

# Oregon Task Force on Dairy Air Quality Charter

The members of the Dairy Air Quality Task Force agree to operate under this Charter.

## I. Purpose

Senate Bill 235 (2007) created the Dairy Air Quality Task Force to study the air emissions from Oregon dairy operations and evaluate options for reducing those emissions taking into account a number of potentially competing factors. The Task Force will present its findings and recommendations to the Department of Environmental Quality (DEQ) and Department of Agriculture (ODA) by July 1, 2008.

## II. Charge

Pursuant to SB 235, the Task Force is charged with making findings and recommendations concerning the following topics:

- A. Study the air emission from dairy operations, including but not limited to, emissions regulated under the Clean Air Act.
- B. Study the available data on air emission, including but not limited to, the United States Environmental Protection Agency national air study of animal feeding operations.
- C. Evaluate alternatives for reducing air emissions, taking into consideration:
  - 1) The diverse nature and economic viability of dairies and the economic contribution dairies make to the state economy;
  - 2) The impact that federal Clean Air Act regulations have, and that actions to address air emissions would have, on Oregon's dairies in Pacific Northwest markets;
  - 3) The protection of human health, the environment, and scenic and cultural resources;
  - 4) The impact of available alternatives on other environmental media, energy and the cost of producing dairy products; and
  - 5) The feasibility of implementation, given the above factors.
- D. Explore voluntary measures, including education, demonstration projects, and incentive options, together with regulatory and/or legislative options for emission reduction.

### III. Members, Alternates, and Advisory Committees

#### A. Members

- Two members of the Senate, appointed by the President of the Senate:
  - Senator Betsy Johnson
  - Senator David Nelson
- Two members of the House of Representatives, appointed by the Speaker of the House:
  - Representative Debbie Boone
  - Representative Jackie Dingfelder
- One representative from the Oregon Department of Environmental Quality (DEQ), appointed by the DEQ Director:
  - Andrew Ginsburg, Air Quality Division Administrator, Oregon DEQ
- One representative from the Oregon Department of Agriculture (ODA), appointed by the ODA Director:
  - Lisa Hanson, Deputy Director, Oregon ODA
- One representative from the Department of Human Services (DHS) having expertise in public health, appointed by the Director of Human Services:
  - Gail Shibley, Administrator, Environmental Public Health , ODHS
- Three representatives, appointed by the governor from the dairy industry:
  - Dan Bansen, Dairyman, Forest Glen Jerseys, Forest Glen Heifer Ranch, and Forest Glen Oaks
  - Martin Myers, General Manager, Threemile Canyon Farms
  - Dr. Mark Wustenberg, Vice President, Dairy Services Tillamook Creamery Association
- Three representatives, appointed by the governor from environmental-public interest organizations:
  - Jeremiah Baumann, Environment Oregon
  - Dana Kaye, Executive Director for Oregon Chapter American Lung Association
  - Kendra Kimbirauskas, Friends of Family Farmers
- Two representatives, appointed by the governor from institutions of higher education listed in ORS 352.002 having expertise in science and technology relevant to air emissions generated by dairy operations:
  - Dr. Jim Males, Department Head Animal Science, OSU
  - Dr. Jim Moore, Professor Emeritus, OSU

**B. Chair, Co-Chairs, and Delegation to Facilitator:** The Task Force appoints the following two members to serve as Co-Chairs: Jeremiah Bauman and Mark Wustenberg. With the exception of the ability to call a special meeting, the Task Force delegates the other duties of chair to the Facilitator through the course of this process. This authority can be revoked by the Task Force at any time. At the last meeting, the Task Force will determine if it wants to re-appoint or appoint a chair(s) to present its final report.

**C. Task Force Technical or Advisory Committees:** The Task Force established the following committees and will determine committee duration, charge, and organization:

1) *Science, Environmental and Health Advisory Committee*  
Members: Jeremiah Baumann, Jim Males, Marty Myers, and Mark Wustenberg

2) *Available Technologies Advisory Committee*  
Members: Dana Kaye, Kendra Kimbirauskas, Jim Moore, David Nelson, and Gail Shibley

3) *Legal/Regulatory Advisory Committee*  
Members: Dan Bansen, Lisa Hanson, Betsy Johnson, Kendra Kimbirauskas, and Gail Shibley

#### **IV. Operations**

- A. A majority (eight) of Task Force members constitutes a quorum for the transaction of business. Official action by the Task Force requires the approval of a majority (eight) of the members of the Task Force.
- B. The Task Force will elect at least one of its members before the end of the process to serve as chairperson(s).
- C. If there is a vacancy for any cause, the appointing authority will make an appointment to become effective immediately.
- D. The Task Force will meet at times and places specified by the call of the chairperson(s) or of a majority of the members of the Task Force.
- E. The Task Force may adopt additional rules necessary for operation.
- F. Members of the Task Force who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them, in the performance of their official duties, in a manner and amounts provided for in ORS 292.495.
- G. Task Force sub-committee members, who are not members of the Task Force, are not entitled to compensation or reimbursement of expenses.

## V. Ground Rules

The Task Force members, project staff, and participants will participate in good faith, which means:

- A. Prepare for and set aside time for the meetings and the whole process,
- B. Participate fully, honestly and fairly, commenting constructively and specifically,
- C. Speak respectfully, briefly and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
- D. Allow people to say what is true for them without fear of reprisal from the sponsors or Task Force members,
- E. Avoid side conversations during meetings,
- F. Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- G. Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other Task Force members,
- H. Consult regularly with their nominating bodies and provide their input in a clear and concise manner,
- I. Each member agrees to work toward fair, practical, and durable recommendations that reflect the diverse interests of the entire Task Force and the public,
- J. When communicating with others, accurately summarize the Task Force process, discussion and meetings, presenting a full, fair and balanced view of the issues and arguments out of respect for the process and other members,
- K. Not attempt to effect a different outcome outside of the Task Force process once the Task Force has reached a consensus recommendation,
- L. Strive vigorously for consensus and closure on issues, and
- M. Self-regulate and help other members abide by these commitments.

## VI. Decision-Making Process

Official action by the Task Force requires the approval of a majority (eight) of the members of the Task Force. The details of the decision-making process follow:

### A. Developing Recommendations

The facilitator will assist the Task Force in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations to implement its Charge. The Task Force will use a *Discussion Draft* process and a *Consensus Decision-Making* model. It will make draft recommendations

on an “issue-by-issue” basis, and then, final recommendations as a “package” at each milestone, and again at the conclusion of the process.

## **B. Representative Voting**

Each Task Force member will have one vote. A vote represents that the member will recommend to his or her government, organization, or group that they should support or oppose the voted-upon proposal consistent with the member’s vote. The names of those voting in favor and those voting against a proposal will be noted and included in the Task Force recommendations.

## **C. Consensus**

Consensus decision-making is a process that allows Task Force members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “*taken as a whole.*” This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner in order to give it their full support. Consensus is a process of “*give and take,*” of finding common ground and developing creative solutions in a way that all interests can support. Consensus is reached if all members support an idea or can live with it.

### **C.1. “1-2-3” Consensus Voting Method**

The facilitator will assist the Task Force in articulating points of agreement, as well as articulating concerns that require further exploration. The Task Force will use a “**Consensus Voting**” procedure for testing the group’s opinion and adjusting proposals. In “**Consensus Voting**,” the facilitator will articulate the proposal. Each member will then vote “one,” “two,” or “three:”

- “**One**” indicates **full support** for the proposal as stated.
- “**Two**” indicates that the participant **agrees with the proposal as stated, but would prefer to have it modified in some manner in order to give it full support.** Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.
- “**Three**” indicates **refusal to support** the proposal as stated. The facilitator will repeat the consensus voting process, as reasonably necessary, to assist the group in achieving **consensus** regarding a particular recommendation, so that all members are voting “one” or “two.”

## **C.2. Cooling-Off Period**

If a consensus is not reasonably forthcoming, the facilitator may table the issue for additional discussion with constituencies, the gathering of new information, or perhaps just sufficient time to consider options more carefully. The “cooling off” period recognizes we value getting as close to consensus as possible by way of dialogue, clarification, and consideration of alternatives. Absent an emerging consensus, the facilitator may make a recommendation for the Task Force to consider taking into consideration all of the available information and views. The Task Force may then revisit the issue.

## **C.3. No Consensus – Majority and Minority View**

If a consensus on an issue is still not reasonably likely, as determined by the facilitator, the votes of those present at the meeting will be taken and recorded as a majority - minority vote. Majority is defined as at least 51% of the Task Force voting “one” or “two.” The proposed language and reasoning supported by the majority will be noted along with their names in the majority recommendations. Members voting in the minority will have their names, proposed language, and reasoning noted in the minority report.

## **VII. Media**

The Department of Environmental Quality and Department of Agriculture will provide a coordinated response to media inquiries associated with the organization, structure, process, and Charge of the Task Force. The facilitator will be the official spokesperson for the Task Force.

While free to communicate with the media and others, Task Force members recognize that the collaborative process is enhanced when they raise all of their ideas and concerns, especially those being raised for the first time, at a formal Task Force meeting. Additionally, members recognize that the way in which positions are publicly represented may affect the ability of the Task Force to work together. It is often advisable to refer others to the Task Force web site:

<http://www.deq.state.or.us/aq/dairy/index.htm>

## **VIII. Process Support**

### **A. Department of Environmental Quality and Department of Agriculture**

DEQ and ODA are responsible for providing staff support to the Task Force by providing background and technical information. DEQ and ODA will consult with other agencies and stakeholders as needed to support the Task Force.

## B. Facilitator

DEQ, with the advice and consent of ODA, has contracted with The Institute for Conflict Management, Inc. (ICM or the Facilitator). Its Executive Director, Sam Imperati, JD, will serve as the Facilitator for this Task Force. Neither ICM, nor Sam Imperati, is an employee of any participant. ICM's written contract is available for review.

The Facilitator will run meetings in accordance with this Charter. ICM has attorneys working on this project, but they do not represent any person, organization, entity, or the Task Force. They will not provide legal advice to the Task Force. Each participant is encouraged to seek independent legal advice, as necessary. As a neutral collaborative process provider, the Facilitator will be an advocate for resolution. As a result, the Facilitator may propose substantive and process suggestions for consideration by the Task Force. Task Force members are encouraged to communicate information or concerns directly to the facilitator. The facilitator may have non-confidential, informal communications and perform facilitation activities with staff and Task Force members, between and during meetings.

## IX. Additional Information and Public Involvement

- A. Briefing Materials:** DEQ and ODA staff will prepare briefing materials, which will contain background information relevant for each meeting discussion. The Facilitator will lead the Task Force in a discussion designed to complete its Charge.
- B. Meeting Summaries:** DEQ or ODA staff will prepare Task Force meeting summaries. The meeting summaries will be posted on the Project website at: <http://www.deq.state.or.us/ag/dairy/index.htm>
- C. Public Records and Confidentiality:** This process is not a mediation. As such, Task Force communications and records, such as formal documents, discussion drafts, meeting summaries, and exhibits are public records. Task Force communications are not confidential and may be disclosed. However, the private documents of individual Task Force members and the Facilitator generally are not considered public records if the Agency does not retain copies.
- D. On-Site Inspections:** The Task Force will be touring dairies for background information and not as part of the public Task Force meetings. Task Force members will be transported to and from the public meeting location and those dairies by DEQ and/or ODA. Formal Task Force business will not take place during the on-site inspections or during the bus rides. There will be explanations of and questions about what is being seen, but no conversations about policy or alternatives. Those will be deferred to the next Task Force

meeting. Additionally, the Task Force members and staff agree not to film, photograph, record, monitor, or test during any site visit.

**E. Public Involvement:** All meetings will be open to the public and will have a limited time set aside for the public to speak. Additionally, citizens who wish to submit comments are encouraged to communicate directly by submitting written comments through the website: <http://www.deq.state.or.us/aq/dairy/index.htm>. All public comments received will be compiled and included as an Appendix in the Task Force's Report.

**F. Process Conclusion:** A Task Force report will be submitted to the Department of Environmental Quality and Department of Agriculture.

## **X. Work Plan**

DEQ and ODA will develop a working draft paper discussing each of the following topics. At each meeting, the working draft paper will be reviewed, discussed, and edited by the Task Force to reflect the Task Force discussions, issues, concerns, and recommendations. Through this process, the task force discussions will be developed into a draft and final Task Force report to DEQ and ODA. The facilitator will assist with the development and editing of the report for final task force approval.

### **I. BACKGROUND**

- I.A. What does SB 235 require?
- I.B. Task Force Charge
- I.C. Oregon Dairy Farm Overview
- I.D. What is the dairy industries contribution to Oregon's economy and what factors affect the economic viability of dairies in Oregon?
- I.E. What diversity exists amongst dairies and within the dairy industry in Oregon?
- I.F. What dairy production systems are common in Oregon?
- I.G. How are dairies currently regulated by ODA in Oregon?
- I.H. What are the types of dairy air emissions?
- I.I. What are the public health implications?
- I.J. What are the implications for the environment?

- I.K. What are the implications for visibility?
- I.L. What are the implications for cultural resources?
- I.M. How are these emissions currently regulated under the Clean Air Act?
- I.N. How are these emissions currently regulated in Oregon
- I.O. How are these emissions currently regulated in other states?
- I.P. How are these emissions currently regulated in other countries
- I.Q. How are these emissions currently regulated in other (non-agricultural) sectors?
- I.R. What are the projected changes for the Oregon dairy industry, how do they compare to what is happening nationally and internationally, and how are these changes likely to impact emissions?
- I.S. What are the cross-relationships between our work and other related air inquiries?

## **II. SCIENCE**

- II.A. How does DEQ currently estimate emissions from dairies and how are they used?
- II.B. What does the existing data say about the type and amount of those dairy air emissions? What do we know and how confident are we that it is reliable?
- II.C. What does the existing data say about the impacts of air emissions from dairies on human health? What do we know and how confident are we that it is reliable?
- II.D. What does the existing data say about the impacts of air emissions from dairies on animal health and welfare? What do we know and how confident are we that it is reliable?
- II.E. What does the existing data say about the impacts of air emissions from dairies on the environment, including greenhouse gases? What do we know and how confident are we that it is reliable?
- II.F. What new research is occurring to improve our understanding of dairy air emissions?

- II.G. EPA sanctioned, national air study of animal feeding operations (National Air Emissions Monitoring Study-NAEMS)
- II.H. Summary of Other Studies
- II.I. What are the limitations of applying existing studies to Oregon?
- II.J. Do we need Oregon-specific studies? What topics do we need to learn about? Why do we need to know that information and how would it be used? How do we get needed information, and when do we need it by?
- II.K. What testing protocols must be used in any Oregon studies? Must the NAEMS protocol be used if the data is to be acceptable to EPA? Are there other protocols that could be used, and what limits, if any, would that put on the use of Oregon results?
- II.L. What are the relationships and challenges surrounding the cross-media management of dairy emissions for air, water, and land? What are the trade-offs/considerations?

### **III. STRUCTURAL AND MANAGEMENT ALTERNATIVES FOR REDUCING EMISSIONS (What can be done?)**

- III.A. Overview
- III.B. What are the structural and management options for reducing emissions from dairy operations?
- III.C. What options are currently in use in Oregon, including options primarily implemented to improve water quality?
- III.D. What are the potential benefits and negative impacts of the top structural and management options using following factors:
  1. The diverse nature and economic viability of dairies and the economic contribution dairies make to the state economy;
  2. The impact that federal Clean Air Act regulations have, and that actions to address air emissions would have, on Oregon's dairies in the Pacific Northwest markets;
  3. The protection of human health, the environment, and scenic and cultural resources;
  4. The impact of available alternatives on other environmental media, energy and the cost of producing dairy products; and
  5. The feasibility of implementation, given the above factors.

#### **IV. WHAT ARE THE OPTIONS FOR IMPLEMENTING THE PREFERRED STRUCTURAL AND MANAGEMENT OPTIONS? (*How can it be done?*)**

- IV.A. How are structural and management options being implemented in other western states? (California, Idaho, and Washington)
- IV.B. How are structural and management options being implemented in other parts of the country and world?
- IV.C. What are the options for how structural and management options could be implemented in Oregon, including consideration of technical studies, voluntary actions, regulation, and proposed legislation.
- IV.D. Evaluate the advantages and disadvantages of each option for implementing structural and management options to reduce emissions, talking into consideration:
  1. The diverse nature and economic viability of dairies and the economic contribution dairies make to the state economy;
  2. The impact that federal Clean Air Act regulations have, and that actions to address air emissions would have, on Oregon's dairies in the Pacific Northwest markets;
  3. The protection of human health, the environment, and scenic and cultural resources;
  4. The impact of available alternatives on other environmental media, energy and the cost of producing dairy products; and
  5. The feasibility of implementation, given the above factors.

#### **V. FINAL FINDINGS AND RECOMMENDATIONS**

[To be Developed]

## XI. Meeting Schedule and Objectives

MEETING SCHEDULE AND OBJECTIVES	Date/Location
<p><b>Meeting 1: Kick-Off</b></p> <p><b>Morning Session:</b>  <i>The objectives for this meeting are agreement on convening protocols and the initial exchange of perspective.</i></p> <p><b>Afternoon Session:</b> On-Site Inspection of Dairies. Questions about policy and alternatives deferred until next meeting.</p>	<p><b>1-11-2008</b>  <b>Salem</b>  <b>8:30 – 12:00</b>  <b>Lunch</b>  <b>and</b>  <b>Transportation</b>  <b>Provided</b>  <b>12:15 – 5:00</b></p>
<p><b>Meeting 2: Dairy Operations and Air Emissions</b></p> <p><i>The objective of this meeting is to share information and create a common understanding of dairy operations and related air emissions.</i></p> <p><b>The Agenda will cover Work Plan Sections I and II, and the Advisory Committees will meet to develop work plans.</b></p> <p>Tentative Guest Speakers: Ginsburg (DEQ), Murchie (EPA), Gamroth (OSU Extension), and Stocum (DEQ).</p>	<p><b>1-23-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Portland</b></p>
<p><b>Meeting 3: Finish Operations and Emissions, and Begin Alternatives for Reducing Air Emissions and Options for Implementation</b></p> <p><i>The objective for this meeting is to finish operations and emissions, and begin the discussion of the structural and management options for reducing dairy air emissions and how these options could be implemented in Oregon.</i></p> <p><b>The Agenda will cover Work Plan Sections I - IV.</b></p> <p>Tentative Guest Speakers: Martin Bauer (Idaho DEQ), Troy Downing (OSU Extension), and Dr. Frank Mitloehner (U. C. Davis).</p>	<p><b>2-20-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Salem</b></p>
<p><b>Task Force Meeting 4: Alternatives for Reducing Air Emissions and Options for Implementation (Part 2 – Finish Discussion)</b></p> <p><i>The objective for this meeting is to complete the discussion of the structural and management options for reducing dairy air emissions and how these options could be implemented in Oregon.</i></p> <p><b>The Agenda will cover Work Plan Sections III and IV</b></p>	<p><b>3-18-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Portland</b></p>

<p><b>Task Force Meeting 5: Meet Additional Stakeholders and Begin Drafting of Recommendations</b></p> <p><i>The chief objectives of this meeting are to discuss any outstanding issues, explore package findings and recommendations, articulate goal of package, and bring together members of the dairy and conservation communities who are not on the Task Force, to explore these issues on an informal basis and inform the Task Force deliberations. Possible evening gathering with facilitated conversation. Possible trip to other dairies.</i></p> <p><b>The Agenda will cover Work Plan Sections V - First Cut</b></p>	<p><b>4-22-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Tillamook</b></p>
<p><b>Task Force Meeting 6: Review 1<sup>st</sup> Draft Task Force Report</b></p> <p><i>The chief objective for this meeting is to review the then-existing draft Task Force report. This report will capture key technical and policy findings and recommendations of the Task Force and its emerging recommendations. The draft will be sent to Task Force members approximately two weeks in advance.</i></p>	<p><b>5-13/14-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Boardman</b></p>
<p><b>Task Force Meeting 7: Review 2<sup>nd</sup> Draft and Finalize Report</b></p> <p><i>The chief objective for this meeting is to review the second draft Task Force report, discuss final issues, and finalize the report. The Task Force Chair(s) and Facilitator will seek process closure and provide documentation of Task Force Member perspectives.</i></p>	<p><b>6-18-08</b></p> <p><b>8:30 – 5:00</b></p> <p><b>Salem</b></p>
<p><b>Task Force Chair(s) present completed report to DEQ and ODA</b></p>	<p><b>June 25, 2008</b></p>

## **XII. Findings and Reports**

The Task Force will present its findings and recommendations to DEQ and ODA no later than July 1, 2008. The findings and recommendations may include, but need not be limited to, findings and recommendations for technical studies, voluntary actions, regulation, and proposed legislation. This may include majority and minority reports.

DEQ and ODA will jointly report on dairy air quality to an interim legislative committee related to agriculture or natural resources, no later than October 1, 2008. The report will include any recommendations of the departments for proposed legislation to reduce the emission of air contaminants by dairies.

**We agree:**

- Dan Bansen, Forest Glen Jerseys, Heifer Ranch, & Oaks
- Jeremiah Baumann, Environment Oregon
- Representative Debbie Boone
- Representative Jackie Dingfelder
- Andrew Ginsburg, Air Quality Division Administrator, Oregon DEQ
- Lisa Hanson, Deputy Director, Oregon ODA
- Senator Betsy Johnson
- Dana Kaye, Executive Director for Oregon Chapter American Lung Association
- Kendra Kimbirauskas, Friends of Family Farmers
- Dr. Jim Males, Department Head Animal Science, OSU
- Dr. Jim Moore, Professor Emeritus, OSU
- Martin Myers, General Manager, Threemile Canyon Farms
- Senator David Nelson
- Gail Shibley, Administrator, Environmental Public Health, ODHS
- Dr. Mark Wustenberg, VP, Dairy Services Tillamook Creamery Association