

Testimony of Cultivate Oregon

Hello. Thank you for receiving my testimony. My name is Amy Wong and I am writing on behalf of the steering committee of Cultivate Oregon, a non-profit project of the Earth Island Institute that was formed after Measure 92, the statewide GE labeling initiative. Cultivate Oregon represents the thousands of Oregonians who supported GE labeling, who are also concerned about the effects of GE contamination in our state. Cultivate Oregon is committed to working on legislative solutions to GE issues that consider the needs of *all* farmers.

Oregon has experienced a handful of GE contamination events—for example, wheat in 2013 and 2016, and a creeping bentgrass infestation in Jefferson and Malheur Counties. On February 14, 2017 the East Oregonian ran an article titled *“Our View: Pre-emption of Local GMO Regulations must remain”* that stated: *“The unintended release from field trials of Roundup Ready creeping bentgrass that has taken hold in Malheur and Jefferson Counties is evidence that things can get out of control.”* So what should counties do if things “get out of control?” Indeed, the escaped GE bentgrass is causing a considerable financial burden to farmers and irrigation districts.

HB 2739 addresses the financial harm caused by GE contamination and offers a practical approach to future GE contamination events. The bill does not declare if GE crops are safe or not—the legislation is simply about ensuring that corporate patent holders, not farmers nor the state, are held liable for costly GE contamination remediation efforts.

Oregon has seen first hand that contamination causes damage to commercial crops that our farmers depend on for their economic livelihoods. However, the opposition to this bill has said that it will create winners and losers. The losers are already any farmer who wants to grow GE-free in much of the United States. Oregon is different—so far—and has a variety of major crops scattered throughout the state that have different needs. The state legislature chose non-GE farmers as the automatic losers in 2013 when it pre-empted their ability to even consider any regulation of GE crops. In actuality, this isn't about picking winners and losers, it's simply about ensuring that Oregonians aren't left holding the bag when GE contamination occurs.

Now that Malheur and Jefferson Counties are facing an ongoing GE creeping bentgrass invasion, a result of an escape from a Scotts field trial, the state must acknowledge that this issue is here to stay. On Jan. 8, 2017, the Oregonian published an article titled *“GMO grass that “escaped” defies eradication, divides grass seed industry”* in which former ODA Director Katy Coba was quoted as saying *“We don't understand the ecological or the economic impact of this. We need to figure out the extent of the contamination.”*

Despite the escape, the USDA capitulated to requests from Monsanto and Scotts to deregulate GE bentgrass earlier this year. As a result, Scotts and Monsanto are now

excused from further remediation responsibility because, upon deregulation, the USDA lost the authority to make the companies clean up the contamination. The burden for doing so now shifts to individual Oregon farmers and landowners. And the nearly \$400 million grass seed industry is even more at risk of GE contamination.

If ODA, nor the federal government, can protect Oregonians from GE contamination like creeping bentgrass, another solution needs to be implemented— HB 2739 puts the liability on GE patent holders, where it belongs. GE patent holders must be responsible for the consequences of their GE experiments in Oregon and beyond.