OREGON DEPARTMENT OF AGRICULTURE

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To: Jonathan Sandau, Deputy Director, Oregon Department of Agriculture

Subject: Central Oregon Protected District Rulemaking Summary Report

From: Sunny Summers

Date: September 2, 2026

Rulemaking Public Comment Summary - The purpose of this rulemaking public comment period was to allow public comment on rules repealing the Central Oregon Protected District and creating the Jefferson County Protected District.

Public Hearing – ODA held a public hearing on August 27, 2026, after rescheduling it from July 23 because of wildfires. Four people provided comments as summarized below.

- Representatives from the Oregon Organic Coalition (OOC), Universal Seed, and Central Oregon Seeds, Inc. (COSI) expressed opposition to the proposed rules, citing concerns over the lack of protections for vegetable seed crops, the potential for cross-contamination, and the removal of regulatory oversight in Crook and Deschutes counties. Industry members argued that the removal creates a "vacuum" of regulatory oversight, leaving vegetable seed crops without protection from cross-contamination. The COSI representative also expressed that this change shifts the burden of protection to private industry which, “while it likely makes sense,” is being implemented too rapidly. The OOC also questioned the ODA's decision to pursue this action, noting that two of the three farmers who originally petitioned for the change are no longer farming in the area.

- The Natural Resources Policy Coordinator for Crook County stated that the county continues to support its removal from the existing district, arguing that ODA has stated current rules are unenforceable and that the change allows local farmers greater flexibility to pursue economically viable crops. The coordinator also clarified that the push for removal was not driven by a single farmer.

Summary of Written Comments - ODA accepted written testimony from the public through 5:00 p.m. on August 31, 2026. Six written comments were received. Those comments can be found on the following page.

Dated this 1st day of September 2026.



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Comments

Commenter	Comment	Response
Zach F.	I believe that ODA should move forward with removing Crook County from the brassica protected district. As a family farmer I would like the option to grow a crop like canola without the need for a permit or long planning with large seed corporations. A crop like canola could be economically viable to us, as a county with our low water years we could have a viable crop to sell. Reduce water years has happened for the last 4 years. Canola also has biofumigation properties that could be beneficial in crop rotation which is what we need to be stainable for future generations. Please remove Crook County from the crop protection district.	Thank you for your comments.
Wade F.	As a farmer in Crook County I believe the change in rules to remove Crook County from the protection district is good. I want to have the ability to grow the crops that are best for my farm. The current rules imposed are difficult for ODA to enforce and research by Dr. Carol Mallory-Smith, OSU College of Agriculture showed that the risk of canola production to other crops is no more than any other crop poses. This will give Crook County farmers the ability to grow viable low input and drought tolerant crops that diversifies and expands cropping options. I support the Central Oregon Protected District Rule Changes.	Thank you for your comments.
Luke F.	I am a young farmer in Crook County. I support the changes made to the Central Oregon Protected District. I attended 2 information meetings in Central Oregon and expressed the need to have Crook County removed from the protection district. I am in full support of REPEAL: 600-052-0884 and Amendment 603-052-0880. The other amendments and adoptions deal directly with Jefferson County and any objection to those I leave to Jefferson County Farmers. Thank you for the time spent in getting these rules changed.	Thank you for your comments
Janice F.	I am a farmer in Crook County and I support amendment 603-052-0880 removing Central Oregon and adding Jefferson County. I support the repeal of 603-052-0884. I believe this will make it possible for farmers in Crook County to be able to grow the crops they deem necessary for the success of their farms.	Thank you for your comments.

	Thank you for all the meetings and work you put into getting this far in the process.	
Amy v. (Center for Food Safety)	I submit these comments on behalf of the Center for Food Safety, a non-profit public interest organization with tens of thousands of members in Oregon, including farmers, gardeners, and specialty seed growers and users. We urge you to abandon this attempt to dissolve the Central Oregon Protected District (COPD), weakening the already limited restrictions on canola/rapeseed production in Oregon. We ask the ODA to pause all rulemaking related to Brassica Protected Districts until the statewide conversation is concluded. The ODA's proposed rulemaking to "Repeal and Adopt Administrative Rules Pertaining to Rapeseed Production in Jefferson County Protected District" removes the Central Oregon Protected District and replaces it with a new Jefferson County Control District. OAR 603-052-0880 (proposed amendment). This removal results in a repeal of the specific protections and prohibitions surrounding the COPD, which currently encompasses the entire counties of Crook, Deschutes, and Jefferson. OAR 603-052-0884 (proposed repeal). The creation of the Jefferson County Control District would subsequently shrink the "protected district" to Jefferson County alone and establishes a basic notice framework for the regulation of rapeseed production in place of the former restrictions. OAR 603-052-0903 (proposed adoption).[1] This framework will effectively allow unlimited growth of canola in the district as long as growers file a notice of their intent by the required deadlines. Center for Food Safety (CFS) has worked for over 25 years to prevent the harms of genetically engineered crops and secure better regulation of these novel organisms to protect farmers, consumers, and our environment and are recognized legal and scientific experts in the field. We also support farmers growing real food and especially our organic farmers and organic seed growers in Oregon and its protected districts. ODA has both the authority and the responsibility to preserve the COPD. ORS 570.405 gives ODA the authority to establish control areas, including rapeseed control areas. ORS 570.450. ODA may establish control areas upon a finding that such areas "are necessary for the general protection of the horticultural, agricultural or forestry industries in this state from insects or other plant pests, or for the eradication or exclusion from the areas of certain plants or their produce, trees or insects or other plant pests that may be a menace to the areas and generally to horticultural, agricultural or forestry industries" ORS 570.405(1) (emphasis added).	Thank you for your comment. ODA has considered this comment and is proceeding with the proposed rule as drafted. ODA is not adopting CFS's recommendation to retain the three-county Central OR Protected District or to pause rulemaking. ODA's approach aims to preserve both the specialty seed industry's viability in Jefferson County and the ability of other growers in the broader region to make their own production choices, rather than resolving the tension solely through a broad prohibition.

	As ODA has found in the past, cross-contamination is a threat and a menace.[2] Rapeseed or canola is most certainly a "menace" to brassica seed growers due to cross-contamination, even at far distances. Other commenters like Friends of Family Farmers will speak to the value of Oregon's brassica seed growers and the dangers of canola production, and CFS joins those comments. Most rapeseed grown nationally is genetically engineered (GE) to resist herbicides, and there is no prohibition on growing genetically engineered canola here in Oregon (except in Jackson County where an overwhelmingly supported county ordinance prevents the growing of any genetically engineered crops to protect traditional farmers and seed growers).[3] State protection of traditional farmers and independent specialty seed growers is crucial because, unfortunately, the U.S. Department of Agriculture (USDA) currently does not protect these farmers from transgenic contamination. In general, USDA's oversight has been found severely lacking by government reports and courts. GE contamination has cost American farmers literally billions of dollars. And federal oversight has gotten even worse with recent changes to USDA's oversight of GE plants. Once GE plants escape field trials or commercial operations, they can be hard or impossible to eradicate.[4] The examples of GE bentgrass in Eastern Oregon and GE wheat in Oregon and Washington are unfortunate warnings of what can happen when GE crops move off-field to the detriment of other farmers and natural spaces.[5] Most GE plants, including rapeseed, are engineered to resist herbicides like glyphosate (the active ingredient in Roundup), and so removing feral or volunteer plants requires either mechanical methods or even more potent, toxic pesticides. The Jefferson County Protected District is an insufficient alternative to the dissolution of the COPD, as it creates no obligation to collaborate on isolation distance, no mediation, and no recourse for small acreage farmers impacted by Canola-growing neighbors who merely meet the notice of intent deadlines.[6] The specialty seed industry and the livelihoods it supports will be left vulnerable to the unpredictability of this proposed rule. With no local control (beyond Jackson County), lax federal oversight, and no liability assured after contamination except through expensive lawsuits after-the-fact,[7] seed growers in the COPD need ODA to protect what are not only high value crops but also the food that will actually feed people in Oregon and around the world.[8] Further, when ODA tried to allow canola growing the Willamette Valley in 2012 and 2013 (without public comment), CFS went to court to halt the new rule on behalf of family farmers and seed growers.[9] In that case, the legislature acted to limit commercial production of canola amid those legal challenges, and it has	

	worked to protect brassica seed growers in the Willamette Valley and prevented contamination of valuable seed crops by rapeseed. Not only does ODA have the authority to retain the COPD, it has the responsibility to actually listen to the community and affected farmers. While there may not be a full consensus, seed growers in the COPD do not support its dissolution. Carrot seed production is an important industry and COPD seed growers are concerned that spring-planted canola will impact seed production via loss of pollinator activity. With this record before the agency, ODA cannot reasonably withdraw the COPD at this time. This issue comes down to preserving an extremely valuable area of Oregon that supplies seeds for real direct-to-consumer food worldwide. This protected district does not prevent farmers from growing rapeseed in other parts of the state for use as cattle feed or oil production. But to sacrifice a premiere seed growing location that generates not only income for small farmers in Oregon, but also highly nutritious food, would be a grave mistake. Particularly at a time when the climate crisis is changing how and where we can farm, it would be incredibly bad policy not to protect this vital area for brassica seed production. _____ 1 Proposed adoptions of OAR 603-052-0904, -0907, and -0921 would establish the procedural requirements and civil penalties for the notice framework. 2 Four other production areas in Oregon (OAR 603-052-1030, 603-052-1040, 603-052-1050, 603-052-1060) also have regulations drawing authority from ORS 570.405 that specifically state that they are designated control areas because production of a crop "would set a potential threat of contamination to currently established grass seed production in the area." 3 https://www.centerforfoodsafety.org/press-releases/4181/victory-jackson-county-oregon-ge-free-zone-successfully-protected-from-legal-challenge (CFS helped defend against a challenge to the Jackson County GMO-free ordinance, but statewide preemption prevents other counties from enacting similar laws to protect their farming communities from GE contamination). 4 https://www.centerforfoodsafety.org/fact-sheets/3984/us-contamination-episodes-concerning-genetically-engineered-crops.	

	5 https://www.hcn.org/issues/50.11/plants-genetically-modified-grass-creeps-across-eastern-oregon; https://www.oregonlive.com/news/erry2018/07/75efd8154b4980/escaped_gmo_crop_creates_rift.html; https://www.npr.org/sections/thesalt/2013/07/17/202684064/in-oregon-the-gmo-wheat-mystery-deepens; https://www.nbcnews.com/news/us-news/monsanto-pay-350k-settle-more-wheat-related-lawsuits-n326811 . 6 The ODA acknowledges the increased flexibility surrounding production, as "the Notice of Intent system allows growers to provide advance notice of rapeseed plantings and enable the Department to publish that information, supporting growers, neighbors, and the community in making informed decisions about crop isolation while preserving growers' ability to choose their own production methods." ODA, Notice of Proposed Rulemaking, OAR 603-052-0880 to -0921 (filed June 15, 2026) (emphasis added). 7 https://olis.oregonlegislature.gov/liz/2017R1/Measures/Overview/HB2739 (bill would have created cause of action against patent holder when GE organism present on land without permission of owner/occupant). 8 Brassica seed is used to grow produce, which directly feeds people. Canola on the other hand is used for either animal feed or oil. And the key to the future are small, diverse farms, not large industrial farms monocropping or growing feed/fuel crops. https://medium.com/age-of-awareness/how-small-farms-can-sustainably-feed-the-future-45baf2ef6b4e; https://thehill.com/policy/equilibrium-sustainability/3841276-americans-want-farm-subsidies-to-go-to-human-food-not-animal-feed-survey/ ; https://www.ifad.org/en/web/latest/-/blog/why-small-farms-are-key-to-the-future-of-food-and-how-we-can-support-them . 9 https://www.centerforfoodsafety.org/press-releases/2127/farmers-and-sustainable-ag-groups-file-lawsuit-challenging-new-canola-rule-that-threatens-100-million-industry; https://www.centerforfoodsafety.org/press-releases/2339/farm-groups-celebrate-as-oregon-senate-passes-hb-2427-to-ban-canola-production-in-the-willamette-valley-until-2019 .	
Mickey K. (Jefferson County Farm Bureau)	Support the Central OR Protected District Dear Members of the Committee, Jefferson County Farm Bureau is a member of the Oregon Farm Bureau Federation (OFBF). We are located in Central Oregon, east of the Cascades. Jefferson County Farm Bureau has been established since 1947. Our founding members brought the water to Jefferson County.	Thank you for your comments. Note: this is an ODA rulemaking comment process not an Oregon Legislature comment process.

	As a county farm bureau that is directly impacted by having the Central Oregon Protected District for canola. We understand that ODA has limited powers when it comes to enforcing the Central OR Protected District. We have been involved since the creation of the original district and have taken part in this process for the last two years.	