

DRAFT Brassica Rules for Jefferson County

These rules are intended to create a Jefferson County Protected District that would replace the current Central Oregon Protected District. This version is for discussion during the April 21, 2026 rules advisory committee (RAC) meeting scheduled to meet from

603-052-0860 Brassicaceae Production Districts and Rapeseed Control Areas

As provided in ORS 570.405 and 570.450, the Oregon Department of Agriculture may establish control areas for the production of Brassicaceae so as to protect against plant diseases, plant pests or other conditions as may constitute a menace to the horticultural, agricultural or forest industries of Oregon. The Department may also regulate the type of rapeseed species and varieties which may be produced in the various control areas by requiring practices that support the orderly commercial production of rapeseed and other Brassica crops, minimize agronomic conflicts, ensure transparency in planting intentions, and foster local resolution of planting conflicts.~~also establish the conditions for the production of Brassicaceae including rapeseed, for the general protection of the horticultural, agricultural or forest industries of Oregon by excluding from established control areas Brassica spp. or rapeseed plants that if, not managed in accordance with these rules, may be a menace to such areas and generally to horticultural, agricultural or forest industries.~~

603-052-0861 General Production Area/Protected Districts

(Included for discussion; this rule is not being changed.)

The seeding and growing of Brassicaceae by any person for any purpose in the state of Oregon shall be subject to the regulations of the general production area and, if applicable, a protected district as described in these rules.

603-052-0862 Definitions

Unless the context requires otherwise, the following terms apply to OAR 603-052-0860 – 0291. ~~are defined as indicated:~~

(1) "Blackleg" means the disease of crucifer crops and Brassicaceae species caused by the fungi *Leptosphaeria maculans* (Tode ex Fr.) Ces. & de Not or *Plenodomus biglobosus* (Shoemaker & H. Brun).

(2) "Brassicaceae" or "Brassica" means any genera and species in the plant family Brassicaceae including, but not limited to, all species of *Brassica* and *Sinapis*, and *Raphanus sativus* and excluding the ornamental genera *Arabis*, *Erysimum*, and *Iberis*.

(3) "Brassica Specialty Seed crop" means crops of the species *Brassica rapa*, *B. napus*, and *B. juncea* that may cross pollinate with canola and are grown for seed production.

(4) "Cover crop Brassica" means any member of the Brassicaceae that is grown as a cover crop and is not allowed to flower.

(5) "Crop Year" means the calendar year following the year the permit is issued.

(6) "Department" means the State Department of Agriculture.

(7) "Designated office" means the Oregon State University Extension office in Jefferson County.

~~(87)~~ "Director" means the Director of the Department or the Director's duly authorized representative.

~~(98)~~ "Field" means a commercial production area in which the Brassicaceae are planted directly into the ground. A field may include one or more contiguous plots of land managed as a single unit. These plots may be separated by an unimproved farm road, ditch or hedgerow.

(10) "Field history" means documented planting records for a specific field covering the previous five calendar years.

~~(119)~~ "Forage Brassica" means member of the Brassicaceae that is grown for animal/livestock feed and is not allowed to flower.

~~(120)~~ "Isolation Distance" means the minimum physical distance between crops to avoid cross pollination between canola and high erucic acid Brassica Specialty Seed crops.

~~(131)~~ "Isolation Distance Exception" means the planting of a crop at a distance less than the Isolation Distance established by the Department.

~~(142)~~ "Isolation Distance Exception Agreement" means an agreement between any Brassica Specialty Seed crop grower and a canola grower to plant in a field that is less than the Isolation Distance. Agreements must be in writing, legally binding on the parties, accepting the risk of not maintaining Isolation Distances and signed by the parties to the agreement.

~~(153)~~ "Land manager" means any person who is legally responsible for the maintenance, use, and development of resources for a section of land or piece of property.

~~(164)~~ "Lottery" means a process whose success is governed by chance.

~~(175)~~ "Person" means an individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(18) “Pinning” means the process of submitting a field location, planting date, crop type, and crop history to a designated office for the purpose of establishing planting priority.

~~(196)~~ "Producer" means any person who is the owner, tenant, or operator of land who has an interest in, and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

~~(2017)~~ “Protected District Advisory Committee” means a body of industry professionals, businesses and individuals who may advise and counsel the Department on the type of rapeseed species and varieties which may be produced in the protected district.

~~(2118)~~ “Rapeseed” means plants of the species *B. napus*, *B. rapa* and *B. juncea* grown for the purpose of edible oil production or for inedible oil production.

(a) “Edible oil production” means rapeseed that has a low erucic acid content and is grown for human or animal consumption. Canola grown for edible oil or livestock feed is a rapeseed that has a low erucic acid content.

(b) “Inedible oil production” means rapeseed that has a high erucic acid content and is grown for industrial uses or biofuels. Canola grown for inedible oil production suitable for industrial uses is a rapeseed that has a high erucic acid content.

603-052-0870 General Production Area

(Included for discussion; this rule is not being changed)

All lands in Oregon constitute the General Production Area for the purposes of controlling pests and diseases of the Brassicaceae. Brassicaceae production in the General Production Area is subject to the following best management practices:

(1) All Brassicaceae seed stock intended for planting for commercial or home use in the General Production Area must be accompanied by an official test report stating that the untreated seed is from a seed lot that has been tested and found free from blackleg. Only seed stock or transplants from seed stock that has tested free of blackleg may be planted or sold within the General Production Area. Producers must maintain a copy of the official test reports for a minimum of three (3) years from the time of planting;

(2) To prevent buildup of blackleg, blackrot, and other diseases and pests, plants of the Brassicaceae may not be grown in the same field more often than two years in every five years;

(3) All planting, harvest, and transportation equipment shall be cleaned to prevent any inadvertent spread of Brassicaceae plant material from the field;

(4) All unbagged loads of Brassicaceae seed stock transported must be in enclosed bins or in containers lined and covered in a manner to prevent seed loss;

(5) Any volunteer or uncontrolled Brassicaceae in or around producer's fields must be prevented from flowering by the producer;

(6) The Department may, as it deems necessary, inspect or cause to be inspected any field, crops, areas in or around production fields, or any other area within the General Production Area for Brassicaceae infected with blackleg. Such inspections will be carried out during normal business hours and consent may be sought for entry into fields or other areas. Inspection may include the taking of samples as may be necessary to determine whether plants are infected with blackleg;

(7) Any volunteer or uncontrolled Brassicaceae in and around production fields that are determined by the Department to be infected with blackleg may be declared a public nuisance as described in Section (8) and, as such, must be rogued out or otherwise eliminated by the producer or the land manager;

(8) Any field that is determined after official inspection and testing by the Department to be infected with blackleg may be determined to be a Public Nuisance subject to the Public Nuisance abatement processes described in ORS 570.170 through 570.180.

(9) The Department shall review these General Production Area requirements every five (5) years for accuracy and effectiveness.

NOTE: Information on laboratories in Oregon approved by the Department for conducting official seed tests is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, 503-986-4620.

603-052-0880 Protected Districts; Prohibitions

(1) ~~Because the production of rapeseed crops requires special care and isolation, within the following protected districts, rapeseed with high or low erucic acid for oil production may be grown only as consistent with the rules for each protected dist~~No person may violate any provision of the rules governing each protected district.

(2) The following are protected districts:

(a) Willamette Valley Protected District;

~~(b) Central Oregon Protected District;~~

~~(be) Northeast Oregon Protected District;~~

(c) Malheur/Idaho Protected District.

[\(d\) Jefferson County Protected District.](#)

603-052-0882 Willamette Valley Protected District

(Included to show progression of rule numbers)

603-052-0884 Central Oregon Protected District - REPEAL

(Included to show progression of rule numbers)

603-052-0886 Northeast Oregon Protected District

(Included to show progression of rule numbers)

603-052-0888 Malheur/Idaho Protected District

(Included to show progression of rule numbers)

603-052-0901 Research, Summary, Changes

(Included to show progression of rule numbers)

[603-052-0903 Jefferson County Protected District](#) - NEW

[\(1\) The entire county of Jefferson is designated as the Jefferson County Protected District. The practices described in this rule describe the method of creating the boundaries between Brassica species Seed crops so as to support market access and agricultural diversity while maintaining grower flexibility and minimizing regulatory burden.](#)

[\(2\) **Applicability.** Brassica crops grown for commercial purposes must be cultivated only as consistent with OAR 603-052-0870 and OAR 603-052-0903 – 0909. Brassica grown for home gardening, grown between rows in vineyards for pest control, or grown for non-commercial purposes are not subject to OAR 603-052-0903 – 0909.](#)

[603-095-0905 Pinning Map and Isolations](#) - NEW

[\(1\) **Pinning Map.** To facilitate communication and the implementation of control areas relative to the production of Brassica or Brassica Specialty Seed crops, the Department, in partnership with the Oregon State University will maintain a field isolation program using a Web-based map of the Jefferson County Protected District. The pinning map separates into crop groups for pinning rapeseed and Brassica Specialty Seed crops relative to each other.](#)

(2) The pinning map is a one-year map for pinning isolations from June to June. A second map showing the immediate past year's pinning pattern may be used to establish a "historical use priority" as described in 603-095-0906(7).

(3) A "map year" is designated by the harvest year of the seed crop following the pinning year.

(4) The map resets June 21st of each calendar year.

(5) When a pin is placed an isolation is established. The map may not be pinned on a speculative basis in order to reserve an isolation. A grower holds a right to one isolation for only one field location per pin in their farming area for the following year.

(6) A pin is only valid until the following dates:

(a) Annuals – March 1st.

(b) Biennials – August 1st.

(7) **Isolation Distances.** Fields are to be pinned on the entirety of the acreage to be planted to ensure proper isolation distances to other fields. The required distance between crops, from field edge to field edge is as follows:

(a) Three (3) miles between rapeseed and other Brassicas.

(b) Three (3) miles between high eurucic acid rapeseed and low eurucic acid rapeseed.

603-052-0907 Pinning Procedures - NEW

(1) **Pinning Priority.** Except as otherwise specified in 603-095-0907(5), pins are established on a first-come, first-served basis.

(2) **Pinning Requests.** All commercial Brassica growers intending to plant rapeseed or other Brassica crops within the Jefferson County Protected District must submit a pinning request to the designated office prior to planting. Pinning requests must be received by [X DATE] of each calendar year. Pinning requests will only be processed on business days between 8:00 a.m. and 5:00 p.m.

(a) Upon receipt of a pinning request, the designated office shall date and time stamp the pinning request.

(b) Upon determining a pinning request is complete and not defective, the designated office shall indorse the date and time that the pinning request was received and this shall be the pinning priority date. Incomplete or defective pinning requests shall be returned to the submitter without indorsement.

(c) Pinning requests shall be processed in the order received according to the indorsed date and time stamp with the first in time received being the first in right for a pin in a particular location for a particular crop and planting period. Isolation distances shall be established in accordance with the priority of the dropped pin.

(d) Pins shall be posted on a publicly accessible map or registry within one business day of receipt of a complete pinning request.

(e) Pins remain valid for the specific crop, location, and planting period indicated in the request for the year in which the pinning request is made.

(3) Pinning Request Contents. A complete pinning request shall include:

(a) The name, address, electronic mail address, and telephone number of the grower;

(b) The Brassica crop type;

(c) Field location(s), including a depiction of the field(s) on a map or aerial photograph and GPS coordinates in decimal degrees using the format Latitude, Longitude (e.g., 38.18674, -84.87530);

(d) Intended planting and harvest dates;

(e) Documentation of historical planting for the field, if applicable.

(4) Substantive Changes to Pinning Requests. Substantive changes to a pinning request shall be treated as a new pinning request. A substantive change to a pinning request includes a change to:

(a) The crop type grown;

(b) The acreages grown;

(c) The location of the crop grown;

(d) The planting period for the crop; or

(d) A decrease to the isolation distance to another Brassica crop.

(5) Pinning Conflicts and the Application of Priority. If overlapping or incompatible pinning requests are received, the designated office shall notify affected parties via electronic mail and telephone within three business days of determining that there is a conflict. The notice shall include the dates and times that the conflicting pinning requests were indorsed and describe the facts creating the conflict. The notice may

include a request for evidence of historical use priority for either or both conflicting pins. To resolve overlapping or incompatible pinning requests, the designated office shall apply the following criteria:

(a) The grower with the earlier indorsement shall have priority, unless the conflicting pin request establishes historical use priority as described in subsection (b);

(b) Notwithstanding priority of receipt, if a grower provides documentation of historical use priority and a historical use priority is confirmed by the Department, that grower shall have priority over any conflicting pinning request that does not have a historical use priority. The [ODA/designated office] shall notify growers of its historical use priority determination by telephone.

(6) Isolation Distance Agreements. If growers with overlapping or incompatible pinning requests reach a mutual agreement on coexistence, a signed Isolation Distance Agreement may be filed with the designated office and will be recognized in lieu of the methods in section (5).

(7) Historical Use Priority. The Department may approve or deny an assertion of historical use. The Department may approve a historical use priority to a grower if the grower establishes that a Brassica crop was planted on the same field in two of the preceding five crop years, but not more than two years in the preceding five crop years. Documentation of eligibility for historical use priority must be submitted within ten business days of notification of a pinning conflict. An assertion of historical use priority must contain evidence that would tend to establish whether the grower is eligible for a historical use priority and may include:

(a) Crop receipts;

(b) Farm service agency records;

(c) Seed purchase invoices;

(d) Documentation of previous pins; or

(e) Any other evidence that shows eligibility for a historical use priority.

(8) Request to Jefferson County Advisory Panel. Growers with overlapping or incompatible pinning requests who fail to enter into an Isolation Distance Agreement or who disagree with resolution of the pinning conflict as described section (5) may request resolution by the Jefferson County Advisory Panel as described in OAR 603-052-0909.

(9) Record Keeping. Records of all pinning requests, field maps, conflict notices, Isolation Distance Agreements and Jefferson County Brassica Advisory Panel recommendations shall be retained for a period of no less than five years from their creation. Records may be made available to requesters consistent with the Oregon Public Records Law (ORS 192.314 et seq.).

603-052-0909 Jefferson County Brassica Advisory Panel - NEW

(1) Growers who have received notice of overlapping or incompatible pinning requests as described in OAR 603-052-0907(5) and disagree with the designated office's resolution of the conflict or fail to enter into an Isolation Distance Agreement as described in OAR 603-052-0907(6) may request a review of the conflict by the Jefferson County Brassica Advisory Panel only as consistent with this rule.

(2) A request for advisory panel review of a conflict must be in writing and contain the facts of the disagreement as stipulated by both parties. A complete request for review shall also contain the signatures of both parties to the agreement stating that they will be bound by the decision of the Jefferson County Brassica Advisory Panel for the purposes of resolving the pinning dispute.

(3) A complete request for review must be received by the Department within five business days of the growers' receipt of the notice described in OAR 603-052-0907(5). The Department may deny untimely or incomplete requests for review.

(4) The Jefferson County Brassica Advisory Panel shall be selected by the Department from a pre-established list created and maintained in consultation with the Oregon State University Extension Service and local agricultural associations. The Jefferson County Brassica Advisory Panel shall consist of:

(a) One Oregon State University Extension Service representative who is familiar with Brassica crop production;

(b) One commercial rapeseed grower who is not a party to the conflict; and

(c) One commercial non-rapeseed Brassica grower who is not a party to the conflict.

(5) Within five business days of receiving a request for review by the Jefferson Brassica Advisory Panel, the Department shall convene a meeting of the panel to address the conflict. Written notice of the meeting shall be provided to the growers who submitted the request for an advisory panel resolution at least 48 hours prior to the meeting date. Meetings may be held in person, by telephone, or virtually and may be attended by the parties to the conflict.

(6) With (X) days of convening a meeting, the advisory panel shall make and provide to the parties to the conflict a decision to address the conflict. In making a decision the panel shall consider:

(a) The dates and content of the pinning requests at issue;

(b) Any historical use documentation if available;

(c) The crop types of each grower, the isolation risks associated with the crop types;

(d) Any feasible coexistence options;

(e) Written or oral input from both parties;

(f) Any other reliable and relevant evidence that would tend to resolve the pinning conflict.

603-052-0921 Violations

(1) The filing of a rule with the Secretary of State shall be considered an order for the purposes of ORS 570.410. No person ~~shall~~may violate any control area rule governing the production of Brassicaceae in Oregon.

(2) Consistent with ORS 561.280 and 570.405 and in addition to any other lawful remedy, the Director may bring an action to enjoin the violation or threatened violation of any provision of 570.405 and 570.450 or its rules. Such action may be filed in the circuit court of Marion County or in the county in which the violation or threatened violation occurs or is about to occur. Consistent with applicable law, the relief requested may include, but is not limited to, an order for summary destruction of any rapeseed crop.

(3) Notice of Noncompliance and Plan of Correction. In addition to, or in lieu of, any action to enjoin enforcement of these rules, the Director may issue a Notice of Noncompliance and Plan of Correction to any person.

(a) A Notice of Noncompliance informs the person to whom the notice is directed of the violation, including a reference to the particular statute or administrative rules involved, and the location of the violation;

(b) A Plan of Correction directs the person to whom the plan of correction is directed to perform those actions necessary to comply with the particular statute or administrative rules involved;

(A) Specifies a reasonable period of time by which compliance is to be achieved not to exceed five (5) calendar days after the notice is received;

(B) May include requirements for the person to whom the plan of correction is directed to report the completion of specific actions;

(c) A Notice of Noncompliance and Plan of Correction is issued by the Director, is an order other than contested case for purposes of judicial review, and must be served personally or by registered or certified mail.

(4) ~~(d)~~ Failure to perform any of the requirements of a Plan of Correction may be considered by the Director as a failure to correct the violation within the period of time set for correction by the Director in the Notice of Noncompliance and Plan of Correction. As provided in ORS 570.995, in addition to any applicable fine under ORS 570.990, the Department may impose a civil penalty for failure to comply with a Notice of Noncompliance and Plan of Correction. and may result in any lawful enforcement including, but not limited to, those remedies described in subsection (2) of this section.

(5) A Notice of Civil Penalty shall include a notice of right to a contested case as provided in ORS 183.415.

(a) The Department may assess \$1,000 for each day after the time period described in a Notice of Noncompliance and Plan of Correction that a person fails to correct a violation up to a maximum of \$10,000.

(b) A Notice of Civil Penalty shall allow a period of 30 days from the date of the notice for a request for a contested case hearing. A request for hearing shall be in writing, will be deemed to be a general denial of the matters alleged in the notice, and shall be received at the Department by the deadline specified in the Notice of Civil Penalty.

(c) Contested case hearings shall be held in accordance with ORS Chapter 183 and OAR 137-003-0501 – 0700.

(d) The Director shall issue a Final Order in Contested Case within 90 days after receipt of a Proposed Order from the Office of Administrative Hearings. Review of a final order is according to ORS 183.482.