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

May 20, 2015

RE: HB 2509

Dear Senator Edwards and Senate Environment and Natural Resources Committee members:

I am writing on behalf of Our Family Farms Coalition which is a collection of over 150 family farms in Jackson County, Oregon that have been working for over the last two years to protect our crops from contamination by genetically engineered crops. We strongly oppose HB 2509 since it adds a significant obstacle to farmers facing crop damage as a result of contamination by GMOs at a time when the Legislature should be working to help family farmers deal with GMO contamination risks. HB 2509 also would directly impair the ability of Jackson County farmers to enforce our county's ban on GMOs that was passed with bi-partisan support by 66% of voters.

We oppose HB 2509 for several important reasons:

**1. Farmers damaged by GMO contamination should not be forced into mediation.**

Mediation may be a good choice for farmers in some circumstances, but the decision on whether to attempt mediation should be a decision farmers get to make on their own **and not one forced on them through legislation like HB 2509**. HB 2509 would force farmers who have had their crops contaminated by GMOs into a vague and undefined Oregon Department of Agriculture (ODA) mediation process. HB 2509 does this by establishing that any farmer who does not participate in such a process may be 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 a GMO grower 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 needed to take quick legal action to prevent contamination of their crop, HB 2509 would as a practical matter prevent that and instead require a farmer to engage in a potentially time consuming and undefined ODA mediation process. See Sections 1 and 2. It is of little consequence that ODA would hire outside mediators since ODA would control the process, any rules, costs, and administration of the program.

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

ODA has generally turned a deaf ear to the threats facing farmers who are at risk of having their crops contaminated with GMOs. Giving ODA responsibility for overseeing and orchestrating a forced mediation process that has no statutory time limits, no maximum costs and leaves implementation discretion in ODA's hands would be a major mistake. Under HB 2509, ODA would have the discretion to make the mediation process a substantive obstacle to farmers attempting to get relief from GMO contamination by creating a burdensome mediation process either in terms of time, money or other obstacles. Nothing in HB 2509 limits the mediation fees ODA could require or the amount of time that ODA could require as a part of this undefined mediation process. Regardless of whatever ODA's fees and mediation process is today, the potential for such requirements to change in a manner that creates special obstacles for farmers who have been contaminated by GMOs is deeply concerning.

The ODA has consistently elevated the interests of agri-business invested in GMOs over the protection of small and medium sized farms and therefore has little credibility to be involved in any credible mediation process. When ODA attempted to open the Willamette Valley to the cultivation of GMO canola, it was more than willing to devastate specialty seed growers in the process. While the Legislature thankfully intervened to ban canola in the Valley, ODA's willingness to sacrifice non-GMO seed growers is not something we will soon forget. Similarly, when Jackson County farmers asked ODA for help to address the fact our 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 growing GMOs "might interfere with or is interfering with the farming practice" would have to engage in the ODA- controlled mediation process or risk paying the defendants attorney fees. Sect. 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 mediation process is "to assist the parties in attempting to reach agreement on issues regarding the coexistent use of agricultural lands." Jackson County voters and the 150 farmers that backed the Ordinance strongly believe that coexistence of GMOs and traditional crops is simply not possible in our narrow valley. We oppose the idea that HB 2509 would force our farmers to engage in an ODA mediation process aimed at showing the opposite is true.

For these reasons we oppose HB 2509 and request that the committee reject this misguided bill.

Sincerely,

Elise Higley, Director Our Family Farms Coalition