

A-Engrossed
House Bill 3382

Ordered by the Senate June 12
Including Senate Amendments dated June 12

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Extends sunset from January 2, 2019, to July 1, 2019, for law imposing general prohibition on growing of canola in Willamette Valley Protected District. Requires State Department of Agriculture to authorize limited commercial growing of canola on qualifying acreages in district during part of general prohibition period. **Establishes acreage qualifications.**

Authorizes civil penalty, not to exceed \$25,000, for improper growing of canola in district.

Requires department to develop recommendations for ensuring coexistence of production of canola and production of other agricultural crops. Requires that department base recommendations on information and recommendations reported by College of Agricultural Sciences of Oregon State University. Requires department to report recommendations to interim committee of Legislative Assembly on or before November 15, 2018.

Requires college to submit study results for peer review. Requires college to review published materials and historical data from certain sources as part of preparing assessment of study results.

Provides for college [*of Agricultural Sciences of Oregon State University*] to include acreage used for commercial growing of canola in district and adjacent lands as part of canola field monitoring study.

A BILL FOR AN ACT

1
2 Relating to canola in the Willamette Valley Protected District; creating new provisions; and
3 amending sections 3, 4 and 5, chapter 724, Oregon Laws 2013.

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

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

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

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

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

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

17 **(2) Notwithstanding sections 1, 2 and 4, chapter 724, Oregon Laws 2013, the State De-**
18 **partment of Agriculture may authorize the growing of canola within the Willamette Valley**
19 **Protected District for commercial purposes as provided in this section. The amount of canola**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 planted under this section within the Willamette Valley Protected District may not exceed
2 500 acres per year.

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

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

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

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

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

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

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

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

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

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

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

39 **Sec. 3.** Section 1 [of this 2013 Act], **chapter 724, Oregon Laws 2013**, is repealed on [January
40 2] July 1, 2019.

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

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

44 (2) Subject to the Willamette Valley Protected District production cap established in section 1
45 (2), **chapter 724, Oregon Laws 2013** [of this 2013 Act], the State Department of Agriculture may

1 authorize the growing of canola to allow the College of Agricultural Sciences of Oregon State Uni-
 2 versity to carry out the research duties of the college under this section. Any authorization for the
 3 growing of canola under this section must be limited to canola crop production cycles that are
 4 completed prior to January 1, 2017.

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

8 (4)(a) The college shall use field monitoring and other research to develop information and rec-
 9 ommendations regarding whether, and under what conditions, canola growing in the Willamette
 10 Valley Protected District is compatible with the growing of other crops. The information must in-
 11 clude, but not be limited to, a comparison of the compatibility of canola with the growing of other
 12 crops to the compatibility of other Brassica seed with the growing of other crops. **The college shall**
 13 **submit the information for review by experts having sufficient knowledge of vegetable seed**
 14 **production to provide a thorough and proper evaluation of the quality, significance and**
 15 **originality of the research.** The assessment shall include, but not be limited to, a review of avail-
 16 able published materials and historical data on canola and Brassica specialty seed production **from**
 17 **northern France and from England and New Zealand and a review of how western**
 18 **Washington, western Idaho and central and eastern Oregon manage canola for seed pro-**
 19 **duction.**

20 (b) In addition to any other required content, the information and recommendations described
 21 in paragraph (a) of this subsection must include, but not be limited to, a map of the Willamette
 22 Valley Protected District showing the places within the district where plants of the genus Brassica
 23 could be grown while maintaining typical isolation distances from vegetables, vegetable seeds and
 24 other crops.

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

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

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

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

33 (a) On the acreage that has been used to grow canola for purposes of research under section
 34 4 *[of this 2013 Act, and]*, **chapter 724, Oregon Laws 2013;**

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

37 (c) On *[adjacent]* lands **adjacent to acreage** used for the research **under section 4, chapter**
 38 **724, Oregon Laws 2013, or used for commercial purposes under section 1 of this 2015 Act,** for
 39 a period of five years after completing the research **under section 4, chapter 724, Oregon Laws**
 40 **2013.**

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

1 other than acreage that has been used to grow canola, must include monitoring for diseases and
2 insects.

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