



May 18, 2023

Chair Helm and Committee Members:

Center for Food Safety advocates for a better food system on behalf of our 27,000 members in Oregon, including specialty seed growers in the Willamette Valley. CFS has worked for 25 years to prevent the harms of genetically engineered crops and secure better regulation of these novel organisms to protect farmers, consumers, and our environment and are recognized experts in the field. We also support farmers growing real food and especially our organic farmers and organic seed growers in the Willamette Valley. **We support SB 789.**

This comes down to preserving an extremely valuable area of Oregon that supplies seeds for real direct-to-consumer food worldwide. This cap on rapeseed does not prevent farmers from growing it in other parts of the state for use as cattle feed or oil production. But to sacrifice a premiere seed growing location that generates not only income for small farmers in Oregon but also highly nutritious food. At a time when the climate crisis is changing how and where we can farm, it would be incredibly bad policy not to protect this vital area for brassica seed production.

Most canola nationally is genetically engineered (GE) to resist herbicides, and there is no prohibition on growing genetically engineered canola here in Oregon (except in Jackson County where an overwhelmingly supported county ordinance prevents the growing of any genetically engineered crops to protect traditional farmers and seed growers).¹ The Willamette Valley is unprotected from future planting of GE canola absent amendment to SB 789.

State protection of traditional farmers and independent specialty seed growers is crucial because, unfortunately, the U.S. Department of Agriculture (USDA) currently does not protect these farmers from transgenic contamination. In general, USDA's oversight has been found severely lacking by government reports and courts. GE contamination has cost American farmers literally billions of dollars. Federal oversight has gotten even worse with the recent changes to USDA's oversight of GE plants, which exempts crops engineered through gene-editing from *any* oversight.² Once GE

¹ <https://www.centerforfoodsafety.org/press-releases/4181/victory-jackson-county-oregon-ge-free-zone-successfully-protected-from-legal-challenge> (CFS helped defend against a challenge to the Jackson County GMO-free ordinance, but statewide preemption prevents other counties from enacting similar laws to protect their farming communities from GE contamination).

² <https://www.centerforfoodsafety.org/press-releases/6014/newly-finalized-federal-regulations-on-gmos-are-a-free-for-all-for-chemical-corporations>;
<https://www.centerforfoodsafety.org/press-releases/6417/conservationists-and-farmers-sue-over-trump-administration-removal-of-most-genetically-engineered-organism-regulation>.



plants escape field trials or commercial operations, they can be hard or impossible to eradicate.³ The examples of GE bentgrass in Eastern Oregon and GE wheat in Oregon and Washington are unfortunate warnings of what can happen when GE crops move off-field to the detriment of other farmers and natural spaces.⁴ Most GE plants, including canola, are engineered to resist herbicides like glyphosate (the active ingredient in Roundup), and so removing feral or volunteer plants requires either mechanical methods or even more potent, toxic pesticides.

With no local control (beyond Jackson County), federal oversight lax or non-existent, and no liability assured after contamination except through expensive lawsuits after-the-fact,⁵ seed growers in the Willamette Valley need the legislature to step in and protect what are not only high value crops but also the food that will actually feed people in Oregon and around the world.⁶

When ODA tried to allow canola growing the Valley in 2012 and 2013 (without public comment), we went to court to halt the new rule on behalf of family farmers and seed growers.⁷ This legislature acted to limit commercial production of canola amid those legal challenges, and it has worked. As farmers testified at the public hearing on March 6, the current rules have worked to prevent contamination of valuable seed crops by canola.

We must continue that limit to protect the high value vegetable seeds from GE and/or canola contamination and protect those farmers' livelihoods from destruction. Canola is extremely susceptible to cross-pollination with brassica crops and based on our experience with GE crops, it is **not a question of if, but when contamination will happen**. The value per acre of brassica seed crops far outweighs the value of canola, as the new economic report shows (Highland

³ <https://www.centerforfoodsafety.org/fact-sheets/3984/us-contamination-episodes-concerning-genetically-engineered-crops>.

⁴ <https://www.hcn.org/issues/50.11/plants-genetically-modified-grass-creeps-across-eastern-oregon>; https://www.oregonlive.com/news/erry-2018/07/75efd8154b4980/escaped_gmo_crop_creates_rift.html; <https://www.npr.org/sections/thesalt/2013/07/17/202684064/in-oregon-the-gmo-wheat-mystery-deepens>; <https://www.nbcnews.com/news/us-news/monsanto-pay-350k-settle-more-wheat-related-lawsuits-n326811>.

⁵ <https://olis.oregonlegislature.gov/liz/2017R1/Measures/Overview/HB2739> (bill would have created cause of action against patent holder when GE organism present on land without permission of owner/occupant).

⁶ Brassica seed is used to grow produce, which directly feeds people. Canola on the other hand is used for either animal feed or oil. And the key to the future are small, diverse farms, not large industrial farms monocropping or growing feed/fuel crops. <https://medium.com/age-of-awareness/how-small-farms-can-sustainably-feed-the-future-45baf2ef6b4e>; <https://thehill.com/policy/equilibrium-sustainability/3841276-americans-want-farm-subsidies-to-go-to-human-food-not-animal-feed-survey/>; <https://www.ifad.org/en/web/latest/-/blog/why-small-farms-are-key-to-the-future-of-food-and-how-we-can-support-them>.

⁷ <https://www.centerforfoodsafety.org/press-releases/2127/farmers-and-sustainable-ag-groups-file-lawsuit-challenging-new-canola-rule-that-threatens-100-million-industry>; <https://www.centerforfoodsafety.org/press-releases/2339/farm-groups-celebrate-as-oregon-senate-passes-hb-2427-to-ban-canola-production-in-the-willamette-valley-until-2019>.



CENTER FOR FOOD SAFETY

Economics Report attached). Moreover, using high value farmland that is capable of being a primary supplier of nutritious vegetable seed instead for GE canola (or largescale growing of non-GE canola for animal feed or oil) is just bad food policy. For more information on the impacts of canola on seed growers in the Valley, please see our 2019 comments to ODA, attached.

Canola should be phased out in the Willamette Valley and because the value of brassica seed crops is so much higher than canola, penalties for any canola regulatory violations should be increased. Currently, the civil penalty is not to exceed \$25,000. Now that we have the new economic report, we know that amount would not even cover the loss of *one* acre of organic brassica seed, let alone a lifetime of it.

Enough years have gone by, we know what the Legislature must do to permanently protect seed growers and our amazing brassica seed growing potential in the Willamette Valley. **We ask the committee to pass SB 789 and protect our food and seed growers.**

Sincerely,

Amy van Saun
Senior Attorney
CENTER FOR FOOD SAFETY