

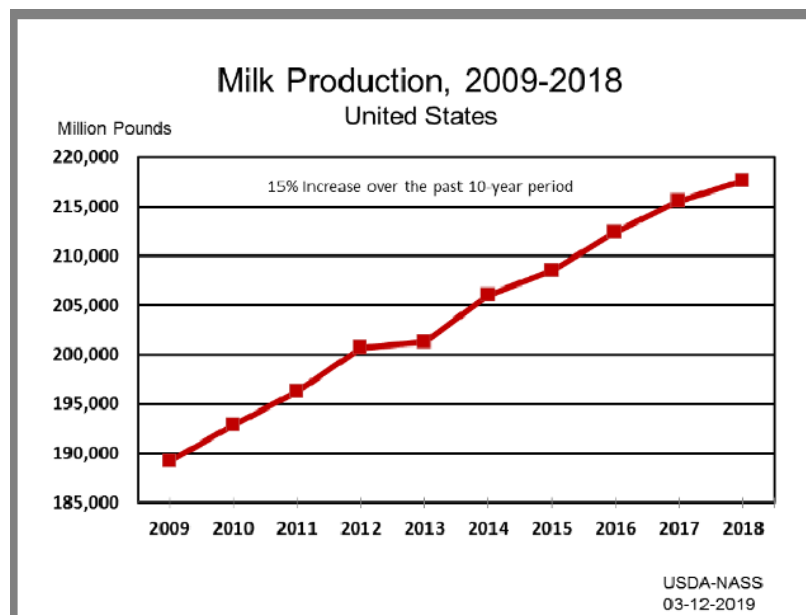
## How CAFOs Milk the Public

*For decades, the federal government has enabled our dairy industry by subsidizing the excess production of cow's milk even as American consumers drink less of it and we face a glut of 1.4 billion pounds of cheese in storage. Our milk supply is outpacing demand, but dairy farms continue to receive government support, which promotes further wasteful overproduction. Industrial dairies are exploiting tax breaks and other benefits to consolidate their influence, while smaller dairies are in crisis. Many of these smaller farms are going out of business, despite the government subsidies meant to keep them afloat.*

The Washington Post, June 12, 2019 - <https://www.washingtonpost.com/opinions/2019/06/12/best-way-help-dairy-farmers-is-get-them-out-dairy-farming/>

*The estimated US\$12.06/cwt support to U.S. dairy production in 2015 was equivalent to 45% of U.S. cost of production of milk or 71% of the market returns for milk as reported by USDA.*

Grey, Clark, Shih and Associates, Limited Ottawa, Ontario, Canada, 2018: Congress Thumbs its Nose at WTO and the DOHA Round, U.S. Federal and State Subsidies to Agriculture - [EXPENDITURES UNDER \(greyclark.com\)](http://www.greyclark.com)



# How Yakima County CAFOs Pollute the Water and Profit from Taxpayers – Case A

Compiled February 2021

1970s: The DeRuyter family moves from California to the Yakima Valley and establishes dairies – George & Margaret DeRuyter, D&A Dairy, DeRuyter & Sons Dairy.

1995 to 2008: George DeRuyter receives \$368,252 in farm subsidy payments.<sup>1</sup>

2003 to 2011: D&A Dairy receives \$205,361 in farm subsidy payments.<sup>1</sup>

2006: George DeRuyter & Sons build a manure digester. *The total project cost was \$3.9 million, paid for in part by George DeRuyter & Sons with assistance from a \$499,219 USDA 9006 grant and a Washington State BioEnergy Loan for \$1,972,715 at 1% interest.*<sup>2</sup> The purpose is to manage manure in ways that prevent contamination of groundwater.

2011: Accidental discharge of effluent from DeRuyter Digester to the SVID drainage pipe.<sup>3</sup>

2012: Prices for power drop from \$0.065 per kWh to \$0.035 per kWh. The WA State Dept. of Commerce funds a pilot study to investigate economic hurdles for the DeRuyter Digester.<sup>3,4</sup> One of the authors of that study is former WSU professor Craig Frear who has since lost his professorship due to falsification of data.<sup>5</sup>

2012 to 2020: DeRuyter & Sons Dairy receives \$421,656 in farm subsidy payments.<sup>1</sup>

2012 to 2020: D&A Dairy receives \$187,356 in farm subsidy payments.<sup>1</sup>

2013: D&A Dairy and George DeRuyter & Son Dairy enter into an administrative order of consent (AOC) with the Environmental Protection Agency (EPA) to address groundwater pollution from Lower Yakima Valley dairies.<sup>6</sup>

2013: Soil testing on the DeRuyter dairies finds nitrate levels as high as 2,652 lbs. nitrate per acre.<sup>7</sup> Fall nitrate levels should be less than 110 lbs. per acre.<sup>8</sup> Soil testing on the DeRuyter dairies finds phosphorous levels as high as 529 parts per million.<sup>7</sup> Phosphorous levels should be less than 100 parts per million per WSDA (Many experts believe phosphorous levels should be less than 40 ppm.)

2014: Groundwater testing on dairies in the EPA study finds that 61% of domestic wells one-mile down gradient have nitrate levels above the safe standard of 10 mg/L.<sup>9</sup>

2015: DeRuyters sign a consent decree with the Community Association for Restoration of the Environment (CARE) and the Center for Food Safety (CFS) to address pollution on the two dairies.<sup>10</sup>

2017 to 2020: Ecology cites George DeRuyter and Sons for three violations.<sup>2</sup>

- 2017 – Failure to submit required report.
- 2019 – Best Management deficiencies.

- 2020 – Failure to submit required report.

2017: In April George DeRuyter & Son Dairy applies for an NPDES permit.<sup>11</sup>

2017: In May Ecology issues a permit.<sup>11</sup> There is a notice in the Sunnyside Sun, but no Manure Prevention Plan (MPP) for the public to review.

2017: In December (7 months later) DeRuyter & Sons submits a Manure Prevention Plan (MPP) but it is not posted for public review.<sup>11</sup>

2018: Fall sampling shows phosphorous levels above 100 ppm in 10 out of 25 fields, with levels as high as 355 ppm.<sup>12</sup>

2019: The WA State Conservation Commission provides funding to George DeRuyter & Sons and DVO, Inc to install a lagoon nitrification/denitrification system.<sup>13</sup>

2019: A biogas project for the DeRuyter Digester is finalized with support from a \$1.4 million grant from Yakima County and a \$500,000 grant from the USDA Rural Energy for America Program.<sup>14</sup>

2020: Warning Letter from Ecology<sup>2</sup> says DeRuyter & Son failed to:

- Report emergency land applications.
- Submit yearly nutrient budgets on fields identified as very high risk for discharge.
- Apply nutrients in accordance with specific nutrient budgets.

2020: Fall sampling shows phosphorous levels above 100 ppm in 13 out of 21 fields.<sup>12</sup>

2020: George DeRuyter & Son Dairy receives \$621,100 under the COVID 19 Paycheck Protection Program.<sup>15</sup>

2020: D&A Dairy receives \$175,200 under the COVID 19 Paycheck Protection Program.<sup>15</sup>

2020: Federal District Judge Thomas Rice finds George DeRuyter & Son and D & A Dairy in contempt of court for violating the 2015 Consent Decree designed to stop pollution from the industrial dairies.<sup>16</sup>

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# How Yakima County CAFOs Pollute the Water and Profit from Taxpayers – Case B

Compiled February 2021

2020: Top En Twel LLC receives Paycheck Protection Programs loans in the amount of \$2.44 million because of the COVID 19 pandemic<sup>1</sup>.

Top En Twel LLC is located at 650 Hornby Road, Grandview WA. Associated businesses are<sup>2</sup>:

- Frysland Ranches, LLC
- Friesland Dairy, LLC
- Windmill Estates, LLC
- Klompe Dairy, LLC
- Veldhuis Dairy LLC
- Veldhuis Enterprises, LLC
- Den Boer Dairy, LLC
- Den Boer Enterprises, LLC
- County Line Enterprises, LLC
- FRH Dairy, LLC
- Jersey Acres, LLC
- Jersey Acres Enterprises, LLC
- Sage Brush Ranch Enterprises, LLC
- Veldhuis Management Services, Inc
- Tnt Truck Parts, LLC
- United Reformed Church of Sunnyside

2002 to 2020: Friesland Dairy receives \$440,111 in farm subsidy payments.

2005: NPDES CAFO permit for Klompe Dairy expired. None of the associated dairies have acquired permits since then<sup>3</sup>.

2006 to 2020: Klompe Dairy receives \$925,896 in farm subsidy payments<sup>4</sup>.

2009 to 2020: Veldhuis Dairy receives \$354,223 in farm subsidy payments<sup>4</sup>.

2011 to 2013: Dead animals were not being disposed of as required by law at Veldhuis Dairy #1, Klompe Dairy and Frieslandia Dairy<sup>3</sup>. Dead calves were dumped in a draw with a seasonal stream.

2012 to 2013: Inspections at Klompe Dairy and Frieslandia Dairy found that manure and process wastewater was not being properly collected and directed to storage, and that liquid storage was not being managed to prevent overtopping<sup>3</sup>.

2013: Inspections found that manure was being tracked on the road as a result of manure transport from Veldhuis Dairy #1, Klompe Dairy and Frieslandia Dairy to land application sites<sup>3</sup>.

2018 to 2020: FRH Dairy receives \$582,415 in farm subsidy payments<sup>4</sup>.

2018 to 2020: County Line Dairy receives \$335,859 in farm subsidy payments<sup>4</sup>.

2019: On February 2, a winter storm killed large numbers of dairy cows in eastern Yakima County. FRH Dairy composted 700 animal carcasses with funding from the State of Washington. There was no air monitoring, water monitoring or survey for public health impacts.<sup>5</sup> (Data from public records requests is available upon request.)

2020: Top En Twel LLC receives Paycheck Protection Programs loans in the amount of \$2.44 million because of the COVID 19 pandemic<sup>1</sup>.

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# How Yakima County CAFOs Pollute the Water and Profit from Taxpayers – Case C

Compiled February 2021

The Viega family moved to the Yakima Valley from California in the 1980's and bought into the dairy business. Viega Dairy merged with J&K Dairy around 2010.

1996 to 2010: Anthony Viega receives \$587,846 in farm subsidy payments.<sup>1</sup>

2004 to 2020: J&K Dairy receives \$1,555,732 in farm subsidy payments.<sup>1</sup>

2008: Miguel Diaz is trampled and killed by a bull on the Viega Dairy. There is no fine.<sup>2</sup>

2009: Oner Villa is crushed to death by a falling 1,500-pound hay bale on the Viega Dairy. The fine for the accident is \$300.<sup>2,3</sup>

2012 to 2019: Jason Sheehan from J&K Dairy represents the Yakima Dairy Federation on the Lower Yakima Valley (LYV) Groundwater Advisory Committee (GWAC).<sup>4</sup>

2019: Jason Sheehan co-authors a commentary for the Yakima Herald Republic in which he disputes the LYV Groundwater Management Area (GWMA) findings.<sup>5</sup>

2019: Jason Sheehan is named to the LYV GWMA Implementation Group. To the best of our knowledge the Implementation Groups meets only twice, in September and October of 2019.

2019: On February 2, a winter storm kills large numbers of dairy cows in eastern Yakima County. J&K Dairy composts 250 animal carcasses with funding from the State of Washington. There is no air monitoring, water monitoring or survey for public health impacts.<sup>6</sup> (Data from public records requests is available upon request.)

2019: The WA State Conservation Commission provides funding to J&K Dairy and Organix, Inc to install a worm bed biofilter system.<sup>7</sup>

2020: J&K Dairy receives \$405,501 in Paycheck Protection Program loans due to COVID 19.<sup>8</sup>

2020: J&K Dairy receives \$600,000 under the COVID 19 Virus Food Assistance Program in Yakima County.<sup>1</sup>

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# How Yakima County CAFOs Pollute the Water and Profit from Taxpayers – Case D

Compiled February 2021

1970s: The DeRuyter family moves from California to the Yakima Valley and establishes dairies including DeRuyter Brothers Dairy

1970s: The Haak family moves from the Great Lakes region to the Yakima Valley and establishes a dairy.

1998 to 2006: Jacobus DeRuyter receives \$144,622 in farm subsidy payments.<sup>1</sup>

1999 to 2006: Henry R. Haak receives \$141,487 in farm subsidy payments.<sup>1</sup>

2001 to 2017: Ecology initiates 6 enforcement actions against Snipes Mountain Dairy.<sup>2</sup>

- 2001 – Administrative Order
- 2005 – Notice of Violation
- 2007 - Informal Action Letter
- 2007 – Informal Action Letter
- 2012 – Notice of Correction
- 2017 – ERTS Compliance Inspection
- 2017- Compliance Inspection
- 2017 – ERTS Compliance Inspection
- 2018 – ERTS Compliance Inspection
- 2018 – Compliance Inspection

2002 to 2018: Ecology initiates 12 enforcement actions against DeRuyter Bros. Dairy.<sup>2</sup>

- 2002 – Informal Action Letter
- 2010 – Administrative Order Immediate Action
- 2010 – Civil Penalty
- 2010 – Civil Penalty
- 2011 – Administrative Order
- 2012 – Compliance Inspection
- 2017 – Compliance Inspection
- 2018 – ERTS Compliance Inspection
- 2018 – ERTS Compliance Inspection
- 2018 – ERTS Compliance Inspection
- 2018 – Compliance Inspection

2006 to 2017: DeRuyter Farm Properties Inc. receives \$219,989 in farm subsidy payments.<sup>1</sup>

2006 to 2018: Snipes Mountain Dairy, LLC receives \$219,238 in farm subsidy payments.<sup>1</sup>

2016: Approximately 300 dairy workers sue the DeRuyter Brothers claiming that the dairy failed to pay minimum wage, did not provide adequate rest and meal breaks, failed to compensate pre- and post-shift duties and failed to pay overtime even though workers put in as much as 12 hours per day, six and seven days a week. The workers prevail on all issues except overtime which goes to the WA Supreme Court.<sup>3</sup>

2017: Heavy snow melt on a field owned by DeRuyter Brothers leads to the breach of a berm and further flooding that crosses a compost area at Snipes Mountain Dairy and floods about 12 homes in the unincorporated town of Outlook.<sup>4</sup>

2017: Out of state investors purchase DeRuyter Brothers Dairy and form DBD LLC.

2018: Out of State investors purchase Snipes Mountain Dairy and form SMD/LLC.

2018: DBD/SMD becomes a single operation with Wayne Cummings from Maryland named as the manager. Mr. Cummings has worked for Austin “Jack” DeCoster for most of his professional life and continues to do so. Here are highlights from DeCosters history in animal agriculture:

- 1961 - DeCoster founds Quality Eggs in Turner Maine.<sup>5</sup>
- 1975 - Quality Eggs is forced by legislation to pay minimum wage.<sup>5</sup>
- 1976 - *DeCoster is fined \$16,500 by government regulators who show that Quality Egg truckers, under DeCoster's supervision, have been doctoring their logbooks.*<sup>5</sup>
- 1978 - 27 DeCoster employees are fired after walking out in protest of low wages and poor working conditions. A court orders rehiring and a halt to interference.<sup>5</sup>
- 1979 - *Twenty-seven Turner residents file a \$5 million suit against DeCoster for creating a widespread beetle infestation that spread to their homes.*<sup>5</sup>
- 1979 - *Facing increasing legal scrutiny in Maine, DeCoster announces the sale of DeCoster Egg Farms, Inc. to Acton Food Services Corporation.*<sup>5</sup>
- 1980 - *The U.S. Department of Labor files a civil action against DeCoster Egg Farms, Inc. and Maine Egg Producers, and Jack DeCoster is also named personally in the suit. The complaint alleges that the defendants "have violated the minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act since May 1st, 1977, and, since January 29, 1978, have violated provisions of the Act prohibiting the use of oppressive child labor." One portion of the case accuses DeCoster of employing five 11-year-olds and a 9-year-old in his facilities.*<sup>5</sup>
- 1985 - *Acton Foodservices Corporation can no longer afford to pay its debts and simply stops feeding the 3.5 million chickens at DeCoster Egg Farms. Jack DeCoster repossesses the birds and begins filling the troughs again. Acton prepares to file for bankruptcy. On May 22, 1985 DeCoster is the high bidder at auction and buys back his birds. On June 20, 1985, he buys back the farm's real estate and equipment.*<sup>5</sup>
- 1987 - *A fire in the Turner henhouses kills 100,000 birds. . . . It takes a lawsuit to get DeCoster Egg Farms to bury the birds.*<sup>5</sup>
- 1988 - *New York State embargoes DeCoster eggs raised in Maryland and Maine facilities after three Salmonella outbreaks in the state are traced to the company's eggs. During one outbreak, 500 New Yorkers are hospitalized, and 11 die.*<sup>5</sup>

- 1993 - *Homero Ramirez, a DeCoster manager, is charged with knowingly recruiting 17 illegal aliens to Turner facilities and helping them obtain false identification documents.*<sup>5</sup>
- 1995 - *The state of Maine wins a civil suit against DeCoster Egg Farms, saying that the company is in violation of the Maine Civil Rights and Unfair Practices Act. The Maine Supreme Court finds that Latino workers, housed in a squalid, DeCoster-owned trailer park as a condition of their employment, had been barred access to legal counsel as a matter of policy by company employees. Testimony establishes that DeCoster employees "threatened, intimidated, and harassed" legal aid workers who entered the park beginning in 1989.*<sup>5</sup>
- 1996 - *Because of the large number of workers' compensation claims filed against DeCoster Egg Farms, OSHA begins an investigation of the company that results in a historic \$3.6 million citation for a multitude of "egregious and willful violations of health and safety and wage and hour laws."*<sup>5</sup>
- 1997 - DeCoster settles with OSHA and agrees to pay \$2 million of the \$3,805,000 in penalties original levied.<sup>5</sup>
- 1998 - The Mexican government brings a civil suit against three DeCoster-owned egg companies in Maine, claiming that the operations chronically discriminate against Mexican workers.<sup>5</sup>
- 2002 - *Twenty-seven people, all of whom owned property near the DeCoster Egg Farms before the commercial henhouses were built, bring a suit because the odor of manure and massive swarms of flies have hurt their property values and quality of life.*<sup>5</sup>
- 2009 - *An animal rights group, Mercy for Animals, arranges for an undercover reporter to document animal abuses at Quality Egg in Turner. The video, which is posted online, shows workers killing birds by swinging their necks, workers kicking wounded birds into manure pits to die, badly overstuffed cages, live birds thrown in trash cans, and a litany of other abuses.*<sup>5</sup>
- 2010 - An outbreak of salmonella is traced to Iowa egg farms owned by Jack DeCoster.<sup>6,7</sup>
- 2014 - Austin DeCoster and Peter Decoster plead guilty to distribution of misbranded eggs. Company officials plead guilty to bribery of a public official and introduction of misbranded eggs.<sup>8</sup>
- 2017 - The DeCosters each serve 3 months in prison for their part in the Salmonella outbreak.<sup>9</sup>
- 2018 – PBS documents human trafficking on a DeCoster egg farm in Marion County Ohio.<sup>10</sup>

2020: DBD Washington LLC receives \$931,600 in Paycheck Protection Program loans due to COVID 19.<sup>11</sup>

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