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PERMANENT ADMINISTRATIVE ORDER

DOA 116-2026

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED: 11/05/2026 2:14 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Repeal and Adopt Administrative Rules Pertaining to Rapeseed Production in Jefferson County Protected District

EFFECTIVE DATE: 11/05/2026

AGENCY APPROVED DATE: 11/05/2026

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RULES:
603-052-0880, 603-052-0884, 603-052-0903, 603-052-0904, 603-052-0907, 603-052-0921

AMEND: 603-052-0880

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Removes Central OR Protected District and adds Jefferson County Control District

CHANGES TO RULE:

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 district. 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~~Jefferson County Protected District;¶
(c) Northeast Oregon Protected District;¶

(d) Malheur/Idaho Protected District.
Statutory/Other Authority: ORS 561.190, 561.510 - 561.600, 570.~~305, 570.405. 570.410 - 570.411~~405, 570.450
Statutes/Other Implemented: ~~ORS~~ 570.405~~ – 570.415~~, 570.450

REPEAL: 603-052-0884

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Removes Central OR Protected District

CHANGES TO RULE:

~~603-052-0884~~
~~Central Oregon Protected District~~
~~(1) The following area is designated as the Central Oregon Protected Area: the entire counties of Crook, Deschutes and Jefferson.¶~~
~~(2) Forage brassica and cover crop brassica may be grown but shall not be allowed to flower.¶~~
~~(3) Rapeseed seed crops are prohibited in the Central Oregon Protected District except under Research Permit (see 603-052-0901(1)). All rapeseed grown under research permit must meet the following conditions:¶~~
~~(a) Within the Central Oregon Protected District the required isolation distance shall be not less than three miles;¶~~
~~(b) The location of all rapeseed fields must be recorded at the appropriate Oregon State University County Extension Office at least ten days prior to planting;¶~~
~~(c) All planting, harvest, and transportation equipment shall be cleaned to prevent any inadvertant spread of rapeseed from the field;¶~~
~~(d) All unbagged loads of rapeseed transported within the protected district must be in enclosed bins or in containers lined and covered in a manner to prevent seed loss; and¶~~
~~(e) Any volunteer or uncontrolled rapeseed in or around production fields must be prevented from flowering by the producer.~~
~~Statutory/Other Authority: ORS 561.190, 561.510 - 561.600, 570.305, 570.405. 570.410 - 570.415, 570.450~~
~~Statutes/Other Implemented: ORS 570.405 - 570.415, 570.450~~

ADOPT: 603-052-0903

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Creates the Jefferson County Control District

CHANGES TO RULE:

603-052-0903
Jefferson County Protected District
(1) The entire county of Jefferson is designated as the Jefferson County Protected District. In addition to compliance with the General Production rules in OAR 603-052-0870, rapeseed grown within the Jefferson Protected District may only be produced consistent with OAR 603-052-0903 - 0907.¶
(2) Purpose. These rules establish a notice framework for the production of rapeseed in Jefferson County. The framework requires persons intending to grow rapeseed to provide advance notice. The Department's role under these rules is limited to receiving and publishing notices and enforcing compliance with notice requirements under these rules.¶
(3) These rules do not regulate on-farm cultural practices, crop management decisions, or the genetic engineering status of planted varieties.¶
(4) Applicability. These rules apply to rapeseed grown within Jefferson County. Other Brassica crops are not subject to these rules.
Statutory/Other Authority: ORS 561.191, 570.450
Statutes/Other Implemented: ORS 570.405-415, 570.450

ADOPT: 603-052-0904

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Creates Jefferson County Protected District Notice of Intent Process

CHANGES TO RULE:

603-052-0904
Jefferson County Protected District Notice of Intent Process
(1) A person intending to grow rapeseed in Jefferson County must file a Notice of Intent with the Department no later than April 1 of the year in which planting is intended.¶
(2) A Notice of Intent must be submitted on a form prescribed by the Department and must include all of the following:¶
(a) The grower's name, mailing address, telephone number, and email address;¶
(b) The location of each proposed field, depicted on a map or aerial photograph and identified by GPS coordinates;¶
(c) The estimated acreage of each proposed field;¶
(d) The estimated planting date;¶
(e) An attestation that the grower is in compliance with the General Production Area requirements of OAR 603-052-0870.¶
(3) Filing a Notice of Intent does not obligate the grower to plant. A Notice of Intent is a prerequisite to establishing a rapeseed crop in Jefferson County. It is not a permit, license, or approval.¶
(4) An incomplete Notice of Intent may not be considered as timely filed. The Department may return an incomplete Notice of Intent with written notice of deficiencies. A resubmission must be received by the applicable deadline in section (1) of this rule.¶
(5) A materially false attestation in a Notice of Intent constitutes a violation of these rules.
Statutory/Other Authority: ORS 561.191, 570.450
Statutes/Other Implemented: ORS 570.405-415, 570.450

ADOPT: 603-052-0907

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Creates Jefferson County Control District Notice of Intent Publication and Notification Process

CHANGES TO RULE:

603-052-0907
Jefferson County Protected District Notice of Intent Publication and Notification
(1) The Department shall post all timely-filed Notices of Intent on the Department's website no later than May 1 of the year in which planting is intended. For Notices of Intent filed for 2026 plantings, the Department shall post them no later than September 11, 2026.¶
(2) The Department may coordinate with Oregon State University to make Notices of Intent available through any local crop isolation mapping system for informational purposes. OSU participation is voluntary and informational only.
Statutory/Other Authority: ORS 561.191, 570.450
Statutes/Other Implemented: ORS 570.405-415, 570.450

AMEND: 603-052-0921

NOTICE FILED DATE: 06/15/2026

RULE SUMMARY: Updates civil penalty amounts for violations and creates new violations specific to Jefferson County Control District

CHANGES TO RULE:

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.¶
(~~d~~4) 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 ~~and may result in any lawful enforcement including, but not limited to, those remedies described in subsection (2) of this section~~. The Department may impose a civil penalty of $5,000 for each day a person fails to correct a violation after the deadline for correcting a violation as described in a Notice of Noncompliance and Plan of Correction.¶
(5) A Notice of Civil Penalty shall include a notice of right to a contested case as provided in ORS 183.415.¶
(a) 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.¶
(b) Contested case hearings shall be held in accordance with ORS Chapter 183 and OAR 137-003-0501 - 0700.¶
(c) The Director shall issue a Final Order in Contested Case. Review of a final order is pursuant to ORS 183.482.¶
(6) Specific violations in the Jefferson County Protected District. In addition to any other lawful remedy, the Department may assess a civil penalty of $10,000 for each instance of a violation of OAR 603-052-0905(1) and a civil penalty of $10,000 where it is determined that a person filed a materially false attestation in a Notice of Intent.
Statutory/Other Authority: ORS 561.190, 561.510 - 561.600, 570.305, ORS 570.405~~. 570.410~~ - 570.415, 570.450
Statutes/Other Implemented: ORS 570.405 - 570.415, 570.450