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# OREGONIANS FOR FOOD & SHELTER

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A non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.

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## HB 2674 -- Relating to genetically engineered commodities HB 2675 -- Relating to proprietary genetically engineered crops

05 March 2015

### Testimony to the House Committee on Rural Communities, Land use and Water

Honorable Committee Members:

Oregonians for Food & Shelter (OFS) is a grassroots coalition of farmers, foresters, and other technology users focused on natural resource issues involving pesticides, fertilizer, and biotechnology. We are writing you today in opposition to House Bills 2674 and 2675 which would both set up new regulatory schemes for genetically engineered (GE) crops. We thank you for the opportunity to submit comments on this important issue.

OFS supports all types of agriculture including conventional, organic and GE. We continue to support programs that promote coexistence between the different types of agriculture, and different types of crops. Unfortunately, HB 2674 and HB 2675 are poorly written proposals which would pit different types of agriculture against each other, simply based on the technique of breeding used to develop the seed they use. This promotes exclusion not coexistence and we will not support regulation that divides our agricultural communities.

### Control Areas or Production Areas for GE Crops

Currently ODA has the authority to create control areas for pest and disease purposes. This important authority allows them to control crops that could pose a pest or disease threat to neighboring crops. This is strictly for plant health reasons, and is an important tool. The creation of control areas or production areas for GE crops would be a major expansion of authority, and puts ODA in a role where they would be choosing what types of crops are more important than others. This would take away a farmers right to choose the crops that work best for them, and sets a dangerous precedent going forward.

HB 2674 and HB 2675 both have a built in assumption that GE crops are somehow more dangerous to neighboring crops than any other non-GE version of the same crop. This could not be further from the truth. If a GE crop was deemed a plant pest or disease risk, then ODA could, and should, create control areas for the crops. That is not the case with any GE crops available today. GE plants are evaluated by the Animal and Plant Health Inspection Service (APHIS), which is part of the United States Department of Agriculture (USDA), to determine if they are a risk to other crops as a plant pest. All of the commercialized GE crops have undergone this review and have been determined to be no more of a risk than their non-GE counterparts.

Creating control areas or production areas for GE crops is not only agronomically unjustified, it's also inherently unfair. Farm ground is not movable. If you happen to own ground in an area outside of a defined control or production area, you are now excluded from using the newest varieties of many crops. In the US, over 172 million acres are planted in biotech crops. Over 90% of US corn, soybeans and cotton are biotech varieties and significant amounts of sugar beets, canola, papaya, and alfalfa are GE as well. With an unprecedented 100-fold increase worldwide between 1996 and 2012, biotech crops are the fastest-adopted crop technology in the history of modern agriculture. Allowing farmers to use this technology only in specific areas and under specific conditions as determined by ODA would leave many farmers without the option of using this important tool—disadvantaging them against other growers in Oregon and nationally.

GE crops pose no unique risk to neighboring crops than their non-GE counterparts. For example, the adventitious presence of GE material does not affect USDA Organic status. So, as long as an organic grower takes the proper precautions as required under the USDA rules, they are at no risk of losing certification. In fact, not a single farmer has ever lost their organic certification due to the adventitious presence of GE material. The issue of cross-pollination is a concern for seed growers regardless of if it is from GE or conventional plants. When growing seed, this cross-pollination must be managed to ensure a seed will grow to type. Farmers use pollination timing, physical barriers, and distance isolation to help ensure this.

#### **ODA Regulation of USDA Regulated GE Research**

Currently GE crops that have not had a final determination by APHIS that they do not pose a plant pest or disease risk are considered "regulated" crops. These crops can only be planted after obtaining a permit from USDA that contains certain stewardship conditions that must be adhered to. These can include conditions such as specific planting locations, isolation distances from similar crops, and disposal requirements. This is to allow for continued research on GE crops while they are going through the APHIS approval process, without endangering other crops. HB 2674 would require ODA to set up an additional set of regulations for this category of crops. Since USDA already has the authority, and already regulates these crops through permits, it would be redundant to have ODA set up an additional set of rules to follow.

#### **Compensation fund for non-GE growers.**

HB 2674 would require a fee to be placed on the purchase of any GE seeds. That fee would then go into a newly created account which would be used to "provide financial assistance to commodity growers that suffer damages due to contamination of land or commodities that results from the growing of a genetically engineered commodity outside of a control area established for that commodity..." Damages and contamination are undefined in the bill which leaves ODA to define what that means. GE crops are no more of a risk than any other crops, so we are unsure of what "damages" could be incurred.

The way the bill is written, this financial assistance is only available to growers that suffer damages outside a control area for GE crops. This means that damages would have to come from illegally planted crops, yet the fee applies to all purchasers of seed, which will almost exclusively be growers who plant within the authorized control area. This is asking law abiding farmers whom are not causing any harm to compensate farmers whom are nebulously "damaged" by illegal plantings. Even if you supported a compensation mechanism, which OFS does not, this version is greatly flawed.

### **Royalty Agreements**

HB 2674 and HB 2675 require seed dealers to send copies of royalty agreements for GE crops to ODA. These agreements contain information that farmers likely want to keep private, yet the bill provides no protection of these documents from the public. In fact, HB 2675 allows ODA to collect information from growers about planting locations and times. This puts farmers at risk as the very fact that they purchased GE seed, if made public, could put them at risk for vandalism. If information is made publicly available about where and when certain crops are planted, the risk only increases. Unfortunately, this is not just speculation. In June of 2013, on two separate occasions, a total of 6,500 GE sugarbeets were destroyed. Having information about GE crop growers made public could lead to further incidents, or even widespread intimidation.

### **Vote NO on HB 2674 and HB 2675**

HB 2674 and HB 2675 are poorly drafted bills that will only serve to divide Oregon's diverse agricultural community. They do nothing to promote coexistence and disadvantage farmers based on where they happen to own land. Please vote NO on HB 2674 and HB 2675 and send a message that Oregon supports all kinds of agriculture.

Sincerely,



Scott J. Dahlman  
Policy Director