



OREGON DEPARTMENT OF AGRICULTURE

HB 2445 A-Engrossed Agency Statutory Cleanup

Presented to
Senate Environment and Natural Resources
May 4, 2015

Description

This bill is a collection of housekeeping and statutory cleanup.

Background

The proposed changes modernize methods of required communication, update references to new laws, and delete statutes that no longer serve a useful purpose.

Summary

1. Plant: ORS 561.560(3) and 561.585 require publishing quarantine notices in newspapers of general circulation throughout the state. The proposed changes would require the Oregon Department of Agriculture to “give notice of the quarantine orders and amendments to the orders by publication in a newspaper of general circulation in the quarantine area and by one or more additional methods that reasonably ensure that affected persons and other members of the public have knowledge of the quarantine order or amendment”.
2. Plant: ORS 570, the bill proposes definitions for “infected” and “infested”, and to use the term “plant pest” consistently throughout the law as well as updating form and style.
3. Plant: ORS 570.405, Oregon Department of Agriculture’s (ODA) authority to create control areas, includes a specific reference to eastern filbert blight, a disease that is now widespread and regulated by a statewide control area. The proposed change would delete unnecessary reference to eastern filbert blight in the control area authority statute. The disease originates from the eastern United States and is widespread and well established in Oregon. The filbert industry has learned to manage this disease; therefore it is time to remove reference of this disease in our rules.
4. Animal Health: ORS 596.402(2), the bill updates notice requirements for the movement of animals in a quarantine area. The proposed changes would require that “no later than seven days after imposing a quarantine, the department shall give notice of the quarantine by publication in a newspaper of general circulation in the quarantine area and by one or more additional methods that reasonably ensure that affected persons and other members of the public have knowledge of the quarantine”. The proposed changes also eliminate the need to file the quarantine notice with the County Clerk.
5. Food Safety: ORS 621 references two standards of quality for milk. Today only one standard, Grade A, exists in Oregon. This proposal eliminates the reference to grade B milk.
 - Originally, the two standards (Grade A and Grade B) were established because fluid milk is more susceptible to bacterial contamination, and was therefore held to the higher (Grade A) standard than milk used to produce butter, cheese, and other manufactured products (Grade B). However, over time the two standards have narrowed, and Grade B production has decreased:

- There are no facilities licensed to produce Grade B milk in Oregon.
 - ODA adopted administrative rules many years ago requiring all new producers who were starting production after March 1, 2002 to meet Grade A standards (OAR 603-024-0379).
 - Many other states have transitioned to only Grade A facilities as well. This transition took place in general in the late 1990s/early 2000s.
6. Weights & Measures: ORS 646.912, implemented renewable fuels standards relating to ethanol that required ODA to study and monitor ethanol production, use and sale in the state until production capacity thresholds were met (40 million gallons per year), which would then trigger the E10 (10% ethanol added to gasoline) mandate for gasoline in Oregon.
- These thresholds were met on 10/05/07, based on Pacific Ethanol's Boardman, Oregon facility and the E10 mandate was implemented within Oregon. Studies and monitoring are no longer needed or conducted by ODA; therefore this statute no longer serves a useful purpose.
7. Weights & Measures: ORS 646.921(2) implemented renewable fuel standards relating to biodiesel production capacity and required ODA to study and monitor biodiesel production, use and sale within the state until production capacity thresholds were met (15 million gallons per year), which would then trigger the B5 (5% biodiesel added to diesel fuel) mandate for diesel fuel in Oregon.
- This threshold was met on 04/01/11, based on Sequential Biofuels facility in Salem, Oregon. Studies and monitoring are no longer needed or conducted by ODA; therefore this statute no longer serves a useful purpose.
8. Weights & Measures: ORS 646.922 should reflect the five percent biodiesel mandate. It also contains housekeeping references to the section proposed for modification in ORS 646.921(2).
- Removes language that references the initial B2 (2% biodiesel added to diesel fuel) mandate that has not been applicable since 04/01/11. Corrects formatting changes and re-numbering in statute.
9. Weights & Measures: Proposed amendments to ORS 646.905 would allow more flexibility when American Society for Testing and Materials (ASTM) specifications change and corrects two numbering/format errors.
- Currently, the statute details specific national ASTM test methods for B100 (100% biodiesel). These methods change from year to year, thus causing a need for frequent changes to the ORS as written. ODA is proposing to take the specific detail language out of the statute and making it more generic so when specs change with ASTM, no change will be needed to the ORS. Also fixes a formatting error.
10. Interstate Pest Compact: the Interstate Pest Compact was dissolved in 2013. The Compact was a national program that was dissolved. The Bill repeals all references to the Compact.

Fiscal Impact

No fiscal, revenue, or position impacts are anticipated from any of the sections of this statutory cleanup.

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