

# **Board of Agriculture Meeting Minutes - March 15 - 16, The Oregon Garden, Silverton**

**Tuesday, March 15, 2010**

**State Board of Agriculture called to order at 3:00 p.m. by Chair Bob Levy.**

**Board members present:** Bernie Faber, Ken Bailey, Doug Krahmer, Dan Carver, Pat Dudley, Tom Fessler, Bob Levy, Stephen Van Mouwerik, Lynn Youngbar. Absent: Jan Kerns, Sonny Ramaswamy

**ODA staff present:** Katy Coba, Lauren Henderson, Lisa Hanson, Sherry Kudna, Vance Bybee, Gary Roth, Dalton Hobbs, Jim Cramer, Brent Searle, Bruce Pokarney, Jim Johnson, Ray Jaindl, Jason Barber, Andrea Boyer

**Panel guests:** Bryan Ostlund, Kristi Obbink, Ross Hawkins, Jeff Malensky

**Meeting minutes approved:** Dan Carver noted there should be a correction to the OWEB report on page 11. The total regions in Oregon stand at six, not three. Vote to approve minutes with correction: Tom Fessler so moved. Minutes approved with no dissent. Jan Kerns absent from vote.

**Discussion: How do topics make it to the Board of Agriculture agenda?** Board members decided that every board meeting would focus on one subject or issue from the ODA divisions. For example, this meeting is focusing on marketing, while last December, the meeting focused on food safety. Other ways that items are added to the agenda are when critical issues arise at ODA, either from the divisions or at the suggestion from the Director's Office or the Governor's Office. Many times, policy directives or resolutions come from such suggestions. Notification will be sent out approximately one month after a full board meeting to the subcommittees so they may discuss what items should be placed on the regular board meeting agenda.

**Reminder from Director Coba:** During Board of Agriculture's business period, the board should make a decision as to which division the focus will center on for the next meeting. ODA will also send out email with suggestions for placeholder topics.

**ODA Marketing presentation: Gary Roth, ADMD; Bryan Ostlund, Ostlund Management Company; Ross Hawkins, Arnica Publishing; Kristi Obbink, Portland Public Schools Nutrition Services; Jeff Malensky, Oregon Berry Packing Company:** Roth said the presentation was pulled together last fall when questions arose about ADMD's primary functions and how ADMD assesses the pulse of its mission. He introduced the panel of stakeholders who

would join him in the presentation. Some of the highlights of the presentation included the following:

**Why does ADMD exist?** ADMD was created from statutory law, and

- it remains the sole conduit for many federal aid programs, as well as
- creates public and private partnerships.

**What does ADMD support?** Agricultural production accounts for 10 percent of the states GPD—producing \$26 billion dollars annually from farm to wholesale trade. ADMD supports "buy local" branding as well as international trade.

**Where do all of the agricultural products end up?** Eighty percent leaves the state. Approximately 20 percent travels across international borders.

**Who are the faces of ADMD and how are the allocations assigned between domestic and international?** Approximately eight FTE are devoted to domestic development while four FTE focus on international trade. One FTE tends to administration.

Roth referred to the last four biennial ADMD budgets. He defined some of reasons for 2007-09 budget increase, including:

- renewable energy analyst position filled
- farm-to-school program creation; position filled
- rendering study, completed by Jerry Gardner

In addition, a Specialty Crops coordinator position will be filled. Roth broke down other elements of the budget including discretionary funds, special projects, etc. Additional requirements from the Department of Administrative Services (DAS) demand that state agencies increase their contributions towards state government service charges. Agencies are required to pay into the larger pool in order to fund specific services for the state's citizens.

Roth outlined the breakdown of time and services on all ADMD activities:

- Market access: over a five year period there has only been a slight change to the domestic/international split of services: the 60/40 split (60 percent domestic/40 percent international) continues to be relevant.
- Adding the farm-to-school program and renewable energy analyst forced the loss of one international trade manager position. However, the ODA needs to remain engaged in local farm activities.

**How is success measured?** Some of the following demonstrate ADMD's assessment of how their activities make a difference:

- Through actual events
- Legislative action
- Number of stakeholders and companies helped
- Number of problems solved

Examples include:

- refining export regulations for dairy products
- Christmas tree export rules and regulations
- Interstate trade: A \$5.8 million increase in the last biennium

- A \$1.5 million allocated for the Farm Direct Nutrition Service (the WIC, seniors, and disability coupons used at participating farmers' market vendors to purchase fresh produce)
- Ongoing work with the Oregon Dept of Education Farm to School Program (Brought in \$600,000 additional sales for agricultural products)
- The cooperative effort with neighboring states to keep cherries moving into California (Kept \$10 million worth of products moving), and
- continuous support for the Port of Portland and the plans for expansion and channel deepening in order to keep agricultural products in transit.

**Federal programs: what is the return investment?** What does the state receive for \$2.7 million in General Funds? ODA's ADMD brings in approximately \$11 million each year in federal funds to support programs such as:

- USDA specialty crop grant projects
- organic cost share benefits, and the
- farm to school study

ADMD handles and administers program dollars and management services, including processing all physical claims and requests by producers. If ADMD did not perform this critical function, federal funds would not come into the state. Over a five year period trend lines have been defined. (Eighty-six percent of the funds are allocated for domestic programs, 14 percent is available to international interests.) Market Access Program Funds are awarded by WUSATA. WUSATA tracks success of the investments by asking for a company's total sales.

Another way to measure success, is to estimate (through follow up) the value back to the company. What were the sales like for the current year? ADMD is doing its job if they can help maintain the additional \$35 million in economic benefit to producers each year. However, if nothing else changed what would the benefit look like? The most recent year sales would be similar to 2007 totals if the 2009 Christmas tree sales had not been maintained.

Additionally, identifying success comes from measuring the level of activity. Roth compared the last two bienniums:

- Small drop off in outbound/inbound trade missions, mostly international trade,
- flat on commodity commissions/meetings, appointments
- registered over 1,000 farm direct vendors and approximately 1,575 company consultations (grant program administration)

**Renewable Energy Program results:** Three primary categories where activities took place:

- grower assistance,
- promotion of energy efficiency, and
- amount of representation ODA has to influence/promote renewable energy projects.

In the last biennium the program assisted five companies, four landowners, spoke to more than forty groups, organized five conferences, and maintained a presence at ERT meetings and for the congressional delegation.

**Additional programs (domestic)** The following is a partial list of the more than 150 different and distinct projects in which ADMD staff serve in varying capacity:

- act as agency liaison to the Governor's Office for Economic Revitalization Team (ERT)
- serve on Oregon Farmers' Market Association board

- serve on the WIC advisory board
- maintained presence on the OR solutions team for Portland community gardens
- Staff the Oregon State Board of Agriculture Marketing subcommittee
- serve on interagency council for hunger and homelessness
- statewide transportation (ODOT) freight advisory committee
- NW Pear Bureau
- serve on the board of nutritional systems for organic programs
- Serve as "411" information resource on agriculture in the Metro area

**Additional programs (international) (partial list):**

- International air service committee participation
- ERT and Oregon Travel coordination for Governor's trade mission
- WUSADA Policy Advisory Committee
- Board representation for Japan America Society

Efforts to measure the outcome of ADMD activities will continue.

A discussion by the board followed Roth's presentation. A question from a board member asked how time was measured for consultation and for help delivered. ADMD can point to known measures such as meetings and appointments. Staff also keep logs and email records. A total of 1,725 clients were served for the 2007-09 biennium. There are no billable hours as in private consultations. Many of the ADMD staff are national and international subject matter experts. This is a very robust program and the returnables are extremely valuable to the state.

**Marketing Panel presentation**

- **Kristi Obbink, director of Child Nutrition Services for Portland Public Schools:** Ms Obbink has 30 years experience of delivering healthy foods for children. She oversees a \$14 million budget, with approximately \$6 million actual food dollars to feed students. Food service within public schools is run like a small business. Funding comes from selling a meal or receiving reimbursement through the USDA. Portland Public Schools serve 22,000 lunches per day, 13,000 breakfasts, and now supper for low income working families. The program is a large part of the nutrients that the students receive each day. The program has been under fire for not serving healthy enough food. However, they no longer sell cookies or chips. (They used to serve them because those foods sold.) Currently, the focus is more on nutrition and the program is trying to deliver that on approximately \$1.25 per meal. About four years ago they needed help to deliver more nutrition, and teach children about farmers and where their food comes from. Meetings were set up and direct connections were made with both farmers and processors. One such example was a breakfast bar made with local ingredients to be healthier than more commercial products. When they began to work with the farmers, they needed to learn a common language and ODA has helped to bridge the gap. The other important component was food safety. The ODA partnership has been invaluable. In the future they would like to see how to move more Oregon products into the school programs. The program could use help in marketing fresh vegetables to the children, such as broccoli or Brussel sprouts. Obbink would like to see school gardens receive more support to help guide children to fresh fruit and vegetables. The 2008 Farm Bill changed some of the requirements—so Obbink can now get preference for local providers. The program will continue to work with Oregon Legislation to provide funds for this to happen. Food Hub

is another resource that is being utilized. Thirty-two percent of products purchased are now regional. (Increase from 17 percent over the last four years.) Commodity commissions are another resource. The product of the month is always local. For example, pizza is the most popular product sold. Flours used are from Oregon while other products are supplied from USDA. All yogurt is local.

- **Bryan Ostlund, commission and association administrator:** Commissions are extremely important to the agricultural industry. Ostlund is involved with six commissions and several associations: fine fescue, blueberries, Christmas trees, rye grass, tall fescue, highland bent grass, and peppermint. On the grass seed side, highland bent grass is a great option for Cascade foothill growers. For Christmas tree growers, the holiday program was a great benefit, especially in navigating the regulatory measures for importing Christmas trees into Mexico. The program turned out to be very successful: as the tree grower industry was occupied with regulatory hurdles, ODA helped to market the product. The largest in-state program for Ostlund is blueberries. Part of the marketing promotion is the round blue fuzzy mascot named "Ima Blueberry" to promote blueberries at venues such as hospitals, schools, and other businesses. Another ODA guided industry event was the Midwest grass seed tour. Plans for marketing Willamette Valley grass seed domestically as a rotational crop began back when annual grass was seven cents a pound. Ostlund was faced with a dilemma: how to breathe new life into the grass seed industry. Following the Midwestern tour, 15-20 pounds per acre are now produced, totaling roughly a million acres in production. The ODA helped to create the success of the ryegrass program. In the Midwest today, a combination of crimson clover and annual ryegrass are intermixed for crop rotation with corn and soybeans. The water infiltration and soil nutrients have been improved with the use of ryegrass and crimson clover. This prepares the soil for the roots of the corn to grow deeper and produce larger ears. Three million pounds of crimson clover for cover crop have been ordered from Willamette Valley farmers, and this could be a rising star for Oregon's growers. The next step is to gain major commodity inspection check-off dollars. On the downside, many commodities are faltering (especially true for Oregon's grass seed growers), but Ostlund remains hopeful for an upswing in the future. One example is the current ODA/commission program to foster shipping fresh blueberries to Korea. ODA should take more credit for their help to create Oregon's commodities alive.
- **Jeff Malensky, Oregon Berry Packing Company:** The company is a family business started by Malensky's grandparents over 60 years ago. Malensky has worked for the last ten years with ODA-ADMD and Patrick Mayer on international trade. The company's business with Japan is extremely important to their success. Part of the success is maintained by marketing the Oregon blueberry as a premium product. Japan's buyers and manufacturers have visited Oregon to see firsthand what growers in Oregon do to produce such a high quality product. ODA has also helped develop other contacts for the company, since the more contacts are the better. More recently, Mexico, India, and the Middle East have all had contact with the company, thanks to ODA's marketing efforts. Blueberries are grown all over the US, so Oregon has to fight for their share of the market. ADMD trade manager Amanda Welker helped set up mission to India. Of all the trips, this was probably the most beneficial to Oregon's blueberry industry. Only a small amount were shipped to India, 130 pounds. This may sound like a paltry amount, but contact was made from a customer who wanted to know how to get more. This is the way

that Oregon and US growers can rocket to success in the foreign market. One example is the Washington apple market. The fresh apple market in India grew from very small initial orders and now has a huge impact for NW growers. In India, trust is an issue, so meeting face-to-face can radically alter the outcome, much more than using email or phone calls for contact. Shipping remains a problem; space on planes is limited, so the product has to be certified in order to ship. Shipments may have to be split in to smaller amounts in order to get the product delivered. There are no simple solutions even with certification. All major points of contact for the product must be certified, from the processing facility to the truck and driver, etc.

- **Ross Hawkins, Arnica Publishing, Inc:** ODA has supported Hawkins through his entire career. Hawkins was raised in the Willamette Valley and grew up with ryegrass production. His mother still lives in the family home at 96 years old. He loves Oregonian's independent and resilient nature. Hawkins became involved with McCormicks & Schmicks and then moved on to Jake's. He teamed with ODA's ADMD to source fresh fish for Jake's customers. But there was a limitation in sourcing local seafood, and the product was difficult to find. Jake's decided to move out to Swan Island to develop their own seafood company. As a result, Oregon fish now travel across the US under the Jake's logo. While still under the Jake's umbrella, Hawkins decided to follow another idea for canning clam chowder—and to supply growing families as a marketing strategy. The ODA kept stressing the future of value-added products. Initial challenges became ideas and ultimately, solutions. Hawkins realized that educating the consumer outside the industry and teaching them about the source of their food was the future he wanted to participate in. He began to build the Jake's line of consumer goods such as jam with Oregon products and realized \$12 million worth of sales in three years. In 1996, Jake's was named small business of the year. When Hawkins wanted to do business with Costco, he stressed the importance of the Oregon products and ingredients. He attempted to get Jake's jam into Costco for several years without success. Then a huge manufacturer in the US was caught importing strawberries from Mexico and marketing them as US produce. The Mexico strawberries caused a serious e.coli outbreak. Suddenly Costco called him and wanted his products. They toured Jake's facilities, and ordered an enormous amount of jam. Jake's went into overdrive and filled the order. Through his entire career, ODA helped teach him about the bigger world, and has supported his new ventures. Although Hawkins is retired he started Arnica Publishing with his wife. The first books produced were health care related, but they now develop award winning cookbooks. They have been able to give back and celebrate Oregon, as with the Tillamook cheese cookbook. The company is working on a sustainable seafood book, and a book on Oregon fruit entitled "Luscious." Arnica's first book was called "Oregon Bounty."

## Wednesday, March 16, 2010

The meeting was reconvened at 8:35 a.m.

**Sue Knapp – Governor’s Office – Mid Columbia Steelhead Recovery Plan:** What do agriculture and fish have in common? Water. The challenge to make sure water is available for both land and aquatic organisms. The Mid Columbia zone runs from the coast to the Snake River. Hatcheries and hydro-power along with land degradation have played a part in the need for the recovery plan. The following are a partial list of the plan's elements:

- Listed in 1999, reaffirmed in 2006
- 17 listed populations are split between Washington and Oregon; 10 listed in Oregon.
- Finished local recovery plans and NIMPS have combined the two state's population
- ODFW approved the recovery plan last month. Technical recovery team along with ODFW developed recovery plan criteria and set goals.
- Roadmap to recovery includes:
  - biology
  - limiting factors
  - threats
  - recovery goals
  - criteria to measure
  - strategies
  - timeframe
  - implementation
- The plan was developed collaboratively, based on existing work and solid science. It was supported by a broadbase of stakeholders. It took into consideration the full life cycle of fish. Over 125 people were involved in developing the plan. Three major population groups involved:
  - Cascade
  - Deschutes
  - Umatilla and Walla-Walla
- The major factors in Mid Columbia included:
  - habitat degradation
  - water taken out of stream for farming and ranching
  - poor forestry practices
  - dams on main streams and tributaries
  - hatcheries also play a role – stray fish entering
  - increasing depredation from birds and other wildlife
  - Biological criteria, including:
    - abundance
    - productivity
    - spatial structure
    - diversity
- The underlying causes of decline include:
  - destruction of habitat
  - over-utilization/disease or predation
  - inadequate existing regulatory mechanisms
  - other natural or manmade factors

- There are eight strategies for tributary habitat which include:
  - protecting and conserving the natural processes
  - restoring passage and connectivity habitats
  - floodplain restoration
  - restoring degraded channel structure
  - transforming and restoring riparian conditions
  - restoring natural hydrograph
  - improve degraded water quality
  - prevent soil erosion

Knapp noted the challenges that still remain implementing the plan, including decisions about which habitats to focus on and funding resources. Watershed teams and an ODF&W coordinator will be involved to implement the challenges in the Columbia River system. Planning for monitoring is essential and to assess whether progress is made. Many elements include:

- Research, monitoring and evaluation
- adaptive management
- status and trend monitoring
- implementation and compliance
- action effectiveness

Challenges that could complicated recovery also include:

- full and coordinated implementation of monitoring activities
- funding and budgets
- climate change
- changing flow and volumes
- population growth and increased land use
- changing society values
- implementation over a long time period.

This is a 25 year plan, but ultimately may take 50 years to make total change. The ODA plays an important role and oversees many programs or inspections that effect water quality. Some of the agricultural water quality management plans and programs include the following:

- confined animal feeding operations (CAFOs)
- compliance and enforcement

- water quality monitoring
- County SWCDs are critical to success
- The Oregon Plan for Salmon and Watersheds

A discussion by the board followed: Agricultural water quality management can play an important role in the recovery process. May take a lot of time for measureable benefits to show up; for example 20 years or longer. Some other species have come off the endangered species list. Is there a list that reflects the actual number of fish that have been removed? Knapp says there is a not. It is discouraging to not see measurable results. One of the biggest issues is lack of resources to do what is necessary for habitat recovery. Cuts in monitoring resources limit the results of improvement. It may seem like a wasted effort. Examples of channelizing include Catherine Creek in the Grand Ronde Basin.

**Field burning rules, John Byers, program manager, ODA; Carrie Ann Capp, DEQ** (Refer to PPT handouts for full text. A complete list of Willamette Valley proposed field burning revisions may be accessed at: <http://oregon.gov/ODA/NRD/smokefrontpage.shtml>): Field burning in the Willamette Valley began in the 1940s up to the early in 1980s; over 250,000 acres were burned. After the accident of the early 80s, the Legislature reduced field burning to 60,000 acres, although a typical burn per year might encompass only 15,000 acres. In 2009, burning was restricted to 15,000 area-specific acres. Grower registration was required and burning permit fees were doubled. Once the 2009 law was passed, it was Willamette Valley specific.

There are two main caveats to the law:

- Emergency burning for the south valley, and
- critical non-burn areas

These areas are referred to as South valley – south of Santiam River, and North Valley – north of Santiam River. This was an open and transparent rule-making process.

In 1989, a memorandum of understanding was generated by DEQ that appointed ODA to head the program. Included in the rules, were specific requirements in regards to burns near high power transmission lines. Burns are only allowed in the tower areas if the towers are 250-feet or above in height.

An advisory committee was formed to answer the following issues for the new field burning rules:

- additional acreage included in non burn areas
- increased fees for permits
- new rules for critical non burn areas and
- emergency burn requirements

Critical non-burn area rules are complex and include buffers next to hospitals and schools. The environmental community believes there should be up to a 1/4 mile buffer around hospitals or schools, while the grower community feels it should be right under the power lines. (The rule has always protected the critical areas such as hospitals and schools, a fact not widely known.)

The current rule on tower buffers states there will be a 150-foot height bumper, radiating to 75-feet each side from the center line of the tower. The industry is still unhappy with the restrictions. For emergency burns, 2,000 acres will most likely be in the south. Airports were part of the advisory committee discussion; those with regular flights will be addressed. Existing burn rules map the location of hospitals, schools, and emergency centers. The two sides continue to disagree about how many facilities should be included; for example: should nursing homes be included in the definition of boundary protected facilities? Subsequently, it is difficult to address statewide areas, not just critical non-burn areas. The ODA and DEQ do not know if the Environmental Task Force will require the rules to be addressed statewide.

Agricultural burning is not regulated by ODA. ODA has a meteorologist (the meteorologist position is currently vacant as of 4/2010), DEQ does not. Yet DEQ is the agency charged with setting the requirements for agricultural burns. This is an issue for the forest industry as well. Statewide, contradictions exist. Next month, the Region 10 EPA committee will meet and discuss slash burns. (Smoke travels over Oregon's borders and into Washington State.)

The revised rule-making has been a collaborative effort with DEQ, yet each agency is managing different components. ODA will manage non critical burn areas and DEQ will manage emergency burn petitions.

Several questions arose during advisory committee discussions: what did the 2,000 acre emergency burn definition of extreme hardship mean? When does extreme hardship, such as a plant disease outbreak, outweigh the impact to public health? It was also difficult to define extreme hardship. To prove that a field is infected with a serious disease requires laboratory testing prior to approving emergency burn petitions. It was decided that OSU seed certification standards will be used to help guide the determination process and verify crop loss or establish hardship to the grower. The process for industry to apply for hardship permits can take several weeks or longer. A case-by-case criteria must be used to prioritize the petitions. The committee made a fairly reasonable compromise that needed to happen before the public hearings could take place.

How is risk to the public assessed? Historically the health of Oregon's public has already been incorporated in to the rules. All burning produces smoke, but the goal is to minimize the impact to all. Emergency burn permits will be issued after the identification of a disease outbreak, unless wind conditions do not allow. DEQ will authorize burns and weigh the risks and hardships.

However, even the most stringent plan may not alleviate the risk. ODA has a similar process but does not have to obtain EQC approval.

This rule underwent many transformations before it moved forward. There is hope that this will ultimately benefit the grass industry. Much of the amendments in language was the direct result of industry involvement.

Hearings are scheduled for Salem and Eugene. It's difficult to anticipate what will happen during the interim, but it is hoped that discussion from both sides will find common ground.

**Hazelnut Recall Review, ODA Food Safety Division Administrator Vance Bybee; Oregon Hazelnut Commission Administrator Polly Owen:** Recall for 2009 was initiated in December 2009. The reason for the hazelnut recall: FDA went to Willamette Shelling on a random inspection. FDA received an assignment from Center for Food Safety and Nutrition (CFSAN) in Washington DC, to randomly visit nut packing facilities and do environmental sampling to check for salmonella. It made sense, especially after the major peanut recall. This is why FDA came – simply assignment – based on curiosity and Willamette Shelling was a random draw. When FDA arrived at the facility they took 174 random samples throughout the plant. Several samples tested positive for salmonella that were on or near contact zones. One of the reasons FDA took the issue seriously was that Willamette Shelling had rodent problems. Willamette Shelling had previously been notified of rodent problems several weeks prior to the FDA sampling visit. When FDA arrived to perform environmental sampling, the rodent problem had not been resolved. FDA could not decide what action to take. In the meantime ODA took action. ODA wanted to ensure that product leaving the plant were safe. ODA took 72 environmental samples and one tested positive salmonella in finished products. These results prompted a recall. It is important for industry to realize, the difference between one positive and thousands of non-detect. Many of ODA's samples from Willamette Shelling were classified as non-detect, so the plant felt it should be able to market the finished product. However, if a finished product tests positive for salmonella, this changes the entire landscape. Given today's concern over food safety, ODA felt it was necessary to move forward with the recall. Unless every single nut that moves out into the market is tested, the potential for harm still exists. The industry responded that the nuts tainted with salmonella did not leave the plant but were destined for further processing before moving into the marketing chain. Any product testing positive for salmonella, no matter how small (parts per billion) should ever move into the public marketplace. In the case of non-salmonella contaminants, between zero and ten parts per billion is considered non-detect, while anything over ten parts per billion is considered positive. In order to free a product, establishing a reduction is key. For many pathogens, zero tolerance is the standard. Unless someone can demonstrate why one sample is positive, and others are not, it is up to the plant to establish how the nut came to be contaminated. Investigation sometimes will be traced back to the farm. Public Health wanted a complete recall of all products. It is still unknown if the rodents were the source of the salmonella. ODA wanted to know if there was a connection, but before

they could test, the plant had been cleaned up. No one ever became ill from the contaminated nuts.

Bybee would like to know how the board feels about testing. The FSD staff believes the food industry is so complex that even if they tested every product (from farm to plant), salmonella would be found. Should ODA be testing and if so, how often should testing be performed. And, what should be done after a positive discovery, especially when illness has not been reported.

After discovering a positive sample, FDA requires embargoing, further testing, and possible destruction of the product. One possibility is that ODA might sample more high-risk products over low-risk products. Nuts are usually not likely to have salmonella to multiply, but since the peanut recall the almond industry is studying the risks more in depth. The hazelnut industry is following those studies with interest.

Major recalls due to salmonella are coordinated with the FDA, yet ODA's labor and time spent in managing recalls have not received FDA funds. ODA has considered moving resources from on-farm inspections to in-plant inspections. ODA knows that FDA will be increasing their presence in the food safety arena. There will be new federal legislation that involve on-farm inspections. However, no matter what the regulations require, the present amount of resources cannot support FDA to be everywhere every day, nor can they fund ODA to do so.

ODA's sampling and inspection programs are a check against possible sources of contamination from the grower, processor, and marketplace. It would take hiring more staff to inspect every site and every product—and this cannot be accomplished with the current available resources. There are processes in place to deal with salmonella when it is found, but it is up to the operators to know how to follow the cleanup process in order to correct the problem.

Providing preventative information before contamination is a systems approach which can be measured by the decrease in positive findings. However, education and outreach efforts also require funding and there must be a positive interest from the industry to use the resources offered. One of the advantages of testing is that it can influence consumer confidence. There is a need to underscore risk since risk has been traditionally thought of as a manufacturing process, as in low-acid foods. Still, the risk is moving upwards into raw commodities and FDA is concentrating their focus on product from the farm. ODA needs to help producers and the rest of the industry prepare for the coming proposals.

**Chemeketa Natural Resources Education Center (CNREC), Craig Anderson, Chemeketa Community College; Julie Woodward, Oregon Forest Resources Institute; Renee Stoops, SPROUT Center; Cindy Quam, Environmental Education Program:** Stoops gave a briefing on the Sustainable Plant Research and Outreach (SPROUT) Center. (For more in-depth information on SPROUT, please visit: <http://www.sproutoregon.org/>):

- SPROUT's mission is to develop and promote the strategic use of plants
- SPROUT integrates resources networks
- The Oregon Garden Wetlands was the initial partner

- Additional partnerships include: The Oregon Garden; Chemeketa Community College; USDA Natural Resources Conservation Service; Institute for Natural Resources; Oregon State University; Rogue Water; Oregon Association of Nurseries; Ayala Water and Ecology
- In 2009, SPROUT received the Pacific Northwest Clean Water Association's sustainability award
- SPROUT acts as a bridge for communication, technology transfer, and project collaboration between growers, researchers, end users, educators, and policy makers in the fields of phytotechnology.
- Puts "plants to work," by the strategic use of plants to provide ecosystem services in managed landscapes.
- Encompasses wetlands, wastewater treatment, green roofs, raingardens, stormwater management, living machines, phytoremediation, riparian buffers.
- Hosts the annual "Soak it up" conference; phytotechnology solutions for water challenges
  - Sprout will be the proud host of the 2011 annual convention of the International Phytotechnology Society in Portland
- SPROUT publishes educational materials:
  - "Plants at Work," a business and industry magazine
  - Newest publication: "Phytotechnology Resource Book," designed for the user who needs to implement a project to solve an environmental problem, such as a city planner/manager constructing a wetland or greenroof to handle stormwater.
- Brush Creek Landowner Project – Converted area of Christmas tree farm to wetland conservation managed as a non profit organization
- SPROUT works with Marion SWCD on recycled water management

Julie Woodward from the Oregon Forest Resources Institute (OFRI) gave a briefing on the organization and its activities. (Please refer to the handout. For more information on the OFRI please visit: <http://oregonforests.org/>): The following is a summary of OFRI activities:

- The OFRI was founded in 1991 at the behest of the Oregon Legislature
- The Oregon Forest Resources Institute is dedicated to public understanding of forest stewardship to meet the social, environmental and economic needs of both present and future generations.
- OFRI oversees the following key programs
  - Classroom programs and field activities for K-12 students
  - Workshops and curriculum support for teachers
  - Conferences, publications and scientific research on timely forest topics
  - Workshops to help landowners manage according to best forest practices
  - Displays, interpretive program, tours and the Rediscovery Forest at Oregon Garden
  - Web site and online resources relating to Oregon's forests and forest management

Cindy Quam is the coordinator for the Environmental Education Program (a program funded by the Gray Family Fund) for fifth graders. The following elements of the program were summarized (please refer to handouts and visit <http://www.oregoncf.org/connect/educational-opportunities/enviro-ed> for more information):

- The Environmental Education Program seeks to encourage a strong local land ethic, sustainable communities, and stewardship of the natural environment by citizens throughout Oregon.
- The Fund is committed long term to institutionalizing a series of age appropriate experiences that build a sense of place and responsibility towards Oregon and the region.
- The program encompasses the following four goals:
  - Strengthening and developing programs that provide outdoor experiences for youth from early childhood through grade 12.
  - Creating, expanding, and improving programs that connect schools with their communities and provide students with practical hands-on experience in addressing environmental issues both locally and globally.
  - Supporting programs committed to creating comprehensive, significant, lasting change in educational systems, fostering improved understanding of and interaction with our natural systems.
  - Encouraging programs that explore and integrate boundaries between art and science, and connect creativity with the natural environment.

Roth's Benefit-Education Foundation funds nine different lessons for the fifth grade program. Approximately 5,600 students each year receive education. The program has grown annually. The primary lessons for the fifth grade program can vary from wetlands to forest habitat. Lessons include:

- the characteristics of a wetland:
  - wetland invasive species and how they adapt for survival
- Forest habitat hike:
  - Students investigate a forest habitat searching and recording signs of wildlife.
- Animal tracking and understanding the food chain
- Insect lessons and classification of insect orders
- Adaptation of birds
- leaf characteristics, pollination, dissection of plants, and plant adaptation

**Federal Court Impacts on Pesticide Use; Terry Witt, Oregonians for Food and Shelter (OFS); Janet Fults, supervisor, ODA Pesticides Division** (please refer to handout from OFS for complete details): Witt's presentation is summarized below by the following points:

- Drift pesticide labeling and the November 2009 EPA Federal Register Notice; requested comments on the following:
  - pesticide registration notice (PRN)
  - draft pesticide drift labeling interpretation
  - PRN additional information and questions
  - Witt is concerned about vague language such as "could cause," or "may cause" adverse effects on the labels of certain products.
  - Witt says the EPA's guidance on how to enforce pesticide drift sets an unachievable zero drift standard, setting the stage for frivolous lawsuits and enforcement actions.
  - OFS believes that the EPA should maintain the FIFRA risk-based standard of "no unreasonable adverse effects;" acknowledge that some small level of pesticide drift is unavoidable in some cases
  - Witt says that the EPA should remove the new hazard-based standard of "harm" from the Drift Pesticide Registration Notice."
- November 2009 EPA Federal Register Notice, requesting comments on the "petition to protect children from pesticide drift":
  - The petition states the EPA has violated the Food Quality Protection Act
  - the petition asks the EPA to evaluate the exposure to children and impose safeguards that they are protected from aggregate pesticide exposure, including drift
  - asks that the EPA immediately adopt interim prohibitions on the use of toxic drift-prone pesticides near homes, schools, parks, daycare centers, or wherever children congregate.
  - the interim "prohibitions" include no-spray zones of at least 60 feet for ground applications and 300 ariel feet around areas where children may congregate
- December 2009 EPA Federal Register Notice draft policy paper on revised risk assessment methods for workers, children of workers, in agricultural fields and pesticides with no food uses
  - EPA proposes to apply additional safety/uncertainty factor of ten (multiplied by current standard) when assessing risk to agricultural workers and their children and for adult by-standers near agricultural fields that may be exposed to pesticides via "off-site" drift
  - Witt defends that REIs already include safety and uncertainty factors below levels at which no toxic effect has been observed.
  - Witt gave examples of revised REI standards and how it would effect the time:
    - hand harvest of grapes and brassicas, following the ten-fold rule, the REI would increase from three days to 25

Witt asserts: EPA should not impose unnecessary buffers that would reduce cropland for American farmers. EPA should remove the new hazard-based standard of "harm" from the Drift

Pesticide Registration Notice. EPA should develop a bystander risk assessment exposure scenario for the pesticide registration process. EPA should develop risk-based tolerances for non-target property.

Witt maintains that state agencies do not have the toxicology endpoints or risk assessments to support or interpret the proposed changes. He states that Crop Life America (CLA) supports innovation and advocates for EPA's adoption of scientifically based and validated spray drift reduction technologies (DRTs). CLA recognizes EPA's announced efforts to move forward in its DRT testing and validation program. CLA urges EPA to work with the industry and for USDA to promote the use of DRTs and give credit to farmers and applicators for using DRTs.

**Toxics Strategies, Neil Mullane and Jennifer Wigal, Department of Environmental Quality (DEQ)** (for complete text of the latest update on toxic reduction strategies, please visit the DEQ web site at <http://www.deq.state.or.us/toxics/index.htm>) The following is a summary of DEQ's presentation: Mullane gave updates on several projects:

- Toxics Reduction Strategy
- Water Quality Standards rulemaking
- SB 737
- Priority Persistent Pollutants
- Pesticides General Permit
- NPDES permit

DEQ began work on toxics reduction strategy one year ago. A unified strategy was created for projects covered by DEQ that included:

- Lab toxics monitoring program
- Air toxics program
- water quality toxics
- land quality toxics
- Interagency efforts

Steps were taken to develop the toxics reduction strategy that identified:

- High-priority toxic chemicals
- sources and pathways to the environment and humans, and
- current toxics reduction program components
- recommendations for new or modified toxics reduction opportunities
- implementation and communication plans

- conduits for public outreach
- EQC involvement

In the initial toxics “focus” list, there are multiple program priorities:

- 135 Chemicals on the list have been divided into seven categories:
  - consumer product constituents
  - persistent industrial chemicals
  - metals
  - volatile organic compounds
  - solvents
  - combustion and petroleum by-products
  - current use pesticides and legacy pesticides

Part of the latest toxics reduction strategy developmental activities are summarized below:

- Since December 2009, DEQ continues to collect data on chemicals in the state
- conducts program reviews
- developed criteria for evaluating reduction options
- Identified potential improvements to existing efforts and possible new reduction measures
- worked with ODA staff through water quality pesticide management team

DEQ's short-term plans for strategy and their 2010-2011 milestones include:

- providing updates to the EQC in June 2010
- external stakeholder group meetings every 6-8 weeks
- continued coordination with Water Quality Toxics initiatives and state agency programs
- developing an EQC policy directive to institutionalize strategy and provide clear direction on the process
- present draft toxics strategy to EQC in August 2010
- collect informal public input in the fall of 2010
- complete final strategy by February 2011

Wigal spoke to DEQ's water quality standards and the rule-making on revised water quality toxics criteria to protect human health.

- DEQ will continue the development of water quality rules to adopt and implement criteria to protect human health from toxic pollutants.
- Work is focused on EQC Directives: revise criteria for toxics based on a fish consumption rate of 175 grams per day.
- CWA/NPDES permit implementation should achieve environmental results and be cost effective.
- Rules of implementation strategies to reduce toxics from non-permitted sources
- Consider the costs and benefits
- evaluate scientific data.

Revised human health criteria:

- not all criteria will decrease dramatically
- many criteria are below quantitation limits
- Results of changing criteria:
  - make the criteria more accurate for Oregon
  - establish a goal of protecting most fish consumers

Implementation:

- Non-point and other sources
- Build on existing programs and fill in the gaps
- Implementation-ready TMDLs/toxics delivery by sediment
- update the antidegradation policy to address nonpoint sources of pollution
- additional program elements related to indirect sources discharging to municipal collections systems

A process update was presented to the EQC in February 2010. The EQC directed DEQ to develop all elements of the package completely and to extend the schedule for adoption by EQC. The target date for completion is mid-2011.

Next Steps:

- Report back to EQC with modified work plan; at that time, the report will be shared broadly
- Continue to work with established workgroups on all areas of rule package
- Schedule once per month workgroup meetings
- Complete work on criteria and permit implementation tools
- Ongoing discussions in workgroup on water quality regulations and actions related to nonpoint sources
- Informational updates to EQC
- Public comment in early 2011
- Rule adoption in mid-2011.

The final priority persistent pollutant (P3) List update:

- DEQ was directed by SB 737 to identify chemicals meeting defined by the following characteristics:
  - Toxicity; either persistent or bioaccumulated
- Actions mandated by SB 737:
  - Legislative Requirements:
    - By June 1, 2009, develop priority persistent pollutant list focused on pollutants that pose a threat to the waters of the state, and have documented harmful effects on the health and well being of humans, fish, or wildlife.
    - By June 2010, develop a report for the Legislature identifying sources of listed pollutants and opportunities for reduction.
    - By July 1, 2011, toxics reduction plans must be submitted by Oregon's 52 largest municipalities for pollutants found in their effluent above trigger levels.
- Status of project SB 737 and final P3 list of 118 pollutants:
  - Trigger level selection and adoption process will have a proposed rulemaking hearing in January 2010
  - final rules will be brought to the EQC for adoption in June 2010

- for inventories and reduction strategies, a draft will be released for public input March 22, 2010
- A final report will be due to the Legislature June 1, 2010
- Municipalities will monitor their effluent for all pollutants. Monitoring results will be compared against trigger levels to determine whether a persistent pollutant reduction plan needs to be developed.
- Next steps:
  - Continue to involve interested and affected entities in all phases of this work.
  - Finalize trigger level rulemaking in June 2010.
  - Draft legislative report on sources and source reduction options available for public input in March-April 2010.
  - Monitoring at municipalities will occur in summer and fall.
  - Municipalities will submit toxics reduction plans by July 1, 2011.

Beth Moore, DEQ summarized the Pesticides General Permit (for more information please visit <http://www.deq.state.or.us/lq/hw/pesticide.htm>):

Background: In November 27, 2006, EPA published their final rule on pesticides. The application of a pesticide into, over, or near water does not require an NPDES permit as long as the FIFRA label is followed. Challenges to the rule resulted in the 6th Circuit Court hearing the case. In January 2001 the 6th Circuit Court disagreed with EPA determination. They believe a biological pesticide and chemical pesticide residual are pollutants. Certain applications that are discharged directly into, over or near water are required to get a permit. EPA has two years to develop a general permit. By April 2011, regulated community must have coverage under the permit. EPA is the lead on the general permit. DEQ is part of an EPA workgroup and working with ODA.

Oregon's Pesticide General Permit must meet all the Clean Water Act (CWA) requirements that the federally issued permit does. It also must meet Oregon Water Quality Standards. The final permit will be developed after EPA's draft permit is available and will include a public process. The pesticide general permit will be an NPDES permit that covers certain types of pesticide applications over, into and near waters of the state. Use patterns will be considered as well as the following:

- Term used for general permit:
  - mosquito larvicides and mosquito adulticides
  - herbicides used to control weeds in lakes and ponds
  - herbicides used to control weeds in irrigation systems and other waterways
  - insecticides used in wide-area insect suppression programs

- herbicides used to control weeds along ditch banks in agricultural drainage systems
- herbicides used in wide area control programs directed at aquatic invasive plant species
- herbicides, insecticides and other pesticides used in forestry programs when applied over water
- products applied to kill fish, mussels or other invasive aquatic species

**ODA Legislative Special Session Review, ODA Director Katy Coba; ODA Deputy Director Lisa Hanson; ODA Assistant Director Lauren Henderson:** The following agricultural legislation and regulatory measures were identified:

- Bill related to biofuels diesel standards and the problems associated with gelling: Some advocated for eliminating the renewable fuel standards and lifting the ban in certain areas of the state. Others wanted to eliminate the requirement for 2 percent biodiesel during certain months of the year. This would not work from a market standpoint. The final version of the bill allowed for additives in fuel to prevent gelling. This bill will sunset it one year will be revisited during the 2011 session.
- Bill related to land use related to agri-tourism in or on exclusive farm use. Bill was passed that will sunset in 2013.
- ODA had one fund shift and a fund sweep from the pesticide program. Four-hundred-thirty-three-thousand dollars from the pesticide registration fee will be shifted.
- Food Safety lost \$400,000 from the General Fund; ODA needs to find other dollars to fund FSD programs. Industry advocated for emergency funds for the drysopholia fly. Two-hundred-twenty-five-thousand dollars was appropriated to the agency for research and education on the fruit fly. This money came from the general fund sweep of the food safety program.

An overview of the current budget and what the next session may hold was summarized:

- The official budget kick-off is March 17, 2010
- ODA will receive instructions for the 2011-13 biennium at that time.
- ODA knows they will be required to prepare budgets with reductions up to 25 percent in General Funds and lottery funds. These cuts would amount to \$3.5 million in General Funds and \$2.5 million in lottery funds. ODA will work out how and where to make the proposed cuts.

**2011 Proposed Legislative Concepts, ODA Director Katy Coba; ODA Deputy Director Lisa Hanson; ODA Assistant Director Lauren Henderson:** The following is a summary of the presentation. Please refer to handouts for details)

- Confined Animal Feeding Operation (CAFO) permit fee increase; current fee of \$25.00 has been in place for 25-years and does not accurately reflect the cost of services rendered.
- Shellfish plat, commercial fee increase; to protect public health, to minimize the deficit in the commercial shellfish program, and to maintain minimum state and federal mandates for inspection, sampling and testing.
- Food safety license fee increase; demands on the division continue to increase as food emergencies and recalls seem to be ever increasing. Without adequate funding the agency will be forced to reduce the number of services provided to ensure Oregonians of a safe food supply.
- Veterinary products license fee increase; a fee increase will be necessary during the next biennium for the program to continue at its current service level. The vet product fee supports ODA's animal health program.
- Seed license fee increase; the cost of program operations have increased over the last ten years and the current fee structure is no longer adequate to maintain ODA's seed regulatory program. The increase in fees will assist in covering the cost of running this program.
- Search and seizure; the Oregon Department of Agriculture (ODA) has several cases in front of an administrative law judge related to ODA's search and seizure authority. This provides a placeholder should legislation be necessary to address ODA's authorities.
- Farm apprenticeships; in Oregon and around the country, small farms have widely "employed" interns or apprentices to learn the art of farming through hands-on educational experience. Countervailing issues include: whether employment of interns or apprentices would give an unfair competitive labor cost advantage against other employers, and whether such "employment" may depress wages for experienced farm workers, or create situations of exploitation of inexperienced workers.
- Slow pay/No pay; changes include writing contracts to sell seed production by acreage or pounds, allow ODA through rulemaking to list seed varieties protected under this law, and would seek to regulate both in and out of state contractors.
- Land use revisions; state law may need to be amended to better define what tourist and entertainment activities are appropriate in association with agricultural operations and under what circumstances. Issues include insuring that tourism and entertainment activities: 1) have a nexus with "farm use", 2) are subordinate to farm use, and 3) are compatible with farming activities.
- PARC, medical records; The statutory reference in ORS 634.550 regarding confidentiality of medical records is incorrect.
- NPDES, pesticide permit program; this proposal would provide ODA with authority to implement, enforce, and charge fees for issuance of NPDES permits in the pesticide program.

- Threatened and endangered species; discussions are underway to convert the Threatened and Endangered Plant Species program from one where staff do mostly field work to a granting/consulting function where staff would consult with land managers and administer grants (in conjunction with OWEB) to cities, counties, SWCDs, etc. to further the goals of native plant conservation and watershed protection/habitat restoration.
- Firewood regulation - Invasive Species Council; this concept would establish regulations on the transportation of firewood to prevent the spread of invasive pests. This concept is to be filed on behalf of the Invasive Species Council.

### **Public Testimony**

- Roy Kupplenger of Aurora; on issue with dairy built on wetlands
- Kendra Kimbirauskis, Friends of Family Farmers. On mission statement of FOFF. Thanked Katy for speaking at small farmers conference.

### **Board of Agriculture Subcommittee reports**

- **Land use reported on**
  - Ag Tourism/Entertainment: The Oregon Wine Association (OWA) recognizes the need for a review of this issue. SB 1055 was brought before the 2010 special session. The land use subcommittee will meet April 1st to continue the discussion.
    - Action item: Move to amend minutes of the last meeting to include land use action item unanimously approved and is included in the letter to Metro. So moved by Pat Dudley. Seconded by Steve Van Mouwerik. Motion carried without dissent. (Jan Kerns absent from vote.)
  - Lynn Youngbar has been involved in a coalition to discuss the number of acres that is currently considered Foundation Farmland, into a reserve. This land would be used first when it is time to expand the Metro urban growth boundary. In Washington County, 28,000 acres were included in the reserve. The Board of Agriculture land use subcommittee feels the acreage should not have been included.
    - Action item: Directs ODA Director Coba to advocate in support of the board to explore filing an objection of the 28,000 acres in Washington County included in the urban reserve. So moved by Pat Dudley. Seconded by Tom Fessler. Motion carried without dissent. (Jan Kerns, Dan Carver absent from vote.)

- A resolution was passed at the last meeting stating the board's non-support of agri-tourism. Travel Oregon objected to the negative tone and wondered if the board would consider changing the language. A discussion focused on the summary statement that is a restatement of section number one in the resolution. The board believes that OWA will pass a resolution supporting ag- tourism in rural communities.
- **Marketing and food safety reported on**
  - Challenges and opportunities faced by the ODA Agricultural Development & Marketing Division (ADMD). A round table discussion was held to discuss the ADMD's future. How can ODA staff work with the board subcommittee to make the division more beneficial to the industry.
  - Budget and certification will continue as a topic in future meetings.
  - The board subcommittee worked with ODA to create the March 15th marketing presentation before the full board.
  - Action item: proposed resolution on background of the Food Safety Act. Make strong statement about parts of legislation that could adversely affect the industry. Motion by Lynn Youngbar to adopt proposed resolution on national food safety legislation. Seconded by Bernie Faber. Motion carried without dissent. (Jan Kerns, Dan Carver absent from vote.)
- **Natural resources reported on**
  - PRIME presentation by Paul Jepson
  - Staff changes in the ODA Natural Resources Division
  - Native Plan Conservation Program; how the program is supported
  - Getting the message out to the public about how the agricultural sector helps support the environment.
  - Agri-Business Council initiative to fund public education; promote Oregon campaign
  - Integrated Water Resource Strategy (IWRS) open houses are scheduled around the state. ODA-NRD requests board members participate when an open house is held their home region. ODA-NRD would like suggestions from the board on the IWRS
- **Government Relations reported on**
  - Meeting with the ag lobby stakeholders focused on the following:
    - Drosophila fruit fly control
    - 2010 navigability bill
    - field burning rule revisions
    - ODA fund sweep and the need to prevent sweeping
    - impact of ballot measure 66 and 67 on ag cooperatives
    - Oregon Fairs reductions in funding
    - Sunset on energy tax credits and farm labor housing tax credits
    - Rogue River issues
    - exempt wells.
    - C corp tax structures and what constitutes an Oregon sale under ballot measure 67
    - immigration reform at the federal level
    - Federal Estate tax

- Credit availability and problems obtaining credit for producers
- OAN and other states suing the state of South Carolina regarding phytosanitary restrictions. These restrictions are seen as a barrier to trade. The industry contends that USDA has over arching authority for phytosanitary issues and should not be superseded by state authorities
- goose damage and goose population levels and controls
- State of the Industry Report: ODA Special Assistant to the Director Brent Searle needs the board's feedback to prepare the 2011 report. What sections does the board want to include? Should there be new topics added?

**Other board business:**

- Action item: Letter from Board of Agriculture to EPA regarding the application of pesticides on or near waterways. Moved to approve by Tom Fessler. Seconded by Steve Van Mouwerik. Action approved by full board. (Jan Kerns absent from vote. Dan Carver absent from vote.)
  - Text of letter as follows:

Addressed to:

Lisa Jackson, Administrator, U.S. Environmental Protection Agency (cc to Steve Owens, EPA Assistant Administrator; Arthur-Jean Williams, Associate Director, Environmental Fate and Effects Division

Dear Administrator Jackson:

On behalf of the Oregon State Board of Agriculture (Board) I am writing to express concerns regarding the implementation of the court ordered mitigation measures resulting from the consultation between the National Marine Fisheries Service (NMFS) and the U.S. Environmental Protection Agency (EPA) for specific pesticides used near habitat of salmon and steelhead subject to the protections provided by the Endangered Species Act. While Oregon is committed to ensuring that the use of pesticides are managed to limit the risks to listed fish and aquatic health, we are concerned that the proposed approach is unworkable on the ground and places undue burden on the forestry and agricultural communities.

NMFS has issued two biological opinions (BiOp) for six pesticides (chlorpyrifos, diazinon, malathion, carbaryl, carbofuran, and methomyl) with restrictions soon to be required on pesticide labels. These pesticides, as well as an additional 31 active ingredients subject to the same process within the next two years, are used for crop protection in Oregon agriculture, forestry, range management, and other sites critical to the economic sustainability of agriculture production and natural resource protection in this state. The Board is most concerned with how EPA is attempting to meet the provisions of the court order and the NMFS BiOp without fully considering the cost of implementation and the impact of those costs on the agriculture and forestry sectors of Oregon.

Briefly, I would like to address a few specific areas of concern:

**1. Implementation of mitigation measures.** The reasonable and prudent alternatives (RPAs) being acted upon by EPA to mitigate risk to salmon listed under the Endangered Species Act could effectively eliminate the use of pesticides subject to the BiOp in many areas of Oregon. The Board requests EPA consider the impacts of these mitigation measures and factor in the effect of the complexity of understanding the restrictions on pesticide users. Of specific concern are:

- a. The definition of water bodies involved (e.g. do man-made ditches under four feet deep require buffers?)
- b. The unrealistic and complex parameters used in the Buffer Calculator will not be readily understandable or applicable by pesticide users.
- c. Use of the “Bulletins Live” website for all mitigation measures when clear label restrictions would more effectively accomplish the goal.

## **2. Lack of adequate outreach information**

- a. The Oregon Department of Agriculture (ODA) and Oregon State University (OSU) Extension Service provide a significant amount of pesticide education to ensure our applicators are well informed and compliant with pesticide regulations. As noted above, label restrictions have been the traditional means of communicating required risk mitigation measures to pesticide users.
- b. The states have not been provided with adequate outreach resources to aid in the education and training of pesticide applicators.

## **3. Lack of funding to support program activities**

- a. ODA, as well as other states, receives \$5,000 annually from EPA through the Consolidated Pesticide Cooperative Agreement to address endangered species issues. The ODA pesticide program includes pesticide licensing, education and recertification, product registration, water quality, and compliance monitoring and enforcement. Implementing EPA’s Endangered Species Protection Program significantly affects every aspect of each program segment. \$5,000 is a wholly inadequate investment by EPA to address the challenges that this program presents and places an undo fiscal responsibility on state budgeted programs.

As EPA and NMFS address the remaining pesticides in the WTC court ordered consultation, or other pesticides as they are challenged, The Board requests that ODA be an active partner in developing RPA’s that take fully into account the impacts on agriculture and forestry in our collective efforts to protect endangered salmon and steelhead in Oregon. The need for increased financial support of this program is evident. Additionally, the economic impact on the industries that must implement it must be fully considered, with a clear demonstration that intended environmental benefits would actually be realized. And finally, implementation must be technically and economically feasible and strive to avoid undue harm to forestry and agriculture production.

Sincerely,

Bob Levy Chair, Oregon State Board of Agriculture

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**Next meeting:** June 1-3, 2010. Klamath Falls. Agenda items may include the following:

- Friends of Family Farmers presentation
- Panel of local industry
- Tour of local industry
- Water quality and quantity
- 2011 legislative concepts
- ODA budget cuts and budget packages