

May 20, 2015

Senator Chris Edwards
900 Court St. NE, S-407
Salem, OR 97301

Dear Chair Edwards and Members of the Senate Environment and Natural Resources Committee:

I am testifying on behalf of Our Family Farms Coalition, which is a collection of over 150 family farms in Jackson County, Oregon. Our Family Farms has been working for the last two years to protect our crops from contamination by genetically engineered crops. They could not be here today, because they are literally, as we speak in court, defending Jackson County's ban on GMO's.

Our Family Farms Coalition strongly oppose HB 2509 since it adds a significant obstacle to farmers facing crop damage as a result of contamination by GMOs. This bill would also directly impair the ability of Jackson County farmers to endorse the county's ban on GMOs that passed with bi-partisan support by 66% of voters.

Our Family Farms Coalition opposes HB 2509 for several reasons:

1. Farmers whose crops are damaged by GMO contamination should not be forced into mediation.

While mediation might be a good choice for some farmers in some circumstances, this decision should be one the farmers get to make, not one that is forced upon them by a bill like HB 2509.

HB 2509 would force farmers who had their crops contaminated by GMOs into a vague and undefined ODA mediation process.

Any farmer who does not participate in such a process is liable for court costs and attorney fees of an opposing party in a related court case. Such risks would make a potential legal action impossible for the vast majority of small family farmers who could never afford to pay the legal fees of GMO growers, who would likely be joined by or have their legal expenses paid for by Monsanto or other GMO backers, in the event of a likely legal case regarding GMO crop contamination.

Also if a farmer needs to take quick legal action to prevent crop contamination of their crop HB 2509 would as a practical matter prevent that, and instead require a farmer to engage in a time consuming and undefined ODA mediation process.

While outside mediators would be hired for the process, ODA would control the process, rules, costs and administration of the process.

2. ODA lacks the credibility to administer a neutral mediation process related to GMOs.

Historically ODA has generally turned a deaf ear towards the threats facing farmers who are at risk of having their crops contaminated with GMOs. Given ODAs responsibility for overseeing a forced mediation process that has no statutory time limits and no maximum costs leaving implementation decisions in ODAs hands would be a major mistake.

Under HB 2509 ODA would have the discretion to make the mediation process an obstacle to farmers attempting to get relief from GMO contamination by creating a burdensome mediation process in terms of money, time or additional obstacles.

Nothing in HB 2509 limits the mediation fees ODA could require or the amount of time that ODA could require, as part of this undefined mediation process. Regardless of what ODA fees and process for mediation is today, the potential for such requirements to change in a manner that creates special obstacles for farmers who have been contaminated by GMO's is deeply concerning.

Historically ODA has elevated the interest of agri-business invested in GMO's over the protection of small and medium size farms and therefore has reduced credibility to be responsible for a mediation process. For example, ODA attempted to open the Willamette Valley to the cultivation of GMO canola; it was more than willing to not assist specialty seed growers in the process. Thankfully the Legislature stepped in, but ODA's willingness to sacrifice non-GMO seed farmers is not something that will soon be forgotten.

Similarly when Jackson County farmers asked ODA for help to address the fact that seed farmers were having to pull out their crops when GE sugar beets started being grown nearby, ODA refused to help in any way.

3. HB 2509 would directly interfere with farmers' ability to enforce Jackson County's ban on GMOs.

HB 2509 would require any party that believes that GMOs are interfering with their farming practices to be engaged in the ODA controlled and undefined mediation process or risk paying the defendants attorney fees. Section 2 (1).

We oppose requiring an undefined ODA mediation process as a prerequisite to enforcement of Jackson County's democratically passed decision to protect family farmers from GMOs.

We are particularly concerned since HB 2509 puts into statute the notion that ODA's process is "to assist the parties in attempting to reach agreement on issues regarding the coexistence of agricultural lands." Jackson county voters, and the 150 farmers that backed the Ordinance strongly believe that co-existence of GMOs and traditional crops is simply not possible in our narrow valley.

Our Family Farms oppose HB 2509 and request that the committee reject this misguided bill.

Sincerely,

Kellie Barnes, a representative for Our Family Farms Coalition