

# Audit finds Oregon food inspection logjam

As of October, auditors found 2,841 licenses were overdue for an inspection by more than three months

By ANDREW SELSKY  
Associated Press

SALEM (AP) — Rodents, insects and microscopic bacteria: All these hazards can exist in food and where it is stored, and it is up to the Oregon Department of Agriculture to ensure they're not there.

But the department's Food Safety Program, which is charged with carrying out inspections of dairies, grocery stores, food processors and other establishments, has a backlog that could cause an increase in dangerous and even fatal illnesses, Oregon's secretary of state said in an audit published on Tuesday.

The Food Safety Program is responsible for regulating more than 12,000 food safety licenses in Oregon. The auditors found that, as of October, 2,841 licenses were overdue for an inspection by more than three months.

The 28-page report cites a scary scenario that was discovered during an inspection in one locale.

In June 2015, two food safety inspectors found hundreds of rodent droppings scattered throughout a grocery store in Portland, the report said.

"Seven dead mice were still locked in snap traps ...

During a later visit, the inspectors found thousands of insects on glue traps and dead insects visible inside wrapped packages of lettuce. This time, the rodents spotted were alive; one stuck to a glue trap behind the bread display, another running near the front of the store," said the audit from Secretary of State Jeanne P. Atkins office. The inspectors closed and condemned the store until the problems could be resolved.

The audit pointed out that not all violations are so obvious, and that health hazards could come from an establishment failing to properly sanitize a food preparation area or storing food at an improper temperature — which could allow bacteria to grow — or not labeling allergens such as peanuts.

Each year, one in six Americans gets sick from contaminated foods or beverages, the Centers for Disease Control and Prevention says. The CDC estimates that of the roughly 48 million people who get sick from a foodborne illness each year, 128,000 are hospitalized and 3,000 die.

The backlog of inspections in Oregon was "caused by an increase in the number

of licensed businesses ... and an inspection staff busy with other duties," said the audit, which is accessible via the secretary of state's website. It recommended the agriculture department use stronger management practices, improve use of data and use its resources more strategically.

"Inspectors are also spending significant amounts of time on duties that are not related to inspections, such as attending training courses in specialized license types or answering customer questions on the phone," the audit said.

It noted that the Food Safety Program has a contract with the U.S. Food and Drug Administration to conduct some of its inspections in exchange for reimbursement. It recommended doing fewer FDA contract inspections.

Lisa Hanson, acting director of the state agriculture department, wrote in a response that the department will implement the report's recommendations.

The audit stressed that adhering to food safety regulations is crucial to minimize the risk of contamination, and that it's up to food safety inspectors to make sure those regulations are followed.

# Farmers offer comments on Columbia-Snake River System

By MATTHEW WEAVER  
Capital Press

SPOKANE — Some wrote by hand. Others wrote on a computer. Some had friends write it down word-for-word.

Still others will send an email or a letter outlining their thoughts on the Columbia-Snake River System.

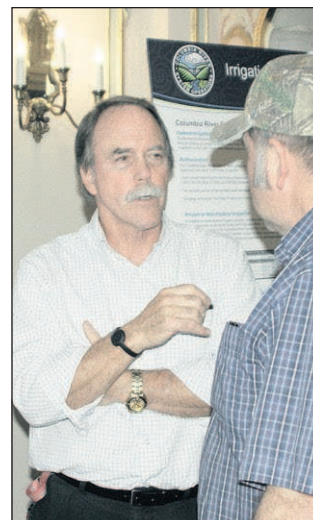
The public has many options to tell the federal government about the river system, and all of them were on display in Spokane during one of 15 scoping meetings to help the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation and Bonneville Power Administration collect comments for an environmental impact statement on the dams on the rivers.

"We're asking the public to come in and look at what we've outlined, which is how we currently operate," said Rebecca Weiss, program coordinator for the corps. "Is there something else that we're missing in the system that's important to you that you want us to look at?"

The meeting drew farmers and ranchers, as well as critics of the river system and its dams.

The dams are on track to achieve 96 percent average dam survival for young spring chinook and steelhead and 93 percent for young summer-migrating fish, according to the BPA.

The river system has the most fish since Bonneville Dam was built in the 1930s, according to the Pacific



Matthew Weaver/Capital Press  
Hal Thomas with the U.S. Army Corps of Engineers speaks with farmer Mike LaShaw of Rockford, Wash., about navigation on the Columbia River during the Nov. 14 scoping meeting in Spokane.

Northwest Waterways Association. In 2014, more than 2.5 million adult salmon and steelhead passed the dam, setting new overall record levels since counts began in 1938. The sockeye, fall chinook and coho posted record or near-record runs, including Snake River stocks. The dams on the Snake River do not block access for fish.

Paul Gross, a farmer with the Spokane Hutterians in Reardan, Wash., wanted to know more about water control for three pump sites on the Spokane River.

"Any time they change the elevation, it affects us," Gross said. "The price of wheat is half of what it was two years

ago. We're already below the cost of production, so any time you make it harder for me, I'm just going to go broke faster."

It's important for farmers and ranchers to contribute comments, said Colfax, Wash., rancher Tom Kammerzell, a commissioner for the Whitman County port district.

"This is up close and intimate to everybody in this region, and affects us more than anybody," Kammerzell said. "You can make a decision, but you can't make it without all the facts, not the cherry-picked facts."

Deadline to comment is Jan. 17. Two webinars will be offered at 10 a.m. and 3 p.m. Pacific Time Dec. 13 on the project website, <http://www.crso.info/>.

Following are the remaining meetings:

- Nov 21: Holiday Inn Express & Suites, Pasco-Tri Cities, 4525 Convention Place, Pasco, Wash. 4-7 p.m.
- Nov. 29: The Grove Hotel, 245 S. Capitol Blvd., Boise, Idaho. 4-7 p.m.
- Dec. 1: Town Hall Great Room, 1119 8th Ave., Seattle, Wash. 4-7 p.m.
- Dec. 6: The Columbia Gorge Discovery Center, River Gallery Room, 5000 Discovery Drive, The Dalles, Ore. 4-7 p.m.
- Dec. 7: Oregon Convention Center, 777 NE Martin Luther King Jr. Blvd., Portland. 4-7 p.m.
- Dec. 8: The Loft at the Red Building, 20 Basin St., Astoria, Ore. 4-7 p.m.

# 'Frivolous' lawsuit costs Oregon rancher \$13,700, judge rules

By MATEUSZ PERKOWSKI  
Capital Press

An Oregon livestock producer must pay \$13,700 to the Oregon Department of Agriculture for filing a "frivolous" lawsuit against the agency, a federal judge has ruled.

U.S. Magistrate Judge John Acosta found that ODA is entitled to collect attorney fees from William Holdner, a rancher in Columbia County who filed a complaint claiming he's not subject to state water quality regulations.

Before his problems with water quality regulations began, Holdner raised about 500 cow-calf pairs on his property.

Holdner was repeatedly cited by ODA for pollution violations on his property. He was found guilty of felony



William Holdner

water pollution charges in 2012 and sentenced to five days in jail and \$300,000 in penalties.

In response, he claimed to be exempt from state and federal water regulations, arguing that ODA had abused its power in regulating his operation under the Clean Water Act.

In 2009, 2012 and 2015, Holdner filed lawsuits arguing that his "land patent" prohibited the enforcement of water regulations on his property, but those claims were all rejected by federal judges.

In light of the past rulings, Holdner's claims in the most recent case "could not

be considered viable at the time they were filed," since he "had clearly been warned any additional complaints attacking the legality of defendants' regulation of Holdner's livestock operation would not succeed," Acosta said.

Because the complaint was "frivolous, unreasonable or without foundation," ODA's attorneys are entitled to recover their fees, the judge said.

However, Acosta did not grant the full \$23,800 the state's lawyers sought in court filings and reduced the amount by more than \$10,000 because some of the hours billed by the state were duplicative, among other reasons.

In 2014, Holdner was prohibited from owning cattle after being convicted of animal neglect, which resulted in a sentence of five years of probation.

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