

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 1 - 0

Yeas: Atkinson, Bates, Beyer, Avakian

Nays: Prozanski

Exc.: 0

Prepared By: Sue Marshall, Administrator

Meeting Dates: 2/08, 4/5, 4/12

WHAT THE MEASURE DOES: Authorizes the State Director of Agriculture and an appointee of the Director of the Department of Human Services to enter into memoranda of understanding or other intergovernmental agreements to further collaboration between state and federal agencies and increase state input regarding biopharmaceutical crop issues and requirements of specific interest to the state.

ISSUES DISCUSSED:

- Oregon representation and authority in federal permitting process
- Whether regulatory controls are adequate to protect agriculture, public health and the environment
- Oregon Biopharmaceutical Committee recommendations
- Whether liability insurance should be required

EFFECT OF COMMITTEE AMENDMENT: Clarifies that information determined to be Confidential Business Information (CBI) by USDA will be kept confidential by the state of Oregon and exempts CBI related to a biopharmaceutical permits from the state public records law. Changes the authority the Director of Agriculture and the Director of Human Services in regard to the review of a biopharmaceutical permit and inspection and monitoring of biopharmaceutical crop sites. Allows the Department of Agriculture to take enforcement action upon evidence that biopharmaceutical crops are endangering Oregon agriculture or public health. Directs the State Treasury to establish a Department of Agriculture Service Fund.

BACKGROUND: Senate Bill 570 (2005) was introduced proposing a moratorium on biopharmaceutical crops (genetically engineered plants that produce therapeutic compounds, such as vaccines and enzymes) in Oregon. Although the measure did not pass, discussions about the issue led the Governor and the Senate to convene a Biopharmaceutical Ad Hoc Committee to review biopharmaceutical (biopharm) concerns and develop recommendations; these concerns and recommendations have subsequently been published as *Oregon Biopharmaceutical Committee: Policy Statement & Recommendations*.

Currently the U.S. Department of Agriculture (USDA) permits biopharmaceutical crops. State officials with Oregon Department of Agriculture (ODA) receive copies of the federal permit applications with confidential business information withheld. State review of these permits is limited to compliance with existing state plant pest and disease quarantines. Although Oregon has not received any applications for biopharm crops in the last decade, several dozen trials of bioengineered crops occur in the state each year.

Senate Bill 234-A authorizes state officials to enter into memoranda of understanding with USDA to jointly regulate biopharmaceutical plants. Under such memoranda, the measure authorizes the state agencies to withhold any permit application and related information received from the Biotechnology Regulatory Service of the USDA's Animal and Plant Inspection Service. The measure allows the department to implement a state permit review and oversight system paid for by the applicants. Fees charged for this state service would be capped at \$10,000.

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This summary has not been adopted or officially endorsed by action of the committee.