

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 crops with conventional and organic specialty seed crops; cross pollination between GE grasses, commercial grass varieties, and native grass species; contamination of conventional alfalfa fields by Roundup Ready alfalfa; and chemical drift/volatilization of the herbicide dicamba from fields employing the newest herbicide resistant GE products.

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, but 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, and must be genetically uniform to have value; the canola seed is for crushing into oil, so cross pollination is inconsequential. Coexistence under these circumstances is uneven terrain. All the risk of damage flows in only one direction. The WVSSA engaged this uneasy coexistence by fighting tooth and nail for rules controlling where canola can be grown in order to protect seed

Finally, the newest herbicide resistant crop technologies have created a new use for an old herbicide, dicamba, long recognized as particularly hazardous to grapes when it volatilizes from its point of use and crosses property lines on the breeze. ODA expressed its concern directly to the EPA about allowing use of dicamba in combination with glyphosate to deal with Roundup resistant weeds in GE corn and soy. ODA cited the hazard to grapes here in Oregon. 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 grape 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 an affected 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." In order to provide protection for existing, deeply invested agricultural producers, some means of ensuring that coexistence is equitable is required. If the State will not provide some framework to assure that new technologies don't threaten the existence of Oregon's quality seed growers, organic farmers, native ecosystems, and highly invested wine industry, then local control should be returned, so that local farming interests can be protected.

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

Frank Morton