

Seed protection bill approved by full Oregon Legislature

Bill would extend contract protections to all seed growers

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — Early organization has paid off for supporters of a bill establishing minimum contract protections for all Oregon seed growers, which has passed both chambers of the Legislature.

House Bill 4068 was unanimously approved by the Senate on Feb. 22 and the House on Feb. 13.

The bill requires dealers to pay farmers market prices for seed by certain deadlines enforced by the Oregon Department of Agriculture.

Grass seed crops have received similar protections since 2011 under a statute aimed at preventing “slow

pay, no pay” problems, but other types of seed were excluded from the legislation.

Before the idea of expanding the contract protections was brought to the Oregon lawmakers, the specifics were hashed out by farmers, seed dealers and trade groups.

By the time HB 4068 was introduced, all the details had been hammered out and the bill sailed through the House Agriculture Committee and Senate Business and Transportation Committee without any opposing testimony or even an amendment.

The lack of complication has served the bill well in 2018, when several other proposals have been killed off for being too grandiose or intricate to properly examine in a little more than a month.

The bill’s smooth course through the Legislature was referred to as a “love fest” by Sen. Lee Beyer, D-Spring-



Capital Press File

field, who chairs the Senate Business and Transportation Committee.

Rep. Bill Post, R-Keizer, praised the bill for adhering to the “spirit of the short session” — it’s “narrow in scope” and has been “thoroughly vetted” by the affected parties, he said.

Anna Scharf, whose family farms near Amity, Ore., was instrumental in advocating the bill, Post said.

The concept for expanding contract protections to clover, meadowfoam, radish, turnip, mustard and other seeds was initiated by Scharf in 2017.

Initially, she sought to sim-

ply add other seed types to the class of crops protected under the 2011 statute. However, the proposal “unraveled” because the payment terms for grass seed didn’t align with those of other seeds, Scharf said.

For a year, the Oregon Farm Bureau and farmers “worked out the kinks” with seed industry stakeholders and arrived at a proposal that lawmakers could embrace as “bipartisan” and “not political,” she said.

“It shows they’re willing to acknowledge that farmers growing proprietary crops have a necessity and a right to be paid in a timely manner,” Scharf said. “We aired out our differences and figured out a law we could live within.”

Because most specialty seeds are proprietary, they can’t be sold on the open market if the contracting seed dealer fails to pay, she said.

The bill will level the playing field between growers and

dealers, Scharf said. “It’s a game changer. I can’t tell you how excited I am about it.”

The proposal was inspired partly by a dispute over proprietary radish seed grown by Oregon farmers for a defunct seed company, she said.

When the seed company went broke, its bank tried to seize the radish seed from the farmers as collateral for a loan to the company, Scharf said. Though Oregon growers won the case in federal court, the ruling is now being challenged before the 9th U.S. Circuit Court of Appeals.

The problem drew the attention of the Polk County Farm Bureau, which then got the Oregon Farm Bureau involved in the issue, said Jenny Dresler, OFB’s state public policy director.

“We’re really proud of the process this bill went through and the compromise at the end of the day,” she said.

Listening session seeks input on future of Parma research center

By **SEAN ELLIS**
Capital Press

BOISE — The dean of University of Idaho’s College of Agricultural and Life Sciences will host a listening session March 8 to garner industry input on the future of UI’s Parma Agricultural Research and Extension Center.

The 200-acre Parma center was targeted for closure in 2009 during the last recession but a coalition of agricultural groups helped save it.

Now, the university is looking at expanded investment in the Parma center, CALS Dean Michael Parrella told Food Producers of Idaho members Feb. 21.

Parrella invited ag industry members to the listening session, which is titled “Visioning for the Future” and will be held at the Parma Ridge Winery, 24509 Rudd Road, near Parma.

“We are going to invest in that facility but we need to engage the industry,” he said. “We’d like as many people there as possible.”

Created in 1925, the Parma facility conducts research on multiple crops, including beans, onions and other vegetables, hops, mint, tree fruit, wine and table grapes, cereals and seed crops.

Parrella said CALS plans to look at investing in facilities at all nine of its ag research centers and Parma is the starting point.

Some facilities at those centers are more than 50 years old “and we need to invest in them and bring them up to date,” he said.

Parrella said CALS will aggressively move forward with its plans to modernize



Sean Ellis/Capital Press

Michael Parrella, dean of the University of Idaho College of Agricultural and Life Sciences, invites Food Producers of Idaho members to a March 8 listening to discuss future investment in the CALS Parma Agricultural Research and Extension Center.

research center facilities and equipment.

“I’m not the dean of the college to maintain the status quo,” he said. “I want to move things forward.”

Parrella said he hopes to create a three-way partnership between the farm industry, agribusinesses and the state to come up with the funding that will be needed to modernize the facilities.

“Let’s do it together rather than in a piecemeal fashion,” he said.

Parrella’s plan to invest in the university’s research and extension facilities was well received by industry members.

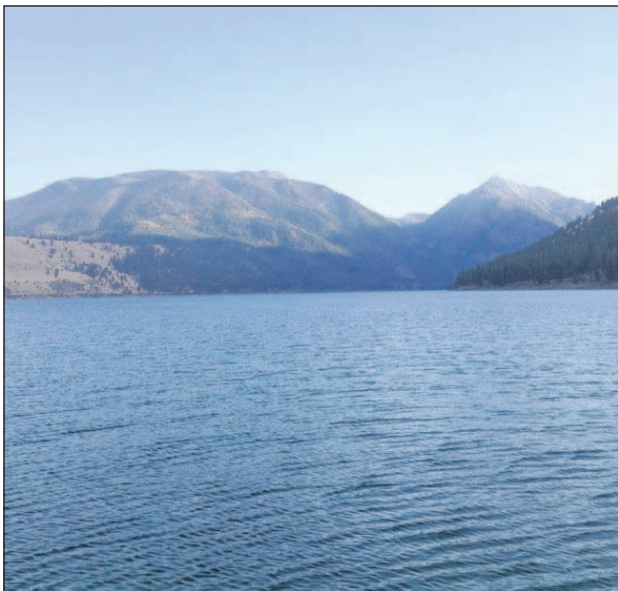
“We support the university and what they’re doing and we look forward to this conversation about re-investing in buildings and structures and equipment at our research facilities,” said Stacey Katseanes-Satterlee, executive director of the Idaho Grain Producers Association.

Most of UI’s wheat and barley research is conducted at the university’s Kimberly research center.

“It makes sense to start with a visioning session at Parma but we’re looking forward to having this discussion about all of the research stations,” Katseanes-Satterlee said.

Idaho Farm Bureau Federation “certainly looks forward to this discussion,” said Dennis Tanikuni, the group’s assistant director of governmental affairs. “The Idaho Farm Bureau Federation strongly supports research and recognizes its importance to Idaho agriculture....”

The listening session, which is free to attend, will take place from 11:30 a.m. to 4 p.m. and UI will provide lunch. People who plan to attend are asked to contact Carly Schoepflin ahead of time at (208) 885-4037 or by email at craska@uidaho.edu.



Capital Press File

A bill to allow irrigation districts to transfer water between reservoirs has been put on hold in the Oregon Legislature.

Oregon reservoir water transfer bill shelved

Stakeholders decide issue too complicated for short session

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — To give the issue more consideration, lawmakers have shelved a bill intended to clarify that Oregon water law allows transfers between storage reservoirs.

Water transfers among reservoirs stopped being permitted by state regulators due to a changed legal interpretation, which is problematic for water managers such as the Tumalo Irrigation District in Central Oregon.

The irrigation district was unable to transfer its storage water from Crescent Lake to instream uses and to transfer water from the

Tumalo reservoir to smaller ponds to correct pressure problems.

Senate Bill 1558 would have established that such transfers are allowable, but the proposal has failed to survive a legislative deadline to stay alive in the Senate Environment and Natural Resources Committee.

The committee’s chairman, Sen. Michael Dembrow, D-Portland, said that “stakeholders” involved in the issue have agreed it’s “too complicated to be dealt with quickly.”

The problem will undergo a “prolonged discussion” before next year’s full legislative session, which lasts for roughly half a year, he said. This session ends in March.

“We want to make sure there are no unintended consequences from the changes we were making,” Dembrow said. “Needless to say, when you’re dealing with water, things get complicated pretty quickly.”

Battle over Idaho’s ‘ag gag’ law heads back to court

By **SEAN ELLIS**
Capital Press

BOISE — Less than two months after the 9th U.S. Circuit Court of Appeals issued a ruling on Idaho’s so-called “ag gag” law, the high-profile fight over the law is headed back to district court.

Opponents of the law have filed a motion for a declaratory judgment, which sends the case back to U.S. District Judge Lynn Winnmill.

Winnmill in 2015 found the law unconstitutional but Idaho appealed that decision to the 9th Circuit Court, which in January upheld most of the provisions of the state’s Agricultural Security Act, which is called the “ag gag” law by opponents.

In a motion filed Feb. 20, the plaintiffs asked Winnmill to resolve what they say is legal uncertainty over the law that remains following the 9th Circuit decision. The appeals court upheld Winnmill’s ruling that the law’s ban on secret video or audio recordings on agricultural production facilities is unconstitutional.

But it upheld as constitutional other provisions of the law, including one that makes it

a crime to obtain employment with an ag production facility through lies or misrepresentation with the intent to cause economic or other injury to the facility’s operations, business interests or customers.

It also reversed a permanent injunction on enforcement of the law, which also makes it a crime to obtain records of an ag production facility by force, threat, misrepresentation or trespass. The law requires those found guilty to pay restitution to the victim in an amount equal to twice the damages. They would also face one year in prison.

In their motion for declaratory judgment, plaintiffs argue the provision that makes it a crime to lie to gain employment with the intent to cause harm should not apply to undercover investigative activities that seek to reveal animal abuse or other wrongdoing at ag facilities.

The 9th Circuit ruling did not resolve that issue, said Matthew Liebman, the senior attorney representing Animal Legal Defense Fund, one of the plaintiffs among a coalition of animal rights groups, journalists and public interest groups that challenged the law in court.

“To apply the statute to these investigators would be unconstitutional ... because our investigators don’t intend to cause (legal harm) to the facility,” he said.

The law was crafted by the Idaho Dairymen’s Association in 2014 after video footage of dairy cows being abused was released by an undercover animal activist group. IDA officials said the footage was used to attempt to unfairly damage the dairy’s business.

IDA officials declined to comment for this story.

In their motion for declaratory judgment, plaintiffs said the type of undercover investigations they plan to engage in could result in boycotts and other reputational damages, but those aren’t covered under the law’s provisions.

The “misrepresentations plaintiffs desire to engage in are not made with the intent to, and in fact do not, cause the types of tangible harms contemplated by the statute...,” the motion states. Depending on how Winnmill rules, the case could end up back at the 9th Circuit, Liebman said, adding that “it’s definitely possible” it could make its way to the U.S. Supreme Court.

WESTERN

PACKAGING

Your Future is Our Future...

WE SPECIALIZE IN BULK BAGS!

BAGS:

- Seed Bags
- Fertilizer Bags
- Feed Bags
- Potato Bags
- Printed Bags
- Plain Bags
- Bulk Bags
- Totes
- Woven Polypropylene
- Bopp
- Polyethylene
- Pocket Bags
- Roll Stock & More!

HAY PRESS SUPPORT:

- Hay Sleeves
- Strap
- Totes
- Printed or Plain
- Stretch Film
- (ALL GAUGES)

WAREHOUSE PACKAGING:

- Stretch Film
- Pallet Sheets
- Pallet Covers

LOCATIONS:

Albany, Oregon (MAIN OFFICE)

Ellensburg, Washington

CONTACT INFORMATION:

Phone: 855-928-3856

Fax: 541-497-6262

info@westernpackaging.com

CUSTOMER SERVICE IS OUR TOP PRIORITY!

www.westernpackaging.com

9-3/100