

HB 4059 B STAFF MEASURE SUMMARY
Senate Committee On Natural Resources and Wildfire

Carrier: Sen. Smith DB
Minority Report

Action Date: 02/29/24

Action: Do pass with different amendments to the A-Eng bill. (Printed B-Eng.) Minority

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Report Signers: Sen. Girod, Sen. Smith Db

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 2/27, 2/29

WHAT THE MEASURE DOES:

The measure continues existing canola laws in the Willamette Valley Protected District (District) until January 2, 2026 with a few modifications: it modifies the definition of "canola" such that "canola" is defined as plants of the species *Brassica napus* and *Brassica rapa* that have certain oil and erucic acid content, replaces "licenses" terminology with "permits," replaces "industry-recommended isolation distances" with "customary isolation distances in the District," and permits ODA to authorize a maximum of 2,500 acres rather than 500 acres of canola production in the District. The measure declares an emergency and is effective on passage.

ISSUES DISCUSSED:

- Implications of "canola" definition change in the A-engrossed version of the bill, and the possibility of inadvertently regulating production of turnips and napa cabbage
- Differing legal perspectives regarding the Oregon Department of Agriculture's (ODA) ability to modify the "canola" definition via agency rulemaking
- Whether there are scientific institutions or studies on which stakeholders have agreed they can jointly rely
- Process to decide isolation distances and acreage caps for genetically engineered (GE) canola
- Current law and administrative rules do not differentiate between GE canola and non-GE canola
- Lack of complaints to ODA regarding GE cross-contamination
- 2013 - 2017 Oregon State University canola research did not include study of GE cross-contamination
- ODA process to decide which producers to authorize to grow canola, and how the agency works with the Willamette Valley Specialty Seed Association during that process
- Agency-led versus industry-led pinning map systems in Oregon and other states
- Sunset date considerations
- Intention to continue negotiations in the coming months with hopes of generating a bill for the 2025 legislative session

EFFECT OF AMENDMENT:

The amendment modifies the definition of "canola" such that "canola" is defined as plants of the species *Brassica napus* and *Brassica rapa* that have certain oil and erucic acid content. The amendment also permits ODA to authorize a maximum of 2,500 acres rather than 500 acres of canola production in the District, and it changes the sunset on the canola laws from January 2, 2028 to January 2, 2026.

BACKGROUND:

Brassica is a genus of plants in the cabbage and mustard family and, among others, includes agricultural crops like broccoli, cabbage, turnips, and canola.

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 allowed the Oregon Department of

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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 additional canola in the District to January 2, 2020. In 2019, Senate Bill 885 extended the 500-acre cap on canola production to June 30, 2023, and in 2023, Senate Bill 789 extended the 500-acre cap to July 1, 2024.

The current canola laws for the Willamette Valley Protected District (Chapter 370, Oregon Laws 2023):

- **Define "canola"** as plants of the genus *Brassica* with specified oil and erucic acid content.
- Require a person growing canola in the District to receive **prior approval by license** from ODA.
- Permit 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, and to authorize a maximum of **500 acres** of canola production in the District per year.
- Authorize 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.
- **Sunset** on July 1, 2024.