



Testimony in Support of HB 2427
House Committee on Agriculture and Natural Resources
March 19, 2013
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Friends of Family Farmers

Chair Witt and members of the committee:

Friends of Family Farmers submits this testimony in support of HB 2427, which would restore the canola-free zone to the Willamette Valley.

We believe the legislature must act on this bill in order to protect the specialty seed industry, fresh market and organic vegetable producers and other Willamette Valley farmers from the unacceptable risk associated with canola, and the ODA's recently adopted 2013 canola rule.

We have attached to our testimony letters of concern from international seed companies that may need to stop doing business with Oregon growers due to the impacts of canola, as well as a review of the scientific literature that outlines many risk factors from canola to other crops and production methods.

We have numerous concerns with ODA's new approach to canola in the Willamette Valley, including the abruptness with which the agency proposed an emergency rule last summer, an action that was blocked through court injunction. Further, the ODA's official 2500 acre cap on canola seems arbitrary, and it is not clear how this number was selected. Additionally, the rule not only allows 2500 acres of commercial canola production the the Valley annually, it gives the ODA director the authority to grant an unlimited number of variances to growers 'near' the boundary of the control area to plant unlimited acres of canola. 'Near' is not clearly defined. These variances do not count towards the proposed cap of 2,500 canola acres. And as an administrative rule, the ODA can at any time propose a new rule to substantially increase canola production acres in the future. It may be a 10,000 acres in a few years, 100,000 in another decade, all up to the discretion of the agency.

The entire process of abandoning the pre-existing canola free zone, as well as the agency's ability to grant variances to caps and increase canola acreage in the future administratively have created great uncertainty for many Oregon farmers, and speaks to why the Legislature must act place the pre-existing Willamette Valley canola-free zone into law. The Washington Legislature has acted to legislatively protect high value seed production areas from canola, and Oregon should too.

Because of the risks related to canola, ODA maintains a total of four protected districts in Oregon where canola production is currently prohibited or restricted, including one on the Idaho border to protect Idaho seed producers. Under ODA's new proposal for the Willamette Valley, Idaho farmers will receive more protection than existing Willamette Valley specialty seed, vegetable and clover producers who generate over \$100 million in sales annually. Further, ODA has conducted no new research to show that canola production is less of a threat now than it was when extensive research was conducted by OSU between 2007 and 2009, and they have requested no funding through the Governor's proposed 2013-15 budget to implement, monitor or enforce the new canola rule. We do not believe that the fees that ODA may charge prospective canola growers will be likely to cover the agency's actual costs for a robust monitoring, enforcement, and implementation program, and the potential need to defend the rule, and/or violations of it, in court.

The Willamette Valley is unique in the world for its capacity for vegetable and seed crop production and ODA should be directed by the legislature through HB 2427 to maintain a strong canola-free zone now and into the future.

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