



25079 Brush Creek Rd., Sweet Home, OR 97386
(541) 367-1105 · www.adaptiveseeds.com · seed@adaptiveseeds.com

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To: Oregon Department of Agriculture

Re: Testimony Regarding Proposed Permanent rules for Brassicaceae General Production and Restricted Willamette Valley Protected District

My name is Sarah Kleeger. My husband and I own Adaptive Seeds, a small but rapidly growing certified organic specialty seed company located near Sweet Home, in Linn County. We offer over 500 varieties of vegetable, flower, herb, and grain seed including 54 varieties of Brassicacea. We sell retail direct to farmers and gardeners, as well as wholesale to several other seed companies both in the US and in Europe. Many of the varieties in our catalog are unavailable from other seed companies, either in the US or internationally. We grow the majority of our offerings ourselves, with the exception of *Brassicaceae*, many of which we contract with other growers in the Willamette Valley and elsewhere in Oregon and Washington.

All of the issues that caused us to oppose rapeseed's introduction to the Willamette Valley Protected District in 2013 are even more pertinent today with ODA's new proposed rule.

And so, I am here today to oppose the proposed permanent rules for Brassicaceae general production and restricted Willamette Valley Protected District. These rules fall far short of providing "coexistence" for the specialty seed industry and the proposed rapeseed industry, and instead seem intent on opening the floodgates to unlimited rapeseed production, thereby ensuring the destruction of the established specialty seed industry.

The report for HB2747¹ indicates there are “no reasons, agronomic or biological, that canola production should be prohibited in the Willamette Valley when there are no restrictions on the production of other Brassicacea crops.” This assertion is based on current estimated acreages only. The proposed rule ignores the further finding in the report of HB3382² which states that “it is important not to extrapolate these data to predict there would never be an issue or to state positively that unlimited Brassicaceae crop production within the Willamette Valley would not result in production problems.” Instead, evidence shows, and the reports also acknowledge, that another “challenge to co-existence is the similar disease pressures faced by both Brassica seed crops and canola. Increased acreage of either group would result in potential increased disease for producers of any member of the Brassicaceae.” Indeed, increased acreage of *Brassica* crop production within the Willamette Valley is almost guaranteed to result in “production problems.”

Fears of increased production problems (disease pressure) due to increased *Brassica* acreage have already been substantiated, as of 2014, by epidemics of serious Brassica diseases including Black Leg, White Leaf Spot, and Light Leaf Spot, first observed in 2014³. If ODA is acting in the best interest of Oregon’s agriculture, in light of the presence of these diseases, the Agency should tighten restrictions on rapeseed and other large scale *Brassica* production. Instead, the current proposed rule excludes thousands of acres of the Willamette Valley from protection (including where we live and farm); it does not include any acreage cap; and it does not limit or prohibit herbicide tolerant or otherwise genetically engineered varieties of canola.

Our farm in Sweet Home, and the farms of half of our Willamette Valley contract growers, are located within the Willamette Valley Protected District, but are excluded from the Canola Proposed Isolation Area (where you say no rapeseed production will be allowed). In contrast to the protections afforded within the Canola Proposed Isolation Area, The Proposed Rule allows for unlimited canola production in our part of the Valley. ODA representative Sunny Summers has stated that every canola permit application that ODA receives outside of the Proposed Isolation Area will be approved with no production acreage limit, no concern or consideration of its proximity to established specialty seed crops and therefore disregarding best practice isolation requirements, and with no other considerations. It seems the permit process is for appearances only if there are no parameters for a permit to be denied.

1 <https://www.oregon.gov/ODA/AboutUs/Documents/Board%20of%20Agriculture/11-17/Canola%20Report%20Executive%20Summary.pdf>

2 <https://www.oregon.gov/ODA/shared/Documents/Publications/Administration/CanolaHB3382Report.pdf>

3 <https://pnwhandbooks.org/sites/pnwHandbooks/files/plant/document/seed-crop-crucifers-brassica-raphanus-spp-light-leaf-spot/black-leg-light-leaf-spot-white-leaf-spot-crucifers16.pdf>

Exclusion from the Proposed Isolation area puts many of our seed crops at risk of cross-pollination, physical contamination, and increased disease and pest pressure.

The use of soil types, access to irrigation, and landscape features to determine the borders of the Isolation Area puts small and organic growers at a distinct disadvantage because we are often forced to farm in the margins. Despite smaller acreages and farming on margins, the farm-gate value of organic seed crops is high, up to \$250/lb, maybe more, compared to canola's \$0.23/lb.

Our customers come to us not only for our unique seeds but also for our commitment to preserving agricultural biodiversity. For us and our customers, this means high quality seed that is free of contamination, GMO or otherwise. Because of the lack of acreage caps within the district, the inadequate size of the Proposed Isolation Area, the lack of regulation of herbicide tolerant or otherwise genetically altered varieties, threat of cross-pollination and/or physical contamination from canola under the ODA's proposed administrative rule is very real. And for us, because of the rare varieties that we steward, the cross-pollination would not only destroy a particular seed lot and possibly our business, but also has the potential to render a variety extinct. Forever.

The lack of details regarding the permitting process for rapeseed fields proposed in the new rule is troubling. The one detail that is provided is the permitting approval deadlines. These deadlines are too late for us to be able to respond to, as our fall planted *Brassicas* are in the ground by then, with target plant out dates for many varieties being as early as July 15. Some of our Spring planted *Brassicas* may have been sown by the Feb 15 deadline as well. This is not "coexistence." Instead, these dates allow our specialty seed crops to potentially be cross-pollinated by permitted rapeseed crops that are approved and seeded after our crop plans are set. If permits are approved near our production fields, we will be forced to abandon our production after already establishing crops – if we are even notified of the permits. How and when specialty seed growers will be notified of approved rapeseed permits is another important detail that is not stated in the proposed rule.

Cross-pollination from nearby rapeseed fields is only one of the many ways this crop threatens our business, our farm, and our livelihood. The ODA has acknowledged "seed scatter during crop transport"⁴. For crops grown on the 25 acre or more scale⁵ seed scatter is real, and you can see this for

⁴ See ODA's 11/5/2012 request to the State Emergency Board for funding to research co-existence between canola and specialty seed crops. This request was later withdrawn.

⁵ The minimum canola field size as per ODA's Administrative rule 603-052-0882, approved 2/7/13.

yourself when driving along seed transport roads. Bagging seed lots for transport may help, but anyone who has seen the business end of a combine knows that bagging finished seed is not enough to prevent seed scatter.

Several of our contract farms have wild turnip in their fields, despite their having never intentionally produced turnip seed. But they are located along Highways 228 and 20, which are seed transport routes. The weedy turnip limits what types of seed these farms can grow. If rapeseed were to become weedy in the same way, it would be much more problematic. Since it will be grown in larger fields, when it goes feral it will travel far and fast, easily ending up right in the middle of a turnip, kale, or rutabaga seed crop. It may flower at the same time, contaminating the variety with both cross-pollination and physical contamination since the rapeseed seed will be indistinguishable from the vegetable *Brassica* seed crop. Furthermore, as a certified organic company, our certification and our customers have zero tolerance for GE contamination. The proposed rule does nothing to address the production of GE varieties.

The Willamette Valley is a valuable, special place – seed grown here supplies the whole world! The Valley is also a modern center of diversity for vegetable species, as seed companies not only produce seed here but breed new varieties as well. It would be tragic to sacrifice these high economic and ecologic values for a low value commodity oilseed crop that has destroyed seed growing regions in France and Germany due to cross pollination and increased disease and pest pressure. The Willamette Valley has absorbed some of the seed production that was displaced due to the introduction of rapeseed in these other areas. How unfortunate it would be if we were to squander the high value specialty seed industry for farmers in the Willamette Valley by making the same mistake! The mistake of believing that commodity rapeseed production can co-exist without acreage limits and other protections, with vegetable *Brassica* seed production. Studies and experience show that it does not work.

The industry that we refer to as “specialty seed” is called that because of its high dollar value. But 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.

I urge you to restrict rapeseed production in Oregon to areas outside of the established Willamette Valley Protected District and all Protected Districts. Failing that, the final rule should include an

acreage cap not to exceed 500 acres per year inside the District. The final rule should also include a clear prohibition on rapeseed production inside the proposed Isolation Area; clear protections for seed farmers outside the proposed Isolation Area; and a clear prohibition on growing herbicide tolerant or genetically engineered varieties of rapeseed.

Thank you for the opportunity to submit testimony,



Sarah Kleeger
Owner, Adaptive Seeds



Andrew Still
Owner, Adaptive Seeds