



Oregon Seed Association  
Testimony: HB 2739

Chair Barker and members of the House Judiciary Committee,

Thank you for allowing me the opportunity to submit testimony. My name is Scott Harer, I am the Board President of the Oregon Seed Association (OSA). OSA is a non-profit agricultural trade association representing the interests of Oregon's world-renowned seed industry. We have 46 seed company members who are located across the state.

OSA is opposed to HB 2739 for several reasons. First, the presence of a plant in an unintended location can have several explanations. Seed or plant parts that can re-root can be moved by birds, animals, flood waters, storms, farm equipment, trucks, or by other inadvertent means. Farmers and seedsmen work hard to minimize the occurrence of crop plants outside of the planted field as a matter of good stewardship. Such plants may impact the genetic purity of a similar crop that is nearby, GE or not, or in a completely different crop become "weeds".

Additionally, I would like to call your attention to section 1, subsection 3, at the bottom of page one. This portion of the bill means that no harm even has to occur to an organic farmer for the bill to cause significant negative impact to patent holders—if the cross contamination occurs on publically owned lands, such as county lands, any person who lives within the jurisdiction of the public body can bring action against a patent holder on behalf of the public interest.

Oregon Seed Association also has issues with patent holders being held liable. Oftentimes, a large patent holder will contract with farmers who grow their seeds or crops. The patent holder does not have control over where or how the farmer chooses to plant the crops. Holding the patent holder liable for farmer's action(s) does not make sense.

Further, it does not make sense to hold farmers liable either. A large patent holder can contract with several farmers in the same general area. Meaning, it would be nearly impossible to tell the origins of a stray plant if multiple farmers were growing the same crop in the same area. Two or more trait owners selling the same trait in a given production area may or may not be able to determine the owner of origin.

There are coexistences practices that have been in place among farmers and seedsmen for a long time. These producers are the experts at determining the best stewardship practices for coexistence.

Because of the aforementioned reasons, the Oregon Seed Association urges your no vote on HB 2739.

Regards,

Scott Harer  
Columbia Seeds  
President, Oregon Seed Association

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