

To: House Interim Committee on Agriculture, Land Use, Natural Resources, and Water

Stakeholder Testimony regarding the Oregon Department of Agriculture Report on policy considerations as required by SB 789
Charles Ortiz on behalf of the Willamette Valley Specialty Seed Association
September 28, 2023

Thank you, Chairman Helm and members of the committee,

The legislature charged ODA with exploring public policy considerations for brassica seed production and canola coexistence. Six hours doesn't seem like much but I want to commend ODA for the exemplary work they performed with the tools and time allowed. Their report is accurate enough.

What emerged from the most recent ODA meetings is that maybe there is a solution for more canola in the Willamette Valley Protected District (WVPD) built around isolation distances, GE restrictions in the WVPD and some recognition of historical brassica seed production locations. Coexistence, perhaps.

Science is about evidence not proof. Science is a journey not an endpoint.

Local Evidence. The local canola industry has been successfully and profitably producing Non-GMO canola under permits for roughly a decade now. This has been done using brassica seed industry guidelines regarding isolation distances and then consideration given to the quality and risk management needs of the individual situations and the brassica subspecies affected.

Global evidence. Canola's overarching problem is it just won't stay put. Among canola's characteristics is the ability to form feral populations and being so closely related to many weeds, wild species, and brassicas grown for seed it outcrosses readily with these others, producing favorable conditions for gene transfer. That creates a giant risk to brassica seed production of all kinds. There are no production areas where canola has been introduced on a commercial scale and not escaped cultivation. With commercial scale canola acreage in the WVPD it will happen here too. Once established in the local biosphere it will not be eliminated. A weed is a plant out of place and canola is a superplant bred to

produce a crop in some of the most inhospitable growing areas of the planet. It can achieve superweed status when it goes rogue.

GE traits do not naturally occur in the Willamette Valley. Once established in the local biome the GE traits will not be eliminated and the entire specialty seed will be imperiled. Every weed, wild species, and brassica crop will have them.

Once in a plant they become a forever contaminant, and it seems like it's a risk not worth taking when there is evidence GE is not necessary for the canola industry to thrive. It's not that I have an issue with GMOs. GMOs are a tool, but you don't have to use a backhoe when a shovel will do.

The GE issue is a matter of equitable treatment and risk management, there is currently no conventional brassica seed production in the WVPD using GE traits and I think it is well established that GE combined with canola's potential to go feral poses an outsized and existential threat to small seed producers and the organic industry and on a larger scale the seed industry in general.

Brutal Facts To make this work there will be a need for statutory assurances that the three mile isolation distance would be maintained, Canola production would only be allowed if it was certified GE/GMO free and some recognition of historical brassica seed production locations was observed.

In the absence of these assurances a risk management plan should then maintain a 3-mile isolation distance and statutory cap on acreage at a minimal level.

Reality. Under a compromise such as this some things will have to happen:

Statutory action will be required.

Brassica seed producers and the specialty seed industry will have to give up the ideal scenario where canola can be excluded from the WVPD.

Canola and Legacy Ag will have to relent on the monolithic belief that there are no circumstances under which GE/GMO should ever be regulated.

That could be a big lift.