

COMMENTS
OREGON DEQ HEARING
MEDFORD, OR, 2-1-11
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Thank you for the opportunity to comment on the proposed DEQ Toxics Rulemaking Package. This is a very important issue for Oregon agriculture and Oregon cattlemen, in particular.

My name is Robert Miller. I presently serve as Private Lands Committee Chair of the Oregon Cattlemen's Association, (OCA). I have been actively involved in Oregon agriculture production for over half a century. In my OCA capacity and my business life, I am deeply concerned in the viability of Oregon's economic base and maintenance of life quality provided by sound management of Oregon's resources, particularly water, the lifeblood of agricultural production.

I am very concerned about the proposed Human Health Toxic Pollutants rules and how this proposed increased regulation, basis for more and conflicting regulations, and methods of implementation will affect production agriculture in Oregon.

Regulations and practices adopted in Oregon during 1993 under SB 1010 and subsequent legislation passed in 1995 in SB 502 and 503 are protecting Oregon's water quality and enabling production agriculture to maintain critical support of Oregon's economy. Federal Clean Water act requirements are being met. **Present Oregon law declares that Oregon Department of Agriculture (ODA) be the sole agency responsible for developing or implementing "any program or rules that directly regulate farming practices...that are for the purpose of protecting water quality"**. Proposed DEQ rules conflict with existing law.

Oregon agriculture provides a stable and dependable economic base to support the Oregon lifestyle and living standard so many residents and visitors of all walks of life have come to cherish and depend upon. Oregon agriculture is tied to Oregon land and will always be here to utilize renewable resources for citizen's benefits even if economic factors reduce or remove other sources of income such as tourism and manufacturing. Throughout history, agricultural production providing basic food, fiber, housing and spendable income has been the mainstay of surviving societies.

In 2009, \$1,532,343,000 of Oregon farm sales was generated by cattle, nursery and dairy production. All these commodities are extremely water dependent. Other Oregon agricultural products also require water to generate income and support the entire structure of state government. Oregon agricultural producers desire high quality water and maintain viable standards with sincere actions. This has been proven in many parts of the state where local planning in regional watersheds under the "1010" planning process is ongoing and successful.

It is critical that any water quality regulation affecting farming practices remain under the direction and enforcement of ODA administration of practical outcome-based methods to reduce water pollution from agriculture nonpoint sources. All Area Plans and Rules must be economically reasonable and implemented only to the "maximum extent practical" as prescribed by the federal Clean Water Act. If DEQ continues to move forward with the proposed rulemaking language, I believe agriculture landowners and land managers could very likely be subject to unreasonable and economically disastrous rules that will regulate farms and ranches out of business in Oregon.

I staunchly oppose DEQ's establishment of "Implementation-Ready" TMDLs. DEQ believes it is necessary for the agency to "select surrogate measures and conditions" and to "determine specific amount of surrogate measures needed to achieve TMDL goals" to achieve their desired water quality standard. This infringes upon Oregon Revised Statute 568.912(1) that provides ODA with sole authority to regulate farming practices and adopt rules that "shall constitute the only enforceable aspects of a water quality management plan." **Again, any attempt by DEQ to directly regulate farming practices through any mechanism, particularly "Implementation-Ready" TMDLs would be in direct conflict with Oregon law.**

I also support the formal comments and suggested rule language changes submitted by the Oregon Farm Bureau (OFB) and OCA. As active participants of the DEQ stakeholder group, OCA and OFB seek to find a positive balance between the need to maintain water quality standards in Oregon and keeping ranch and farm families in business.

I fully support reduction of water pollution in Oregon waters to the "maximum extent practicable" as provided in section 319 of the Clean Water Act. **Any regulation implemented by Agriculture Water Quality Management Area Plans and Rules must be based on best available soil, crop and animal science that demonstrates the effects of land practices on water quality and is reasonable and practicable to modern production agriculture.**

In summary, Oregon has laws, regulations and procedures in place and working to protect water resources vital to it's environment and economic welfare. Present practices, under ODA administration meet federal and common sense standards. Proposed DEQ regulations conflict with Oregon law and could well reduce living standards. What we have is working. **IF IT AIN'T BROKE, DON'T FIX IT!**

Thank you for the opportunity to present these comments.

Respectfully,



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