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**Testimony to the House Committee on Rural Communities, Land Use and Water
Regarding HB 2674 and HB 2675**

Dear Chair Clem and members of the House Committee on Rural Communities, Land Use and Water,

On behalf of Oregon Tilth, I am writing to urge the Oregon legislature to fill the gap in the current federal regulatory framework for genetically engineered (GE) crops, which falls short in protecting farmers, processors and consumers of non-GE crops and food products. In 2014, I served on the Governor's Task Force on Genetically Engineered Seeds and Agricultural Products. My testimony draws upon the information, dialogue and perspectives exchanged during my service to the State of Oregon in this capacity.

Background and context

Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and planet through focus on core areas of certification, conservation, public health, policy and the marketplace

The organization is accredited by the USDA to offer organic certification services in accordance with the federal National Organic Program. Oregon Tilth currently certifies 725 farm operations throughout the United States and internationally, representing over 415,000 acres of certified organic land. We certify the majority of organic operations in Oregon.

Nationally, the organic industry has grown from \$3.6 billion in 1997 to \$35 billion in 2012, with an annual growth rate of 19% from 1997 -2008ⁱ. As our country has been dramatically affected by the worst economic downturn in 80 years, the organic industry has remained in positive growth territory, and has come out of the recession hiring employees, adding farmers and increasing revenue.

Organic agriculture is strong and growing in Oregon. Oregon is 5th in the nation in the number of organic farmsⁱⁱ, with a 165% increase in total acreage, and a 44% increase in number of farmsⁱⁱⁱ between 2005 and 2009. Our data indicates a majority of this increase is happening as a result of currently certified farms adding new acreage into organic production – a sign of crop management success and increasing market demand. We are also witnessing a recent trend for transition to organic production practices by non-organic growers seeking new opportunities.

While organic agriculture represents a bright spot in Oregon agriculture, it is increasingly threatened by the lack of any coherent or effective state regulations around genetically engineered (GE) food and crops, and the failure of federal oversight in this arena. **However, I want to emphasize that this issue affects more than just organic agriculture.** Other agricultural segments are also at risk and have already experienced economic loss due to GE contamination, such as producers selling crops to export markets demanding GE-free product, the specialty seed industry and identity-preserved crop producers.

Comments regarding the GE Task Force process and final report

Oregon Tilth embraces courageous conversations and avoids isolation. We believe in engaging others with respect, patience and a desire to understand diverse needs & perspectives. We supported the Governor's decision to convene a GE Task Force of diverse interests to frame the issues for legislators prior to the 2015 legislative session. I appreciated the opportunity to serve on the GE Task Force.

We agree with the report's finding that the issues are polarizing and common ground is hard to find. **In spite of challenges in finding agreement, we believe GE contamination needs to be addressed to protect Oregon's robust specialty crops in both the organic and non-organic sector.**

The case and opportunity for State action

Recent political and legislative activity in Oregon clearly shows that the federal status quo is not serving Oregon's unique needs. Specific examples include:

- Controversial passage of SB 863 in 2013 by OR legislature, preempting local regulation of GE crops.
- GE crop bans passed by voters in 2014 in Jackson and Josephine counties.
- Measure 92, GE labeling initiative, narrowly defeated by voters.

Recent market-based incidents and disruptions in our region further highlight the adverse impact insufficient oversight of GE crops has on farmers. All of the following examples impacted non-organic farmers.

- In May 2013, the discovery of unapproved GE wheat in eastern Oregon caused Japan and South Korea to temporarily suspend soft white wheat imports from the Pacific Northwest.
- In August 2013, GE alfalfa was confirmed to have contaminated non-GE alfalfa grown in Washington State and resulted in the hay being rejected by a broker for export market. The USDA said it would not investigate the incident, claiming the contamination is a "commercial issue" and should be addressed by the marketplace and not the government.
- In December 2014, the Chinese government blacklisted several hay exporters from exporting to China. Many container loads of hay shipped to China have been turned away after GE-contaminated alfalfa was detected in the loads. China signaled a possible boycott of all US grown hay due to continued concerns of GE-contaminated alfalfa.

These incidents underscore the difficulty of containing GE crops and the inadequacy of current state and federal policy. ***In the absence of clear, transparent and effective federal policy to control GE crops, the Oregon legislature has an opportunity to show leadership and take state action to protect all sectors of Oregon agriculture.***

- The OR Dept. of Agriculture (ODA) is not currently regulating most GE crops or implementing Oregon-specific policies. ODA does not take additional steps to regulate GE crops after the federal government approves (aka "deregulates") them for commercial use, with the exception of biopharmaceuticals.
- Contamination of non-GE crops by GE crops is a significant concern because of potential economic losses, especially for organic and other markets placing high value on non-GE products (domestic and international markets included).
- Voluntary strategies to protect crops against GE contamination face significant challenges for success due to a lack of incentives for non-GE growers to actively participate. In the case of specialty seed growers, the risk of cross-contamination is shared between growers. However, in the case of GE, the risk is primarily to the non-GE grower and, in this sense, risk is not "shared" and therefore an entirely voluntary system is unlikely to succeed.
- Cohesive and proactive state action on GE crops is vital for protecting all sectors of Oregon agriculture. We must ensure consistency and avoid a "patchwork approach," which SB 863, by all accounts when it was passed in 2013, was also trying to avoid.

Comments regarding HB 2674 and HB 2675

The Governor's GE Task Force identified a number of “key policy considerations” that need to be addressed, including:

- Clarify the role the state could play in regulating GE crops.
- Find a path that sustains and protects all Oregon markets, including organic, conventional, and GE.
- Fill Oregon-specific data gaps related to GE crops.

Both HB 2674 and HB 2675 are intended to address these current policy needs.

Under its existing authority, the ODA has already established one “control area” for a GE herbicide-resistant variety of bentgrass. The control area bans production of this GE crop in the Willamette Valley and restricts its growth in Central Oregon to protect wild bentgrass varieties and Oregon’s grass seed industry. The state legislature should give ODA the clear authority to establish similar “control areas” to restrict other open-pollinated GE crops that can cross with wild plants or damage organic and other non-GE seed supplies. **HB 2674 provides clear authority to the ODA and directs the agency to establish control areas for GE crops.**

With clear authority and direction to establish control areas for GE crops, the ODA could begin developing crop- and/or region-specific rules, informed by credible science and best practices for contamination avoidance. Examples of strategies for contamination avoidance identified by the GE Task Force include:

- Control areas – establish growing zones that restrict the crops grown within their boundaries, through either requiring certain practices or excluding certain crops or types of crops.
- Mapping / Pinning – develop a map of crop locations as a tool to facilitate communication among GE and non-GE producers as they determine what and when to plant.
- Isolation in space – require minimum distances between GE and non-GE crops or wild plants that can hybridize so as to prevent cross-contamination.
- Isolation in time – require protocols for planting crops at different times to minimize the risk of cross-pollination since crops flower at different times.
- Biological mechanisms – require GE crop developers and patent holders to use biological tools, such as GURTS (genetic use restriction technologies), including male plant sterility, which could alter the plants themselves in such ways to reduce or eliminate gene flow and contamination.

HB 2675 is designed to fill the data gap on GE crop production in Oregon. It requires suppliers of GE seed to provide the ODA with information that will identify how much GE seed is being sold in Oregon, what varieties are being grown, and where it is being grown. This data will help the ODA accurately track GE crop production in Oregon, thereby allowing the agency to adequately assess contamination risks and make well-informed decisions regarding control areas and other management approaches to minimize contamination risks. **HB 2675 will allow the ODA to better ‘measure’ GE crop production in Oregon, so that it can better ‘manage’ it.**

Please use this opportunity to show leadership and take state action to protect all sectors of Oregon’s vibrant, valued and diverse agriculture. Thanks in advance for your consideration.



Chris Schreiner
Executive Director, Oregon Tilth

ⁱ Organic Trade Association’s 2012 Organic Industry Survey

ⁱⁱ USDA National Agricultural Statistics Service, 2008 Organic Production Survey

ⁱⁱⁱ Washington State University, Center for Sustaining Agriculture and Natural Resources, 2004-2009 data collected from organic certifiers. (Oregon data)