

Oregon Department of Agriculture Program Reports

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Food and Animal Health & ID Program Area

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- **Food Safety Program** continues to maintain overdue inspections at a level around 900 firms despite efforts to improve efficiencies. We believe this may be the level at which the program can maintain given the staffing resources in the program. The program has maintained this level of overdue inspections for the past 8 months. We continue to focus on the high-risk firms who are overdue as our top priority to address.
- **FDA Contract:** The FSP completed the 2018-2019 contract in August. The FDA elected to exercise its option to accept Year 2 of the five-year contract in 2019-2020. The ODA will conduct 16 Full Scope Preventive Controls inspections (Subparts A, B, C, D, E, F, G) on contract (double from last year) and reduce the number of Limited Scope Preventive Control inspections (GMP Subparts A, B, and F) yet retain the same revenue.
- **Reusable Containers** ODA held a stakeholder meeting with members of the retail food industry to discuss to address the possibility of modifying the rules to allow consumers to bring in their own food containers for filling at retail food establishments provided food safety concerns are adequately addressed. The program is facing pressure to amend its rules which were adopted from the FDA Food Code due to changes in recycling opportunities and customers trying to keep recyclables out of waste streams. The ODA will be in discussions with other state food regulators for information on how other states are handling the same issue during next week's FDA Pacific Retail Food seminar.
- **Food Safety Employee Training** ODA completed the reporting requirements for a training grant through AFDO. Several food safety program staff members obtained FDA training in an assortment of High-Risk food processing activities and Preventive Controls for Regulators course. We plan to submit for a similar grant for training in 2020.
- **Dungeness Crab and Domoic Acid** ODA along with California, Washington State and Congressman Kurt Schrader submitted letters to FDA requesting a review of the action levels for domoic acid in crab viscera. There is a difference in interpretations between the states of the action levels set for domoic acid in crab viscera due to ambiguous language in FDA's Fish and Fishery Products Hazards and Controls Guidance. We are still waiting on an official response from FDA to our letters.
- **Animal Health** Animal Health Program (AHP) personnel have been busy collaborating with and assisting with all of Oregon's county fairs. AHP staff test poultry at the county fairs for Salmonella pullorum (SP). The SP testing across the state serves to provide surveillance data to the USDA for our state to maintain its Salmonella pullorum Free status. AHP personnel also use the opportunity for outreach and education to 4H and FFA members on a wide spectrum of animal health related topics.
- The Oregon State Fair is currently underway. The very popular annual event runs from August 23-September 2. ODA Animal Health Program staff have assisted in planning, livestock check-in and document inspections.
- **West Nile Virus (WNV)** Late summer and early fall is peak season for WNV infections. To date, there has been one positive horse diagnosed in Union County. Positive mosquito pools have been detected in Baker, Morrow, Umatilla, Malheur and Union counties.
- **Swine Influenza Virus (SIV)** Two SIV detections have been made. One case in Linn county in June and the second case in Clackamas County in July. All sick pigs have recovered and all were tested negative for virus shedding before quarantines were lifted.

- **Livestock Identification** the Livestock Identification program is gearing up for the fall shipping season. The program is still trying to fill vacant positions in a couple of vital regions. Brand renewal is good for 4 years and staggered over that period to provide a level income for the program and management of workload. Brand renewal will begin for one fourth of our registers brands starting October 1, 2019.

Internal Service & Consumer Protection Program Area

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- **Weights and Measures Program (* denotes 1st Quarter 2019 for comparison)** As of June 30th, 2019, the program had 61,909 (*62,117) licensed weighing and measuring devices operated by 13,729 (13,624) businesses in Oregon. Through the 2nd Quarter of 2019, inspectors have examined 27,226 (44% of total) weighing and measuring devices licensed across the state.
- As of June 30, 2019, the W&M delinquent caseload had been reduced down to 1,848 licenses worth \$390,754 of license fee revenue.
- Program Manager, Steven Harrington and Field Supervisor, Josh Nelson recently represented Oregon at the National Conference on Weights and Measures held in Wisconsin. Both Steven and Josh will be attending the Western Region Weights and Measures Association meeting this September which will be held in Wyoming.
- W&M is having good initial success with testing their new highly calibrated mass flow meter. So far, field tests against the current LPG prover are very promising. If testing of this new device are successful, this meter will take the place of the standard LPG provers in testing LPG meters at bottle-fill sites and LPG delivery truck meters. This new mass flow meter configuration has a cost of \$20,000 vs \$75,000 to \$100,000 for a new prover. It will also cut 30-45 minutes off each test and can be secured in the back of an inspectors district truck with no trailer needed.
- **Metrology Lab** During the 2nd quarter of 2019, the ODA Metrology Lab conducted 880 high precision calibrations for private industry and other state metrology labs and generated a total of \$16,930 worth of fee-for-service revenue. For the year-to-date, the Metrology lab has conducted 2,647 high precision calibrations and has generated \$45,800 worth of revenue.
- The Metrology lab continues its work with DAS Procurement in order to enter a price agreement that will allow the lab to purchase a new robotic precision balance that will enable our metrologist to load weights and let the balance move and weigh them automatically. This device will add much needed efficiency and capacity to the Metrology lab in order to assist with their overgrowing caseload.
- **Motor Fuel Quality Program** For the 2nd quarter of 2019, Field Inspectors conducted the following motor fuel quality field screening tests: 407 motor fuel quality screenings with 13 failed screens; 892 fuel storage tanks screened with 4 screens showing excessive water in the tanks.
- **Lab Services Program** Cyanotoxin Project Update - Chemist, Joe Harworth continues to have challenges with the ELISA testing in water and has spent considerable time trying to overcome them. Speaking with the Lab Supervisor at the City of Salem, they are having the same issues as Joe is. We are honestly skeptical the ELISA system will prove useful in food given the struggles faced in water. As for the LCMS approaches, Joe remains hopeful they will work. He has made significant headway in testing for the toxins in water and has a good handle on those methods. He has yet to make substantial headway in food matrixes but part of that problem has been the LCMS being down and needing repair. Once the repairs occur, Joe will be focusing his efforts on testing food matrixes on the LCMS.
- **Wolf Grant Program** ODA has received news from the U.S. Fish and Wildlife Service (USFWS) that ODA/Oregon will be receiving 100% of its Federal Wolf Grant request of \$76,000.
- This means that ODA will be receiving \$11,000 for direct compensation, which will be awarded to County wolf programs in the spring of 2020, and \$65,000 of prevention, which ODA can award within

the first few weeks of September. ODA has already awarded approximately \$65,000 of State General Funds, which will be used as the 50% match for these newly acquired federal prevention funds.

- **Egg-Laying Hen Program** During the 19/21 Legislative Session, SB 1019 amended ORS 632.35 through 632.850 and repealed ORS 632.850 and also amended sections 10 and 10a, chapter 436, Oregon Laws 2011.
- SB 1019 gives ODA until 01/01/2023, to draft the applicable OAR's. Most of the provisions of SB 1019 don't go into effect until 01/01/2024. SB 1019 also shorten the phase in schedule for compliance of the current law by two years.
- **County of Origin Labeling Program (COOL)** We have just hired one of our retired W&M Inspectors to work for the next 5 or so weeks in order to conduct all of the COOL audits in grocery stores located around the state.

Market Access & Certification Program Area

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- **Agriculture Development and Marketing** The 2019 Farm to School Grant Program bill signed into law this legislative session expands the program from just over \$4 million during the previous biennium to \$15 million. Of that \$15 million, \$500,000 will be distributed by the ODA as producer grants for the purchase of infrastructure and equipment to persons intending to sell food to schools and other qualified entities. ODA is in the process of developing the rules governing the grant.
- Oregon hosted inbound missions from Korea, Taiwan and China: The 5 processed food and beverage buyers from Korea met with 19 companies. They were pleased with the selection of products offered and expected to place orders. The 7 buyers from Taiwan sought processed food, beverages, fresh fruit, fresh potato, fresh onions and alfalfa hay. They too were pleased with the selection of Oregon companies represented. The fresh fruit buyer traveled to Hood River to meet with a cherry producer. She was so impressed by the current cherry quality that she is seeking to buy cherries for the Taiwan market this year. The 6 buyers from China were interested in food service products and ingredients, including hazelnuts.
- Planning is underway for the Governor's trade mission to Japan and Korea in November. The mission's agricultural delegation will represent a broad swath of commodities and processors. The goal of the mission is to build on commercial relationships between Oregon sellers and their Japanese and Korean buyers.
- **Seed Regulatory Program** Proposed changes are coming to the Oregon Import Seed Quarantine Program. The Oregon Import Seed Quarantine Program was mutually developed between United States Department of Agriculture Animal and Plant Health Inspection Service Plant Protection and Quarantine (USDA APHIS PPQ), Customs and Border Protection (CBP), the Oregon Department of Agriculture (ODA) and the Oregon Seed Industry to facilitate the smooth flow of seed from port to warehouse. Recently, CBP and USDA APHIS PPQ have reached out to industry with the intent to get rid of this program. This would affect over 20,000,000 lbs of seed that is imported into the Willamette Valley and could cost the industry millions of dollars annually in additional transport and inspection costs.
- At the request of the grass seed industry, the Seed Regulatory Program is reviewing records of the tall fescue variety "Kentucky 31" for the 2016-2017 growing seasons. There is concern among the industry that other tall fescue varieties may be labeled as Kentucky 31 to take advantage of the higher price that a named variety can command in the market. Records for nearly 2,000 lots have been received from 93% of Oregon's licensed wholesale seed dealers. In June, two civil penalties totaling \$248,000 were issued to Dynamic Seed Source LLC and owner Trevor Abbot for mislabeling violations related to 124 lots of seed. This represented nearly 7 million pounds of seed that was sold in 2016 and 2017.

- **Smoke** the Smoke Management program, which coordinates field burning for grass seed and cereal grain growers in the North Willamette Valley, is transitioning to Market Access from Natural Resources. The program will be co-managed by Elizabeth Savory and Susanna Pearlstein. Jason Eck, who currently works in the program will continue to work with the program as it transitions.
- **Plant Health** the Seed Field Inspection team was honored by Director Taylor at this year's All Staff Meeting. The Market Access & Certification Program provides numerous services to the Oregon seed industry. This diverse group of staff span three programs – Shipping Point Inspection, Plant Health, and Seed Regulatory. Shipping Point staff provide sampling, verification services, and, together with Plant Health staff, issue phytosanitary certificates for seed. In 2018, the ODA issued phytosanitary certificates for over 121 million pounds of seed that was exported all over the world. The Plant Health program provided testing services for a significant portion of that seed, performing over 10,000 tests for various contaminants, bacteria, fungi, and nematodes. In addition, they inspected over 21,000 acres of field crops grown for seed, representing 38 different crops. The Seed Regulatory Program undertook the biggest investigation in ODA history over the last 18 months – looking into mislabeling of Kentucky 31 tall fescue. Together, this talented group of staff are doing their part to support Oregon's vibrant specialty seed industry, keeping the industry strong, forward-thinking, and in compliance with state, federal, and international requirements.
- **Shipping Point Inspection** the Shipping Point Advisory Committee met on Wednesday, June 19th at the Agriculture Building in Salem. The group was joined by Katy Coba, Alexis Taylor, and Lisa Hanson to celebrate Jerry Baker's fiftieth year on the shipping point Advisory committee.
- Labor for both ODA and the agricultural industry has become increasingly difficult to both attract and retain, especially in rural Oregon.
- Harvest season has begun with most crops reporting an average yield and good quality.
- **Produce Safety** FDA-led Produce Safety inspections started in Oregon in April, 2019. To date, about 60 inspections have taken place.
- ODA continues to offer education, outreach and technical assistance to farms. At this time the program is not moving towards taking on the regulatory inspections.

Natural Resource Program Area

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- The Confined Animal Feeding Operation program received an application for a new individual permit from Easterday Farms Dairy. The permit application is for up to 28,200 animals altogether, with up to 9,700 milking and dry cows, 8,600 heifers, and up to 10,000 feedlot beef. ODA is working closely with other state natural resource agencies to stay in close coordination during the application evaluation process.
- The CAFO program will be conducting a fee rulemaking this fall to raise fees as allowed by House Bill 2061. This bill increased the statutory caps on CAFO permit fees.
- The ODA Ag Water Quality Program has identified the next round of Strategic Implementation Areas for calendar year 2020. The program is also developing a five-year schedule and has started gathering feedback on the draft schedule from partner agencies. We will be meeting with several Soil and Water Conservation Districts this fall as well as our program advisory committee.
- In May, ODA received a petition to adopt rules in the Tillamook Watershed to implement the Total Maximum Daily Loads there. ODA reviewed the rule language submitted by the petitioner and concluded that the existing Agricultural Water Quality Management Area Rules are more protective than those proposed by the petitioner. ODA issued an order denying the petition.

- The Oregon Department of Environmental Quality is developing several Total Maximum Daily Loads (TMDLs) that apply to agricultural lands. TMDLs define the amount of a pollutant that can be present in a water body while still meeting water quality standards.
- DEQ issued draft Lost River and Klamath temperature TMDLs in May 2019 for public comment, and expects to have EPA approval by September 30, 2019.
- According to the draft TMDL, the largest nonpoint sources of warming are from removal of streamside vegetation and from channel modification. In part because these systems are heavily modified, streamside vegetation restoration alone will improve conditions but will not achieve the temperature criteria for these waterways.
- Staff from ODA worked with staff from DEQ to review the draft TMDL documents and provide comments. DEQ is working with ODA and other Designated Management Agencies (DMAs) in an adaptive management approach, to show progress over time.
- DEQ issued a draft Mercury TMDL for the Willamette Basin on July 3, 2019, after meeting with the Advisory Committee multiple times in 2018 and 2019. The public comment period closed on September, 3, 2019. ODA participated in Advisory Committee meetings and has provided feedback to DEQ as appropriate during the process.
- The Mercury TMDL is written to reduce the concentration of mercury in Willamette Basin surface waters, in order to reduce the level of mercury in fish consumed by humans. The Mercury TMDL updates the original Willamette Basin Mercury TMDL, approved by EPA in 2006.
- According to DEQ, the largest source of mercury in the Willamette Basin is from air deposition that originates in Asia. Since Oregon cannot regulate this source of mercury, DEQ will work with agriculture and other sources to reduce the erosion that places mercury in streams via storm water runoff. DEQ is taking an adaptive management approach to this TMDL, and will work with ODA and other agencies and sources to show progress over time.
- The Pesticides Program negotiated a settlement agreement with a supplier of neem oil that was found to be contaminated with several pesticides.
- The Pesticides Program was granted a warrant to conduct crop residue testing after receiving a complaint of an off-label use of a pesticide product. The crop was found to contain pesticide residues consistent with the product identified in the complaint. The program is in communication with the grower regarding options for reconditioning or disposition of the product.
- The Pesticides Program has approved 15 new Section 24(c) Special Local Need (SLN) registrations thus far in 2019, and expects to grant up to 10 more before the end of the year. ODA currently has about 235 active SLNs, more than any other state, primarily due to high numbers of SLNs for our grass seed and specialty seed crops.
- The Pesticides Program is coordinating with the ODA Noxious Weed Control Program to develop an application to EPA for a Section 18 emergency exemption to allow applications of a grass herbicide to help control the spread of ventenata and medusahead in rangeland in eastern Oregon.
- EPA approved amendments to the registration of the pesticide sulfoxaflor (Transform® WG) in July 2019 that reinstated certain uses that had been previously cancelled due to a court order, and also added some new uses. ODA has approved these new labels for Oregon, which provide very important control of insect pests in crops such as alfalfa grown for seed, cucurbit vegetables, strawberries, and Christmas trees. Meanwhile, another lawsuit was immediately filed to challenge the new EPA registration decision, due to concerns about potential impacts of sulfoxaflor on bees and other pollinators.
- The Pesticides Program is working to reformat the ODA Pesticides and Cannabis Guide List, to provide more useful information, especially for commercial hemp growers.

- The Pesticides Program has been meeting with researchers and Oregon hemp industry representatives to discuss the crop's primary pest concerns and identify pesticides most likely to provide control. We have been in conversation with the US EPA and IR-4 on the development of sampling and testing protocols for residue trials which may support new pesticide registrations for hemp. However, the situation with EPA and FDA has not been completely resolved.
- In late June, the National Marine Fisheries Service issued a Biological Opinion (BiOp) on the proposed reallocation of stored water in the Willamette dam and reservoir system. While the BiOp limits Municipal & Industrial water contracts to 11,000 acre-feet (AF) until several significant projects are completed by the state of Oregon and the Corps, the BiOp is silent on Agricultural Irrigation (AI) contracts. This means that AI contracts remain limited to the 95,000 AF established in a 2008 BiOp on the system of 13 dams and reservoirs in the Willamette Valley. Currently about 75,000 AF are contracted for AI.

Plant Protection & Conservation Program Area

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- Key issues are 1) securing continuous funding for the largest Japanese beetle eradication project in Oregon's history and 2) identifying additional state funding sources for our Native Plant Conservation Program.
- **Insect Pest Prevention and Management Program (IPPM)** Treatments for the 2019 Japanese beetle eradication project were successful. About 8,500 residences have been treated, including parks, schools, and businesses. Tentative trap results, which reflect the 2018 JB treatment, are coming in. Final numbers for 2019 will be published in October.
- The small European Gypsy moth infestation in Corvallis was completed successfully. Final eradication results will be in in October.
- **Noxious Weed Control Program** Several new biological control agents were finally approved by USDA and will be ready for release later this year, including biocontrol agents for gorse, Japanese knotweed, hawkweed and several thistle species.
- The 2018 treatment of a Koi pond with flowering rush in Klamath County was unsuccessful. New eradication methods are being evaluated.
- **Nursery, Christmas Tree, and HEMP Program** Importation of *Phytophthora ramorum* infected plant material from Canada to 28 US states, including Oregon, has caused massive trace-back actions and destruction by USDA-APHIS and our Nursery Program.
- Trace-back request for boxwood blight infested boxwood exported to mid-west and eastern states has kept our Nursery inspectors busy this season. We are contemplating a mandatory Boxwood blight cleanliness program for all Boxwood exporting nurseries.
- After the federal legalization of Hemp this year, we have seen record breaking Hemp registrations for Oregon and also other states. In Oregon, over 62,500 acres have been registered so far. Requests for harvesting have started.
- **Native Plant Conservation Program** Unfortunately, the last legislative session cut \$100,000 in general funds from our Native Plant Program. Impact on statutorily mandated consultation by local agencies and institutions with our Program to protect T&E native plants is currently being analyzed. Remaining federal funds cannot be used to respond to T&E consultations for construction projects by local authorities, such as runway extensions at airports or road constructions.

- **Oregon Invasive Species Council** The 2019 legislative session added \$100,000 for the OISC Council activities and Coordinator costs. In the Christmas bill, the OISC also received an additional \$300,000 for outreach grants and the invasive species control account. The Council is preparing an activity plan with a budget proposal for the new biennium.
- The next OISC meeting will take place in Boardman on October 15-17.

Administration/Special Projects

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- Two Risk Management, Veterans in Agriculture workshops held in Corvallis (June) and Redmond (September) have been completed. The workshops provided an opportunity to connect with existing farmers in Oregon with military service or veterans who may have an interest in new and beginning farmer programs to provide an overview of programs available as well as review state veterans benefits.

The workshops were held in cooperation with the Washington Department of Veterans Affairs, Oregon Department of Veterans Affairs, Farmers Veteran Coalition, Northwest Farm Credit Services, NRCS and the Oregon Department of Agriculture.

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- ODA filed permanent rules for Brassicaceae general production and restrictions in the Willamette Valley Protected District at the end of April that addressed requirements in legislation passed at the end of the session. Following that, ODA permitted 441 acres of canola in the Willamette Valley Protected District.
- ODA continues to work with USDA and other Federal partners to assist in anyway with USDA developing their hemp program rules.
- ODA will file proposed permanent rules for an Agriculture mediation program in October.