



February 13, 2024

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 seed growers in the Willamette Valley. CFS has worked for over 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 restrictions on the cultivation of GMO or GE canola to protect these farmers but are concerned that HB 4059 (-7 amendment) does not go far enough, and therefore we remain neutral. We strongly oppose the -8 amendment.**

The question before this committee comes down to whether it would preserve an extremely valuable area of Oregon that supplies seeds for food worldwide and Oregonians' right to farm high-value crops without GMO contamination. The cap on GMO canola in the -7 amendment does not prevent farmers from growing non-GMO canola in the Valley, nor growing it in other parts of the state. But to sacrifice a first-class seed growing location, and the livelihoods of small farmers built on growing brassica seed, supplying highly nutritious food, would be a mistake. 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 other 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).<sup>1</sup> The Willamette Valley is unprotected from future planting of GE canola absent passage of HB 4059 with the -7 amendment.

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

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<sup>1</sup> <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).



government reports and courts.<sup>2</sup> GE contamination has cost American farmers *literally billions* of dollars.<sup>3</sup>

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.<sup>4</sup> Once GE plants escape field trials or commercial operations, they can be hard or impossible to eradicate.<sup>5</sup> 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.<sup>6</sup>

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<sup>2</sup> U.S. Gov't Accountability Office, *Genetically Engineered Crops: Agencies Are Proposing Changes To Improve Oversight, But Could Take Additional Steps To Enhance Coordination And Monitoring*, 44 (Nov. 2008) available at <http://www.gao.gov/new.items/d0960.pdf> ("After two decades of experience with field trials, it is widely acknowledged that unauthorized releases of regulated material from field trial sites are likely to occur in the future"). The GAO Report documented six events of GE crops contaminating the food and feed supply, including the 2000 StarLink Corn incident, causing between \$26 to \$288 million in economic damages; the 2002 Prodigene Corn contamination incident where a variety of GE corn designed to create a pig vaccine protein contaminated non-GE corn; the 2004 Syngenta Bt Corn incident where a pesticidal Bt corn determined not to be suitable for commercialization was illegally released onto 37,000 acres; the 2006 Event 32 Corn incident where 72,000 acres were planted to 3 lines of corn contaminated with regulated GE pesticidal corn; and the 2006 Liberty Link Rice incident where GE rice contaminated export rice stocks causing economic damages of over \$1 billion. *Id.* at 3.

<sup>3</sup> Robert Patrick, *Genetic rice lawsuit in St. Louis settled for \$750 million*, St. Louis Dispatch (Jul. 2, 2011), [http://www.stltoday.com/news/local/metro/genetic-rice-lawsuit-in-st-louis-settled-for-million/article\\_38270243-c82f-5682-ba3b-8f8e24b85a92.html](http://www.stltoday.com/news/local/metro/genetic-rice-lawsuit-in-st-louis-settled-for-million/article_38270243-c82f-5682-ba3b-8f8e24b85a92.html); K.L. Hewlett, *The Economic Impacts of GM Contamination Incidents on the Organic Sector* (2008), available at <http://goo.gl/jf2F5E>; Stuart Smyth et al., *Liabilities & Economics of Transgenic Crops*, 20 *Nature Biotech.* 537, 537 (2002), available at <http://goo.gl/KeDRPX>; Carey Gillam, *U.S. Organic Food Industry Fears GMO Contamination*, Reuters, Mar. 12, 2008, <http://goo.gl/nkC52J>; Tom Polansek, *China rejections of GMO U.S. corn cost up to \$2.9 billion*, Reuters, Apr. 16, 2014, <http://goo.gl/5Nc6Ub>.

<sup>4</sup> <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>.

<sup>5</sup> <https://www.centerforfoodsafety.org/fact-sheets/3984/us-contamination-episodes-concerning-genetically-engineered-crops>.

<sup>6</sup> <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.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>.



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. Further, because of the overuse of glyphosate on GE crops, dozens of weeds on millions of acres have developed glyphosate resistance, and agrochemical companies are engineering commodity crop like canola with resistance to *both* glyphosate and older more volatile and toxic herbicides, like dicamba and 2,4-D (an ingredient in Agent Orange).<sup>7</sup>

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,<sup>8</sup> 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.<sup>9</sup>

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 six-mile isolation distance in -7 is crucial because canola pollen can travel far to cross-pollinate *Brassica* crops, especially those grown for seed.<sup>10</sup> The risk of GMO contamination of specialty seed crops goes only ONE way: if a specialty seed crop is contaminated, it loses its value, while GMO canola grown for animal feed or oilseed does not.

Moreover, the value per acre of brassica seed crops far outweighs the value of canola, as the new economic report shows (Highland Economics Report attached). That makes vegetable seed production a viable small farm business on land that is becoming ever more expensive. According

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<sup>7</sup> CFS, 2,4-D Explainer, <https://www.centerforfoodsafety.org/issues/6459/pesticides/24-d>; CFS, Dicamba Explainer, <https://www.centerforfoodsafety.org/issues/6459/pesticides/dicamba>. A court recently sided with CFS in holding EPA unlawfully registered dicamba for over-the-top use on corn and soybeans. <https://www.centerforfoodsafety.org/press-releases/6884/federal-court-halts-spraying-of-monsantos-dicamba-pesticide-across-millions-of-acres-of-cotton-soybeans>.

<sup>8</sup> <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).

<sup>9</sup> 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>.

<sup>10</sup> Russ Karow, *Canola in Western Oregon – Information from the Literature and OSU Research Activities and Some Speculations* 2 OSU W. OR. CANOLA RESEARCH REPORT (Jan. 16, 2010), <https://seedalliance.org/wp-content/uploads/2013/04/ODA-Oilseed-Synopsis-Report-01.16.10-1.pdf>.



to the Highland Economics assessment, canola crops can only expect \$190 per acre profit, while specialty seed farming can net an average of \$3,200 per acre for conventionally grown varieties and an average of \$40,000 per acre for organically grown varieties. Further, using high value farmland—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.

We believe canola, especially GMO canola, should be phased out in the Willamette Valley, and while HB 4059 does not go far enough towards this goal, its protection from GE contamination in the -7 amendment are crucial. We strongly oppose the -8 amendment, as it will leave numerous small Oregon farmers vulnerable to GE contamination that will destroy their ability to grow their chosen, high-value specialty seed crops.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy van Saun".

Amy van Saun  
Senior Attorney  
CENTER FOR FOOD SAFETY