

Organic Valley fined \$26K over spilled milk

Oregon Department of Environmental Quality fines McMinnville creamery for water pollution

By SIERRA DAWN MCCLAIN
Capital Press

McMINNVILLE, Ore. — The Oregon Department of Environmental Quality has levied a fine of \$26,574 against Organic Valley, a dairy cooperative, for spilling milk into a creek, polluting water and potentially suffocating fish and other aquatic life.

The McMinnville creamery spilled milk into the river twice in 2019 and nine times in 2018, according to Dylan Darling, the western region public affairs specialist for DEQ.

“This case comes down to protecting water,” Darling said.

Organic Valley spokeswoman Elizabeth McMullen called the spills “accidental discharges” caused by employee errors and technical failures. DEQ, in its civil penalty assessment notice, characterized the creamery’s



Organic Valley’s McMinnville, Ore., facility.

conduct as “negligent.”

In January 2019, the creamery discharged 87 gallons of condensed skim milk and 384 pounds of milk solids, typically byproducts of the butter or cheesemaking processes, into a storm

drain that led into a tributary of the South Yamhill River.

Then in June, milk again flowed down the same drain — enough to turn the creek white for nearly three-quarters of a mile, according to DEQ.

The creamery, McMullen said, will not appeal the fines and is committed to paying for its mistakes.

The fines barely touch profits for Organic Valley, one of the nation’s leading consumer brands.

“(The fines) do not have a material effect on our bottom line,” McMullen said.

It’s too early to tell whether the incidents will hurt the co-op’s reputation, McMullen said.

“We work hard to and hope to gain the trust of our farmers, consumers and communities every day,” she said.

To prevent future milk spills, the creamery, which employs about 40 people and processes about 500,000 pounds of milk daily, has made several changes. It has upgraded equipment, trained employees and redesigned procedures.

Meanwhile, DEQ’s Darling said the agency continues to look out for water pollutants from storm drains.

“One of the core missions is to protect water quality, not just for fish but for all Oregonians,” Darling said.

WDFW moves to dismiss claims by wolf advocates

By DON JENKINS
Capital Press

Washington Fish and Wildlife will ask a King County judge Jan. 3 to partially dismiss a lawsuit that opposes shooting wolves, seeking to repeat the success it had in another Western Washington courtroom.

Wolf advocates are suing to stop the department from killing wolves until it does an environmental review that could take two or more years. The department argues it’s obligated to promptly remove nuisance wildlife, including wolves attacking livestock.

A Thurston County judge in November agreed with Fish and Wildlife, narrowing but not ending a suit brought by environmental groups in 2018.

Wolf advocates hope for a different outcome in King

County. Their lawsuit challenges the killing of wolves in 2019.

Another year of culling wolfpacks bolsters the argument that Fish and Wildlife has a “kill program” that should have been reviewed under the State Environmental Policy Act, the advocates’ attorney, Jonathon Bashford, said Monday.

“This wasn’t just a one-off case,” he said. “It’s a coherent program to kill wolves.”

The separate lawsuits in King and Thurston counties challenge a Fish and Wildlife lethal-removal protocol that applies to the eastern one-third of Washington.

In the western two-thirds of the state, the policy has no on-the-ground effect because wolves are federally protected.

The lawsuits claim Fish and Wildlife has violated SEPA and the Administra-

tive Procedure Act, a law that calls for public review of agency actions. The APA claim is still pending in Thurston County and won’t be an issue in Friday’s King County hearing.

An environmental review was conducted before Fish and Wildlife adopted a wolf recovery plan in 2011, and the department says it’s not doing anything that contradicts the plan.

In court filings, the department has stressed its authority to protect people and property from wildlife. Wolves attacking livestock devalue grazing leases and are similar to wildlife damaging farm crops, according to the department.

In a brief filed Dec. 27, the department states that attacks on cattle by the OPT pack in the Colville National Forest escalated in 2019 “despite the use of multiple non-lethal

deterrents.”

“Once one or more wolves have learned the behavior of feeding on livestock rather than on wildlife, further livestock depredations become likely....” according to the department.

In their court filings, wolf advocates say they aren’t looking to force Fish and Wildlife to do an environmental review every time the department director authorizes lethal removal. But they accuse the department of failing to take a one-time, big-picture look at the cumulative effects of killing wolves.

According to wolf advocates, the Fish and Wildlife officers who handle problem wildlife are distinct from the “biologists, bureaucrats and conflict specialists who designed the protocol and issue kill orders.”

King County Judge John McHale, who is scheduled to preside Friday, issued a temporary junction in August prohibiting Fish and Wildlife from eliminating the OPT pack. The department, however, had killed the pack’s remaining members hours before McHale ruled.

The lawsuit was filed by retired Seattle construction manager John Huskinson, King County ele-

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