

SB 578 Public Testimony

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Committee on Rural Communities and Economic Development

Senators:

My name is Thomas G. Mysiewicz. I am a resident of Reedsport, OR, and have been a commercial mushroom picker in the State of Oregon for 17 years. I have been the editor of the biweekly internet newsletter *Wild Mushroom Hotline*—the voice of the commercial mushrooming industry—since 1998. In addition, my previous experience includes 13 years as editor of the weekly publication *BioEngineering News*, and I also have edited publications and directories covering plant biotechnology, enzyme technology, and biology patents and licensing. I studied plant and mushroom tissue culture at NIE Tissue Culture Laboratory, San Mateo, CA. I graduated in 1976 from St. John's Univ. magna cum laude and studied under a full 4-year science scholarship.

I consider SB 578 to be a misguided, if well meaning, piece of legislation. Firstly, in Oregon, it is already illegal to possess and transport more than 1 gallon of mushrooms without (a) a valid mushroom permit (b) a letter of permission from the property owner on which the mushrooms were harvested or (c) an Oregon State Police permit to transport mushrooms. Secondly, current law requires buyers of mushrooms in Oregon to collect the following data from mushroom sellers and to retain this data for a period of 1 year: date, name and address of harvester, phone number, vehicle license, species and amount harvested, and seller's signature.

There are also long-standing criminal trespass laws that also should affect the activity SB 578 is targeted at. If these haven't worked effectively, why would the provisions of SB 578 fare any better?

Are these laws enforced? To some extent. The chief limiting factor being the funds and resources available for law enforcement. I note this bill provides funding for the Dept. of Agriculture but not for the massive law enforcement presence needed to enforce it. Years in the field have taught me one thing that, like gun laws, laws such as SB 578 would affect primarily law-abiding citizens and not the scofflaws it is aimed at. Officers, overtaxed, often are annoyed at being bothered about illegal picking.

I spend nearly \$2000 yearly on various Federal and county mushroom permits in 2012—and my income is below the poverty level. Yet I would estimate illegal picking is more than double legal picking. A good example is the Egley Fire in Malheur N.F., in Burns, OR in 2008. Morels grow in burned areas the year following a fire. Over 1500 pickers, many of whom were illegal aliens, flooded the forest. I would say about 400 of them may have had permits at best. Federal Enforcement would do little or nothing due to the limited manpower and directives to avoid “racial profiling”—there might have been 20 non-immigrant pickers on the fire who got probably half the citations.

How would SB 578 have avoided this situation? I contend it would penalize law-abiding pickers like myself and leave the field open to slave-labor picking crews, whose operators purchase protection for them—either legal or illegal. On private land, it seems the provisions of this bill would unconstitutionally criminalize the right of landowners to harvest a product on their own land without a special state permit. In effect, a “taking” without compensation.

Many rural communities throughout Oregon—including Arnie Roblan’s home district of the Coos Bay area—rely on the annual mushroom harvest for income supplementation. The onerous provisions of SB 578 would put additional economic stress on the most vulnerable sector of the population and economy. Except for loggers selling raw logs to China, much of Oregon’s rural population is living at near-depression levels.

I next address the potential health consequences of allowing “unskilled” pickers to harvest and sell wild mushrooms. Firstly, I am unaware of any public health epidemic of mushroom poisonings. To my knowledge, most of the mushroom poisonings in the U.S. are from edible morel mushrooms on which a

secondary mold or fungus has grown. In most cases, there is no way to detect some of these secondary funguses. In any case, they are non lethal. The remainder of poisoning cases I am familiar with fall into two categories: alcohol cross reactions in some individuals (sometimes caused by chefs who use raw wild mushrooms in salads, such as Chicken of the Woods) and amanita poisoning by people who think the cute, little white mushrooms on their lawns look like “store mushrooms”. NEITHER of these situations would effectively be addressed by SB 578.

In the case of Amanita poisoning, U.S. cases often result in liver failure or death. In Germany and many parts of Europe the milk thistle plant is used to cleanse the liver after poisoning. The result is that there are virtually none of the deaths and liver failures encountered in the U.S. The problem here is the FDA—no manufacturer will spend the \$30-million+ on clinical trials for a substance that cannot be protected by patent. SB 578 would have NO effect on this situation.

Virtually none of the commercial mushroom species in Oregon can be mistaken for deadly mushrooms by a picker with even rudimentary skills. Mushrooms are carefully screened by buyers who get “chargebacks” for buying poor quality mushrooms. Inexperienced buyers work under a main buyer who carefully screens what they buy. Mushrooms are inspected and cleaned when they arrive at the “plant” or mushroom company. Obviously, mushroom companies have no desire to sell customers poisonous mushrooms!

In the category of near impossible to misidentify I would include: Yellow chanterelle (*Cantharellus cibarius*--the Oregon State mushroom), White Chanterelle, King Bolete (*Boletus edulis*), Hedgehog, Cauliflower, Black Trumpet (*Craterellus cornucopioides and subspecies*), Yellowfoot chanterelle (*Cantharellus leutescens*), Lion’s Mane, and Chicken of the Woods. Oyster mushrooms (*Pleurotus*), Matsutake (*Tricoloma magnivalare*) and Lobster (*Hypomyces lactifluorum*) mushrooms require slightly more skill. Candy caps—used by bakers and beer brewers to impart a maple-syrup flavor—require a moderate amount of skill. However, the misidentification of this *Lactarius* species does not result in poisoning—merely a flavorless product. Meadow mushrooms are not commercially significant—are rarely sold commercially—and do pose a risk of misidentification. Truffles, I would say, are in a separate category. Incorrect

truffle identification (such as the common *Californicum*) usually results in a flavorless product rather than poisoning.

This may bring us to what may be the real reason for SB 578—the desire of private timber companies to eliminate truffle digging and mushroom harvesting in their forests. Now, I do not harvest truffles for the reason that most of these are on private land due to inoculation of seedlings in the past with Truffle inoculum. As I pointed out previously, there are already laws in place to prevent illegal digging—they simply have to be enforced. Passage of SB 578 will do nothing to increase enforcement necessary to prevent this activity.

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