



May 8, 2019

Submitted electronically to hrules.exhibits@oregonlegislature.gov

Dear Chair Holvey and Members of the Committee:

My name is Sebastian Aguilar and I'm an organic seed grower at Chickadee Farm in Talent, OR. I'm writing to request your support for **HB 2882** on behalf of Organic Seed Alliance, an organization that supports organic seed growers throughout the Willamette Valley.

HB 2882 was written to create patent holder or manufacturer liability in cases where genetically engineered (GE) material shows up in crops and markets where it's unwanted and unacceptable. Over the past decade, events involving the unwanted presence of GE material in organic and other non-GE markets have cost U.S. farmers billions of dollars—including Oregon farmers—in rejected sales, lost exports, and closed agricultural markets.

A growing opportunity for many of Oregon's farmers is the production of seed for specialty crops, especially organic seed. The organic industry is growing each year, and is projected to continue this growth in the foreseeable future. The US Department of Agriculture's national organic standards require organic farmers to use organic seed when available, yet the supply of organic seed lags behind broader growth in the organic market. The supply shortage presents a challenge but also a remarkable economic opportunity for Oregon's skilled commercial seed farmers and rural communities. Oregon's climate makes it stand out as one of the best places in the world for producing commercial seed for specialty crops. As organic seed production increases, the opportunity to become a major producer of organic seed remains a lucrative opportunity for growers in the region.

One of the largest threats to the specialty and organic seed industry is the cross-pollination between these crops and GE crops grown in the same area. Many seed companies now test seed for the presence of GE traits and reject seed lots when presence is found. Seed farmers are understandably reluctant to produce seed in areas that also grow GE crops. With minimal control over the natural distribution of GE pollen in these areas, seed farmers have few effective options for preventing cross-pollination. This threat stifles investment and growth in Oregon's organic seed industry and effectively limits farmer access to this economic opportunity.

As an organic seed farmer in Jackson County, a number of companies have approached me to grow GE-free seed. In particular, I'm being asked to grow corn and beet varieties: two crops at high risk of cross-pollinating with GE counterparts. My business is growing and I see other farms in our region developing their seed production capacity as we collectively build a reputation for quality, GE-free seed. But this growth will only be possible for high-value seed crops if the financial risks – the costs and burdens associated with growing GE-free seed – are mitigated.

Farmers lack protections from these events because Oregon does not regulate GE crops. Further, with the exception of Jackson County, all Oregon counties are preempted from making decisions regarding seed cultivation in their jurisdictions, leaving a large regulatory gap. This leaves seed growers like me at a disadvantage, unprotected, and without recourse should my crops and markets be affected by the presence of GE material, despite my best efforts to avoid it.

The legal theories of trespass, nuisance, negligence, and strict liability are not useful in GE cases stemming from pollen drift. Right to Farm laws haven't been useful either.

While I ultimately want to see patent holders and manufacturers held responsible for GE pollen drift so farmers aren't pitted against each other, I support legislation that calls for the regulation of GE crops in Oregon.

Thank you for your time and service. I hope you'll support HB 2882.

Sincerely,



Sebastian Aguilar
Board president, Organic Seed Alliance
Seed grower, Chickadee Farm
Talent, Oregon