

Enrolled House Bill 3382

Sponsored by Representatives WITT, CLEM; Representatives HUFFMAN, KRIEGER, MCKEOWN,
REARDON, SPRENGER, WHISNANT, Senators HANSELL, OLSEN, ROBLAN, THOMSEN

CHAPTER

AN ACT

Relating to canola in the Willamette Valley Protected District; creating new provisions; and amending sections 3, 4 and 5, chapter 724, Oregon Laws 2013.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Canola" means plants of the genus Brassica:

(A) In which seeds having a high oil content are the primary economically valuable product; and

(B) That have a high erucic acid content suitable for industrial uses or a low erucic acid content suitable for edible oils.

(b) "Willamette Valley Protected District" means the area encompassed within a rectangle formed by the point in Tillamook County that is the northwest corner of township 1 north, range 6 west, the point in Multnomah County that is the most northeastern point of township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast corner of township 19 south, range 2 east and the point in Lane County that is the southwest corner of township 19 south, range 6 west.

(2) Notwithstanding sections 1, 2 and 4, chapter 724, Oregon Laws 2013, the State Department of Agriculture may authorize the growing of canola within the Willamette Valley Protected District for commercial purposes as provided in this section. The amount of canola planted under this section within the Willamette Valley Protected District may not exceed 500 acres per year.

(3) The College of Agricultural Sciences of Oregon State University shall use the results of research and field monitoring conducted under sections 4 and 5, chapter 724, Oregon Laws 2013, and any information or recommendations developed under those sections, to identify acreages on which canola may be grown within the Willamette Valley Protected District in a manner that is compatible with the growing of other crops, including but not limited to, the maintenance of isolation distances between the canola and other crops that equals or exceeds the industry-recommended isolation distance between specialty seed crops of the genus Brassica and other crops.

(4) Any growing of canola within the protected district is subject to prior approval by the department. The department may authorize the growing of canola under this section only:

(a) On acreages identified by the college under subsection (3) of this section that were not used for growing canola under chapter 724, Oregon Laws 2013;

(b) In a manner that the college has determined to be compatible with the growing of other crops; and

(c) Under the same conditions that the college imposed by contract for growing canola under chapter 724, Oregon Laws 2013.

(5) Any authorization for the growing of canola under this section must be limited to canola crop production cycles that begin on or after July 1, 2016, and are completed no later than December 31, 2019. The growing of canola in a canola crop production cycle that begins after July 1, 2019, is not subject to this section.

(6) The department may assess a civil penalty, not to exceed \$25,000, against a person that raises canola in violation of the terms of any authorization issued to the person under this section.

SECTION 2. (1) The State Department of Agriculture shall develop recommendations regarding means for ensuring the coexistence of the production of canola and the production of other agricultural crops. The recommendations shall include, but need not be limited to, means for providing protections adequate to maintain the unique attributes of the specialty seed industry in this state. The department shall develop the recommendations based upon the information and recommendations reported by the College of Agricultural Sciences of Oregon State University under section 4, chapter 724, Oregon Laws 2013.

(2) The department shall report the recommendations developed by the department under subsection (1) of this section in the manner provided by ORS 192.245, and may provide recommendations for legislation, to an interim committee of the Legislative Assembly dealing with agriculture no later than November 15, 2018.

SECTION 3. Section 1 of this 2015 Act is repealed January 2, 2020.

SECTION 4. Section 3, chapter 724, Oregon Laws 2013, is amended to read:

Sec. 3. Section 1 [*of this 2013 Act*], **chapter 724, Oregon Laws 2013**, is repealed on [*January 2*] **July 1, 2019**.

SECTION 5. Section 4, chapter 724, Oregon Laws 2013, is amended to read:

Sec. 4. (1) As used in this section, "Willamette Valley Protected District" has the meaning given that term in section 1, **chapter 724, Oregon Laws 2013** [*of this 2013 Act*].

(2) Subject to the Willamette Valley Protected District production cap established in section 1 (2), **chapter 724, Oregon Laws 2013** [*of this 2013 Act*], the State Department of Agriculture may authorize the growing of canola to allow the College of Agricultural Sciences of Oregon State University to carry out the research duties of the college under this section. Any authorization for the growing of canola under this section must be limited to canola crop production cycles that are completed prior to January 1, 2017.

(3) Canola may be grown for purposes of research under this section only if the isolation distance between the canola and other crops equals or exceeds the industry-recommended isolation distance between Brassica specialty seed crops and other crops.

(4)(a) The college shall use field monitoring and other research to develop information and recommendations regarding whether, and under what conditions, canola growing in the Willamette Valley Protected District is compatible with the growing of other crops. The information must include, but not be limited to, a comparison of the compatibility of canola with the growing of other crops to the compatibility of other Brassica seed with the growing of other crops. **The college shall submit the information for review by experts having sufficient knowledge of vegetable seed production to provide a thorough and proper evaluation of the quality, significance and originality of the research.** The assessment shall include, but not be limited to, a review of available published materials and historical data on canola and Brassica specialty seed production **from northern France and from England and New Zealand and a review of how western Washington, western Idaho and central and eastern Oregon manage canola for seed production.**

(b) In addition to any other required content, the information and recommendations described in paragraph (a) of this subsection must include, but not be limited to, a map of the Willamette

Valley Protected District showing the places within the district where plants of the genus Brassica could be grown while maintaining typical isolation distances from vegetables, vegetable seeds and other crops.

(5) All research described in subsection (4) of this section must be peer reviewed.

(6) The college shall [complete its research under this section and] submit a report containing preliminary study information and recommendations as described in subsection (4) of this section to an interim committee of the Legislative Assembly dealing with agriculture no later than November 1, 2017.

SECTION 6. Section 5, chapter 724, Oregon Laws 2013, is amended to read:

Sec. 5. (1) To the extent that the College of Agricultural Sciences of Oregon State University deems practicable, the college shall conduct field monitoring:

(a) On the acreage that has been used to grow canola for purposes of research under section 4 [of this 2013 Act, and], **chapter 724, Oregon Laws 2013;**

(b) **On the acreage that has been used to grow canola for commercial purposes under section 1 of this 2015 Act; and**

(c) On [adjacent] lands **adjacent to acreage** used for the research **under section 4, chapter 724, Oregon Laws 2013, or used for commercial purposes under section 1 of this 2015 Act,** for a period of five years after completing the research **under section 4, chapter 724, Oregon Laws 2013.**

(2) Monitored areas adjacent to the acreage that has been used to grow canola must include, but need not be limited to, fields planted in forage turnip seed crops, tillage radish seed crops and Brassica specialty seed crops. Any monitoring of acreage that has been used to grow canola or of fields planted in forage turnip seed and radish seed crops must include monitoring for volunteer plants, diseases and insects. Any monitoring of fields planted with Brassica specialty seed crops, other than acreage that has been used to grow canola, must include monitoring for diseases and insects.

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Received by Governor:

Repassed by House June 22, 2015

.....M.,....., 2015

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

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Filed in Office of Secretary of State:

.....M.,....., 2015

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State