

8 May 2019

Honorable Paul Holvey, Chairman
House Committee on Rules
State of Oregon

Subject: HB 2882 – Relating to liability for contamination by genetically engineered organisms

Chairman Holvey and Members of the Committee,

My name is Kevin Richards. I operate a family farm in the Central Oregon high desert. We grow hybrid carrot and vegetable seed, Kentucky bluegrass seed, peppermint oil, hay and wheat on 600 irrigated acres. In addition to our specialty seed, grain and oil crops, we added genetically engineered (GE), herbicide-tolerant alfalfa to our crop rotation in 2006; the result has been significantly improved weed control, reduced environmental impact and improved safety on our farm.

Today, I offer my testimony as both a grower of GE crops and an Oregon specialty crop farmer, as well as an Oregon businessman and a consumer. I encourage you to consider the deeper, unintended consequences that singling out GE crops for special patent liability risks would have on the agriculture economy and the uncertainty it would create for farmers and businesses trying to invest, innovate and stay competitive. ***I urge you to oppose HB 2882, and other proposals to treat crops that have passed rigorous GE regulatory processes and received intellectual property rights different than conventional crops with the same status*** for the following reasons:

- Singling out GE crops for special patent liability risks will reduce research, investment and innovation in agriculture products that could benefit Oregon farmers, consumers and the environment in the future;
- The legal framework for agriculture products, including intellectual property rights for seed, should be predictable and uniform regardless of the crop or means of genetic modification; and
- The coexistence and continued diversity of agriculture in Oregon is not well served by public officials changing the rules of the game, stigmatizing new technology and discouraging innovation.

Singling out GE crops for special patent liability risks will reduce research, investment and innovation in agriculture products that could benefit Oregon farmers, consumers and the environment in the future. Creating intellectual property risks for GE crops without any precedent for other patent protected crops or genetic modification technology will signal that Oregon is a risky and unpredictable investment climate for agriculture research and innovation. This will divert high-skilled jobs and research dollars away from our state and away from crops and agricultural products that most benefit Oregonians. Diminishing research investment and the growth of agriculture innovation will compound the competitive disadvantage of Oregon farmers in the future. But, more significantly, it will handicap Oregon farmers in the future by reducing access to beneficial crops and

technologies that help growers reduce the environmental impact of food production and better cope with disease, pests and environmental pressures, such as drought.

The legal framework for agriculture products, including intellectual property rights for seed, should be predictable and uniform regardless of the crop or means of genetic modification. It is impossible to profitably operate a business, innovate or be a well-informed consumer when there is uncertainty and arbitrary differences within the relevant legal and regulatory framework. The legal environment best suited to allow farms and plant researchers to flourish—to plan, invest, innovate and grow—is one where policy is based on sound legal principles and precedent, and applies equally to all crop varieties and methods for improving plant species. Likewise, consumers are able to educate themselves and make the most informed decisions when they know public officials and regulators are basing policy on sound science and actual risk, rather than politics. Because there is no biological or regulatory distinction between GE crops that have passed regulatory approval, there is no legal justification for treating those crops differently.

The coexistence and continued diversity of agriculture in Oregon is not well served by public officials changing the rules of the game, stigmatizing new technology and discouraging innovation. There is a long and successful history of coexistence among American farmers and ranchers; particularly in Oregon, where there are efforts underway to strengthen coexistence. Oregon's farmers are some of the most diverse, progressive and innovative agriculture producers in the world. We should work to maintain that reputation by treating all crops and intellectual property rights equally, while encouraging coexistence through farmer-to-farmer communication and local voluntary coordination within state and federal regulatory guidelines. Our proud farming history and the continued health of our industry is not well served by placing family farms and businesses at the whim of politics. Doing so jeopardizes the hard work of generations of Oregon farmers to maintain good relationships with neighbors and consumers, build profitable businesses, and be responsible stewards of Oregon's resources.

Thank you for the opportunity to submit this testimony.

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