

House Consumer Protection & Government Effectiveness Committee
HB 4122 – SUPPORT – Transgenic Contamination Prevention Bill
Feb 9, 2016

Good afternoon my name is Elise Higley, I have a 113 acre farm in Jackson County Oregon and I am the Executive Director of **Our Family Farms Coalition**.

What HB 4122 does is gives local governments back the ability to craft local solutions to protect farmers growing traditional crops and do so in a way that makes sense based on local crops, and local agricultural conditions. HB 4122 does not mandate any particular result – it simply gives local governments back the powers they have had from the time Oregon was founded until the passage of SB 863 in 2013.

When the Oregon Legislature passed SB 863 it was probably not the Legislature's finest hour of agricultural policy. It may have been a good political deal, but it left family farmers like me growing traditional crops at risk of having our crops contaminated by genetically engineered crops. If part of the SB 863 bargain was to pass a later measure to actually address the very real contamination threats from GE crops, that bargain was clearly not fulfilled.

The risks that GE crops will contaminate a traditional crop are very real. If my corn seed crop, for example, was contaminated because a farmer down the road started growing genetically engineered corn I would legally have to destroy my crop under US patent law. No one would have to sue me- but having my crop contaminated with genes from a patented GE product legally leaves me only one choice. I don't believe I have the option of simply ignoring federal patent law and just hoping Monsanto does not file a patent suit against me. But legal issues aside, my buyers – like many buyers around the world- simply will not buy my crop if it is contaminated.

I believe farmers should have the right to raise and grow seeds and crops that are not genetically engineered and without the fear of patent lawsuits or losing the value of their crop because of GE contamination.

When Syngenta started growing GE sugar beets farmers across Southern Oregon had to pull out their beets and Swiss chard seed crops. I was unable to grow these crops because the risk of contamination from the GE sugar beets near my farm was too great.

It's important to realize farmers can't financially wait a year or two for a seed crop to mature only then test if its contaminated or sellable. The only rational decision is to remove a crop if a GE contamination threat is planted nearby.

SB 863 was sold to legislators with a promise there would be some bigger "solution" to the GE contamination risks, but the same interests opposing giving local control back to counties have also opposed even the most moderate of bills that could have better protected farmers growing traditional crops from GE crops. HB 2509, which required

farmers who have been contaminated with GE crops to attempt mediation prior to filing a lawsuit, is not any real solution.

HB 4122 simply returns power to local governments they had for over 150 years. In Jackson and Josephine Counties local farmers and voters in our majority Republican counties overwhelmingly passed laws protecting farmers by banning GE crops. This made sense for our counties with a large number of seed growers and densely packed farms, but it likely would not be the Democratic decision of every county in Oregon.

Local governments can make smart decisions based on local agricultural conditions needed to protect local farmers. The argument that some farms straddle county lines could be used to argue against having any local county laws, but there is a real value in allowing local farmers and local governments to control their own affairs based on local agricultural conditions. And, if local counties wanted to exempt farms that straddle county lines from any given local law they certainly could.

A one-size fits all approach at the state level has not worked to date, and would continue to leave farmers growing traditional crops across Oregon at real risk.

Thank you for considering my comments and I hope you will join me in giving local governments and local farmers back the chance to protect ourselves from contamination by genetically engineered crops.