

Oregon Department of Agriculture Program Reports
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Food Safety and Animal Health & ID Programs

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• **Food Safety Routine Inspections**

- With many COVID-19 limitations rolled back, staff members have been more able to conduct routine work and work towards reducing the backlog of routine inspections. We plan to return to our standard practice of unannounced inspections on September 1st. Staff will continue to conduct site assessments at the initiation of each visit to minimize potential exposure. The number of Inspections overdue by 90 days that had been growing has leveled off and currently stands at 4945.

• **FDA contract and Manufactured Foods**

- After a slow start to the FDA contract assignment due to the COVID-19 pandemic, the Food Safety team completed the FDA contract in mid-August. Arrangements for the next contract year are well underway with an anticipated start to the 2021-2022 contract year in mid-September. Cross-training of staff on Preventive Control inspections will resume as conditions permit co-workers to work together.

• **Retail Foods:**

- The ODA was the recipient of two AFDO Grants. The first was to purchase fast acting thermocouple thermometers with NIST calibration, and the second was to develop and purchase new stickers providing retailers with basic food safety guidance. The second grant allows the ODA to print these stickers in multiple languages to better serve the diversity of people within our state. We are in the process of applying for another grant to provide equipment and supplies for field staff conducting retail inspections.

In August key Food Safety staff members will participate in the Conference for Food Protection meeting whereby members of regulatory, industry, and academia meet to develop and/or modify food safety guidance which is incorporated into the food safety rules at all levels of government.

• **Dairy Program Update**

- With the new surge of COVID-19 Delta variant cases, we've received some requests from dairy plants to delay our laboratory onsite evaluations because these are typically held in small rooms where dairy lab equipment is located and where COVID safety precautions are hard to maintain. We have not received similar requests for our routine dairy inspections, sampling, pasteurizer equipment checks, etc. and will continue to strive and meet those obligations as long as there aren't any unforeseen future COVID restrictions.

We are currently in our 6th 90-day Emergency Consideration waiver from the FDA, which ends September 17, 2021. Nevertheless, our dairy program has kept up with all routine inspections, sampling, including State Rating inspections while following COVID safety precautions. Due to the surge of COVID-19 cases, which might bring renewed COVID-19 restrictions, we will request a 7th 90-day Emergency Consideration waiver from the FDA for leniency to not only miss dairy plant laboratory evaluations but also all other PMO obligations.

• **Shellfish Program**

- In March 2021, the ODA a Temporary Administrative Order for Crab harvested outside Oregon in an area that would be a biotoxin management zone. The rule establishes that crab that (1) contains viscera, and (2) was harvested outside Oregon in an area in which crab viscera samples showed domoic acid levels of 30 ppm or higher may not be sold, offered for sale, delivered, or donated in Oregon unless the crab is processed to remove the viscera in accordance with this rule.

On August 13, 2021 ODA filed a Notice of Proposed Rulemaking to permanently adopt the language in [OAR 603-025-0425 Crab Harvested Outside Oregon in an Area that Would Be a Biotoxin Management Zone, if in Oregon](#). Proposed date for adopting this rule is October, 01, 2021.

- **State Meat Inspection**
 - Meat Program rule writing is an ongoing process in conjunction with Department of Justice. Rules are being adopted under a new Division, 29, that is being written to encompass the entirety of program regulations. The approach will make for a single point source of information instead of a patchwork of regulatory cross references. The intent is that this will make for a more accessible source of information. The new rules are not impacting existing meat processing business operations.
- **Animal Health**
 - The Animal Health Program has stayed busy throughout the summer visiting fairs and continuing to follow up on reports of sick or dead rabbits and poultry- we have seen a steady increase over the past month in call volume to our reporting hotline. There have not been any new cases of Rabbit Hemorrhagic Disease reported since early June, although 4 premises remain under quarantine after experiencing RHD infections in domestic rabbits in Deschutes County.
 - At the beginning of August, a third District Veterinarian position was created in northeastern Oregon, and Dr. Kristine Carter (previously the Western Oregon District Veterinarian) accepted that position. She will remain in Salem for 1 year to assist with the development of the State Meat Inspection Program before relocating to the Pendleton area. We are currently working to recruit and fill the Western Oregon District Veterinarian Position previously held by Dr. Carter.
- **Lab Services Update**
 - Resumed Dairy Appendix N lab inspections by the LEOs (Laboratory Evaluation Officers) to meet Interstate Milk program requirements. However, continuation of some have been postponed due to the increase in Covid cases/concerns.
 - Multiple pesticide case investigation samples ranked as priority have been received and processed through the lab. Samples continue to be received weekly.
 - State Meat Inspection program work continues. We are ready to submit our method SOPs for review by USDA before seeking ISO17025:2017 accreditation. We have a call with USDA in 2 weeks.

Market Access & Certification Programs

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- **Agriculture Development and Marketing**
 - Agricultural Transportation Constraints -- COVID-19 has caused disruptions to the availability of shipping vessels and containers that continue to cause substantial harm to Oregon agricultural exports. The disruption has affected most sectors but is especially harmful to Oregon's hay and straw exports, which are among the highest volume and demand for containers. ODA is aware of value-add exporters who have shipped containers-worth of product by air, explaining that it is both more timely and often less expensive than current sea freight. The ODA is in contact with the affected industries and is communicating efforts to address the problem -- which is nationwide. ODA is a member of the Agricultural Transportation Committee and will participate in the October 2021 annual meeting.
 - Meat Infrastructure Grants -- HB 2785 provided ODA with \$2 million to award grants to increase the processing of meat from animals raised in Oregon. The grant is open to proposals to upgrade existing or build new facilities under state meat inspection, as well as the expansion of establishments under federal meat inspection. A priority for the funding is to improve access to slaughter and processing in areas of the state with limited or no local capacity. ODA plans to solicit proposals at the end of 2021.

ODA submitted a letter responded to a USDA request for public comments on a proposed \$500 million in Build Back Better funding to support a strong meat supply chain. ODA requested that USDA permit and focus funds on supporting services such as waste management that are limited or non-existent in Oregon and undermine efforts to expand processing capacity. ODA also recommended a combination of funding through state plans and block grants.

 - Farm to School Equipment and Infrastructure Grants -- The Legislature provided ODA with \$200,000 to continue the grant program that targets needs among Oregon producers who wish to sell to Oregon schools. While a reduction from the \$250,000 administered in the last biennium, supporters are exploring an increase to the funding of these grants from the Oregon Department of Education.
 - Hemp Commission -- HB 2284 directed the ODA to establish a Hemp Commission to support research and promotion of hemp and products derived from hemp. The Director of Agriculture will appoint interim commission members who will conduct the public hearings necessary to establish rules for the governance and funding of the commission.

- e-Commerce -- Sales through e-commerce platforms increased by 27 percent in 2020. ODA marketing staff are organizing and offering webinars on the terms of use of popular platforms in China, Japan, and South Korea.
- **Certification Programs**
 - The program continues to increase the number of auditors around the state to assist with high demand for audits and to reduce costs to customers. Currently, the program has over 270 clients, an increase from 2020 and is busy in all districts. Protocols were developed to conduct audits during the COVID-19 pandemic and service has not been interrupted.
- **Plant Health Program**
 - Discussions are underway to potentially update the Sudden Oak Death (SOD) quarantine due to infestations identified outside the current boundary. In March, trees infected with *Phytophthora ramorum*, the causal agent of SOD, were identified just north of the Rogue River, the current quarantine boundary. In June, additional infected tanoak trees were found in Port Orford. While the infestation just north of the Rogue has been treated, the Port Orford infestation is significantly larger. Plant Health is currently working with OSU Extension, US Forest Service, and Oregon Department of Forestry. For more information about the Port Orford infestation, visit <https://bit.ly/ramorum101>.

Field inspection season is wrapping up – over 17,000 acres were registered for phytosanitary inspections in 2021, an increase of nearly 3,000 acres from 2020.
- **Produce Safety**
 - Produce Safety Program provides services to the produce industry to facilitate the understanding and implementation of the Food Safety Modernization Act (FSMA) Produce Safety Rule. The program focus is on outreach, education, and technical assistance via its four staff and partnership with five Oregon State University faculty. To date, the Produce Safety team has conducted virtual grower training classes, reaching over 1,000 people.
 - FDA-led inspections as well as On-Farm Readiness Reviews provided by the department have resumed in 2021.
 - The program was awarded funding by FDA to fund another 5-year cycle of the non-regulatory program.
- **Seed Regulatory Program**
 - The department, Dynamic Seed Source, LLC (Dynamic), and Dynamic's owner, Trevor Abbott, have settled allegations that Dynamic and Abbott violated the Oregon Seed Law. An ODA investigation found Abbott and Dynamic Seed Source LLC mislabeled at least 161 seed lots as Kentucky 31, resulting in 207 violations. Both parties reached an agreement with ODA on May 6, 2021, avoiding additional litigation. As part of the agreements, Abbott and Dynamic Seed Source LLC neither admit nor deny any wrongdoing and agree that ODA may find that Abbott and Dynamic committed the 207 violations alleged in the Notices of Civil Penalty. Dynamic and Abbott also each agree to pay \$150,000 in civil penalties. Dynamic's wholesale seed dealer's license will be suspended for one-year, effective June 30, 2021.
 - Based on phytosanitary certificates issued by the department, seed exports are up ~6% in 2021 compared to 2020. Through June, 93,980,571 pounds of seed were exported compared to 88,588,129 in 2020.
- **Shipping Point Inspection**
 - Increases in COVID-19 case numbers are impacting the produce industry and the shortage of labor continues to be a challenge for both the industry and the shipping point program.
 - COVID-19 cases and exposures continue to be a challenge, however overall business has not been hindered by either labor or COVID-19 at this time.
 - Hay and straw exports have decreased ~2% compared to 2020 (through June 30, 2021: 1,040,080,840 vs. 1,063,381,059 pounds)
- **Smoke Management Program**
 - The 2021 field burning season is underway – burning opportunities have been limited due to unfavorable weather conditions, historical high temperatures, and grower concerns. Baling, an alternative to burning field residues after harvest, has increased compared to previous years.
- **Weights and Measures Program**
 - Year to date we have completed 23,567 inspections or 37% of our caseload.
 - To complete 100% of our 64,047 device inspections in 2021 we need to complete inspections at a pace of 6,747 per month.
 - Our current pace is 3,928 devices per month. This is about 96% of our 5-year average pace of 4100 devices per month (average from 2015-2020 inspection data).
 - At the current pace we would complete approximately 73% of our annual inspection workload by year end.

- Decreases relative to the 5-year average continue to be attributed to 2 inspector vacancies and the effects of COVID-19 on our inspection procedures. Work will be underway in Q3 to fill the vacancies as resources and funding allow. Our goal is to fill at least one position.
- Calibration of the Agency's rail-scale testing unit was completed in July and testing of railroad track scales statewide is underway. This will be the 3rd year our rail-scale testing unit has been in service.
- Work has begun on a new placed in-service report process which we anticipate will enable better follow-up on new equipment and allow service companies to report on the work through a web portal in lieu of fax and email.
- **Metrology Lab**
 - During Q2, 2021 the ODA Metrology Lab completed 136 calibration work-orders for the weights and measures program, private industry, and other state metrology labs generating \$28,292 in revenue.
 - In Q1 we were working on establishing a price agreement through the competitive bid process as a tool to help replace some of the aging measurement equipment in the metrology laboratory. That work continued through Q2.
- **Motor Fuel Quality Program**
 - For Q2 2021, Field Inspectors conducted the following motor fuel quality tests:
 - 785 motor fuel quality screenings with 0 failed screens.
 - 906 fuel storage tanks screened with 10 showing excessive water.

Natural Resource Programs

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The following updates are organized by operating process in our management system and cover all NRPA programs. In addition to the updates below, one more important activity involves filling a variety of vacant positions in the program area with limited duration and/or permanent staff. This will continue to be a major focus for all programs for the remainder of the biennium and we are excited to be able to bring on these staff.

- **Fostering collaboration**
 - The Agricultural Water Quality Program advisory committee met in July and received a briefing on ODA's budget. Marganne Allen, the program manager, also gathered feedback from the advisory committee about priorities and focus of two existing, vacant positions retained in ODA's 21-23 budget and a new position received in the program as part of the 21-23 budget. We look forward to gathering feedback on the vacant Soil and Water Conservation District position that was also retained in ODA's budget. The advisory committee was also updated on the status of landowner outreach efforts in the Sprague River Strategic Implementation Areas, future rulemaking plans, changes to the Focus Area Initiative process, work to streamline and improve Total Maximum Daily Load reporting procedures, and findings from the 2020 Compliance Report.
 - The Pesticide Stewardship Partnership (PSP) advisory committee met in June for a short briefing on the program budget, upcoming staffing changes, and 21-23 biennium plans. Two key ODA and Oregon Department of Environmental Quality staff are retiring and both agencies are in the process of filling the upcoming vacancies. Since the advisory committee meeting, Pesticide program manager Rose Kachadoorian has had additional dialogue with local PSP partners and program stakeholders regarding plans for the 21-23 biennium. We have asked local partners to provide 21-23 funding requests to ODA for evaluation and will also gather input from agency partner staff and the advisory committee prior to making funding decisions for the biennium.
 - ODA, OSU and key stakeholders have been discussing enhanced collaboration on a variety of topics related to pesticide education, training, and technical assistance, including integrated pest management in schools, water quality protection, and drift prevention. We look forward to continuing these conversations.
- **Permits, Registrations, and Notifications**
 - The Oregon Environmental Quality Commission approved an updated CAFO MOU at its July meeting. Program manager Wym Matthews is now working with DEQ staff to finalize a draft updated National Pollutant Discharge Elimination System general permit for public review and comment later this year.
 - The CAFO program received a new CAFO permit application from Easterday Dairy, LLC, on July 22nd. The new application is similar to the previous application at the same location proposing to operate a large dairy of about 28,000 animals.
 - With the passage of HB 2032, rulemaking for a regional rollout of the Agricultural Channel Drainage Maintenance program will undertake over the fall and winter by Water Quality staff.

- **Providing Compliance and Technical Assistance**
 - Pesticides Program staff have conducted a number of "use observations" this year to provide compliance assistance to the program's applicator customers. A use observation involves a pesticide investigator being onsite to observe a pesticide application. A variety of public applicators as well as applicators in the forestry industry have made use of this service. The program also recently provided a use observation to an applicator applying a pesticide to a hazelnut orchard as part of a contract with the Lane County Parks department. In addition, one of our pesticide investigators also presented and participated in OSU's annual school IPM training for school IPM coordinators.
- **Conducting Inspections, Investigations & Enforcement**
 - The Pesticides Program investigated several high-profile cases again this quarter, including several cases involving allegations of product drift and two cases involving a product applied to roofs for wood destroying pests. The program has sent out several advisories to alert pesticide users to several trends and issues, such as unique challenges associated with high heat and drought conditions.
 - The Agricultural Water Quality Program is working with the Klamath Tribe to receive and address complaints about farming and ranching operations in the basin. The Tribes have submitted one complaint a week for a total of 6 complaints to date.
- **Providing Customer Support and Resolving Inquiries**
 - Natural Resource programs began tracking new measures this quarter as part of our management system. These measures related to a consistent complaint intake process, fulfillment of public records within the required time frame, and time spent by the programs on compliance education. Quarterly data showed all public records requests were fulfilled within the required time frame in all programs.

Plant Protection & Conservation Programs

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- Key issue is securing continuous and stable funding for our invasive species programs, in particular for the largest Japanese beetle eradication project in Oregon's history and important noxious weed projects considering the financial constraints due to the COVID-19 pandemic.
- After 17 years with the Department, Helmuth Rogg will retire at the end of August, 2021. Here is a short note from Helmuth: I am truly honored to have worked for and with so many wonderful professionals and friends at ODA protecting Oregon's natural resources and agricultural economy from the adverse impact of invasive pest. This was a very unique experience and I will miss ODA, Oregon and the wonderful people I had the opportunity to work together for the last 17 years.
- **Insect Pest Prevention and Management Program (IPPM)**
 - This year's Japanese beetle eradication efforts in NW Portland ended successfully with foliar treatment of hot spot areas, following the turf treatments earlier this spring. All JB traps are up and we hope that last year's eradication efforts have further decreased the JB population in Portland. An additional JB hot spot was detected in Lake Oswego, but luckily, we have treated the turf in the spring, hoping to avoid a significant outbreak in that new area. Good news from the recent legislative session: funding for the JB eradication has been approved in full.
 - Detection and delimitation traps have been set around the state for a multitude of invasive pest targets as part of our efforts to protect Oregon from invasive species.
 - A native pest has come back in masses this spring, grasshoppers and Mormon crickets, in eastern Oregon. Our IPPM grasshopper program assisted private and public landowners in managing grasshopper populations before they reach outbreak levels. However, the continuous drought situation in eastern Oregon has exacerbated the grasshopper situation and is threatening additional economic losses to ranchers and growers in eastern Oregon.
- **Noxious Weed Control Program**
 - Most of our weed staff continue working for the Hemp Program, but over this season we will transition back to noxious weed work. Seasonal field staff have implemented activities as part of several federal and also state noxious weed projects.
 - Our noxious weed biocontrol program continues working on release of important biocontrol agents against the Japanese knotweed and the gorse, mostly with support of federal funds.
 - Good news: the legislature approved a one-time fund increase of \$400,000 for our Weed Program for the new 21-23 biennium.
 - The Oregon State Weed Board has approved 21 weed grants, funded through OWEB, totaling \$400,800 as part of the 2021 Emergency Cycle.

- **Nursery and Christmas Tree Program**
 - We filled two recent vacancies due to retirements in our Nursery Program and will re-fill the vacant Nursery lead position.
 - A new pest was reported by USDA-APHIS, the box tree moth that was brought in from Canada to nurseries in 8 eastern states. Potentially infested plant material from one large nursery in SC was also shipped to Oregon. Our Nursery Program and our State APHIS staff followed up and inspected the receiving Oregon nursery. Additional traps have been set to catch any box tree moths.
- **Hemp Program**
 - In coordination with OLCC and law enforcement, our Hemp team started the legislatively required southern Oregon inspection efforts to inspect and test every site registered as hemp growing operation. So far over 134 sites have been inspected, of which about one fifth has been found over the legal THC level limit, about one fourth has refused cooperation and subsequent warrant procedures have been initiated, and the rest has either no plants in the field or did not plant at all due to lack of water in the area.
- **Native Plant Conservation Program**
 - The big news: the legislature approved additional funding for our Native Plant Conservation Program. The additional \$464,000 in GF will greatly assist in implementing the program's statutory mission to protect Oregon's threatened and endangered native plants.
- **Oregon Invasive Species Council**
 - All meetings of the Council continued to be in virtual mode. By the end of this year, ODA and OISC will finalize work on a MOU to clearly define ODA's role as the fiscal agency for OISC.

Administration/Special Projects

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- **Canola in the Willamette Valley Protected District (WVPD)**
 - ODA permitted all 500 acres for the 2022 canola crop year in the WVPD. Contact: Sunny Summers
- **WASDA Annual Meeting**
 - As the current president of the Western Association of State Departments of Agriculture (WASDA) Director Taylor recently hosted the 2021 WASDA virtual annual meeting on July 27 and 28. WASDA is comprised of the Commissioners, Secretaries and Directors of Agriculture from Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Samoa, Utah, Washington and Wyoming.

The focus of the annual meeting was "Working to Build a More Resilient Agricultural Supply Chain". Our invited speakers Jason Ball, Oregon State University; Mark Fountain, Food Northwest; Geoff Latham, Nicky USA; Tiffany Monroe, Monroe Farms and the Oregon Racial Justice Council; and Kyle Fessler, Woodburn Nursery & Azaleas shared consumer food trends and some of the challenges and success they have had over the past year and what they have learned to help prepare for future challenges. The meeting agenda also included NASDA policy updates and the Board of Director's discussed the drought situation and other natural disasters occurring in the western states. The meeting concluded with general business meetings and the election of officers.

Director Taylor will continue to serve as the WASDA President through September. Newly elected WASDA President Washington Director Derek Sandison will begin his term in October. Contact: Karla Valness