

**Oregon Task Force on Dairy Air Quality
Kick-Off Meeting Approved Notes
January 11, 2008**

Attendees:

Dan Bansen	Kendra Kimbirauskas
Jeremiah Baumann	Dr. Jim Males
David Collier	Dr. Jim Moore
Lisa Hanson	Marty Myers
Betsy Johnson	David Nelson
Dana Kaye	Gail Shibley
	Mark Wustenberg

Attending By Phone: Andy Ginsburg
Jackie Dingfelder

Absent: Deborah Boone

Facilitator: Sam Imperati

Others in Attendance: Mark Riskedahl, Jim Krahn, Dave Barrows Katy Coba, Len Bergstein, Kathryn Higgs, David Collier, Gregg Lande, Jeffrey Stocum, Ray Jaindl, Wym Matthews, Nick Chambers, Mary Jane Shaffer, and Mike Dewey

I. Welcome and Introductions

Lisa Hanson welcomed and thanked everyone for their time and commitment.

Andy Ginsburg (by phone) was sorry not to be there in person. He provided background on SB 235 as follows:

- DEQ and ODA originally developed SB 235 to respond to a petition from a coalition of environmental and public interest groups to EPA.
 - The petition noted that the exemption for agriculture was not allowable under the CAA
 - EPA and DOJ agreed that we needed to fix the statute
- DEQ and ODA formed a work group to help us draft the legislation
 - Our original intent was that the work group would include both industry and environmental groups
 - However, due to communication snafus, the environmental groups thought it was an industry only group and didn't participate.
 - The environmental groups had an observer (Kendra Kimbirauskas), which gave the industry people the mistaken impression that they were on-board with discussion.

- The bill developed by ODA and DEQ, with input from the industry work group, was designed to meet federal requirements to address the petition
- Late in the process (the summer before session), the environmental groups let us know they had hoped for more from the bill
 - They wanted to allow the EQC to address CAFO emissions and protect Columbia River Gorge Air Quality
 - We held several meetings trying to broker a compromise, got close, but in the end couldn't reach agreement.
 - Both sides felt let down - the industry reps thought they had tried to meet the goal (resolve the petition) only to find the goal changing. The environmental reps felt that they had been shut out of the process and that the bill didn't address significant health and environmental issues.
- The Senate Environment and Natural Resources Committee amended the bill to be more stringent
 - At the request of 17 public interest and environmental stakeholders, the Senate committee added requirements directing EQC to adopt emission standards for CAFOs to regulate ammonia and H₂S, and to authorize EQC to adopt more stringent standards if needed to protect the Gorge
 - The amendments created a fiscal impact that caused the bill to be referred to Ways and Means
 - At that point in the session, there was no way to get additional funding, so the bill would have died if the amendment wasn't removed. This would have made it impossible to resolve the petition.
- Senator Avakian brokered ongoing discussions about how to resolve the issue.
 - Several ideas were offered by the Dairy industry, the public interest and environmental groups and the agencies.
 - In the end, this Task Force was the compromise that allowed the bill to move forward.
 - The added requirements for the emissions standards and the Gorge were removed from the bill.
 - The Task Force was charged with reviewing the available information and making any recommendations to the agencies by June 30th.
 - This timing allows the agencies and the Governor to consider the recommendations in developing budget and legislative concepts for 2009. This group may or may not be able to reach agreement on recommendations, but we will consider all of the input and discussions as we move forward.
- One unique feature of the Task Force is that you can create recommendations for the EQC to adopt a rule that is not otherwise required to comply with the CAA.
 - If a majority of the Task Force recommends a rule to reduce emissions from dairies, EQC can adopt that rule without new legislation.
 - EQC is not required to adopt a recommended rule, but would be authorized to do so.
 - Very few Task Forces have this level of responsibility and authority.

- This was a key part of the agreement that enabled the bill to move forward last session, and it is important that the Task Force honor this agreement by thoroughly discussing options and looking for any areas of agreement.
- The agencies do not have a preconceived notion of what will come out of this process.
- Our hope is to provide you with the background information and support to enable you to discuss and consider options.
- If there is any information or support you need that you are not getting during this process, please let us know.

II. What SB 235 Did Substantively

Lisa Hanson and David Collier: Gave a section-by-section overview of Senate Bill 235.

Andy Ginsburg: Noted that DEQ is going to go into rulemaking to have to align its rules with the bill's provisions. The Task Force should receive the mailing of that rulemaking, which will be run by Jeffrey Stocum of DEQ.

III. Dairy Air Quality Charter - Discussion of Charge

Sam Imperati: Introduced the Charter noting the working draft was based upon his member interviews. He facilitated a discussion of the major topics and the following changes were made to it:

- A. CHARGE: 1) Edited to use the term "emissions" versus "containments." 2) When evaluating alternatives, the feasibility of implementation will be discussed considering the other four factors.

IV. What is Process Success?

Mark Wustenberg: Explore as much fact and science-based information as possible to make conclusions.

Gail Shibley: She quoted Brian Booth who said, "Consider the possibility that the other guy might be right," dare to suspend immediate perspectives, and experience other's points of views. Objectively identify and discuss the issues.

David Nelson: Deal with the real world, Oregon air quality is far down the list of Oregonians concerns. There is a difference between concerns in the east vs. the west. He represents the eastside of the state and there are few air quality complaints. Look at good science for decision-making.

Marty Myers: He highly endorses this process. He participated in the session workgroup and understands the public perceptions of CAFOs and emissions. A recommendation win will be based on science and good information. We will need to look at the EPA study going on now. A core value of this group should be transparency,

fairness, and equitable, measurable results. He is looking for recommendations that allow the Dairy industry to remain competitive.

Jim Moore: It is important to really grasp an understanding of what we know and how it applies to industry.

Jim Males: The charter defines our success. In Oregon, our dairies and animal operations already practice sustainability. There is a big difference between east and west dairies, and environmental issues are a very important concern.

Kendra Kimbirauskas: It is important that this process is agreed upon by everyone and that the group looks objectively at current science. She hopes for a balance and equal weight of public health and environmental concerns.

Dana Kaye: She is very neutral on these issues only hoping that we take a broad look for healthy air from a public health standpoint.

Betsy Johnson: This task force will work the best when participants represent Oregonians, not just their entrenched positions. We must be willing to come to the middle, see each other's perspective, and come together on recommendations. We should work to be proud of the process, as well as the outcome.

Lisa Hansen: When we look at the air emissions, don't forget land and water because there is a symbiotic relationship between the three. Our imposed constraints will affect other media so we should think about the balance.

Andy Ginsburg: He agrees with Betsy, that we should describe our interests, and not get stuck on positions. Our recommendations should be ones that everyone can be comfortable with.

David Collier: DEQ staff and he look forward to learning what could be done and how the research of the science can be improved.

Jeremiah Baumann: We have a lot to learn about environmental and public health. While his family is in farming and ranching, he has no knowledge of Dairy farming. He hopes we can reach a common understanding of the issues.

Dan Bansen: Look at sound science and new technology. Education is the key to our success. We are like most of the public that is removed from farming; it's not wrong or bad, we just have a lot to learn.

V. Invited Guests:

A. Mark Riskedahl

American farming has changed dramatically through the past 50 years with the virtual elimination of the Mom & Pop family farm. Because of the size and complexity of modern day farms, our community must focus on public health and environmental

emissions concerns. A single animal creates 23 times more waste than a human with 168 known contaminants. Manure management can be very complicated these days. Environmental issues have been addressed in different ways throughout the U.S., sometimes with major controversies. Our participatory process in Oregon is different with industry sectors that have been upfront and involved. The Oregon process gives more discretion, room to be creative and thoughtful in contrast to other top down approaches.

B. Jim Krahn

Jim didn't know Mark in the beginning of this process, but by getting to know him, Jim and Mark have developed a mutual respect. Task Force members can have the same dynamic. Once people get to know each other, and where they come from, it is easier to work through the process and come to the middle of the road. Oregon's water quality management is the most effective and proactive in the U.S., and, unlike many other states, it was not forced to develop by a lawsuit. The dairy industry is excited to be a part of the process. Farmers want to be a part of the team with discussions already taking place throughout the industry.

VI. Public Comments to the Task Force: None

There was a concluding discussion about the previously announced Summit and the sponsors indicated that they have no desire to interfere with the work of this Task Force. They will not meet until after our work is concluded.

There was a discussion surrounding related processes, such as Regional Haze, Columbia River Gorge Visibility, the Governor's Greenhouse Gas process, and the EPA study.

VII. Discussion of Other Charter Topics

- A. ALTERNATES: 1) There will be no alternates.
- B. CO-CHAIRS: Jeremiah Bauman and Mark Wustenberg.
- C. ADVISORY COMMITTEES and MEMBERS:

Available Technologies Committee
Jeremiah Baumann
Jim Males
Marty Myers
Mark Wustenberg

Science, Environmental and Health Committee
Dana Kaye

Kendra Kimbirauskas
Jim Moore
David Nelson
Gail Shibley

Legal Regulatory Committee
Dan Bansen
Lisa Hanson
Betsy Johnson
Kendra Kimbirauskas
Gail Shibley

D. MEDIA: The facilitator will be the official spokesperson. It was also noted that any member may talk about the process using the reasonable and fair reporter standard.

E. WORK PLAN: 1) Changes in the Oregon industry will be compared with changes nationally and internationally. 2) We will explore how similar air emissions are regulated in other states and internationally. 3) We will explore impacts on the environment and human health. 4) We will explore the science surrounding animal health and welfare, along with impacts on greenhouse gases, other media, and relationships to other studies.

VIII. Meeting Schedule

Faced with a very aggressive schedule, we may be making scheduling changes. Information transfer – all documents will be made available on the website with links as well as a mailed in a CD to all members. A matrix is being created to help navigate the information resources. No hard copies.

Betsy: Noted that Saturdays and Sundays could be available for meetings.

Gail: Video conferencing is available and has assisted with State meetings

Schedule changes/clarifications

Meeting 2: 1/23/08, Wednesday

The staff presentations and guest speakers will help frame the issues and set the stage for the advisory committee work. There will be time in the agenda for them to meet and establish a work plan.

Meeting 3: 2/20/08, Wednesday

This could be a very difficult day for legislators to attend given the session, but we already have guest speakers lined up. We will look into meeting in the Capital, Public Service Building, or the Library across the street.

Meeting 4: 5/13/08 & 5/14/08, Tuesday and Wednesday

Fieldtrip to Hermiston/Boardman on Tuesday, with a 1:00 - 4:00 pm tour of the Threemile Dairy. Then, on Wednesday, an all day meeting, 8:00 am - 5:00 pm, (hopefully ending by 3:00) to work through a draft of the report. Logistics and accommodations will be arranged and information forwarded.

Public Comments: None

An audio recording of the meeting was made.

Meeting Adjourned

On-Site Inspection of Dairies

Respectfully submitted by the Institute *for* Conflict Management

Sam Imperati, Facilitator and Bridget Bayer, Recorder