

January 23, 2013 Memo from Casaria Taylor, Hearings Officer, to Katy Coba, then-Director of Oregon Department of Agriculture re *Presiding Officer's Report on Rulemaking Hearing* (to allow canola into the Willamette Valley Protected District for the first time in 30 years), which took place at 9am at the Oregon Sate Fairgrounds.

**During this hearing on the proposed rule, 367 people submitted comments in opposition to the rulemaking, compared with only 15 people who were in support.**

(Received via Public Records Request from the Oregon Department of Agriculture)

Roger Beyer	<p>Representing Oregon Seed Council. The Council appreciates being included in the rulemaking process. While we agree with much of draft rule, there is a key provision we cannot support and there is a key omission that must be included for our support. Any modification should contain guidelines adopted by seed council board at its most recent meeting: (1) only 750 acres of canola should be permitted each year; (2) canola acreage should be distributed throughout the valley; (3) minimum size field of 25 acres; (4) lottery system to place acreage if applications exceed 750 acres; (5) if existing rule is changed it must be covered by comprehensive management plan (6) must include research element to study market disruptions to existing crops. Seed Council sees this as an opportunity to continue working together. Board believes that unknowns are driving a lot of this concern and ODA must move slowly to answer a lot of these unknowns. That's why they support a cap of 750 acres not 2500 acres.</p>
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# MEMORANDUM

**Date:** January 23, 2013

**To:** Katy Coba, Director  
Oregon Department of Agriculture

**From:** Casaria Taylor, Hearings Officer

**Subject:** Presiding Officer's Report on Rulemaking Hearing

## **Hearing Date and Location:**

January 23, 2013, 9:00 am  
Oregon State Fairgrounds, Cascade Hall  
2330 17<sup>th</sup> St. NE  
Salem, OR 97301

## **Summary of Rulemaking Hearing:**

The hearing was convened at 9:00 am. People were asked to sign an attendance sheet and indicate on the sheet if they wished comment on the proposed rules. People were informed of the procedures for taking comments and that the hearing was being recorded.

## **Oral Comments Received**

Dan Hilburn, Director of Plant Program Area, Oregon Department of Agriculture

The Department proposes to amend rule entitled "Rapeseed Control Area." ODA is proposing to change Oregon's regulations for rapeseed control areas to better protect brassica species crops against plant diseases and pests and allow limited oil rapeseed production in the Willamette Valley.

The parts of the rule that would remain the same are: general production area rules, boundaries of 4 protected districts; rules within Central Oregon, Northeast Oregon and Malheur-Idaho protected districts; and rules governing research.

Proposed changes: rule format will change so that each protected district will have its own rules that can be reviewed and adjusted independently of the others. Procedures for rule violations are proposed, including issuance of Notice of Noncompliance, Plan of Correction, and circuit court order of summary destruction. Rules in Willamette Valley protected districts will change in several ways. BMPS would be required for all brassica species crops except vegetable crops, current oil rapeseed prohibition will be lifted and replaced with a system designed to preserve the

specialty seed industry while allowing for limited oil rapeseed production. Persons interested in growing oil rapeseed will have to pin prospective fields according to the rules of the WVSSA to establish an isolation right. With proof of an isolation right, growers can then apply to ODA for a protected district production contract. ODA will issue contracts up to a total maximum of 2500 acres worth during any production year. ODA can issue variances outside the cap for fields near the edges of protected districts if no other crops would be displaced or adversely affected. ODA will maintain a summary of all rapeseed fields under contract.

Proposed rule protects existing specialty seeds and industries currently cultivated within the control district by requiring prospective growers to work within the existing pinning system that establishes isolation distances. Would also protect by setting a cap on total acres of canola in the valley. Also requires that growers use BMPs to minimize diseases, pests and volunteers.

ODA would like to thank advisory committee members who volunteered their time and everyone present today who is commenting.

The following individuals testified in opposition to the proposed rulemaking:

Joe Esker	Willamette Valley is home to an important sustainable food system, specialty seed production. It is here because conditions are right for it and it is only 1 of 5 areas remaining in the world. Why is ODA choosing to put this area of Oregon's farm economy at risk. Since corporate interests seem to be controlling ODA decision, is this a done deal? Willamette Valley farmers and specialty seed growers have made it clear that it's dangerous to let the canola genie out of the bottle. Precaution is the wisest course. Rule throws caution to the wind. Rule does not reflect the will of the people. By our constitution we the people decide and public servants implement people's decision. \$38M question is why would the affected people stand by while ODA makes undemocratic decisions that jeopardize the heritage seed and industry of Oregon. Coexistence of canola with established brassica seed crops is not tenable. Clear from proposed rule that corporate biofuel interests are trumping the will of the people. Our experience and desire to preserve what's special about the Willamette Valley is not important to ODA but it should be because we have entrusted ODA to act on our behalf. Favoring the interests of corporate biofuel interests over the interests of citizens is not for the greater good of Oregon.
Paul Borgan	Society represents vegetable, organic and berry growers who get together every year for educational seminars. At last meeting also voted on a resolution: Whereas the membership of the society consists of about 250 small fruit, vegetable and organic growers who farm in the Willamette Valley, many of whom would experience financial harm if canola rapeseed production is allowed in the valley because of increased production costs from escaped weeds and volunteers, disease, and increased populations of cabbage maggot and other brassica insects, the society stands opposed to any changes in the current rule and supports making the rule permanent. The rule adopted by ODA in 2009 is based on research that found volunteer survival is high and

	<p>future weed problems were likely. Public testimony opposed allowing production in 2009 as it did in 2011. Only thing that has changed is political pressure from canola proponents and those who want to impose alternative rules in the state. The science has not changed. The fact that ODA requested emergency funding from the legislature shows that ODA knows there will be problems. Research on escapement is a waste of taxpayer dollars. It has been established throughout history that canola will withstand winter and germinate for seasons to come. Vote of membership has opposed rule changes; resolution will be presented on January 23 on behalf of North Willamette Horticultural Society.</p>
Linda Grove	<p>Have always been proud to live in a democracy because of freedom of choice. Where has it gone? To corporations who have lobbied government to overrule choices of local citizens. Ask you to consider whether you want your children and grandchildren to live under corporate rule. Time to decide whether we want to have a choice of whether or not our children and grandchildren have a choice to continue to produce seeds to continue to support generations to come. Canola oil is for fuel. Do we want to feed machines or human beings? Problem is not canola – it a system where corporations dictate what our choices are. Choice is whether to protest. What are we willing to settle for?</p>
Katherine Howard	<p>She agrees with Joe Esker's comments. Furthermore, very concerned because there have been meetings before and comments have been overwhelmingly against canola production. Cannot keep it within its bounds. Canola seed does not honor the 3 mile buffer; has been proven in the midwest where it is all over the place. We have a reputation in the world for our wonderful heritage seeds; what we grow here is so special. We are letting large corporations come in here such as Monsanto and they are taking over the world. Underdeveloped countries have not allowed these seeds in their country and we are suggesting that they come to Oregon. It has to stop and let's say no in Oregon to these corporates.</p>
Tim Winn	<p>President of Specialty Seed Growers of Western Oregon; farmer in Corvallis area and grows hybrid red radish seed and other seeds. Their group has wrestled with this issue in formulating a position statement. Interim position statement as they finish developing their final position: Board of Directors is extremely concerned about the direction of the ODA to open a larger area for the production of canola rapeseed in the Willamete Valey. Facts and science, plus anecdotal evidence, should be used to determine the best course. It is not acceptable to our membership that the pinning process currently administered through the Willamette Valley Specialty Seed Association be jeopardized for the sake of this issue. Fully appreciate issues presented by those in favor of expanding canola. Support best result for agricultural producers in the Willamette Valley. Board is not able to offer full statement of position at this time, however they will submit a complete position statement in writing prior</p>

	to the January 25 comment deadline.
Roger Beyer	<p>Representing Oregon Seed Council. The Council appreciates being included in the rulemaking process. While we agree with much of draft rule, there is a key provision we cannot support and there is a key omission that must be included for our support. Any modification should contain guidelines adopted by seed council board at its most recent meeting: (1) only 750 acres of canola should be permitted each year; (2) canola acreage should be distributed throughout the valley; (3) minimum size field of 25 acres; (4) lottery system to place acreage if applications exceed 750 acres; (5) if existing rule is changed it must be covered by comprehensive management plan (6) must include research element to study market disruptions to existing crops. Seed Council sees this as an opportunity to continue working together. Board believes that unknowns are driving a lot of this concern and ODA must move slowly to answer a lot of these unknowns. That's why they support a cap of 750 acres not 2500 acres.</p>
James Henderson	<p>He is farm liaison and purchaser with Hummingbird Wholesale in Eugene Oregon. They are a bean and grain purchaser and distributor between San Francisco and Seattle. Opposed to extension of the canola growing area in the valley; owners have also submitted their written concerns. Here to confirm Hummingbird Wholesale opposition to changes to exclusion zone; convey own personal opposition to changes. Would like to offer a couple of options to those interested in growing canola. One is Nyjer seed for birdseed market, mainly grown in India right now. Indian Nyjer seed is sterilized before it is imported to prevent weed and disease import; doing that compromises the quality of the seed. Currently being grown in Junction City area; have a year or so of information to help grow it better, current yield is about 1000 pounds per acre can grow conventionally for about a dollar a pound. Company in Portland does a lot of importing of Nyjer seed and his company has been speaking to them. Another option is teff grain native to Ethiopia. Hummingbird Wholesale helped establish Camas Country Mill in April 2011, began production in Eugene, teff is being milled there now. Not nearly enough teff; market is increasing and price is going up. Several growers in Junction City growing it; yields about 1000 pounds per acre. Believe they can get about 80 cents for conventional teff grain; resulting forage can also be sold to horse feed market.</p>
Clint Lindsay	<p>He is with Green Willow Grains and BCCRC. Back in 2005, his family's farm, A2R farm, was one of the first to apply for a permit for canola seed; wanted to produce fuel to use on their farm but were denied a permit from ODA. Reason given was that ODA wanted to protect specialty seed industry; then sponsored ODA OSU oilseed study. His farm grew one of the test plots for canola. Did not understand at that time the havoc that canola would cause; realized after talking to neighbors that they were putting neighbors at risk. Reject any attempt to allow canola cultivation and ask that other growers seek another alternative.</p>

Leah Rodgers	<p>Speaking on behalf of nearly 5000 members and supporters who oppose ODA's most recent proposal. Rule will irreversably harm agriculture in the Willamette Valley. Poses major threat to specialty seed, fresh market and clover industries. ODA has failed to demonstrate the need for such a damaging change. Latest rule contains significant flaws that make it unworkable. Encourage ODA to keep existing rules. In order for rule to work, the Willamette Valley Specialty Seed Association would have to change several aspects of their guidelines. Members of this group have been opposed beause of threats of seed contamination and market loss. WVSSA voted unanimously to leave current rules intact in light of ODA new proposed rule. Even if ODA rule not flawed in how it deals with WVSSA's pinning rules, it would only protect WVSSA members and would not provide protection for other affected producers. Other producers have no mechanism to protet their crops. Will see polka dotting of canola in the valley that will cause problems for other crops. Gives ODA director authority to grant unlimited variances to growers near the boundary that don't count towards proposed cap; would not be required to follow isolation and pinning requirements; no limit for ODA to increase cap in future. Purpose of cap is questionable and variances are a dangerous loophole. ODA is using market concerns as a justification to relax rapeseed restrictions. Under ODA proposal Idaho farmers would receive more protection than existing Willamette Valley farmers. ODA recently asked legislature for emergency funding for request but this was ultimately withdrawn. ODA appears posed to finalize rules without any new research.</p>
Loren Morse	<p>Citizen in Clackamas County, opposes proposed rule. Rule as it stands should remain and canola should continue to be excluded from the valley. Doesn't believe that specialty seed growers can coexist with canola.</p>
Kim Goodwin	<p>Oregonians for Farm and Food Rights is opposed to proposed ruling and would prefer original restriction for canola in the valley. Asked for show of hands of those opposed to canola.</p>
Rio Davidson	<p>Lifelong Oregonian; farming career started with organic medicinal farm in McMinnville. Learned importance of good seed from local sources. Learned about unwanted pests on an organic farm; worried about pests from canola fields overwhelming neighboring farmers. Expects neighboring farmers to be worried about effects of canola. His farm did not make it; very tough to make a living. Fears for small organic farmers all across state especially in the Willamette Valley. Very concerned aobut contamination from genetically modified crops, they should be monitored very carefully and regulated. Family is appalled at ODA's willingness to risk high value vegetable and seed production industries in Willamete Valley. Did the math and does not seem to add up. Would undermine world renowned resource and large network of vegetable growers as well as local food supply. Why do we need it here in some of the most fertile farmland in the world? ODA should maintain</p>

	<p>protections; OSU research has demonstrated the risks. It is his belief that canola should continue to be banned. Sees only one way to fight what is going on. People must stand up for what is right for the Willamette Valley. Must stand together for right to clean and healthy food system. Ordinance has been proposed in Benton County regarding genetically modified crops.</p>
Melissa Wissherack	<p>Opposed to new proposed rule. Comments are focused on issues of vagueness and overbreadth. Variance as it stands does not notify public of specific criteria and standards for variance determinations; for what it means to consult with outside third party stakeholders, does not define boundaries and uses loose language such as near the edge, and abandons maximum acreage requirements. Imposes serious economic, social and environmental damage to growers in the Willamete Valley.</p>
Russell Graham	<p>Mostly encounters non-native plants in the Willamette Valley. Has been fighting Himalayan blackberry in the Willamette Valley. Urges everyone to consider longer-term view rather than just short-term view. He introduced what some to consider to be a weed in the valley; probably distributed by ants. Called hardy cyclamen; probably not noxious but definitely invasive.</p>
John Waller	<p>Member of Willamette Valley Specialty Seed Association; they have voted not to change proposed rule. Current rule is well-rounded. ODA has proposed change without offering any evidence that any existing scientific information has changed. ODA has withdrawn request letter to E-board for legislative funding for canola research; he summarized the research questions. Clearly ODA has proposed to revise existing rule while substantial questions remain unanswered. Economic impact of proposal is negative; we are being asked to support low value commodity crop at expense of high value crops. Will not add jobs to Oregon economy; will result in net loss of jobs and income. In order for rule to work, WVSSA would have to revise rules, guidelines and by-laws and this is undue hardship. Would be forced to accommodate a non-seed crop in a seed organization. Alternative crops exist; alternatives typically require higher management compared with canola but that is hardly a reason to disqualify them. Proposed rule seeks to balance interests of canola; this is a short-sighted form of coexistence. Better form of coexistence is to use grain-growing areas. Oregon-grown canola can be produced in other areas.</p>
Stacy with Oregon Right to Know	<p>Against genetically modified organisms in our ecosystem; has seen studies linking them to cancer and colony collapse disorder, and GMO cottonseed crops in India led to suicides of farmers who were not able to keep up with Monsanto. Don't need this in the country; don't need this in the world. People cannot protect against cross-pollination. When special back-door actions go on in rulemaking against will of people, they have solutions and ODA is not listening. Please listen to us and do not allow this into my valley. I'm a native and I don't want it and there are a lot of people behind me.</p>



	Please do not change the rule.
Kathleen Miller	<p>From Corvallis Oregon; owner of First Alternative food co-op and member of Corvallis Organic garden club and concerned citizen. Read ODA web site last night. Believes there is no way to protect from cross-pollination and canola becoming a noxious weed. Heard testimony from those in favor of growing canola who mentioned that isolation boundary for radish and turnips is 4 times the distance proposed for canola. Can't monitor the wind. Numerous examples – will read Lisa Arkin's words – ODA should learn from past experiences with experimental plants that were brought to Oregon for experimental reasons and eventually brought great risk to Oregon agriculture. At one time many of these plants were touted as helpful or beautiful; now ODA spends a lot of money working to control them. Every biennium the state currently spends \$2.5M to search out and eradicate noxious weeds. Hasn't ODA learned from these experiences</p>
Steve Couch	<p>From Portland Oregon, has been around the state. Retired US Forest Service and worked all over Oregon, west side, central and eastern Oregon. Was part of fighting noxious weeds in the Forest Service; lose trees because of noxious weeds. Have people here talking about losing crops; get an invasive species in and it does damage. Opposed to changing the rules on canola and introducing canola into the Willamette Valley. He is a father of 2 teenage children and concerned about their future. World's climate is changing; ODA is aware of that; have no idea how quickly things will change. Don't know how much of the valley is going to be able to grow the crops that it currently grows and are seeing crops in their habitat moving north. Also a member of People's Co-op in the City of Portland; frequent visitor to farmer's markets. Farmers that he talks to are opposed to the change in the rules. He is also opposed and many people in the state are opposed to moving canola into the WV.</p>
Steve Domogalla	<p>Graduate of OSU with agronomy degree; has worked in seed industry for over 30 years. Speaks on behalf of his company, ISSI (International Seed Service) has been contracting seed production in the Willamette Valley and other areas of the Pacific Northwest for over 25 years. Company has a long standing history with growers and industry association to produce quality seed in the Willamette Valley. Market share with food industry and sprouting seed market in Japan. One of the largest exporters from the northwest and Willamette Valley. Customers require top quality seed, which requires the best growing area. This is a unique production environment that is unmatched anywhere else in the world. It was recognized for its environment and ability to step up and supply the world. Introduction of canola under grower management and production threatens isolation needed to produce valuable seed crops. It is not an acceptable rotation crop. For grass seed, introducing canola is unacceptable to their markets. Oilseed production has no regard for purity of isolation and could be done elsewhere. Growers and companies need to maintain growing rights in order to protect distances. Economics of</p>

	canola do not support adequate pest control. Opposes proposed changes to existing rule; they are complicated and do not work with existing seed isolation system.
Alex Patterson	Lives in Eugene area; also here representing several hundred Eugeneans who could not make it here today. All very opposed to canola mainly because it is not food. Elder Canadian friend has said it is called rapeseed because it rapes the body of nutrients and rapes the land of nutrients. If most of seed is going to be used as food and this is not food then once this is common knowledge canola industry will reap tremendous losses when people understand it is not food.
Bart Edwards	He is from the Southern Willamette Valley in the Junction City area and has raised hybrid cabbage for at least 50 years. This is about the 4 <sup>th</sup> time he has testified that he supports isolation distances and pinning procedures and keep the canola out of the valley.
Lauren Bierman	Farm outside of Hillsboro-Cornelius in Banks area. Very few acreage is under irrigation; lives in the foothills. Brought a book about feral canola populations. Compilation of Canadian oilseed council paperwork, research around the world. To him it is not one group against another – it is one small group of special interests going against the majority. When looked at issues he has seen in Washington County, when grower tried to grow canola it affected their neighbors. Growers have the right to grow canola, just not here in this valley. People have the right not to allow canola to be grown here. No means no.
Sabrina Siegel	This it is outrageous that we are here and have to keep putting this issue forward when ODA has heard from the farmers and the science is clear. Have a most precious international gem of a resource – a food cradle one of a handful of them in the world for growing seed. In this time where governments and people are talking about food security, why would we jeopardize the food seed that we grow here for the world. This is an issue that will affect the world and the world is watching us. It's not going to fly. We don't jeopardize a food for a few drops of poisonous oil. The genetically modified organism situation is totally out of hand and is demonstrated to cause cancer, sterility, and organ damage and destroys the natural environment. What will we do when we have no pollinators and no topsoil because of industrial agriculture. Let's preserve what we have; we have something very special here.
Bruce Coxin	Seems like a sick joke that this is even being debated when the majority is clearly opposed. ODA needs to listen, now.
Manfred Shelsnick	Opposed to proposal; does not protect existing agriculture. He is a fresh vegetable farmer in the Canby area; biggest concern is pests and disease.

	<p>Grows turnips and rutabagas and cabbage maggot is a big issue; no good controls available. If there were a lot more pressure from these insects, afraid he would no longer to be able to grow crops.</p>
Sandra Berlatt	<p>Has been following canola issue since 2011. Opposed to altering current prohibition. ODA should reconsider; long and short term consequences should be taken into account. It has been pointed out many times that many specialty seed crops belong to same genus as canola; disconcerting to specialty seed industry. Increased pests and diseases will not only affect brassicas; production of radish seed was completely destroyed in France after canola production began because of pollen beetle. By 2050 global population will surpass 9 billion people; agricultural systems will be challenged by climate change and other challenges. Will we be able to produce enough food for all, do we really understand the unique characteristics of the Willamette Valley? Area where specialty seed crops can be grown is being continuously reduced. Only 1/3 of earth's soil is suitable for agriculture; 30% is arable; degrading because of unsustainable practices. ODA should treasure unique characteristics of Willamette Valley; growers who want to grow canola will not be able to compete with larger scale growers in Canada while specialty seed industry will have demand in the long term.</p>
Kendra Wolf	<p>Has over 3000 signatures on petition opposed to growing canola in Oregon. Most people are against genetically modified crops in Oregon and most people in US are against them. If there were a democratic process most citizens would be opposed to corporations controlling regulations and biased research. Not representing anyone so she is unbiased. People in Oregon do not want GMO canola grown in the Willamette Valley or anywhere in Oregon. Do not want to trade economic independence for a national corporation that has nothing to do with Oregon. When we see decisions like this in Oregon Department of Agriculture, people start feeling suspicious of who you are. People want to see ODA promote sustainability and look at long-term effects of this decision.</p>
Willow Coberly	<p>Represents American Grass Seed Producers, Oregon corporation. About half of business is export to Europe and Asia; they have been told that if this passes, they will no longer have customers in either Europe or Asia. Wanted to get that across to people who are conventional grass seed growers because they represent conventional grass seed. American Grass Seed Producers is opposed to the proposed rule change.</p>
Steve Ferschweiler	<p>Small company called Orca seed production; produce mostly vegetable seed in the northwest and California. In favor of leaving rules the way they are; they protect high value industry as well as fresh market industry. One of his major European customers is watching these procedures very closely; he is in France and knows firsthand what has happened to vegetable seed production there with pests and such that have left it very difficult to grow any vegetable</p>

	seed. Hundreds of thousands of acres in Oregon are suitable for canola production but he would like to protect the Willamette Valley.
Kylie Christiansen	Sales manager for Hummingbird Wholesale. Very pleased that ODA has followed public process where multiple viewpoints can be considered. Concerned about GMO contamination of organically certified crops as well as damage to existing specialty seed industry. Not in favor of changing exclusion zone. Have yet to see that biological manipulation improves quality of life. Question the motivation for altering the exclusion zone; there are less controversial ways to produce high quality food. ODA should maintain or further curtail canola exclusion zone. They will do their part to continue to offer farmers in the Willamette Valley a viable economic alternative.
Deanne Yoger	In opposition to proposed rule. Comes as a concerned parent. The decisions made by ODA are irreversible; once it is brought into the valley, it cannot be removed. Looking at international it is going to arrive here at some point, but as a citizen and a mom and a voter, there are people who can't defend themselves and this is what we are leaving to them?
Trey Wilkins	Citizen, gardner, and someone who eats food. Very important to him to protect the food supply. Anybody who treats it as food, it's not good for you. Has been documenting this issue and is confused by the way the ODA has been dealing with this. There has been a consistent majority that has been speaking out against the current rule, but they are continuing to push this issue. Questions authority of state agency that is not listening to the people of the state. Would rather not be here. Another question is who is the ODA working for and who is telling them to push this agenda.

The following individuals testified in support of the proposed rulemaking:

Anna Scharf	Number one goal of any business is to make money; farming is no exception. Have never met a businessperson or farmer who were OK with not making money. Personally believes that issue of canola is not rooted in pests, weeds, and disease. It is rooted in economics and the desire of one group to inhibit another's economic development opportunities. Scharf farm has cultivated a variety of crops that were economically viable. Over time, crops on the farm have changed due to pricing, regulation changes and simple market demand. All the time, trying to cultivate crops that would provide a positive ROI. Scharf Farms operates 2500 acres – wine grapes, squash oats etc. Recent years, also produced green beans and broccoli, all in response to need for crop rotation, good land stewardship and commodity prices. The changes to the administrative rule allow additional option. Scharf farms grows crops on contract with large corporations. Commodity crops, including canola, are grown and traded on the open market. Growers receive price for acnola the day thy sell it. When ODA restricted canola, production was meeting roughly
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	<p>half domestic demand. Now demand is 3 times larger than that. Now with opening of crushing facilities in Washington and Rickreall, buyers are more prevalent. Capital investment on farms must be carefully considered against the ROI. Equipment on farm already on use for other crops is sufficient to meet needs for canola, and additional cleaning is not needed as it would be for specialty seeds, further enhances ROI.</p>
<p>Matt Crawford</p>	<p>Farms 900 acres in Perrydale and is president of WV oilseed producer association. Commend ODA for listening to as many voices as possible; it is difficult. This issue is very complicated; everyone believes their viewpoint is correct. It takes a 3rd party like ODA to set a fair and honest road and equal treatment. WV association supports proposed rule. A few problems exist, but it supports free and economical agriculture in the WV. Also offers protection for those currently involved in specialty seed production and new rules that support better stewardship by all farms in the valley. Proposed acreage cap of 2500 acres not enough to make canola a viable industry. Radish and turnip acres were at least 4 times this amount in the past year and they have at least as bad pest and disease profiles. Large sections of Silverton Hills, S Valley and Polk County that have very little current isolation restrictions. Would like to see canola on equal footing with radish and turnip; 10,000 acre cap if a cap is even needed. If someone wants to grow canola in current pinning system they should be allowed to. Otherwise unfairly handicaps an emerging industry. Concerned that the Willamette Valley Specialty Seed Association will not allow a fair pinning system. Currently only specialty seed corporations are allowed to decide who, what, and where acres are placed, and this doesn't protect those who wish to follow rules in good faith. Suggest Oregon State seed certification be allowed to oversee pinning as in other states where the industries coexist. Thank again for addressing this difficult endeavor.</p>
<p>Kathy Hadley</p>	<p>Grower in Rickreall area. Runs a family farm and wants to make it very clear that the groups and the people that she has been working with to get this rule changed are all family farms. They aren't driven by huge corporate interests; it's all individual farmers trying to help their family farm succeed in the future. In favor of rule change; number of benefits to having canola as an option; including not needing irrigation, being able to grow and sell on open market, etc. Canola was raised here in the 1980s and 1990s commercially. Quit being raised because of economics; it had to be shipped to California for processing. That is not a problem anymore. Until mid 2000s, canola was being raised here for seed for specialty seed companies including Monsanto. Want to make sure that is accurately portrayed. She raised canola as part of trials through OSU, had very good success with it in rotation. That's what people want it for, is for a rotation. Her farm raises grass seed and has about 20 contracts and none allow noxious weeds; canola is considered as noxious because the lab can't tell the difference between brassicas. Wouldn't want to raise canola again if it had the weediness problems as it is claimed to have.</p>

	<p>Had no problems with canola volunteers in grass seed testing. Of the canola that would be raised here, very little would go to biodiesel; the food grade market is a fast growing market. Subsidies are extremely unlikely to come into play.</p>
Kenny Jones	<p>Member of the Oregon Community Rights Coalition. Concerned about this process. Grew up in Oregon and now raising his own family here. Would like to talk about Pittsburgh, Pennsylvania. Pittsburgh has joined other mostly rural towns who have decided to exercise municipal rights. They have banned fracking. How could they pass such a law against a federally protected allowed commercial activity? How could a city or town flout state or federal law? Enacted ordinance pursuant to inherent rights of citizens. All power is inherent in people, contained in Oregon Constitution, Article I Section I. Exercise your inherent right to democratic government, lend your voice to local rights-based initiatives.</p>
Troy Hadley	<p>Thanks ODA for going through all this trouble. Represents family farm that has been on same farm since 1870. Fifth generation and with every generation have had farmers from the valley floor come to tell them they can grow anything grown on the valley floor. Do not have ground where they can grow specialty seeds and do not have irrigation. Elevation affects growth of a lot of vegetables. This is a crop that can be profitable equal to grass seed industry, right now all they have is fine fescue. There are many other growers in valley that he has talked to that once they hear the true facts on the issue they say this is good. Specialty seed industry has misled facts. Price of canola is 30 cents a pound right now not 10. A lot of growers would like to grow this crop and are at an oilseed conference in Washington today but many of them will submit written testimony. We get paid for this crop 30 days after sale. This rule is a fair and balanced rule that allows a little bit to be grown and answers some of these questions. 25 acre limit is fair. Rule also requires best practices for all crops which is also fair. A couple of issues that he has with it – 25 acre minimum should be per grower not per field. Third party system is a necessity. Pinning system won't work; certification is ideal. 2/3 of crop would go to livestock industry so creates a new local feed supply.</p>
Paul Cienfuegos	<p>Overwhelming majority of farmers are opposed to canola in this valley; overwhelming majority of residents are opposed. USA is majority rule society but no guarantee that ODA will abide. Regulatory agencies almost always stand with large corporations whether it is good for communities or not. System was designed to ignore the will of those in the room today and ignore the majority across the valley. How much longer will people stand for agencies like ODA ignoring will of people. 150 communities across US have had enough begging and pleading with regulatory agencies and have banned corporate factory farms, corporate fracking and corporate water withdrawal for profit. Could join community movement and support rights-based bans to keep out agriculture that people don't want in the valley. Question is who</p>

	needs to decide these kinds of decisions – the people or those who have somehow been appointed to make these kinds of decisions. Need to challenge authority of illegitimate agencies to govern. Benton County is a lead on this and proposed ballot measure would guarantee sustainable food and agriculture system and protect from corporate intrusion.
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No one else signed up to testify. The hearing ended at 10:36 am.

### **Written Comments**

The public comment period closed on 5 p.m. on January 25, 2013.

The following 367 individuals submitted comment in opposition to the proposed rulemaking.

1. Kendra Wolf
2. Paul Borgen, North Willamette Horticulture Society
3. Hank Keogh
4. Carol James
5. Andrea Lewis
6. Sharon Malek
7. Jennifer Viviano
8. Ken Jackson
9. Brian Satterwhite
10. Keta Tom
11. Jon Riegel
12. Karen Orr
13. Paul Borcharding
14. Maria Kraus
15. Frances Mariam Reed
16. Len Rubin
17. Homer R. Reese, Jr
18. Angela Zehava
19. Loretta LeSage
20. Judith Beck and Charles Posey

21. Denise M. Elzea
22. Jessica Harris
23. Kari Rein
24. Pamela Driscoll
25. Theresa Jensen
26. Ally and Shane, Let it Grown Farm
27. Joseph Miller, PhD
28. Standing Stone Brewing Company
29. John L. Gardiner MBE, PhD
30. Phillip Colvard
31. Laura M. Ohanian
32. Bobbee Murr
33. Nancy P. Bishop
34. The Sustaitas
35. Ernest and Jane Rimerman and Nancy Comer
36. Dennis K. Hopper
37. Jacquie Hammer
38. Lenore Coe
39. Sunny Lindley
40. Juliette Hedgecock
41. Penny Jauregui
42. Shannon Harris
43. Troy Rodakowski
44. Lorie Clements
45. Scott Miller
46. Gretchen Valido
47. Claire McGee
48. Willow Elliott
49. Mariah Mary Kay Dimich
50. Mary Anne Bingham
51. David and Dee Tvedt



52. David Hoffman
53. Michael Framson
54. Daria Wightman
55. Opie Snow
56. Margaret McGinnis
57. Margaret Boutell
58. Christine Perala Gardiner, PhD
59. Patrick Conovaloff
60. Kathleen Tera Rutecki, LMT, NTP
61. Bruce and Shannon Davidson
62. Danae Yankoski
63. Bary Snitkin
64. Liz and John Schmidt
65. Matt Trappe, PhD
66. John M. Winckler
67. Lev Parker
68. Andrea s. Laliberte
69. Robert Madore
70. Gregg Marchese
71. Rick McDonough
72. Daniel Blades
73. Elizabeth Stevenson
74. "Jean"
75. David and Amalya Pomerantz
76. Eli Dumitru
77. Jason Stuemke
78. Shady Sirotkin
79. Randall Koch
80. Laura Miller
81. Chris Hardy
82. Gayle Ford

83. Kevin Loe
84. Melissa Masterjohn
85. Dr. Angela Hageman
86. Anna M. Ward
87. Dakota Otto
88. Jonnel Covault
89. Julianna Burke
90. Chris Anderson
91. Steve Dee
92. Harry Stalford
93. Meredith L. Lowry, DO
94. Monica White
95. Valerie Brooks and Dan Connors
96. Michael Shore
97. Judith Platt
98. Ignatius Vige
99. Audrey Hernandez
100. Anna Stulz
101. Harry Stalford
102. Linda Madge Thomas, RN
103. Leonard R. Jaffee
104. Gretchen Valido
105. James Trasport
106. Charles and Julianne Tilt
107. Natalie Reitman-White
108. Genevieve flanagan
109. Maria Lisboa
110. Ginger Wedin
111. Abigail Seiler
112. April Hall Cutting
113. Greg Loberg

114. Michael Armstrong
115. Karin Leson
116. Lin Marie
117. Jon Davis
118. Heather
119. Callie Reynolds
120. Robert B. McReynolds
121. Mike Lovely
122. Carole Moore
123. Laura Randall
124. Susan Robens-Brannon
125. Martha Wagner
126. L. DeFranco
127. Rick Thronburg
128. Dan Sherwood
129. Kimberly Price
130. Janet Levins
131. Mary McGaughey
132. Colette Romeo
133. Marie Wakefield
134. Ethan Young
135. Linda Monroe
136. Jeannie Ramsey
137. John Garnache
138. Kim Rice
139. Joyce Hannum
140. Felicia Sanders
141. Bryan Schurter
142. Naomi Caspe
143. Phil Hanson
144. Kristina Lefever

145. Linda Moan
146. Julie Wasmer
147. Dorothy Hanes
148. Nina Egert
149. Rebecca Crowder
150. Karen Horn
151. Sherrie C. Molera
152. Julie McCarl
153. Paul Cesmat
154. Marsha L. Wilson
155. Erika Shea Brandon
156. Stuart Phillips
157. Deborah Hebert
158. Virginia L. Bock
159. Shauna Bishop Noon
160. Megan Wright
161. Susan altman
162. Richard Johnson
163. Lindea Kirschner
164. Linda Wylie
165. Sequoia Star
166. Mary Wendy
167. Brenda Gaines
168. Mona Exinger
169. Renee Such
170. Dwight Long
171. David Saul
172. Lori Cangilose
173. Kay Jenson
174. Summer Waters
175. Gurney Thompson

176. Susanne McDonough
177. Dave Keyston
178. Suzanne Field
179. Tracy Prescott-MacGregor
180. Sandra Foster
181. Dr. Mary Parker Steinhardt and Victor Steinhardt
182. Sarah Saito
183. Julie Courtney and Woody Fitzgerald
184. Doug Butler
185. Rod Souza
186. Barbara comnes
187. Dr. S. J. Swinyard
188. Brenda Thrasher
189. Julie and rick Cooper
190. Diane Coburn
191. Arthur Tesla
192. Rachel Downing
193. Ann Watters
194. Delphine A. Busch
195. Cynthia Bartley
196. Mark Wheeler and Family
197. Patti Jo Edwards
198. Lee Frost
199. Heiner Fruehauf, PhD
200. Colleen Norton
201. Kate Powell
202. Elizabeth Kelly
203. Holly Garland
204. Wendy Morseth
205. Connie Coston
206. Lynn Barton

207. Brie Malarkey and Jon Cunningham
208. Laura Belson
209. Jan Rose
210. Larry Goeltz
211. Anonymous
212. Jonathan Netherton
213. Amy Swanson
214. Terry Anderson
215. Jeff Ramsey
216. Kent Sugnet
217. Peter Crooke
218. Kristy Athens
219. Stephanie Green
220. Ann Snyder
221. John Mathia
222. Kelly Caldwell
223. Robin Lindsley
224. Maggie Jaeger
225. Don Madsen
226. Naiya Cominos
227. Mick Skolnick, M.D.
228. Vernon Huffman
229. Chris Bates
230. Maia Kazaks
231. Jennifer Butler
232. Wendy McKee
233. Jana Seeliger
234. Marge Popp
235. Susan Holling
236. Anne P. Jones
237. Kathy Valdez

238. Andrea Foust
239. Anne McCormick and John Christopher Speakman
240. Van Fister
241. Michelle Nicholson
242. Lana Lindstrom
243. Phil Burkum and Lauren Burkum
244. Thomas Ponce
245. Megan Rivera
246. Timothy Mathiason
247. Molly Monroe
248. W.J. Sperling
249. Sue Henry
250. Chris Melotti
251. Judy Fowlkes
252. Laurel Keller
253. Shawna Harvey
254. Wendy McKee
255. Marsha Swanson
256. Lyn Cornell
257. Marilyn Hinds
258. Elizabeth Reed
259. Gail R. Campbell
260. Todd
261. Tyler Pechette
262. David Landau
263. Katie waldo
264. Antonia
265. Becky Mundt
266. Mehlika Ayla Kiser, PhD
267. Melissa Dorothy Wischerath
268. Sarah Kleeger

269. Greg Miller
270. Andrew Still
271. Judy and Lester Hoyle
272. Thomas Dierickx
273. John E. Haapala
274. Theodora Tsongas, PhD
275. Kristin Andersen
276. Bill Freese
277. Martha Rose Bigger
278. Joan Pinkert
279. Bill Dunn
280. Amber Smith
281. Anne Berblinger
282. Dr. Gerard Pepin
283. Kara Cook
284. Daniel Gregg
285. Michelle Loew
286. Geraldene Stewart
287. Robin Bachtler Cushman
288. Elaine Nelson
289. JoAnn Wonders
290. Jennifer Francini
291. Jim Curtis
292. Thomas Endicott
293. Steve domogalla
294. Dean Freeborn
295. Timothy E. Winn
296. Abigail Seiler
297. Laura Lane
298. Jake Kenagy
299. Dan Hemshorn



300. Michael Kosacki
301. Anonymous
302. Laura Miller
303. Terry Beilke
304. Marcie Rosenzweig
305. Mirage Berry
306. Charles Sherman
307. Steve Ferschweiler
308. Karen daggett Austin
309. Joan Gail Hill
310. Amy Becker
311. Jenny Freeborn
312. L.M. Granskog
313. Marcie A. Rosenzweig
314. Patrick Farinholt
315. Robert K. Lancefield
316. Garth and Susan Mulkey
317. Nick Tichinin
318. Troy Hadley
319. Gary and Heidi Vachter
320. Tom Buchholz
321. Lisa Mulcahy
322. Katy Giombolini
323. Daniel Simonson
324. Jeff Heyerly
325. Ted Hake
326. Violet Sunderland
327. Katie Coppoletta
328. Anonymous
329. Karen Black
330. Vicki Dunaway

331. Jacquelyn L. Schroeder
332. Joe Esker
333. Leah Rodgers
334. Drew Field
335. Julia DeGraw
336. Susan Hogg
337. Lynn Crowell
338. Jeane St. John
339. Anna Cassilly
340. Todd Ellis
341. Christine Strelova
342. Mathew Steven
343. David and Dee Tvedt
344. Craig and Anny Zweifel
345. Ray Krulic
346. Anne Zysk
347. Lynn M. Henry
348. Thomas Crawford
349. Aara Zweifel
350. Judith Wallace
351. Katherine anne Stansbury
352. Dr. Paul C. Katen
353. Michael Bernards
354. Melda Montgomery
355. Nancy K. Aerni
356. Kathryn Eberhart
357. Robin Bachtler Cushman
358. Tim Bingham
359. Charlie Montgomery
360. Amaris Franz
361. Nona Donahue

- 362. Karen Dichari
- 363. Angela Jungling
- 364. P. Horter
- 365. Kathy Garrett
- 366. Terry Hsu
- 367. Rebecca Landis

The following 15 individuals submitted comment in support of the proposed rulemaking with or without further modification to the current proposed language:

- 1. Roger Beyer
- 2. Charles Sherman
- 3. Mike Martinez, OMG
- 4. WVOPA Board
- 5. Kathy Hadley
- 6. Dennis Hadley
- 7. Matthew Parker
- 8. Barbara Sherman
- 9. Sandra Hadley-White
- 10. Chuck Sherman
- 11. Larry Burger
- 12. Anna Scharf
- 13. Joseph Sherman
- 14. John Russell
- 15. Eric Edmunds