

Tillamook Creamery hit with lawsuit over marketing

Animal rights group sues over milk claims

By MATEUSZ PERKOWSKI
Capital Press

The Tillamook County Creamery Association has vowed to “aggressively defend” against an animal rights lawsuit that claims the company deceives consumers with its marketing.

The dairy cooperative is accused in the lawsuit of unjustly enriching itself and violating Oregon trade practices law by touting small family farms with pasture-raised cows when most of its milk is sourced from the “most industrialized dairy factory farm in the country.”

About two-thirds of the creamery’s milk comes from 32,000 dairy cows raised at Threemile Canyon Farms’ facility in Boardman, “where



An animal rights group has sued the Tillamook Creamery.

cows are continuously confined, milked by robotic carousels, and afflicted with painful udder infections,” the lawsuit alleges.

The complaint was filed by the Animal Legal Defense Fund, a nonprofit group, on behalf of four Oregon women who bought Tilla-

mook cheese, ice cream, yogurt, sour cream and butter because they wanted to support farmers in that region while avoiding “an

industrially produced, factory-farmed product.”

While the company advertises its dairy products as being produced in Tillamook County with “small-scale traditional farming methods,” it’s heavily reliant on a distant “megadairy” that’s large enough to be “visible from space,” the complaint said.

The plaintiffs are seeking class-action status for the lawsuit, which would allow numerous other Oregon consumers to join in the litigation. After a legally required 30-day waiting period, they plan to amend the complaint to seek about \$200 per Oregon class member in damages. Their lawsuit also requests an injunction against further “unlawful practices.”

In a written statement, the Tillamook creamery has characterized the Animal Legal Defense Fund as an “anti-dairy” group that “actively advocates for people to cut all dairy products

from their diets.”

The creamery said that 80 farm families in Tillamook County not only provide milk but “actually own and lead the company” and “only work with business partners that share our values and live up to our extremely high standards.”

“Our farmer-owners and suppliers all take good care of their animals not only because it is their livelihood, but because it is the right thing to do,” the statement said.

The company said it’s proud of its 20-year relationship with the Columbia River Dairy — a part of Threemile Canyon Farms — due to its track record with “environmental stewardship and sustainable agriculture.” A recent animal welfare audit recently gave the dairy a 100% positive score, the statement said.

“The size of the farm does not dictate the quality of care,” the statement said.

Gov. Brown looks to executive action on climate change

Studying options for more than a year

By AUBREY WIEBER
Oregon Capital Bureau

SALEM — For more than a year, Gov. Kate Brown’s environmental agency has been assessing how the governor could mandate lower greenhouse gas emissions without voter or legislative approval, according to interviews and public records.

Brown has said she’s willing to act with her executive authority if lawmakers and industry don’t reach agreement on ways to limit greenhouse gas emissions over the next several decades.

Her spokeswoman, Kate Kondayen, reiterated that point, saying that Brown would rather see legislative action.

“The governor has been meeting with stakeholders from the agricultural sector, transportation sector, and wood products industries throughout the summer and will continue to do so into the fall to ensure that the policy benefits rural Oregon while allowing rural Oregon industries to remain competitive,” Kondayen said in a statement. “In the meantime, she has instructed her team and agencies to explore all options to achieve Oregon’s emissions reduction goals.”

Kondayen didn’t otherwise respond to written questions.

Richard Whitman, director of the state Department of Environmental Quality, said his agency started talking with the governor’s staff a little more than a year ago, exploring what options were available. Those efforts were sidelined as momentum picked up ahead of the 2019 Legislature for a comprehensive carbon-capping program. The costly and controversial legislation setting the program in place famously failed in the final week of the session.

The Department of Environmental Quality, responding to a public records request, released 39 emails from October 2017 to last June documenting communication between Brown’s office and the department regarding curbing emissions

outside of legislative action. Much of the correspondence regarded suing the U.S. Environmental Protection Agency to ensure Oregon maintains the authority to use executive powers to regulate polluters.

An outline of the potential executive actions available to the governor was sent by Whitman to Brown’s advisers and a state Department of Justice five days before the legislative session ended without a carbon emissions policy passing.

Brown had no desire to let the work and momentum behind a carbon-capping program fizzle. Less than 24 hours after the session closed, she called reporters into her office and threatened to use her executive powers to lower carbon emissions.

Immediately, the Department of Environmental Quality resumed its work vetting those options.

Whitman said his office is in weekly, if not daily, communication with Brown’s staff on the effort.

“We are on a pretty steady pace working on these issues at this point,” he said.

Declining cap

The June 25 internal document outlines a gradually declining cap on industrial emissions and fossil fuel importers, strengthening Oregon’s low-carbon fuel standard and increasing access to public transit and promoting biking and walking.

The department also outlined ways to strengthen regulations on landfills to lower methane emissions, as well as more strictly regulating dairies, expanding vehicle inspection programs so that medium-duty trucks are inspected twice per year and requiring newly built buildings include electric vehicle

charging stations.

Whitman said the main focus of the agency’s proposal is on capping industrial emissions. And while executive action can be extremely powerful, it lacks the nuance afforded by the legislative process, he said.

Going the legislative route allows the state to be less restrictive of industry, giving it the best “bang for its buck,” Whitman said.

In 2019, lawmakers developed a policy were a cap on carbon came alongside “allowances” equal to 1 ton of pollution. Those allowances would have been purchased from the state at auction and then would have become a commodity for the holders, as they could be resold or traded.

Lawmakers also designed a system to give free allowances to companies that would struggle to compete on a national or global scale under the new regulations. The policy would have also allowed companies to invest in “offsets,” like preserving timber stands rather than buying allowances.

Executive action does not afford that level of creativity. More or less, Brown is allowed to limit emissions, but is more handcuffed in helping industry make the transition.

Brown has not said how extreme the new emission regulations could be, but any change would likely impact business, and in turn could impact consumers and the overall economy.

Whitman said executive orders might not result in the

overall emissions reduction being done in the most efficient way.

Brown’s potential executive action is likely to draw political fire.

“I am severely disappointed with the governor wanting to move forward with executive action, when the Legislature clearly did not get the cap-and-trade program right,” said state Rep. David Brock Smith, R-Port Orford. Brock Smith served as co-vice chair of the joint committee that studied the issue and produced the cap-and-trade legislation — House Bill 2020.

Brown has been quiet on the issue since holding her press conference in June.

“The really major issue here is that if Oregon DEQ were to proceed with a program, particularly around capping industrial emissions or fuels ... it likely would be kind of a blunt instrument, frankly,” Whitman said.

‘Climate crisis’

Brad Reed, the spokesman for the environmental coalition, Renew Oregon, said action is needed now. Renew Oregon was one of the chief proponents for cap and trade, but Reed said executive action could be a start.

“The governor should do everything she can to combat the climate crisis,” he said.

Reed said after her announcement, Brown met with Renew Oregon’s policy analysts to go over the most effective ways to use agency authority to cut down on emissions.

Reducing pollution was only one part of the legislative plan, though. The cap-and-

trade program would have generated millions for climate projects around the state.

That also becomes more difficult with executive action. The Department of Environmental Quality could raise money through increased fees for things like industrial or agricultural permits, but that would require legislative approval.

“I think it’s highly unlikely that we would be able to operate a program that generates revenue for things that reduce greenhouse gas emissions,” Whitman said.

And while department analysts have narrowed what options to consider, they continue to examine how best

to implement new rules and regulations.

Whitman said he’s working under the directive from Brown to design the most workable program, and then let Brown and her team decide what to do with it. However, if the governor sidesteps lawmakers and imposes new regulations, she would likely face anger from some legislators.

In two years, Whitman and the Department of Environmental Quality will have to go through the ritual of getting legislative approval for a new budget. Brock Smith noted that he sits on a committee that considers the department’s budget.



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