May 7, 2019

Chair Representative Paul Holvey
House Committee on Rules
Re: Hearing on HB2882-2

Chair Holvey and Members of the Committee:

I am a farmer in Malheur County, Oregon and I support HB2882 and the -2 amendment, with the removal of Section (3). After seeing the damage done by genetically engineered (GE) creeping bentgrass in Malheur county, and the threat of contamination by GE alfalfa to my own crops, ideally I believe that it is the patentholders and manufacturers who make and sell GE crops who should be liable when their plants cause damage to farmers and landowners. However, I support the incremental step forward that the -2 amendment creates by definitively granting Oregon Department of Agriculture the authority to regulate GE crops to minimize further GE contamination in Oregon.

I am a former BLM natural resource specialist, in charge of weed control in on BLM land throughout Eastern Oregon, as well as post-fire restoration. From 2003 until recently I worked on the Malheur Watershed Council. Currently, I am the chairman of the Malheur County Weed Board, and member of the state weed board. Throughout this time, I have been farming just over 800 acres, 500-600 acres of which is seed, including forage (alfalfa is about 25%), rangeland grasses and forbes, and 4-5 varieties of vegetable seed for growers throughout Oregon.

The history of GE bentgrass is a prime example of why Oregon should regulate GE crops, and ideally why Oregonians should have a cause of action to hold patentholders and manufacturers liable when their GE organisms escape and cause damage. GE bentgrass is resistant to glyphosate (the active ingredient in Roundup), and was developed by Scotts/Monsanto (now Bayer) for use on golf courses. It escaped field trials in 2003 and infested areas in Idaho From there it spread to Oregon, via rivers and irrigation ditches ., including the national grasslands in central Orgon. In 2011, between 35,000 and 40,000 acres were infested with this grass in Oregon. However, even then the Malheur County Weed Board was unaware of the extent of the infestation. Only a limited number of products can be used to kill the glyphosate-resistant GE bentgrass, and currently none are available for use when water is present – a huge problem because the grass grows along irrigation and drainage ditches and rivers. While the problem was very large, Scotts was making some headway in controlling the GE bentgrass it released. However, in 2015 Scotts and USDA, the agency responsible for regulating unapproved GE crops, signed a Memorandum of Agreement and Memorandum of Understanding (MOA/MOU) that basically let Scotts off the hook for controlling GE bentgrass. That is when the Weed Board came to understand both the extent of infestation, and the fact that Scotts was not taking care of it.

GE bentgrass is easily spread, and could spread to new counties in Oregon in the coming years. The drainage ditches that are loaded with GE bentgrass run right to the Snake River, and

from there are disbursed. We have found GE bentgrass growing in fields in islands on the Snake River, and south of Nyssa in Owyhee Canyon, below the dam. Most disturbingly, GE bentgrass is hybridizing with wild relatives, found in grasslands, and there is a potential for hybridized plants to produce seed and pass along the patented gene for roundup resistance. Hybridization can go on and on down generations and continue the spread of this GE gene. As another example of the way this grass spreads, this year, and in past years, due to flooding and cold temperatures, we had a lot of ice accumulation in rivers, like the Malheur, Snake, Payette, and Boise Rivers. When ice jams came down these rivers, they had a tendency to scour the riparian areas as they moved, removing native vegetation. GE bentgrass seed is carried wherever water goes, and these bare soil patches are now prime seed beds for it to establish. With native vegetation to compete, GE bentgrass does not establish as quickly, but open soil is another story. Not only is Malheur County going to be inundated with GE bentgrass, I have very serious and well-founded concerns about it spreading to new counties in Oregon.

The cost of controlling GE bentgrass is real. Prior to the MOA/MOU, Scotts was spending $250-350k annually to find and treat GE bentgrass, and they were making progress. Now, that cost will fall to farmers and landowners. The Malheur County Weed Board classified GE bentgrass as a Class A noxious weed, meaning that it must be controlled where found – however, the County does not have a mechanism to enforce this. Moreover, this is cost landowners and the public, rather than Scotts, and while some people will do their due diligences, other won't, contributing to the continued spread of this invasive and hard-to-kill grass to other parts of Oregon. Now that USDA has deregulated GE bentgrass, the federal government is letting Scotts wash its hands of the problem it has caused. It is not right to leave the cost of GE bentgrass to farmers like myself, or landowners who are infested, or the public in general, particularly in a county like Malheur that cannot afford it.

As a farmer, I am concerned both for myself and my crops, and for others in the state. The presence of Roundup Ready GE alfalfa creates major problems for my ability to produce non-GE alfalfa seed. Alfalfa seed makes up about 25% of my seed crop, and is one of my primary products. Because of the growth of GE alfalfa in my area, it is nearly impossible to keep my seed GE free, and this severely reduces my potential for sales of this valuable, highly sought-after product. It lowers my revenues. Now only is this an issue in Malheur county, it is a potentially devastating problem for Oregon seed growers in all areas. Anyone trying to raise non-GE seed products is tremendously hampered by the threat of contamination. In other states, like Nevada, GE alfalfa has wiped out growers to produce non-GE alfalfa seeds. The GE bentgrass threatens my hay crop as well, because GE bentgrass can grow and establish in alfalfa. Two outcomes are possible: first, my hay could test positive for GE traits, eliminating any export potential, or second, a GE bentgrass plant could go to seed in my alfalfa and that would hurt not just my seed sales, but could affect the entire market if it gets out that Oregon alfalfa is contaminated, hurting export potential because other counties don't want GE contamination in seed. The Willamette Valley is the grass seed capital of the world, and GE bentgrass contamination there could be severely damaging, especially because GE bentgrass could hybridize with grass they are growing, and GE contamination would kill exports. Non-GE

crops and seeds are highly valuable for export and for use domestically, and the company that unleashed this invasive grass should be the one to pay for its control and any damages it causes.

Scotts has walked away from the damage it has caused with its GE bentgrass in Oregon, and USDA has allowed it. Now, Oregonians are left holding the bag, with real weed control costs and the even larger potential for GE contamination of our crops and seeds looming. HB2882-2 would be a starting point for addressing the inequities caused by the lack of federal, state and county oversight of GE crops.

I liken GE contamination from GE pollen drift to drift from the pesticide dicamba. Dicamba drift wreaked havoc on a reported 3.6 million acres of soybean crops not genetically engineered to resist the notoriously drift-prone pesticide, and also harmed other trees and plants, and monarch butterfly habitat. As a result, many states introduced additional restrictions on dicamba use in order to prevent off-target damage from the pesticide. GE pollen drift also needs to be addressed through increased regulation.

I urge the Committee to look at the proponents of this bill. They are farmers, small and large, who farm in Oregon and are not necessarily opposed to GE crops, but who need protection, and to avoid having their livelihoods destroyed by GE corporations. Then look at the opponents, they are organizations that receive funding from Bayer or Scotts, as do the individuals, some of whom have contracts to grow for Scotts or research funding from the corporations that make and sell GE crops. I am not opposed to GE crops, but I am opposed to having what I grow controlled by GE corporations. No farmer should have their livelihood impacted by these companies through transgenic contamination. As our representatives, we plead with you to look out for the livelihoods of Oregonians, and not to protect the bottom line of these mega-corporations. I therefore urge the Committee to send HB2882-2, after removing Section (3), to the full House of Representatives with a "do pass" recommendation. Thank you.

Sincerely,

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