

Realised Expectations

Applied Family Farm Investment & Resource (AFFIRM)

330 NW VALLEY VIEW COURT
MCMINNVILLE, OREGON 97128 (USA)
+01 503 396 1425
planil03@gmail.com

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

Representative Ken Helm, Co-Chair
Representative Mark Owens, Co-Chair
Representative Sarah McDonald, Vice Chair
Representative Court Boice, Member
Representative Annessa Hartman, Member
Representative Bobby Levy, Member
Representative Pam Marsh, Member
Representative Susan McLain
Representative Anna Scharf, Member

900 Court Street NE, Salem OR 97301

Subject: HB 2965

Dear Representatives,

I am writing in opposition to HB2965.

This is a bad bill.

The bill is, in my professional opinion based on five decades working in the aquaculture arena, institutionally and technologically biased and weak.

Seemingly intentionally, HB2965 ignores or misinterprets existing legislation and regulation, state-of-the-art science and technology, and even traditional farming culture to instill fear of some poorly-defined catastrophic negative repercussions and to ask you to reshape aquatic agriculture into a nonentity for no other apparent reason than it could be done or because a neighboring state has done it.

The justification for the bill seems to be the authors' conviction that something new is needed that was not present heretofore—this is: *"The state has a duty to protect the natural resources and ecosystems of this state."* This protection is portrayed as pressing because *"Industrial aquaculture presents risks to the environment, among other risks, and the risks may be mitigated by prohibiting the raising of finfish in a marine or estuarine body of water in this state in nets, cages or other similar containers."* The remedy for this "new" problem is purported to be: *"To protect public health and promote environmental protection, an aquaculture facility may not raise finfish in a marine or estuarine body of water in this state in nets, cages or other similar containers."*

The sponsors are, in effect, asking, with no verifiable justification, for a complete ban on finfish aqua farming in the bays and open ocean of Oregon.

In the first instance, this seems to imply that no regulatory or oversight measures are currently in effect. This is simply not the case.

Institutionally, in regard to monitoring, surveillance, and control, aquatic products and their waters are already regulated by a variety of rules and legislation covering local and federal agencies along with, among others, the state departments of DLCD, DSL, ODA, DEQ, Water Affairs, and ODF&W. Among other available tools, this oversight matrix has been described in a brochure done with ODA—*Users Guide: A snapshot of the processes to follow to start an aqua farming business in Oregon*. Supplemental information on coastal activities was sponsored by DLCD and incorporated into the *Oregon Aquaculture Explorer Platform*. Both these instruments are planned to be updated and expanded in the near future as well as incorporated into on-going efforts to elaborate a statewide strategic framework for Oregon’s aquaculture program (the OASF—*Oregon Aquaculture Strategic Framework*—steering committee including representatives of state and federal agencies along with members from industry and civil society).

Technically, the bill appears to focus on “industrial” aquaculture. In the scientific literature of aquatic agriculture, there are few if any references to “industrial” aquaculture. The common terminology is COMMERCIAL—be it small-, medium-, or large-scale. However, “industrial” may provide a more dramatic and possibly diabolic image than commercial.

Moreover, with whatever categorization one uses, there is no factual basis to assume that aqua farming using responsible technologies and best practices poses any undue risk to the natural resources and ecosystems of this state. This is quite simply an ill-founded and erroneous conclusion most likely based on half-truths and falsehoods.

Before leaving the dissection of the text, there are some noteworthy questions that arise. The authors seem to exempt from their ill-thought-out restrictions hatcheries “*owned, managed or kept in operation by the state.*” It should be highlighted that there are hatcheries in the state that are not managed or operated by the state including Tribal sites—the interactions of these facilities with the proposed new legislation are unclear.

Finally, the proponents of HB2965, as stated above, hope to exclude “*nets, cages or other similar containers*” for finfish culture in Oregon’s marine or estuarine waters. Aquaculture has a very diverse landscape in terms of production methodologies and technologies. There are water-based production systems that could be considered as neither nets nor cages—cutting-edge aquatic production units of the present and the future. What is the interface with these technologies and the proposed prohibition?

What the bill does state that is true is that aquaculture is a growing source of seafood around the world. As one of the newest composites of food-producing systems, aquaculture has emerged from the shadows of the past century to a point where it now produces more seafood globally for human consumption than capture fisheries. In this context, it seems more than fair to ask: “Does one want to follow the dictates of this proposed legislation and preclude Oregonians from investing in and profiting from aquatic agriculture?”

Sincerely,

John Moehl, PhD
Aquaculture Specialist