



Wild Garden Seed

Organic Seed from Gathering Together Farm

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Testimony of Frank Morton, In Support of HB 2427

Restricting Oilseed Canola/Rapeseed Production

In Oregon's Willamette Valley

My name is Frank Morton. I live at 24542 Echo Hills Rd near Philomath, in Benton County. I farm at Gathering Together Farm, a respected and nationally recognized organic produce operation, that serves grocer's, restaurants, farmers markets, 350 CSA member families, has its own on-farm store and restaurant, and helps educate OSU horticulture and ag students on a regular basis. Within GTF's 60 acres of diversified vegetable production, I operate Wild Garden Seed, about 12 acres of organic seed production that breeds new varieties, markets directly to farmers through our own catalog and website, and contracts production for more than a dozen clients in the US, Canada, and around the world. Our farming operation is as diverse and integrated as Willamette Valley agriculture itself, and during the peak of the summer season, our payroll covers over 100 people on the farm and at our markets. In Philomath, we are major employers. We have been in operation for over 25 years.

Since I joined the Willamette Valley Specialty Seed Association in 2006, the canola issue has never been far from the minds of our membership. The 2005 Oregon Renewable Energy Action Plan proposed government subsidies for farmers to grow canola, tax benefits and subsidies to proposed crushing mills, processing plants, and distributors, and research money for OSU scientists, in order to create vertically integrated in-State opportunities for biodiesel production. (Oregon Renewable Energy Action Plan attached). WVSSA leaders and members recognized this Action Plan as a threat to the very existence of our industry. Oilseed canola as a commodity industry has long been recognized as agriculturally incompatible with producing high value specialty seeds. Issues of cross pollination, field contamination by volunteer weed canola, disease and insect pressures created by extensive canola acreage, are all familiar problems experienced wherever specialty vegetable seed growers have been intruded upon by canola or rapeseed oil production. The damage of coexistence between oilseed and vegetable seed only flows in one direction. Oilseed quality is unaffected; vegetable seed

quality and market value is destroyed utterly and completely.

The Oregon Department of Agriculture has acknowledged this incompatibility for more than 24 years, and has maintained Rapeseed Control Districts in 4 locations in the State to prevent harm to specialty seed growers. The Department's recent rule changes related to canola/rapeseed restrictions is puzzling in this regard, as the changes were not uniformly applied across the State. Almost half of the traditional Willamette Valley Control District has been opened up for canola/rapeseed production, but controls have been left in place for the Central Oregon District, and for the Southeast District. It should be noted that the Southeast Canola/Rapeseed Control District exists for the benefit of the Idaho specialty seed industry which lies just across the border, not for the benefit of Oregon farmers. As a seed grower in the Willamette Valley, a world treasure as regards its unparalleled quality, quantity, and diversity of seed production, I cannot fathom the sensibilities that led to this regulatory disjuncture. Why set aside for protection these Central and Eastern Oregon districts where there is limited or zero production of canola sensitive crops, while opening up half of the land in the most precious specialty seed region of all, the Willamette Valley? If anyone at ODA can explain this inconsistency to Willamette Valley seed growers, they have not done so as yet.

ODA has made conflicting comments about the potential for harm to Oregon's farm economy from its changing canola policy. During the 2007-2009 Canola research carried out by OSU, and during the Canola Advisory Committee meetings of that period, the Department's emphasis was clearly on canola as a biofuel and grass seed rotation crop. As such, the Department proposed that its goal would be to rotate canola with grass 1 out of 5 years, never more than 2 years out of 5. With 500,000 acres of grass seed in production, this indicated a need for 100,000 acres or more of canola production each year. When the OSU study concluded that this would be a dangerous course of action for the Department to take, ODA declared a 2 year restriction on canola planting, but left open the possibility that changes in the scientific literature might be reason to revisit the canola rule "by the end of 2012." Instead, the WVSSA was told in January of 2012 that ODA wanted to begin a reconsideration of the canola restriction, and that we seedsmen should prepare to renegotiate the 2010 Canola Control boundaries. When asked what in the science and biology of canola had changed in that time period, there was no answer. Instead, we were told that there were farmers who want to grow canola in the Willamette Valley, and ODA wanted to make it possible for that to happen. Later, representatives of the WVSSA were told directly by ODA employee Vance Bybee, that canola *would be* planted in the Valley by September, 2012, either with our cooperation or without it. He did not mention any basis for this decision, but indicated that the Director would make the decisions related to boundaries and acreage herself if we would not collaborate in this process. In the end, the WVSSA membership voted unanimously not to accept having canola forced upon us without some justification for the action. ODA proceeded to write a "temporary rule" that set boundaries and would allow canola planting in September (and avoid a public hearing process), just as Mr. Bybee had promised back in April.

In response, ODA was quickly and successfully challenged with a lawsuit to stop implementation of its “temporary rule,” and the court agreed with plaintiffs that the reasons behind ODA's policy change and fast track rule-making were, to quote the Court, “inscrutable.” ODA was ordered to respond to the merits of our case, but never did. The injunction and the case became moot when ODA released a revised permanent rule in February 2013. Our questions remain unanswered, and the likelihood of another court challenge remains in the wings.

That is why I am here today. Others will describe the details of how canola impinges on clover seed growers, fresh produce farmers, and organic growers. I wanted to outline how this unending canola issue impinges on our certainty about future business prospects for the specialty seed industry, and how it has undermined our confidence in our seed related investments in the region. I believe that despite all the time, money, and testimony directed to the issue, ODA has chosen to ignore the science, the devastating experience of seed companies in other parts of the world, and the knowledge base of the Willamette Valley seed industry itself, in order to allow a handful of farmers to play around with canola. By allowing a canola oilseed industry to establish itself within the Willamette watershed, the department creates an ever-present danger to the purity and reputation of Willamette Valley seed, and forgoes any opportunity for the seed industry to grow in size and scope for the benefit of future farmers. If ODA cannot or will not give a coherent explanation for the reversal of its long held policy of isolating canola from valuable seed crops, I believe that the Oregon Legislature must step in to provide some long term clarity regarding the highest and best use of the Willamette Valley seed growing region. We don't have another one. Let us not waste what we cannot replace. Please provide permanent protection for this one precious Valley. Please support HB 2427.

Thank you.