

August 16, 2022

Chelsea Morris  
Washington State Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

RE: Concentrated Animal Feeding Operation (CAFO) General Permits Reissuance

Dear Ecology,

We wish to submit the following comments on behalf of the members of Yakima-Klickitat, Thurston, Okanogan, Benton and Grant County Farm Bureaus.

In reviewing the updated CAFO documents we support the Washington State Dairy Federation and the Washington Farm Bureau comments calling out concerns related to implementation standards for CAFOs that rely on unproven, flawed, or irrelevant scientific standards. This includes concerns over post-harvest testing required beginning October 1, changes to testing standards such as reversion to the TKN standard, general application of T-Sum 200 statewide, and reliance on large, no-touch buffers (big dumb buffers) not based on science.

This program and associated permit requirements should stay focused on water quality and must not become a forum or tool to address other desired, but unrelated, public policy issues. A number of new requirements (as addressed specifically by the Dairy Federation) include policy recommendations that go beyond the direct impact of livestock operations. Ecology should resist including additional regulations beyond the direct focus of the CAFO program.

We now wish to focus on a major flaw in the CAFO program. Specifically related to small CAFOs. Ecology should rewrite section S1 of the CAFO General Permit to eliminate the small CAFO designation or at least better define what a small CAFO is and how Ecology determines if an operation is a significant contributor of pollutants to surface water.

This provision should be eliminated due to Ecology's own finding that application of CAFO standards to small operations has a "disproportionate expense" to those farms. (Economic Impact Analysis 2017 and 2022)

Additionally, the definition of small CAFO (less than the number of animals for a regular CAFO), is overly broad and not understood as to the significant implications on Washington rural residents. The predominant understanding is that the CAFO designation applies to feedlots and larger operations that concentrate significant numbers of animals. Few outside of large commercial operations are aware of the Small CAFO provisions, let alone the fact that they could apply to a "herd" of just one animal as well as to animals not specifically listed in the permit language. We believe significant public outreach and communication must take place (including greater emphasis on public comment) to ensure landowners are aware of these provisions.

This confusion and lack of knowledge is further compounded by the fact that Ecology discretion determines if an operation is “a significant contributor of pollution,” triggering the costly CAFO permit for small operations. Lack of a clear definition of “significant contributor” means animal owners do not have a clear standard to meet, but are completely subject to the discretion of Ecology staff.

When the significance of penalties is added into this equation, we reach the level of greatest concern. Violations of the act are subject to penalties of up to \$10,000 per violation per day, plus costs of prosecution, or imprisonment at the discretion of the court.

We believe that application of CAFO standards puts small farming operations, especially backyard farmers who raise a few animals to feed their family and neighbors, at great risk. The permit does not provide additional, scientifically proven benefit to clean water. Rather, it threatens local food production and places our overall food security at risk. All of this is based on broad discretion by Ecology staff as to what constitutes pollution.

In recent months, we have seen how devastating interruptions in the supply chain can be. Delays, cost increases, and empty shelves were clearly visible. Local food production helps blunt these impacts. Eliminating or discouraging small scale agriculture will exacerbate the problem.

Rural landowners need to be fully informed of these impacts and significant outreach and public education must be delivered prior to consideration of extension of these regulations to small operations. The good news is there is already a process making great strides in this area.

We strongly recommend Ecology change course. The answer is not the current approach but providing a robust technical assistance effort and relying on proven ways to reach compliance. We have an excellent option for 27 counties in the state- the Voluntary Stewardship program (VSP). For the other counties, conservation districts are designed to deal with these issues through technical assistance and the development of farm plans as appropriate. The demonstrated success of VSP turns on community outreach and strong landowner technical support.

Now is the time for Ecology to rethink this process and move forward with an alternative, collaborative program that ensures effective environmental protection, respects the rights of private landowners, and focuses on voluntary measures to achieve desired goals while also ensuring local food security. Directly connecting with VSP will help guarantee success.

For more information contact Mark Herke at [mherke@mail.com](mailto:mherke@mail.com).

Sincerely,

Yakima-Klickitat County Farm Bureau  
Okanogan County Farm Bureau  
Grant County Farm Bureau

Thurston County Farm Bureau  
Benton County Farm Bureau