

Chair Helm, Vice Chairs Owens and Hartman, and members of the committee:

Thank you for your work on this bill.

My name is Hank Keogh. I am a grower of certified organic specialty seeds. I was a member of the ODA workgroup that convened several times in the fall of 2023, leading up to this bill. I have been involved with this issue, submitting testimony, in its various iterations for the past decade.

I feel surprised, disappointed, and I do not feel heard in this phase of the process. From my perspective, canola growers are getting nearly everything they want (unlimited canola acreage in the WVPD), and specialty seed producers are getting a tiny slice of the broad range of options we have presented to this group, and asked for – both in this recent iteration, and in some cases repeatedly for the last ten years. The broad range of options were meant to be suggestions for possible risk mitigation strategies. Getting basically none of our asks means that specialty seed is accepting a huge amount of risk, while canola growers get everything they want, without any responsibility for the risk they are creating for others. This is an unequal balance of negotiation.

This bill opens up the whole valley to unlimited new canola while offering minimal protections for the existing specialty seed industry.

This is frustrating to me because I have been offering solutions and presenting compromises, and specialty seed has given up all its protections without getting hardly anything in return.

We asked for zero GE in the WVPD, and it's capped at 500 acres. Even that is toothless, because there is no documented proof required for non-GE canola. There is no definition of what threshold constitutes "non-GE". Untested GE contaminated canola could still be grown "unknowingly." The bill must include some kind of testing/record keeping/documentation process for canola stock seed (which is known to be potentially contaminated with GE traits) to prove that the stock seed being grown in the WVPD is in fact GE-free, or at least 99.9% GE-free. Without proof, this section is meaningless. The argument that this increased GE testing is "burdensome" for canola growers is also meaningless, because that burden to test for GE then shifts to seed growers. And we still have no recourse in the event of GE contamination.

We asked for a plan for feral canola management in past years fields. Here's the scenario: My farm is surrounded by grass seed fields that may desire to grow canola. If/when my neighbor decides to grow canola, in the spring following their harvest are they required to clean up ALL of their volunteer canola? Not most of it, all of it, before it flowers and crosses with my seed crops? If they don't, and my seedlot is rejected because of contamination with canola, what is my recourse? Civil court?

We asked for ODOT to be funded to manage feral brassicas along roadsides.

We asked for OSU to be funded to monitor the valley for pests, diseases, and contamination issues.

We asked for an emergency brake measure, or a stair-step up or down approach in case the contamination, pest, and/or disease issues got out of control.

The WVSSA already hosts a very functional seed pinning map. Canola growers are and have been invited to use it. We did not ask the ODA to spend a bunch of money to re-invent the wheel and create a new pinning map.

We asked for a transparent plan for equitable pinning and conflict resolution. We got a coin toss.

I know and expect that some of these issues will be addressed in rulemaking.

This summer the ODA said specifically that their intent with this bill was to make it as simple as possible. The canola/specialty brassica seed issue is complex, at the nexus of biology, farm economics, and a philosophical choice between seed for food or seed for oil. The idea that there can be a simple, hands off, coin toss solution is fundamentally flawed.

In the future, I will notice when new roadside weeds spring up, and pressure the legislature to do something about it. If my neighbor doesn't clean up all their feral canola, the ODA will hear about it loudly. I will ask for proof of any "non-GE" canola within 10 miles of my farm, as I am contractually obligated to do for my seed buyers. I will take the "mediation" all the way to the coin flip. By trying to make this law simpler for canola growers, it is not making things easier for seed growers.

I know I will lose business because of this. Rather than pay to test each seedlot for possible GE contamination, plus Phoma and Xanthomonas and germination, seed companies will look elsewhere to grow their products. I know that more of my seedlots will be rejected because of positive Phoma and Xanthomonas disease test results. I know that my yields will decrease because of increased flea beetles and seed pod weevils. I can see that this will all happen in the coming years as the valley gets painted yellow. I expect it will happen to canola crops also. The amazingly profitable yields will slowly decrease, and it will be too late.

I am neutral on HB 4059, with the -07 amendment. I generally support the positions of Friends of Family Farmers, and the Oregon Organic Coalition. I oppose the -08 amendment.

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