

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

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• **Food Safety General Update**

- Food Safety program staff continue to reduce the inspection backlog. Overdue inspections are defined as those inspections that are more than 90 days beyond their due date. The backlog numbers have trended down from a peak of 4,943 in July of 2021, to the current 2,521.
- We are in the process of onboarding and training new administrative staff. Our field inspection team is short one inspector and we hope to post the job by the end of June.
- The final rules of the updates to the Cottage Food Exemption (SB 643) were filed on April 18, 2024. We anticipate a busy year with the new exemption and potential confusion with the Farm Direct exemptions.

• **Retail and Manufactured Foods**

- We received the fully executed Definitized Contract with FDA. For contact year 2023-24, we are assigned 160 GMP, 40 full scope PC, 9 acidified food and 5 seafood HACCP inspections.
- At this time, we have completed just over 60% of the FDA contract work.

• **Dairy Program**

- We are closely working with our State Veterinarian and continue to follow his updates on the highly pathogenic avian influenza (HPAI) in dairy cattle in other states.
- Our field staff will continue to practice comprehensive biosecurity practices every time they are conducting farm inspections and or collecting samples. Our goal is to minimize the risk of disease transmission among livestock.

• **Shellfish and Crab Program**

- Two major, naturally occurring marine biotoxins have affected recreational shellfish harvesting this year. At this time the commercial shellfish and crab harvesting are not affected.

Domoic acid is still present along the South Coast, as a result the recreational razor clam harvest remains closed in that area. This closure has not affected commercial operations, including the crab fishery, but has forced the agency to continue to collect and test crab from the southern zones which causes some uncertainty within the fishing industry.

Paralytic Shellfish Toxin (PSP) another naturally occurring, marine biotoxin has impacted the recreational mussel harvest on the North and Central Coast. Illnesses consistent with PSP intoxication have been reported by the public after consuming privately harvested mussels. Commercial shellfish product are currently undergoing testing. ODA is working closely with the Oregon Health Authority, Oregon Department of Fish and Wildlife, as well as local County health departments in response to this unprecedented toxic shellfish outbreak.

• **State Meat Inspection**

- This August, the U.S. Department of Agriculture, Food Safety and Inspection Service (FSIS) is scheduled to conduct the SMI program's second audit this August. We anticipate the second Audit to be more in-depth than the first audit, since we now have had a complete year that has occurred between the first and second audits.
- Rulemaking associated with **House Bill 2689**, which provides licensing exemption for a person slaughtering not more than 1,000 rabbits for use as human food, has been permanently filed.
- Rulemaking associated with **Senate Bill 479**, which aims to help food banks and other non-profit organizations in rural parts of the state to be able to receive donated products and/or animals is in its final draft. These rules are a careful balance between USDA FSIS requirements and legislative expectations.

• **Animal Health**

- HPAI in dairy cattle continues to be a situation that merits careful scrutiny. Currently there are infected dairy cattle in nine US states (Idaho, South Dakota, Colorado, Kansas, New Mexico, Texas, Michigan, Ohio, and North

Carolina). We are in close communication with USDA and other state programs related to updated news and guidelines.

- The program has completed rulemaking around the Animal Rescue Entity (ARE) program that modified the fee structure to balance the revenue and licensing costs. The result of the fee changes is that most rescues will see fees unchanged. Large and very large rescues will see a fee increase through an intake fee. The revenue from the fee increase is insufficient to keep the program fully staffed, so the program staffing will be reduced to half time and personnel splitting time with the Commercial Feed program and utilizing more virtual tools to perform minimize costs. Complaints will still be investigated, and a pathway will exist to enable some in-person work based on the results of virtual inspection results.
- **Lab Services**
 - The regulatory lab continues to keep up with the testing workload provided by the various ODA programs. The relocation process has transitioned to settling in and adjusting to the new space by refining processes and looking for efficiencies.
 - The lab has left any presence in downtown Portland: out of the Food innovation Center and off-site storage facility.
 - The lab and the Oregon Liquor and Cannabis Commission (OLCC) are meeting biweekly, hiring has begun for the 3 chemist positions and equipment purchases begun, the scope of work is being refined as needs are continually emerging such as new cannabinoids of concern identified, Sample submittals have commenced.

Market Access & Certification Programs

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- **Agricultural Development & Marketing (ADMP)**
 - The Agricultural Development and Marketing Program (ADMP) took Oregon companies to ANTAD, a large trade show in Guadalajara, Mexico in March.
 - ADMP hosted a pavilion at the Global Seafood Show in Barcelona, Spain for the second year in April. The pavilion was lively and a hit, showcasing the diversity and sustainability of product from the Oregon coast for buyers from around the world.
 - ADMP helped to put on the third annual Good Food Foundation Portland Mercantile in April, which hosted buyers from small and local retailers from across the country. Bringing these buyers to Oregon is the best way to introduce emerging food and beverage manufacturers to the right buyers, helping Oregon products to distribute nationwide.
 - ADMP took Oregon companies to participate in the US Pavilion at the Tokyo Foodexpo, the largest trade show in Japan.
 - The Farm 2 School Program produced a video to raise awareness of school summer lunches.
https://www.youtube.com/watch?v=WjcSGIN_0wA
 - ODA selected 14 applicants from across the state to award more than \$8.5 million in state funds to support meat processing capacity that will serve local food systems in each region of Oregon. This is the second round of meat grants.
 - ADMP brought on Andrew Hare of Oregon State University, and an Oregon Consular Corps award winner, as our 2024 WUSATA intern.
- **Commodity Inspection**
 - The Commodity Inspection Program, Oregon Department of Education, Oregon FFA, and Ontario High School have partnered with USDA to launch a program training high school students in two certification audit scopes: United States Department of Agriculture Good Agricultural Practice (GAP) and Good Handling Practices (GHP). This program started this fall with 17 students. The goal is to train students in the basics of produce safety and assist students with working in the auditing field. Ontario FFA Advisor Sarah Huss and ODA's Susanna Pearlstein have been instrumental in the development of this program. Pearlstein gave a seminar at the Annual Oregon State FFA convention on this program that was attended by over 40 high school students. In mid-May, students visited a Malheur County farm to do a mock audit with ODA auditor Larry Parkes.

- Labor continues to be a challenge for both the industry and the Shipping Point program. The limited labor pool as well as constraints put on hiring practices make it difficult for the program to hire in a competitive market. In order to assist both the Brand, Shipping Point, and Plant programs at ODA, staff from all three programs are being cross utilized to support agency goals and industry workload.
- Shipment of most crops has nearly complete for 2023 harvest. Planting of 2024 crops is mostly complete. Cherry and berry harvests will begin in June.
- Certification program staff are working on continuing education and preparing for spring audits to begin.
- The Produce Safety program is working on updating the farm inventory. The program continues to offer free and voluntary technical assistance to farms across the state.
- The Specialty Crop Block Grant Program received 45 applications with an overall ask of almost \$7 million. The State Plan with selected grants has been submitted and is under review by the USDA.
- The Organic Cost Share Reimbursement program application has been submitted to the USDA and is under review. Oregon will receive \$150,000 for the 2024 application period.
- Resilient Food Systems Infrastructure Grant Program received over 175 applications with an overall ask of over \$33.5 million. The State Plan with selected grants is due May 24th and will be submitted on time.
- The program successfully completed the move to the North Valley Complex in late January 2024. All programs in CID moved to NVC along with the Plant Health program laboratory. The lab was only down for 48 hours and then was back up and running providing testing services to support export of Oregon commodities.

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, we continue to have turnover across the programs and are in various stages of recruitment. 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 new staff.

- **Fostering collaboration**

- The Pesticides Program continues to work closely with Oregon State University (OSU) and Oregon Department of Education (ODE) on increasing awareness on the school Integrated Pest Management (IPM) law. ODA investigative/enforcement staff presented on the law at the first 2024 OSU School IPM Coordinator Training in March. The investigative/enforcement staff also plan to continue presenting at the remaining nine OSU trainings in 2024 around the state. In addition, the Team continues to work on a special project, as time allows, creating “school IPM law modules” (basically short ~5-10 minutes, narrated PowerPoints focused on the law requirements). These modules are posted on YouTube for school IPM coordinators and other school staff. The goal is to provide short, recorded trainings so they will be able to access them all year round (e.g., refresher or say new staff start/onboarding). The Team is also working to have the videos available in Spanish. To help conduct the work on the creation of the school IPM law modules, EPA recently awarded the Pesticide Enforcement Program a Special Project Grant of \$10,417. The modules may be viewed at: <https://oda.fyi/IPMSchoolsPlaylist>
- In March 2024, many of the Pesticides Program staff attended, presented and participated in an Oregon OSHA sponsored event titled the Pesticides Symposium. The two-day symposium is an agency event allowing multiple agencies in the state of Oregon and EPA to share information on current matters and provide up to date training for agency staff; the event also promotes collaboration between state agencies. With an increasing number of new staff members at agencies in Oregon this helps ensure the state can respond cohesively into the future.
- The AGWQP recently filled the Compliance Lead and North Willamette/North Coast Water Quality Specialist Positions. Ryan Beyer has worked as a Compliance Specialist with ODA for 10 years and started as the Compliance Lead on May 8, 2024. Rick Cowlshaw started with ODA as the North Willamette/North Coast Water Quality Specialist on April 29, 2024.
- The AGWQP participated in an Open House related to the Lower Umatilla Basin Groundwater Management (LUB GWMA) Area on April 18, 2024. The LUB GWMA is an area of focus for the AGWQP.

- The AGWQP was awarded a \$650,000 grant along with DEQ for agricultural work related to the Mercury TMDL. As part of this grant the AGWQP has initiated a new method of SIA implementation and is working through the process of digitizing reporting from Soil and Water Conservation Districts.
- The AGWQP has been working with local landowners and representatives in the Upper Yaquina to get input on the implementation plan that is due April of 2025.
- Included is the AGWQP Biennial Reports to the Board of Agriculture. These reports have not been submitted since early 2022, so there are 29 reports submitted.
- The Confined Animal Feeding Operation (CAFO) Program continues to engage with Region10 EPA drinking water and enforcement sections in quarterly meeting on ODA and partner agencies program implementation in the Lower Umatilla Basin Groundwater Management Area.
- ODA and DEQ continue the efforts to collaborate to develop coordinated review and harmonization of point source NPDES and WPCF Permits jointly issued by agencies and point source NPDES and WPCF Permits issued solely by DEQ.
- The Agriculture Drainage Channel Maintenance program continues to do outreach, but has not had any new notices submitted.
- **Permits, Registrations, and Notifications**
 - A major piece of CAFO legislation SB 85 was passed in the 2023 legislative session and took effect upon signing. The rulemaking is underway and there were 3 rule advisory committee meetins held between April and May. Next the rule will be filed with the Secretary of States office and then go out for public comment.
 - Due to the broad impacts of the legislation on the permitting process and the new requirements the program is pausing processing applications that are impacted until rulemaking can be completed to fully implement the legislation.
- **Providing Compliance and Technical Assistance**
 - The AGWQP held SIA open houses in Canyonville, Sauvie Island, and Scappoose. At these open houses, over 170 landowners attended. The Scappoose open house had over 110 attendees and went very well.
 - The fourth SIA for 2024 is in the Lower Umatilla Groundwater Management Area and will focus on ground water improvements. ODA has completed the pre-evaluation and is working with the Morrow SWCD to do a crop and irrigation inventory.
 - Pesticide Program staff continue to answer technical questions from the public on licensing requirements, label interpretations, school IPM law, and other pesticide related questions. Additionally, during this winter, the program conducted a number of presentations for applicator certification training courses. These trainings continued into the early Spring. Topics that are commonly presented on are Laws and Regulations plus “Lessons Learned” presentations from Pesticide Investigators. Between October through December Pesticide Program staff attended twenty-one separate events and presented to over 1400 attendees at these events.
 - Pesticide licensing & certification team is continuing to work with OSU and other groups (including Hood River SWCD and WSDA) to expand testing and education opportunities to pesticide users. The team has also worked to update the Spanish language Private Applicator Exam, and is working to update the Oregon Pesticide Addendum, which is used as study material for several license types. When those updates are completed, the Spanish version of the Oregon Addendum will also be made publicly available for the first time.

OSU is looking to form industry partnerships to help leverage grant funding to better support pesticide applicators and keeping the ODA team apprised of the conversations. The team is working with the Hood River SWCD to expand their capacity to offer exams in the area. ODA is also working closely with WSDA to share resources and learn from WSDA’s program where possible.

- **Conducting Inspections, Investigations & Enforcement**
 - The Pesticides Program has continued to follow-up on complaints through the year to investigate possible violations of the state’s Pesticide Control Act. In addition, the program continues to conduct routine compliance monitoring to include marketplace inspections, record inspections of pesticide applicators and pesticide dealers. During the wintertime the team shifts its focus onto the routine compliance monitoring inspection work as the number of complaint-based cases reduces. As the program moves into the Spring the number of complaints increase and the program shifts its focus.
 - The Pesticides Enforcement Program also continues to keep a focus on its Enforcement case load to help prevent any backlogs into the future after making significant progress in reducing its enforcement case backlog (i.e., cases not in the investigation phase, but are in the review/enforcement phase). To assess this time frame, a new metric was

created in early 2021 that looked at the turnaround time from when an investigator completes a case and the time the case is either closed or all enforcement actions are issued. With a goal of 90 days, the program saw an average percent of around 68% of the cases meeting that goal during the 2022 fiscal year. The metric jumped to 87% meeting that goal in the 2023 fiscal year. The program is excited to have addressed the backlog and improve turnaround time.

- Hiring and Onboarding continues in the Pesticides Program. The program welcomed two new Pesticide Investigators in April filling two open positions. The program is excited to have Elizabeth Castillo-Chilcote and Jose Sanchez Aguilar join the team.
- The AGWQP conducts investigations based on complaints, agency notification, and observations of concerns to address potential violations of the Agricultural Water Quality Rules. There are 97 active investigations including 71 that were initiated in 2023. In 2023, 8 Notices of Noncompliance were issued. The investigations include follow-ups until properties are in compliance with Agricultural Water Quality Rules. The 2023 Compliance Report is included.
- **Providing Customer Support and Resolving Inquiries**
 - The Pesticides Enforcement Program Area continues to receive and fulfill a number of public records requests in a timely manner to interested parties. With a goal of fulfilling the request within fifteen days, the team met that goal a 100% of the time between October to December 2023.
 - ODA's Citizen Advocate also continued to work closely with citizens concerned about pesticide usage helping answer questions and find other resources to their questions.
 - The Pesticides Program continues to work on increasing the number of outreach materials available in Spanish. For example, during this last quarter the team published a document titled, what to expect when you file a complaint, in Spanish.
 - Both the AGWQ and CAFO programs have continued to receive and respond to inquiries from the Environmental Protection Agency and the media regarding work completed in support of the Lower Umatilla Basin Groundwater Management Area (LUB GWMA). The AGWQP is working in collaboration with local the Umatilla and Morrow Soil and Water Conservation Districts to ensure consistent tracking and reporting of actions completed in support of the 2020 LUB GWMA Action Plan.

Plant Protection & Conservation Programs

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- **Hemp Program**
 - **New Hire:** DaNette Wernette joined ODA as the new **Hemp Program Manager** in May 2024. DaNette comes from OLCC, where she serves as a marijuana investigator for 8-years.
 - **Rulemaking:** Program is seeking to implement a vendor license, applicable to retailers, wholesalers, who sell hemp products for resale. The rule would ensure compliance with existing state rules which require product tracking throughout the supply chain. This also would provide consumers' confidence they are purchasing products from reputable sources. with the anticipated publish date of the final rules.
 - **Extension to for grower license applications with a fee:** After May 31st, persons may submit applications for grower licenses after the June deadline, provided they pay a \$250 late fee.
- **Insect Pest Prevention and Management Program (IPPM)**
 - **Oregon Department of Forestry provides ODA with \$250k of financial support for EAB management efforts.** Slow ash mortality (SLAM) pest management efforts for emerald ash borer (EAB) continue April-July 2024. ODA entomologists are working with local, state, and federal collaborators to girdle ash trees (to attract any nearby EAB), treat ash trees with insecticide, release beneficial biological control agents, and fell infested ash trees in and around the cities of Forest Grove and Cornelius. These efforts slow the spread of EAB in Oregon and allow for data collection on where it may be moving next.
 - Over 130 **Mediterranean oak borer (MOB)** traps are being deployed across western Oregon to better understand MOB distribution within the state. Visual surveys of 871 oak trees have been completed so far, with more surveys planned for the coming months.
 - **Vine Mealybug (VMB)** delimitation (1500 traps) and detection (900 traps work is underway, with most traps planned to be placed in the field by the end of May. ODA will be providing treatment and mating disruption reimbursements to property owners with positive detections of VMB in previous years.
 - **IPPM** program is placing over 11,000 **Japanese beetle** traps and treating ~1300 acres in continued eradication efforts 2024. Loss of state funding for this eradication program in 2025 brings looming concerns about the future of Japanese beetle pest pressure in years to come.

- **New Hire: Business Operations Manager** is a new manager position for the IPPM program and will help manage the approximate 40 seasonal staff hired each year. This should provide better service to internal and external customers for years to come.
- **Native Plant Conservation Program**
 - **Completed** review and rulemaking to **add 6 species to Oregon's Threatened and Endangered Plants List.**
 - **Successful** in application for **Natural Working Lands Fund support to implement Oregon Native Seed Strategy.** Includes \$100K to support Oregon Tribes/Tribal Producers. Program work and sub-contracting already underway.
 - **Successful** application for Bipartisan Infrastructure Law (BIL) funds to support **recovery of Cook's Lomatium**, in a collaborative project with Noxious Weed Program
 - Finalizing agreement with Oregon Dept. of Energy and Idaho Power to ensure adequate mitigation of impacts to native plants found along the proposed **B2H transmission line.**
- **Noxious Weed Control Program**
 - **New Hire:** Seasonal Biocontrol Assistant to the team, already making positive impacts to program and increased capacity has increased productivity/services provided to stakeholders.
 - Successful in application for **Natural Working Lands Fund support to implement work on Invasive Annual Grasses across the state.** Has already leveraged appx. \$500K in federal funds.
 - **Awarded over \$1 million in Oregon State Weed Board Grants** in February. Record number of applications and record total funding request.
 - Developing RFP to assess statewide aquatic noxious weed threats.
- **Nursery & Christmas Tree Program**
 - Recruiting for a new admin support for Nursery and Noxious weed programs.
 - February to March, **2,200 phytosanitary certificates were issued by staff** (1783 Federal, 417 State).
 - Completed spring compliance inspections for the **Phytophthora ramorum Program.** A high volume of positive plants at one location required field burning of plants destruction.
 - *Phytophthora austrocedri*, a plant pathogen, was detected at a nursery in Washington County. It infects plants in the genera *Juniperus* and *Cupressus*. This is the **first confirmed finding in the US.** It has previously been found in England, Scotland and Argentina. The USDA has confirmed the finding and has categorized it as a quarantine pest. The nursery is under a hold order while ODA and USDA continue to investigate.
 - **Chrysanthemum White rust** is likely present in another nursery in Washington County. USDA is in process of deregulating this plant pathogen, however ODA is working with the nursery to mitigation the issue. The pest is a risk to greenhouse production operations and cut flower operations. ODA is pending confirmation from the plant diagnostic laboratory.
- **Oregon Invasive Species Council**
 - During the February legislative short session, House Bill 4148 passed. The bill included **\$1.47M (GF) in appropriations** to the ODA. \$250K of the funds are to be used for OISC functions, including to support the coordinator position and to implement a outreach and education grants program. \$750K of the funds are for the OISC Control account which may be used in response to emergent invasive species events.
 - The Council is busy **planning field days over the summer**, to invite local government officials to learn about various key invasive species issues across the state.

Administration/Special Projects

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- **Canola**
 - In light of the passage of HB 4059, which mandates the continuation of the Willamette Valley Protected District with a restriction allowing no more than 500 acres of permitted canola, ODA updated the rules accordingly. As a result, ODA is now welcoming applications for the 2025 Crop Year until June 30, 2024 – <https://oda.direct/canola>

ODA received several petitions asking for the removal of the Central Oregon Protected District (COPD) for brassicas. Following two meetings with growers in the region, ODA drafted proposed rules for public feedback. These proposed rules seek to repeal the regulations mandating the COPD. They are currently open for public comment – <https://oda.direct/rulemaking>.
- **Wolf Depredation Compensation and Financial Assistance County Block Grant Program**
 - ODA disbursed wolf depredation and prevention grants for the 2024 grant year to 13 counties, amounting to a total of \$789,565.28. This program recognizes that the ranching and farming industry are important components of

Oregon's economy while also complementing and supporting ODFW's Wolf Conservation and Management Plan. The support is around developing and maintaining a cooperative livestock producer assistance program that proactively minimizes wolf-livestock conflict and assists livestock producers experiencing wolf-related livestock losses.

- **Ag Workforce Housing Grant**

- ODA has been engaged in ongoing discussions with Oregon OSHA (OR-OSHA) and the Governor's Office regarding HB 2001 – Section 67. This section specifically mandates ODA to administer grants aimed at enhancing the health and safety conditions within existing agriculture workforce housing. The primary focus is on ensuring that these housing facilities align with potential regulatory changes being deliberated upon by an OR-OSHA rulemaking advisory committee. While OR-OSHA has conducted several advisory committee meetings to address these regulations, they have not yet reached a finalized stage for submission. It's worth noting that the Legislature has allocated \$5,000,000 towards this grant initiative.