

Senate Environment & Natural Resources Committee

Hearing Date: April 12, 2017

Testimony of: Frank Morton, Wild Garden Seed/ Shoulder to Shoulder Farm

IN SUPPORT of SB1037

Chair Dembrow, and Members of the Environmental & Natural Resources Committee,

Thanks to the Committee for this opportunity to comment on and support Senate Bill 1037. I am representing my farm and organic seed growing business that is located just outside Philomath, in Benton County. Wild Garden Seed employs me, my family and 5 other full time, year round workers. We supply seed to seed catalog companies in Oregon, across the US, and in Canada, Great Britain, France, and Australia. We also sell seed directly to organic farmers and gardeners through our website. I am a plant breeder as well as seed grower, and have the honor of working in collaboration with public breeders in Oregon, Washington, Wisconsin, and Cornell to create crop varieties better suited to organic growing conditions. I am a member of the Willamette Valley Specialty Seed Association, and have in the past served on the Seed Map Pinning Committee. I also served on the Governor's GMO Task Force two years ago.

I am here to support this bill to remove the State's preemption against local control of agricultural practices. When the preemption bill was originally proposed, the State promised to take unspecified actions in support of farmers needing protection from the consequences of other farmers using genetically engineered crops. These consequences include cross pollination of GE with conventional and organic seed crops, cross pollination between GE grasses, commercial grass varieties, and native grass species, and chemical drift/volatilization of the herbicide dicamba from fields employing the newest herbicide resistant GE products.

While the Willamette Valley Specialty seed Association employs a pinning system to help ensure co-existence between many seed growing interests in this world class specialty seed growing region, other parts of the state have no such system to ensure seed purity and awareness about who is growing what where. Co-existence doesn't function equitably without knowledge and cooperation between parties, and it doesn't function at all if one party in the relationship has nothing to lose when cross pollination occurs. For example, an oilseed canola field can completely destroy the market value of a rutabaga seed field by cross pollination, but no damage occurs to the canola oilseed crop under the same circumstance. The rutabaga seed is for planting, the canola seed is for crushing into oil. Coexistence under these circumstances is uneven terrain. All the damage flows in only one direction. The WVSSA engaged this uneasy coexistence by fighting for rules controlling where canola can be grown in order to protect seed crops from canola oilseed crops, which, by the way, are commonly GE canola. The WVSSA, the legislature, and ODA have gone to great lengths to control canola growing, and provided funding to OSU to

help resolve issues of canola and specialty seed coexistence. No such efforts have been applied to seeing that coexistence between GE crops and other crops can be achieved. If the state will not put forth the effort, local governments with local agriculture at risk should be free to craft local plans that will protect local interests.

The recent commercial introduction of herbicide resistant grasses follows on the long-running problems associated with Roundup Ready creeping bent grass escaped in at least two locations in Oregon for the past decade. These escapes in central and eastern Oregon resulted in the largest fines ever imposed on a biotechnology company, and the outbreak in irrigation canals on the Oregon-Idaho border continues unabated, costing local agriculture a great deal of time and effort to control. The threat to Oregon's grass seed export business should GE grass be found in outgoing shipments to countries that prohibit importation of GE grasses, is hard to ignore. We all remember the impact of a few wayward GE wheat plants, escaped from testing. If a grass seed growing county wished to exclude herbicide resistant GE grass seed production, who could say this isn't reasonable? How would this be different from the concerns regarding canola?

Finally, the newest herbicide resistant crop technologies have created a new use for an old chemical, dicamba, long recognized as particularly hazardous to grapes when it volatilizes from its point of use and crosses property lines on the breeze. If corn farmers proposed using this technology in an Oregon wine growing region, I think local officials would be derelict in their duties not to propose some local control over that. Wine growers have a lot invested. A GE corn grower does not, by comparison. Here, the impacts of coexistence can only flow in one direction, from the biotech user to the grape grower. This would be a poor coexistence, but in accordance with the state's preemptive law, only an expensive lawsuit is going to make the grape grower whole again. Local control over controversial agricultural practices makes sense in these kinds of situations, because the state seems unwilling to act on a more comprehensive level.

These topics can be more fully elaborated, but the principle is clear. Coexistence works only when the parties share the risk of damage equally. Otherwise, coexistence is tainted by the expression, "Eat my dust."

Thank you for your consideration of these potential conflicts between local producers and emerging technologies in agriculture.

Frank Morton