

# U.S. senators tout compromise on manure reports

## Rancher warns about 'tremendous anger'

By **DON JENKINS**  
Capital Press

A U.S. Senate committee took testimony on a bill March 8 that supporters say offers a bipartisan compromise on reporting manure emissions.

The legislation would exempt farms from a law spawned by careless handling of industrial waste in the 1970s. The bill, however, leaves open the possibility that producers will someday have to report the volume of gases released by livestock under a different law inspired by the 1984 chemical leak in Bhopal, India, that killed up to 20,000 people.

Farm groups had sought to exempt producers from both laws, commonly referred to by their acronyms, CERCLA and EPCRA.

"That was unpalatable to Senate Democrats," said Scott Yager, chief environmental counsel for the National Cattlemen's Beef Association. "Their hangup was the EPCRA piece."

The Environmental Protection Agency has, under the George W. Bush, Obama and Trump administrations, sought to exclude agriculture from CERCLA and EPCRA.



South Dakota rancher Todd Mortenson testifies March 8 in front of the Senate Environment and Public Works Committee on a bill that would nullify a court order to report emissions from decaying manure. If Congress doesn't intervene, the anger will be tremendous, Mortenson said.

CERCLA mandates reporting chemical leaks to federal authorities, while EPCRA requires providing the same information to local and state emergency officials.

The EPA asserted in 2008 that telling emergency responders, federal or local, that decaying manure was releasing gas was a useless exercise.

Environmental groups convinced the D.C. Circuit Court that the EPA was wrong.

The CERCLA exemption for agriculture will end when the D.C. court finalizes its order, which could be as soon as May 1.

The EPA maintains the court's ruling didn't apply to EPCRA, a position environ-

mental groups are challenging. EPA says it intends to write a rule to clarify whether EPCRA covers animal waste.

The Senate Environment and Public Works Committee's top-ranking Democrat, Delaware Sen. Tom Carper, said keeping EPCRA as an option to collect information on livestock operations was

critical for Democrats.

"This bill seeks to strike a balance and as a result enjoys broad bipartisan support," he said. "My hope is that that broad support can be translated into prompt legislative action."

If Congress doesn't act on CERCLA, an estimated 200,000 farms will have to report to the Coast Guard that their animals continuously release at least 100 pounds of ammonia and hydrogen sulfide a day.

The EPA says there is no standard way to calculate emissions. The agency advises producers to make estimates based on limited research that may or may not fit their operations. Farms that fail to comply with CERCLA could be fined or sued by citizens groups.

Yager said that if farms must report manure emissions to the Coast Guard, detailed information about operations nationwide would be easily accessible to environmental groups.

"If you had to choose one or other, you'd rather have EPCRA because it doesn't create a national clearinghouse," he said.

South Dakota rancher Todd Mortenson told senators there is no practical way to calculate manure emissions from the 1,295 cattle on his 19,000-acre ranch.

He said a lot of ranchers

don't know about the upcoming mandate to report. "The anger in the country will be tremendous," he said. "They're not going to be happy, to say the least, to be labeled polluters, when all they're doing is the same agriculture that's been going on in this country for hundreds of years. You know, grazing cattle."

The bill has 21 Republican and 12 Democratic co-sponsors. "That's a really strong signal that the bill has legs," Yager said.

Support for the bill was not unanimous. Sen. Cory Booker, D-New Jersey, agreed it would be absurd to register manure emissions from cattle on pastures, but said confined animal feeding operations are serious health hazards should have to report emissions.

Booker got support from Mark Kuhn, a county supervisor in Floyd County, Iowa. Kuhn said a large hog farm in the county has caused problems for neighbors. "I think (the Senate bill) is a step backward," he said.

Under CERCLA, farmers would have to report manure emissions, but there would be no requirement to reduce emissions.

Yager said the disputes between farms and neighbors are unrelated to CERCLA. "That's a zoning issue," he said.

# Software update, staff cuts could nix NRCS snow maps

## Farmers, ranchers rely on them to predict water availability

By **GEORGE PLAVERN**  
Capital Press

A combination of software upgrades and staffing constraints may come at the expense of generating daily snowpack maps at the USDA Natural Resources Conservation Service.

The maps measure snow-water equivalent compared to normal in river basins across the western U.S. — including Oregon, Washington, Idaho and California. They have become a valuable tool for farmers and ranchers as they anticipate how much water will be available come summer.

Snowpack is crucial because it acts as a natural reservoir, feeding streams as it

melts away.

However, the NRCS National Water and Climate Center is advising customers the maps might not be available next year. Rashawn Tama, management and program analyst for the center in Portland, said the maps are created automatically using computer code known as scripts, which crunch the raw data into a color-coded, easy-to-read format.

"They really want something that's clear, simple and easy to digest," Tama said. "That was sort of the driving force to create these basin maps to begin with."

Those computer scripts, Tama said, could be lost after a planned software update is finished by the end of the year.

It is not certain whether staff, which has shrunk over the last 10 years, will be able to rewrite the code.

"We used to have some (information technology) contractors that supported us on the technical side," Tama explained. "We no longer have them to rely on. We're relying primarily on in-house expertise, and that's somewhat limited."

Tama insisted the issue is not budgetary, but rather due to shifting priorities within the NRCS.

"Our agency has a lot of competing interests," he

said. "Different groups need different levels of support."

Basin maps are just one tool the National Water and Climate Center provides for the Snow Survey and Water Supply Forecasting Program, though Scott Oviatt, snow survey supervisor in Portland, said they are among the most-used.

"Obviously from our perspective, being NRCS for Oregon, we work closely with our state agency partners," Oviatt said. "We understand their reliance and usage of these tools. It's great for drought interpretation and water supply interpretation. ... It's obviously going to have some impacts beyond the scientific community."

While the actual data collection for snowfall will not be impacted, Tama said it may no longer be available in the same visual format.

Tama emphasized there are other tools available for farmers and ranchers to plan for water supplies at the National Water and Climate Center website. Staffers are also available to help them interpret raw data.

"For the time being, all I would be able to offer is for them to reach out and become familiar with the suite of tools we know we will be able to maintain and support moving forward," he said.



The USDA has withdrawn proposed rules for how organic livestock and poultry are raised.

USDA

# USDA withdraws organic livestock rule

By **CAROL RYAN DUMAS**  
Capital Press

USDA on Monday announced it is withdrawing the beleaguered Organic Livestock and Poultry Practices final rule published in January 2017, citing significant policy and legal issues.

The rule would have added new provisions for livestock handling and transportation for slaughter, and avian living conditions in organic production. It would also have expanded existing requirements for livestock care and production practices.

The Organic Trade Association contends there is overwhelming support for the rule by the organic industry and consumers. In September, it filed a lawsuit against USDA alleging the agency violated the Organic Food Production Act by delaying the rule's effective date.

The rule was passed in the final days of the Obama administration and was initially

set to go into effect March 20, 2017. A regulatory freeze by incoming President Trump pushed implementation back to May 19, 2017.

USDA delayed implementation twice after that and announced in December its intentions to withdraw the rule. In a statement Monday, the OTA said USDA's latest announcement only furthers its resolve to settle the matter in court.

"The USDA's unconscionable action does not deter us. ... This latest action by USDA will only invigorate and solidify more support for this regulation," said Laura Batcha, CEO and executive director of OTA.

USDA stated the rule exceeds the agency's statutory authority and could have a negative effect on voluntary participation in the National Organic Program.

Conventional livestock and poultry groups have fiercely opposed the rule, citing health threats to animals and the public. They have ar-

gued its animal-welfare standards aren't based on science and are outside the scope of the Organic Food Production Act, which they say regulates only feeding and medication practices.

The rule would have created significant barriers to existing and new organic producers, according to National Pork Producers Council.

National Cattlemen's Beef Association called USDA's decision a common-sense victory.

"Not only did USDA not have the legal authority to implement (the) animal-welfare regulations, but the rule would have also vilified conventionally raised livestock without recognizing our commitment to raise all cattle humanely ...," Kevin Kester, NCBA president, said.

In comments to USDA in January, National Milk Producers Federation said a fundamental problem with the rule is that it is driven more by economics and consumer perception rather than animal science and welfare.

National Farmers Union, however, said USDA's move will exacerbate consumer confusion about the meaning of the organic label and negatively impact organic producers.

"The voluntary practices that farmers need to meet to qualify for a USDA organic label have always been governed by those that created the organic movement and who adhere to the strict standards that are agreed upon by the National Organic Standards Board," Roger Johnson, NFU president, said.

Withdrawing the rule puts organic producers who adhere to the strict standards on an uneven playing field with operations that skirt the rules yet benefit from USDA's organic label, he said.

## LEGAL

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION**

**Probate Department IN THE MATTER OF THE ESTATE OF**

**Ann D. Vasconi, Deceased**

**No. 18PB00331**

**NOTICE TO**

**INTERESTED PERSONS**

**NOTICE IS HEREBY GIVEN**

that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the estate are required to present them to the undersigned Personal Representative in care of the undersigned attorney at: 319 Sixth Street SW, Albany, OR 97321 within four months after the date of the first publication of this notice, as stated below, or such claims may be barred.

All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the Court, the Personal Representative, or the attorney for the Personal Representative.

DATED and first published March 9, 2018.

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- Unit #79 Nicky Osborn
- Unit #186 - #193 Juanita Thompson
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## LEGAL

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Darriel Phillips Y2-6; Kristy Reyes 1B08; Michelle Ryan Y4-4; Dallas Sadler 2A14; Silas Scott Y1-8; Eddie Sepeda Jr 2A40; Brian Seigmund 2A71 & 2A73; Ryan Thomson 1D22

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