the agency. - Material Safety Data Sheet - respiratory and eye protection rules

350 CHAIR CEASE: Are there some workers who cannot read? NICHOLSON: Many workers are illiterate. The rules described by Mr. Sparks are a start. However, there are so many problems with information dissemination, and the usefulness of the information provided.

367 SPARKS: We are not here to agree or disagree with these problems. Responds to Mr. Nicholson's accusations on enforcement. We are talking about transient operations and they are hard to document. - there is difficulty in timely investigation - there is either too much or not enough protection for farm workers at the federal level, depending on your particular point of view

TAPE 122 SIDE A

005 SPARKS: - continues testimony on SB 195, and overview of enforcement of EPA rules. 030 SEN SMITH: I am interested in worker safety and not in more regulations at the state or Federal level

049 CHAIR CEASE: There's not any question that your rules will improve the situation. The problem is the effectiveness of the enforcement over time and the fears and cultural aspects of these issues. 060 SEN SMITH: Suggests pictures depict this for those who cannot read. 068 SEN COHEN: Do the rules require specific posting of specific chemicals used in an area? Are records kept detailing how often the chemical was sprayed in a set period of time? 087 SPARKS: I cannot address that at this time.

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093 NICHOLSON: Discusses posting requirements of the EPA.

100 DALE: If the farmer is complying with the new regulations there is no additional burden in this bill.

PUBLIC HEARING ON HB 2838

WITNESSES: REBECCA ANDERSON, OAWA NAN DEWEY, OVMA

130 REBECCA ANDERSON, Oregon Animal Welfare Alliance, offers testimony on HB 2838, and presents overview of EXHIBIT E. 148 SEN

KINTIGH: How do these issues come to your attention? 153 ANDERSON: Mostly through neighbors' complaints. Under current law a search warrant is needed. We cannot deal with animal abuses short of breaking the current law. 165 CHAIR CEASE: There are concerns that police might abuse this privilege. 168 ANDERSON: When an animal is dying I would hope that we could get help for it. Probable cause will be enough to hinder an inappropriate entry. 179 CHAIR CEASE: There are different kinds of problems with animals that are inside and those that are outside. - what is the ratio of questions of neglect due to the owner's death or those of outright negligence? 194 ANDERSON: In Multnomah County, questions of protective custody occur two times each day. I don't know if what kind of situations that includes. 215 NAN DEWEY, OVMA, offers testimony on HB 2838, and presents overview of problems associated with lack of rules around pet responsibility. - this problem is on the increase 253 SEN SHOEMAKER: Have you satisfied yourself that there's not a Constitutional problem with breaking into someone's home. 263 ANDERSON: Discussed this with Legislative Counsel. This is similar to the Community Care taking function passed last session. - overviews proposed legislation

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PUBLIC HEARING ON SB 1010

WITNESSES: DAVE NELSON, Oregon Seed Council, Oregon Dairy Farmers Association DON MOISAN, Oregon Dairy Farmers Association PHIL WARD, ODOA CHUCK CRAIG, ODOA TOM FITZGERALD, OREGON POULTRY COUNCIL SUSAN SCHNEIDER, CITY OF PORTLAND FRED HANSEN, DEO DIRECTOR CATHRYN COLLIS, ACVA

283 DAVE NELSON, Oregon Seed Council, Oregon Dairy Farmers Association, offers testimony in favor of SB 1010, and presents overview of key issues in the proposed legislation.

340 DON MOISAN, Oregon Dairy Farmers Association, offers testimony on SB 1010, and presents overview of support for the bill. 356 SEN COHEN: I am assuming that this brings the authority to regulate grazing practices. 361 MOISAN: I do not agree.

380 PHIL WARD, ODOA, offers testimony in support of SB 1010, and presents overview of EXHIBIT F. - provisions and responsibilities within the bill overviewed

TAPE 121 SIDE B

024 SEN BUNN: Do you think that your program has not been successful due to poor enforcement?

042 WARD: It's been our experience that the majority of agriculture producers deal with these issues when addressed with them directly. There have been cases when enforcement authority has had to be used. - hopes to use soil and water districts extensively around the state

068 TOM FITZGERALD, Oregon Poultry Council, offers testimony in opposition to SB 1010. 097 SEN SHOEMAKER: Please elaborate on the

pollution rights idea. Does that permit some people to pollute is they buy the rights? 098 FITZGERALD: DEQ sets maximum daily limits on pollution allowed in the waterway. People would bid for the rights to that pollution. . Senate Agriculture and Natural Resources April 14, 1993 Page 6

- gives financial incentive to reduce pollution - sanctions are needed for operators not willing to clean up their operations

144 CHAIR CEASE: There is some indication that the water problem in Milwaukee, WI has been caused by agriculture practices up the river. This can be a problem for urban dwellers as well.

150 SUSAN SCHNEIDER, City of Portland, offers testimony in support of SB 1010.

CATHRYN COLLIS, ACWA, offers testimony on SB 1010, and presents overview of EXHIBIT G.

200 FRED HANSEN, Director DEQ, offers testimony in support of SB 1010, and presents overview of regulatory authority and programs under Federal Law relating to this bill. - authority delineated in this bill are relevant - non-point sources subject to the statute - provisions of SB 1010 outlined - small land owners in page 2, lines 3 and 4 of the bill overviewed - SB 1125 (1991) provisions and processes outlined 295

SEN SHOEMAKER: Could you outline why ODOA is getting into the regulatory business as opposed to the DEQ performing that function?

300 HANSEN: The appropriate role for the Environmental Quality Commission and the DEQ is to establish the standards that must be met. The Department of Forestry is an appropriate state agency to have the interface to achieve those standards. - DEQ is not the appropriate agency for this purpose. 365 SEN SMITH: I think DEQ is right on this issue. This will get farmers and others in the agriculture business on line with grazing practices. 383 CHAIR CEASE: If there is pollution in the water system of an urban area, then would the ODOA address that in terms of the interests that are represented. That is the question we have with all agencies. 396 HANSEN: Speaks to committee members' comments.

TAPE 122 SIDE B

PUBLIC HEARING ON SB 1008

WITNESSES: DAVE NELSON, OREGON DAIRY FARMERS ASSOCIATION

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DON MOISAN, OREGON DAIRY FARMERS ASSOCIATION

030 DAVE NELSON, Oregon Dairy Farmers Association, offers testimony on SB 1008, and presents overview of EXHIBIT H. 050 DON MOISAN, Oregon Dairy Farmers Association, offers testimony on SB 1008, and presents overview of EXHIBIT H. - Oregon CAFO program outlined for dairymen - ODOA staff person's duties outlined - relationship with ODOA essential for success of CAFO programs 107 FRED HANSEN, DEQ, offers testimony on SB 1008, and gives an off-the-cuff opinion of the DEQ's

position on the bill. - the current system is working - CAFOs are not actually non-point sources - best management practices are at issue with this issue - the most enforceable method is preferred - water limited stream features will be picked up in SB 1010 - the concept geographic attachment in SB 1010 is better than that in SB 100 8 158 NELSON: Speaks to the comments of Hansen (DEQ) - this is to a contentious issue between the ODOA and DEQ 184 SEN SHOEMAKER: Are we getting into a Good Cop/Bad Cop problem? 191 DAVE NELSON: From the producers point of view, there is a view of the Natural Resources Division as being a tough enforcer. The view of DEQ is different from the point of the Dairy producers. The Good Cop/Bad Cop analogy is not applicable. 215 MOISAN: We support legislation and have sent letters to DEQ and ODOA advising them of our support. - we want to work with the regulatory agency 234 HANSEN: The question is whether regulation is done geographically or whether it's aimed at a particular segment of the industry. 243 SEN SMITH: The point radical environmental policy will be coming from the Federal level now. The best way to deal with that is for all to work within the State DEQ and ODOA. 280 PHIL WARD, ODOA, offers testimony on SB 1008, and presents overview of the ODOA's position on the proposed legislation. - realities of the CAFO explained - leadership within the Dairy and Cattle industry outlined

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309 SEN SMITH: What is the view of the Cattlemen to this bill?

319 WARD: The model in SB 1010 will allow the issues involved in grazing to be dealt with. - discussion with committee members 339 CHAIR CEASE ADJOURNS MEETING AT 10:00 AM EXHIBIT LOG

A - Committee Information Packet - Staff- 7 pages B - Testimony on SB 195 - Quincy Sugarman - 1 page ? C - Testimony on SB 195 - Michael Dale - 3 pages? D - Testimony on SB 195 - Nicholson - 2 pages E -Testimony on HB 2838 - 37 - 38 pages? F - Testimony on SB 1010 - ODOA - 1 page? G - Testimony on SB 1010 - Collis - 1 page H - Testimony on SB 1008 - Nelson - 28 pages

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