



TESTIMONY

**House Committee on Rules
Monday, June 1, 2015**

Oregon Farm Bureau, Oregon Association of Nurseries, and Oregonians for Food & Shelter OPPOSE HB 2668-A

Chair Hoyle and members of the committee:

Cross pollination is not a new issue for the agricultural community; it is an issue that growers have dealt with for decades. Solutions based in crop science and neighbor-to-neighbor conversations are the most fair and successful. For instance, in Oregon there is potential for cross pollination between sweet corn and field corn, which are grown for human and animal consumption, respectively. This conflict is easily resolved through sufficient growing distances or staggered planting dates. We believe that there is an opportunity for industrial hemp and medical and recreational marijuana to coexist in a voluntary manner similar to corn and other crops.

As a reference, Oregon Farm Bureau (OFB) is the state's largest general agriculture association, representing 7,000 families actively engaged in farming and ranching throughout the state. The Oregon Association of Nurseries (OAN) represents the nursery and greenhouse industry and is Oregon's largest agricultural sector. 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. Our membership includes all types of production methods and operations of all sizes. We believe there is room for ALL types of agriculture in Oregon.

We oppose HB 2668-A, which puts government in the business of picking winners and losers among growers. With this bill, the legislature is designating marijuana as the state's favored cannabis plant, to the detriment of the newly-licensed industrial hemp community. Licensed industrial hemp growers have invested significant resources in seed and infrastructure, assuming the conditions of their licenses would be upheld. Establishing hemp-specific restrictions puts hemp producers on an uneven playing field with licensed growers in other states, including those who are growing for the emerging flower, seed, or forage markets.

OFB, OAN and OFS oppose the -A7 amendments to HB 2668

Under the -A7 amendments, the Legislature would revoke hemp licenses, which have already been issued, and require ODA compensate growers. We are concerned about the precedent of revoking licenses for legal crops due to an assumed "risk" that they could

impact other crops. In agriculture, growers are responsible for their own crops, and revoking hemp licenses is simply unfair.

The -A7 amendments also would establish test plots through Oregon State University (OSU) to study how to grow industrial hemp in a manner that does not present a risk of cross pollination to other plants. While we agree that research is key to understanding agricultural and food systems, we are concerned that the language establishing research plots in the -A7 amendments is biased against industrial hemp. The amendment sets a precedent that government must discern and dictate the feasibility of growing a particular crop. We fundamentally disagree with the premise in the -A7s and believe that decisions about what whether or not it is feasible to grow a particular crop should be left to the individual grower.

OFB, OAN and OFS oppose the -A8 amendments to HB 2668

Similar to the -A7 amendments, the -A8 amendments would require ODA to revoke industrial hemp licenses upon passage. However, it would allow the department to reissue licenses after the date of enactment. Section 1(3)(a) requires ODA to provide just compensation for costs incurred in establishing a crop. We understand this provision to require farmers to destroy legally planted crops upon revocation of their license. This is true for the -A7 and -A8 amendments, and we are uncomfortable with the precedent for agricultural regulation established by this amendment.

Section 3(2) and (3) only allow for the planting of female or sterile male hemp plants in Jackson, Josephine, and Douglas Counties for a period of four years. Decisions regarding the sexing or sterility of crops ought to be left to crop scientists and farmers and not to the Legislature. Like other agricultural conflicts, the concern about cross pollination could be settled with a discussion and agreement between growers. In fact, OFB has been in contact with industrial hemp growers in the southern counties who have agreed to willingly remove male hemp plants for the 2015 growing season in order to have a discussion with the growing community in the Interim about how to coexist. These voluntary measures ought to be encouraged, and we appreciate efforts underway in southern Oregon to head off potential conflicts.

OFB, OAN and OFS oppose the -A9 amendment HB 2668

Similar to the -A7 and -A8 amendments, the -A9 amendments would require ODA to revoke industrial hemp licenses upon passage. However, Section 6 would allow ODA to issue new licenses to grow industrial hemp only after completing rulemaking that complies with applicable state and federal laws. Federal law includes the 2014 Farm Bill, which allows for production of industrial hemp for research purposes, only allowing seed to be acquired through ODA or OSU for production on garden-size plots. This provision changes the mechanics and intent of the state's industrial hemp license that passed in 2009.

The -A9 amendments would seek to implement extreme buffers between hemp and other cannabis growers. While buffers can be part of a coexistence strategy, they are best implemented with agreements between growers. Buffers implemented by the legislature

lack grower buy-in and elevate one type of grower over another. We do not agree with this principle.

The -A9 amendments also contain a preference for growing marijuana over industrial hemp. In the initial stage, hemp licenses will not be renewed if there is a marijuana grower located within five miles of the hemp production, regardless of which producer was there first. The amendments are silent on conflicts that occur after the initial relicensing period, but we are concerned that the initial preference carries beyond the licensing period, rendering industrial hemp always subservient to marijuana production, regardless of which producer was there first and irrespective of the relative levels of financial commitment made by each grower.

Solution: voluntary coexistence

Earlier this session, certain marijuana growers engaged the agricultural community regarding how to establish a voluntary crop pinning system, owned and operated by cannabis growing community, to address potential conflicts between different varieties of cannabis. We believe that a voluntary pinning system could help cannabis growers find ways to coexist in a voluntary manner and protect their proprietary information. We hope to continue to work with these groups following the 2015 Legislative Session to help find a solution—whether it be pinning, staggered planting times, or friendly neighbor conversations—that allows ALL cannabis growers to be successful.

Thank you for the opportunity to comment.

Respectfully,



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Oregonians for Food and Shelter



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