

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Rural Communities, Land Use, and Water**

**MEASURE: HB 2509 A**  
**CARRIER: Rep. Clem**

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

---

**Action Date:** 04/14/15

**Action:** Do Pass As Amended And Be Printed Engrossed.

**Meeting Dates:** 04/14

**Vote:**

Yeas: 7 - Clem, Gilliam, Gomberg, Helm, McLane, Post, Witt

**Prepared By:** Ian Davidson, Committee Administrator

---

**WHAT THE MEASURE DOES:**

Defines terms. Requires Oregon Department of Agriculture (ODA) to provide mediation on issues regarding coexistent use of agricultural lands. Instructs ODA to only provide mediation when party possesses reasonable belief that planting, growing or harvesting of agricultural or horticultural commodity on nearby land might interfere with or is interfering with farming practice requests and agrees to pay any required costs or fees. If party involved in dispute refuses to allow ODA to attempt mediation and subsequently is losing party in arbitration or court action, permits arbitrator or court to award prevailing party costs and reasonable attorney fees. Requires participation in mediation if court action arises out of alleged interference with use of land for farming practice if parties to action have not previously allowed ODA to attempt mediation of dispute beginning no later than 270 days after action is filed. Allows Director of ODA to appoint representative from ODA to accompany farmer, patent holder or crop testing service at time sample is taken and authorizes ODA to charge requester a fee for service. Requires ODA and Oregon State University (OSU) to make publically available any department or university educational materials and information regarding coexistent use of agricultural lands and any United States Department of Agriculture educational materials and information that identify tools and techniques for promoting or enhancing coexistence between types of crop cultivation. Permits OSU to provide technical assistance to grower groups and private agricultural entities to enable groups or entities to enhance coexistent use of agricultural lands by establishing and operating voluntary systems for cooperative monitoring of crop isolation requirements for seed certification.

**ISSUES DISCUSSED:**

- Existing mediation program in Oregon Department of Agriculture
- Challenges of coexistence

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces measure.

**BACKGROUND:**

Genetically engineered (GE) foods are created by artificially inserting genetic material from one or more organisms into the genetic code of another organism using modern genetic engineering techniques.

Genetically modified organisms and the regulation of GE seeds and food products have received increased attention in several states, including Oregon and neighboring Washington and California. The recent passage of Senate Bill 863 (2013 Special Session) by Oregon's legislature reserved the regulation of seed to the state; a ballot measure to ban genetically modified crops in Jackson County was exempted from this measure.

Coexistence refers to all agricultural sectors (GE, conventional, and organic) and processing functioning together. Gene flow is one of the main challenges of coexistence. Gene flow occurs when pollen, seed, or vegetative

propagules from one variety of plant reaches another related type of plant and the resulting seed contains genetic material from both plants. Transfer can happen by a number of different mechanisms, including wind, insects, and accidental escape. Concerns about gene flow have existed in the agricultural arena for a long time, but are of renewed concern with genetically engineered material. Farm practices can have an impact on cross contamination and gene flow, and any resulting contamination has implications for compensation and liability. Contamination can be problematic for the farmer whose crop is contaminated if the seed purity required by the market is compromised. Additionally, there may be market consequences if consumers do not want to purchase from a grower that has been (or might have been) contaminated.

House Bill 2509 A would authorize the Oregon Department of Agriculture (ODA) to use mediators to help resolve coexistence conflicts among growers of biotech, conventional and organic crops. The measure would also require ODA and Oregon State University to make publically available any educational materials and information regarding the coexistent use of agricultural lands and any United States Department of Agriculture educational materials and information that identify tools and techniques for promoting or enhancing coexistence between types of crop cultivation.