

SB 789 -3, -4, -6, -7 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 5/11, 5/16

WHAT THE MEASURE DOES:

Defines "canola" and the "Willamette Valley Protected District" (District). Requires a person growing canola in the District to receive prior approval by license from the Oregon Department of Agriculture (ODA). Permits ODA to authorize a person to grow canola in the District only in a manner determined to be compatible with the growing of other crops, including the observation of industry-recommended isolation distances between certain specialty seed crops, and to authorize a maximum of 500 acres of canola production in the District per year. Authorizes ODA to assess a civil penalty, not to exceed \$25,000, against a person who grows canola in the District without a license or in violation of the terms of their license. Applies retroactively to July 1, 2023. Declares emergency, effective July 1, 2023.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

SENATE VOTE: Ayes, 16; Nays, 12

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Changes the licensing requirement for a person growing canola in the District to a permitting requirement. Changes the **required isolation distance** between the canola and other Brassica species from being determined by industry recommendations to being determined by ODA based on seed certification isolation distance standards **established by Oregon State University (OSU)**. Increases the **authorized area for canola production** within the District to **five** thousand acres, including any canola production by OSU College of Agricultural Sciences (CAS), in 2023, 2024, or 2025; **ten** thousand acres in 2026, 2027, or 2028; and **fifteen** thousand acres in 2029, 2030, 2031, or 2032. Sunsets restrictions on growing canola within the Willamette Valley Protected District on July 1, 2032. Permits ODA to authorize CAS to produce canola within the District without a permit but within the applicable production cap as long as canola production is completed by December 21, 2024 and CAS uses field monitoring and other research to develop information and recommendations related to the conditions under which canola production within the District is compatible with the production of other Brassica species. Requires that CAS consider how this compatibility compares to the compatibility of growing Brassica seed with other crops. Requires CAS to conduct an economic assessment of the potential impact of canola production in the District and report on field monitoring, research, or economic assessment to an agricultural interim committee of the legislature by September 15, 2025.

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-6 Changes the licensing requirement for a person growing canola in the District to a permitting requirement. Changes the **required isolation distance** between the canola and other Brassica species from being determined by industry recommendations to being determined by ODA based on seed certification isolation distance standards **established by Oregon State University (OSU)**. Increases the **authorized area for canola production** within the District to **two** thousand acres, including any canola production by OSU College of Agricultural Sciences (CAS), in 2023, 2024, or 2025; **five** thousand acres in 2026, 2027, or 2028; and **seven** thousand acres in 2029, 2030, 2031, or 2032. Sunsets restrictions on growing canola within the Willamette Valley Protected District on July 1, 2032. Permits ODA to authorize CAS to produce canola within the District without a permit but within the applicable production cap as long as canola production is completed by December 21, 2024 and CAS uses field monitoring and other research to develop information and recommendations related to the conditions under which canola production within the District is compatible with the production of other Brassica species. Requires that CAS consider how this compatibility compares to the compatibility of growing Brassica seed with other crops. Requires CAS to conduct an economic assessment of the potential impact of canola production in the District and report on field monitoring, research, or economic assessment to an agricultural interim committee of the legislature by September 15, 2025.

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BACKGROUND:

All provisions of this measure are currently law in Oregon, and are set to expire on June 30, 2023.

In 2013, the Legislative Assembly passed House Bill 2427 directing the College of Agricultural Sciences at Oregon State University to study canola and report the results to an interim committee of the Legislative Assembly by November 1, 2017. The measure also prohibited the growing of canola in the Willamette Valley with an exception for the 500 acres necessary to conduct the study. In 2015, House Bill 3382 amended that law allowing the Oregon Department of Agriculture (ODA) to authorize up to 500 acres for the commercial production of canola in the Willamette Valley Protected District (District) with certain restrictions, and required ODA to develop coexistence recommendations for a 2018 legislative report. The measure also extended the sunset prohibiting the growing of canola in the District to January 2, 2020. In 2019, Senate Bill 885 extended the 500-acre authorization to June 30, 2023.

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Senate Bill 789 would continue restrictions on growing canola within the Willamette Valley Protected District, including the 500-acre limit on canola production, by removing the sunset.

PRELIMINARY