



# FAQ for SB789: Balanced, Reasonable Protections for Brassica Seed Production

## SB789: Protecting Oregon's Vibrant Seed Industry

Willamette Valley farmers grow 90% of the world's supply of many brassica seed varieties in a \$24M+ per year industry, supplying growers around the world. SB789 maintains the status quo for the Willamette Valley Protected District - keeping in place an acreage limitation and pinning system that have been used for 30 years to ensure that canola does not contaminate seed fields, increase pest spread, and decimate the seed industry. Failure to pass SB789 would end 30 years of collaborative protections and allow unlimited canola growing. This would irreparably damage, or destroy, a high-value industry for the sake of a commodity crop that can be grown in many other locations.


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Why is the 500 acre cap important?

The 500 acres was a compromise to test if canola could co-exist with specialty seed production, as part of Dr. Carol Mallory Smith's study on weediness, pests and diseases. Before the cap, the Willamette Valley Protected District (WVPD) did not allow canola. The legislative intent put on the record in 2015 ([HB 3382](#)) was to allow some canola production while protecting seed growers; the intent was not to allow unchecked canola production expansion. Canola acreage can't be increased in a meaningful way without risk. Other areas that have introduced large-scale canola acreage have lost the ability to grow seed. Ideally, a regulatory agency would monitor the impacts of canola production and any increase.

How does "pinning" work, and why is it important?

The Oregon Department of Agriculture (ODA) manages canola applications and permits and then works with the Willamette Valley Specialty Seed Association (WVSSA) to find places to site canola fields that minimize harm to seed production. The state does not fund the WVSSA's pinning system. This public-private partnership is the standard in Oregon's other three Protected Districts, as it is in Washington. The [WVSSA](#) is a nonprofit trade 501(c)(6) organization that has coordinated pinning since 1980, representing 57 members and hundreds of individual seed growers of all sizes to ensure seed purity and long-term market stability. The WVSSA "pins" or locates the fields on a GIS map so that growers in the Valley can coordinate to avoid cross contamination. Notably, in 2019 WVSSA offered canola growers a non-voting Associate Membership to be able to pin, but they refused.



## What are the problems with the 2017 OSU Study? Why was another study needed?

The biggest problem with the OSU study is that, as its author acknowledged in her 5/11/2023 [testimony](#) (at 59:30) “This [study](#) did not address cross pollination [from canola to specialty seed.]” This is the most important science to consider for specialty seed production, where crop purity is essential. Canola growers do not have the same purity requirements. The study also did not address economic harm to the specialty seed industry, which is detailed in the [new study](#). Finally, the only canola processing facility in Oregon, which was in operation during the study, is now closed. The new study assessed profit margins, processing challenges, and a range of [PNW canola values](#). Lastly, the 2017 study recommended limited production of canola and a pinning program. That is exactly what SB 789 continues to provide in light of that fact that Oregon has not yet implemented a public pinning system, despite it being recommended in the 2017 study.

## What will happen if SB789 is not passed?

- Starting July 1, 2023, canola could be grown, unpinned, anywhere in the Willamette Valley Protected District, in any amount, in any proximity to high-value specialty seed fields.
- The \$24M brassica seed industry will collapse as buyers from around the country and the world refuse to buy from WVPD growers because seed purity will not be guaranteed.
- This collapse will create ripple effects for the many farmers who grow specialty seed beyond brassicas – including layoffs and likely farm failures.
- The amount of WVPD canola cultivation needed to offset the loss of the brassica seed industry is impossible, and there is not sufficient demand for it, especially now that there isn't an in-state processing facility, so not only will the Valley lose a vibrant industry and associated jobs, the state will lose revenue.
- The world will lose one of the last remaining regions on the planet suitable for large-scale and diverse brassica specialty seed production.
- These effects are irreversible.

## What is the statutory authority for these protections?

Oregon Administrative Rule [603-052-0860](#), Brassicaceae Production Districts and Rapeseed Control areas, draws authority from [ORS 570.405](#) (ODA may establish control areas and [570.450 Rapeseed control areas](#)), which includes disease, pests, and other conditions that may constitute a menace. Cross contamination can be considered a menace. Indeed, four other production areas in Oregon ([603-052-1030](#), [603-052-1040](#), [603-052-1050](#), [603-052-1060](#)) also have regulations drawing authority from ORS 570.405 that specifically state that they are designated control areas because production of a crop “would set a potential threat of contamination to currently established grass seed production in the area.”

# Leading Oregon Agricultural Experts on Balanced Protections for Brassica Seed Production

## SB789: A PRAGMATIC, BALANCED SOLUTION

The Willamette Valley is one of the last regions on earth suitable for large-scale brassica seed production. Willamette farmers grow over 90% of the world's supply of many brassica seed varieties in a \$24M per year industry, supplying growers around the world. Regions with similar growing conditions in Europe and Australia have been made unusable for seed production because canola has been grown at large scales. SB789 maintains the status quo for the Willamette Valley Protected District - keeping in place an acreage limitation and pinning system that have been used for 30 years to ensure that canola does not contaminate seed fields, increase pest spread, and decimate the seed industry. Failure to pass SB789 would end the 30-year protections and allow unlimited canola growing. This would irreparably damage, or destroy, a high-value industry without justification.

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For several years I was involved in the effort to find a win-win solution to this canola vs. specialty seed controversy. We brought together experts from OSU, industry, and other parts of the world where this debate has played out. Ultimately, we were unable to find a solution that would benefit both sides equally. As things stand, the two farming systems are incompatible.

The Willamette Valley is the biggest and most important specialty seed growing area on the planet – for a reason. There are few places on earth that combine a suitable climate, good soils, and lots and lots of space so seed crops can be separated by distances necessary to prevent cross pollination. It is a treasure that deserves protection as much as the natural wonders that we protect with national parks. It really should be a world seed production preserve.

Luckily, there are lots of types of agriculture that are compatible with specialty seed production, e.g. nursery, grass-seed, hazelnuts, fruits & berries. Unfortunately, canola is not one of them. However, there are lots of places around the world where canola can be grown without interfering with other types of agriculture.

**Dan Hilburn (Ret.) Director of Plant Programs, Oregon Department of Agriculture**

## SB789: A PRAGMATIC, BALANCED SOLUTION

Canola, a plant in the Brassica family that (depending on the genus of the canola plant: *B. napus* or *B. rapa*), can cross with other Brassicas, including rutabaga, Siberian kale, Chinese cabbage, pak choi, tat tsai, tat soi, mizuna, turnip, etc. If canola production was permitted in the Willamette Valley, it would need to be treated as a seed crop, which would include pinning according to seed growers' understanding of acceptable distances between crops, and special care to prevent volunteer plants along field edges and roadways. SB 789 continues the rational measures of 1) limiting canola seed production and 2) requiring isolation similar to what is used in seed growing regions around the world, and were also the 2 recommendations of Mallory-Smith et al. HB2427 report.

**Dr. James Myers, Baggett-Frazier Endowed Chair of Vegetable Breeding in the Department of Horticulture, Oregon State University**

Canola is a weedy, lower-value plant that loves to interbreed. There are numerous examples in the literature of cross pollination and seed contamination events that have obliterated the cultivation of Brassica pure specialty seed crops due to cross pollination events and seed contamination from canola. For example, Japan, Australia, U.S., Canada, and some areas of Europe where canola for oil has been cultivated.

**Dr. Ray Seidler (Ret.) Senior Research Scientist and former leader of the first US EPA Biotechnology Risk Assessment Program, centered in Corvallis**



# Oregon Farmers on Balanced, Reasonable Protections for Brassica Seed Production

## **SB789: Protecting Oregon's Vibrant Seed Industry**


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As a third generation family farmer in the Willamette Valley, my family and I work hard - for our business and for the community. A big reason we farm the way we do is because we count on our high-value specialty seeds being protected from contamination from a low-value oilseed crop, rapeseed/canola. Canola can contaminate neighboring brassica seed fields, bringing in new pests and the possibility of genetic contamination to our valuable cabbage and mustard seed crops. The Willamette Valley Protected District has helped farmers cooperate to protect seed crops, and ensure that rapeseed/canola is grown in places where it will not contaminate neighboring fields. Unfortunately, a small group of farmers have been pushing to end this long-standing collaborative system. We can and should move past this divisive conflict and back into a collaborative system where canola is grown where it makes sense, and speciality seed farmers and producers can keep building this unique, and tremendously valuable, part of the farm economy.

**Garth Mulkey**

**GS3 Quality Seed (grass, cover crop, and vegetable seeds)**



Like the incentives to build cars in Detroit or grow oranges in Florida, protecting key industries is a cornerstone of smart economic policy. In the Willamette, that means protecting land for high-value vegetable seed growing, and for the many crops that don't interfere with high-value seed growing, like grapes, grasses, and other oilseeds. Dismantling a collaborative system that works for everyone, in the interest of a powerful few, just doesn't make sense.

**Kenny Smith**  
**President, Willamette Valley Specialty Seed Association**

It's important to keep in mind that the majority of these specialty seeds are the foundation of our food. They are the source of vegetables that feed us and keep us healthy. By destroying the Willamette Valley as a Brassica seed production region, we are putting our own, and the world's, food supply at risk. Canola can be grown pretty much anywhere. Specialty brassica seed cannot.

**Sarah Kleeger**  
**Owner, Adaptive Seeds**

A common justification for the introduction of canola to Willamette is the need for broadleaf rotation options for wheat and grass seed growers, something to break pest and disease cycles. There are a lot of options in this regard that wouldn't threaten the specialty seed industry with disease, pest, and contamination issues. Clover, vetch, sweetclover for example. These create value by fixing nitrogen that benefits subsequent cash crops.

**Frank Morton**  
**Wild Garden Seed**