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To: Lindsay Eng, Deputy Director, Oregon Department of Agriculture
Subject: Summary Report on Public Comment
From: Sunny Summers
Date: September 22, 2026

Rulemaking Public Comment Summary - The purpose of this rulemaking public comment period was to allow public comment on amending Slow Pay No Pay Program rules.

Public Hearing – ODA held a public hearing on July 15, 2026 and received two comments.

- The Oregon Seed Council identified a technical error in the proposed rules, noting that the reference to the retired Federal Reserve Statistical Release H.5 should be updated to H.15.
- Representatives from the Oregon Seed Council and the Oregon Seed Association expressed concerns that the proposed civil appeal process could lead to liability issues, reputational damage, and potential delays if the department suspends a dealer's license while a court case is pending.

Summary of Written Comments - ODA accepted written testimony from the public through 5:00 p.m. on July 31, 2026. One written comment was received from the Oregon Seed Council and it mirrored the verbal comment provided during the public hearing.

Dated this 22nd day of September 2026.

Sunny Summers, Hearings Officer
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Comments

Commenter	Comment	Response
Megan G., OR Seed Council	Oregon Department of Agriculture: On behalf of the Oregon Seed Council (OSC), thank you for the opportunity to provide written comment on the Oregon Department of Agriculture (ODA) rulemaking amending Oregon's Slow Pay No Pay rules. OSC is a trade organization that advocates for seed farmers, marketers, brokers, researchers, and others involved in the Oregon seed industry from when the seed is planted to when the seed ultimately makes it to the hands of consumers. Through our membership, the OSC represents approximately 1,300 grass, legume, and specialty seed growers in Oregon. OSC appreciates the ODA's commitment to ensuring rules that support a smooth process for implementing the Slow Pay No Pay law, within statutory parameters. Generally, the proposed rules are clear and meet the intent of the rulemaking. We do, however, have a few concerns and comments related to the rules as drafted. OAR-603-047-0200 The proposed rules seek to incorporate changes from House Bill 4065 passed in the 2026 Legislative Session. As we read the rules, there is an error in relation to the listed interest rate. The rules reference the Federal Reserve Statistical Release H.5. This statistic has been retired and the rate listed in statute as amended by the 2026 legislation refers to the Federal Reserve Statistical Release H.15. We request this section be amended to match the statutory reference in the final rules. Civil Process As structured in the draft rules and presented during the Rulemaking Advisory Committee (RAC) discussion, the process for Slow Pay No Pay claims would allow for ODA to suspend a dealer's license if the Department deemed payment was not made or was incomplete. Simultaneously, through the proposed process, the dealer could pursue an appeal through civil court. OSC is concerned that as drafted, this new path would open the Department up for liability if the appellant prevailed in civil court. In addition, if an appellant were to prevail, there would be significant	Thank you for your comments. The typographical error referencing the Federal Reserve Statistical Release H.15 has been fixed. Your careful reading of the rules and elevation of that error is appreciated. Regarding the potential for increased liability to the Department under the new appeal process for slow pay no pay claims, your comments are heard and appreciated, but ODA does not believe that the new process will increase liability when errors are on the side of the state. The ability remains for a party to appeal the Department's order based on the merit's of the specific complaint and the Department would weigh that evidence and claims before continuing to enforce the order. The intent is to reduce the administrative time between the establishment that a grower has not been paid and the enforcement mechanism of suspending a seed



	reputational concerns for the appellant, and damages to business from the claim. Definitions Section Many definitions from the definition section were removed. OSC understands the intent of the Department is to follow the definition provided in individual contracts as definitions vary contract-to-contract. Thank you for your consideration of our comments.	dealer’s license for continued nonpayment.
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