

Testimony in support of HB 2882 -2 with section (3) removed

May 8, 2019

Dear Rep. Holvey and Members of the House Rules Committee:

My name is Elise Higley and I have a 113-acre farm in Jackson County, Oregon and am the former Executive Director of Our Family Farms. Our Family Farms represents thousands of farmers across Oregon, who like me, are concerned about the purity of our traditional seeds stocks, as well as protecting farmers against the threats of genetically engineered (GE) crops.

**The risk that GE crops will contaminate traditional crops is very real.**

If my corn seed crop is contaminated because a farmer down the road starts growing genetically engineered corn, under federal patent law, I wouldn't be able to sell or save my seed. It wouldn't be a sound business decision to simply ignore federal patent law and hope Bayer does not file suit against me. But legal issues aside, my buyers—like many buyers around the world—simply will not buy my crop if it is contaminated.

This is not about loss of my organic certification, it's about the economic loss in the sale of the seed that would have been sold, the loss of my farm's reputation for future contracts, the loss of a year or even two that it took to grow out a crop for the seed harvest, and the loss of actual seed supply that our farm or other farmers have been working for generations to preserve, not to mention putting myself and our family at legal risk.

It doesn't make fiscal sense to grow a crop if you find out there is the likelihood of GE contamination. The only rational decision is to remove a crop and cut your losses. This is the current state of affairs in farming today; the GE crop ends up winning by default and every year the traditional farming community ends up with less and less seed varieties to choose from. Because it's risky business to plant crops that are at risk of GE contamination fewer farmers are growing them, resulting in higher prices and in turn, a higher cost for non-GMO food.

The original intent of the bill is to not pit farmer against farmer but holding the patent holder responsible. I believe that ownership of damage costs does belong to the patent holder.

I understand that at this time though, the legislature unfortunately cannot get behind patent holder or manufacturer liability and the -2 amendment was put forth as a compromise and the intent behind this amendment is to finally declare that the Oregon Department of Agriculture has the authority to regulate GE crops and should address the problem of general crop cross contamination, but also GE cross contamination. However, the -2 amendment includes Section (3), which

is not germane to granting this authority. Oregon needs to wait for ODA to promulgate rules to minimize or prevent GE contamination before taking any other legislative steps that could have unforeseen consequences. Therefore, I would prefer that the legislature simply move forward with HB 2882 -2 without Section (3).

**Thank you for considering** my comments. I hope you will join me in supporting HB 2882-2, with the removal of section (3).

Elise Higley  
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