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Testimony in Opposition to HB 3382 Senate Committee on Environment and Natural Resources

Chair Edwards members of the Committee:

Friends of Family Farmers submits this testimony in opposition to HB 3382. This bill would undo carefully crafted legislation from 2013 that protects the Willamette Valley's world class specialty seed industry, as well the Valley's clover seed, cover crop seed, fresh market vegetable and organic industries, which are put at risk by the introduction of commercial commodity canola production.

In 2013, the Legislature passed HB 2427, extending a long-standing moratorium on commercial canola production in the Willamette Valley until 2019, while fully funding three years of needed research on the impacts of canola on other similar crops. Rather than waiting for the results of this research before determining how much, or even whether, canola is compatible with other established, high value agricultural crops grown in the Willamette Valley, HB 3382 jumps the gun before the halfway point of the research has been reached by authorizing the Oregon Department of Agriculture to approve additional commercial canola production not envisioned in HB 2427.

To illustrate this conflict, HB 3382 authorizes commercial canola production to begin after July 1, 2016, while 2013's HB 2427 directs OSU to provide the final results of its research by November 1, 2017. HB 3382 not only supercedes the research process, it goes further and lifts all caps on canola acreage in the Willamette Valley Protected District beginning in 2019, contrary to the spirit and intent of HB 2427 and previous legislative actions that enacted a more cautious and responsible approach.

Unfortunately, because the research taking place under HB 2427 is not even at the halfway mark, no new information has been presented to demonstrate that opening the Willamette Valley to commercial canola production is any less risky or problematic than it was in 2013. In hearings on this issue in 2013, the House Agriculture and Natural Resources Committee received testimony from international seed companies located as far away as Japan and Europe that they would likely have to stop doing business with Oregon growers and seed companies due to the risk of cross-contamination of seed crops from canola. Industries currently valued in excess of \$100 million are at stake, which is why HB 2427 focused on building a strong baseline of data before further management decisions about the future of canola in the Willamette Valley are made.

However, HB 3382 not only presumes that commercial canola production in the Willamette Valley is appropriate, it assumes that either the Willamette Valley Specialty Seed Association will agree to map, maintain and enforce isolation distances for canola fields, or alternately, that ODA or OSU will do this without any additional funding authorized. This is not a responsible approach.

The following key questions remain unanswered, and should be addressed before commercial canola production in the Willamette Valley is considered:

- 1) What are the appropriate isolation distances to ensure cross-pollination between canola and brassica seed crops does not occur?
- 2) How likely is genetically engineered (GE) herbicide resistant canola to cross-pollinate with ‘feral’ brassica/mustard weeds and spread herbicide resistant traits into the wild?
- 3) What would be the economic impact of GE herbicide resistance spreading to common mustard/brassica weeds in the Willamette Valley?
- 4) How long do canola seeds that drop to the ground at harvest or escape field or property boundaries persist in the seed bank?
- 5) What is the potential for off-field movement of canola seeds after harvest? What is the likelihood of seeds travelling off-site during rain or flooding events and moving into ditches and waterways where they can germinate far from original field locations?
- 6) What is the current baseline for feral brassica populations along roadsides, and how might seed scatter during canola seed transport worsen this problem and create additional risk of cross-pollination of seed crops and the spreading of herbicide resistant traits into the wild?
- 7) Blackleg fungus, a disease devastating to brassicas, is now widespread in Idaho canola fields and has been identified extensively in Willamette Valley fields since canola research plots have been established. How might canola be more or less likely to contribute to disease and insect risk compared to specialty seed brassica fields?
- 8) What is the true economic risk associated with introducing commercial canola production into the Willamette Valley? Specifically, what are the financial risks to existing specialty seed, clover seed, organic and fresh market vegetable industries?

The Willamette Valley is unique in the world for its capacity for vegetable and seed crop production. If the intention is to pass this bill, the Legislature should use this opportunity to make the Willamette Valley Protected District permanent, preserving its role as one of the world’s most important seed producing regions. Further, Oregon should explicitly ban the production of genetically engineered herbicide resistant canola from the Willamette Valley, which poses even greater risks than conventional canola does, particularly if herbicide resistant traits spread to weedy brassica populations common in the Willamette Valley. Further, at the completion of the current moratorium on canola production in the Willamette Valley in 2019, the Oregon Department of Agriculture should be required to engage in further rulemaking before any canola production is allowed inside the Willamette Valley Protected District.

As HB 3382 is currently written, all caps on canola acreage are lifted in 2019, and without further direction from the Legislature, we believe Oregon Department of Agriculture will be unlikely to provide meaningful regulation after 2019 to address the need to control and limit canola production in the Willamette Valley, regardless of what the research suggests. This could ultimately lead to the loss of the Willamette Valley’s unique, world-class specialty vegetable seed industry and significant financial impacts to the organic, cover crop seed and fresh market vegetable growers as well.

We urge your opposition to HB 3382.