

# Oregon Seed eUpdate

ISSUE #94 • FEBRUARY 2024



A Newsletter from the  
**OREGON SEED COUNCIL**

## Oregon Seed Council Legislative Update

February 5 marked day one of a 35-day Legislative Session. As expected, the Governor and Legislature have targeted housing and Measure 110 as the primary priorities for the session.

Importantly to the Oregon Seed Council, we are monitoring over 30 bills, primarily due to “relating to” clauses. Issues range from land use, to climate, to employment, to taxes, to transportation - and more.

To date, the Oregon Seed Council, through its legislative process has lent support to two bills:

### 1. [House Bill 4111](#) – Fixing Oregon’s Farm Equipment Tax Exemption

The bill removes the distinction between tangible personal property and real property, making all equipment exempt that fits the statute’s definition of farm equipment. The purpose of this bill is to reduce confusion and administrative work for both farmers and assessors.

### 2. [House Bill 4061](#) - Elk Damage Prevention and Compensation Pilot Program

The bill would direct the Oregon Department of Agriculture (ODA) to create a pilot program related to elk damage prevention and compensation. Under the bill, ODA and the State Department of Fish and Wildlife would be required to report on the program to committees or interim committees of the Legislative Assembly related to natural resources on or before September 15, 2028. The pilot would sunset January 2, 2030.

The Oregon Seed Council has also joined agriculture partners in signing on a letter of support of the appointment of Lisa Charpillot Hanson as Director of the Oregon Department of Agriculture. [The joint letter is available here.](#)

In addition, the Oregon Seed Council is monitoring the brassica bill, [House Bill 4059](#), another significant issue for the session. The base draft comes from an Oregon Department of Agriculture workgroup created under a 2023 legislative bill. That draft focuses on creating a producer registration system for brassica specialty

seed and genetically engineered brassica in the Willamette Valley Protected District. The concept includes a pinning system, isolation distances, a cap on genetically engineered brassica and a temporary cap on canola and genetically engineered canola production. Other iterations are in the works, including similar structures without genetically engineered restrictions, varied isolation distances and additional modifications.

Another bill we are watching is [House Bill 4049](#), which directs Oregon State University to study the effects of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in land applied biosolids on agricultural crops at select sites across the state. Stakeholders are working to ensure the commissioned study is framed appropriately to focus on prevention and treatment of biosolids rather than a focus on crops.

Transportation funding conversations are also beginning, including via introduction of bills on the weight mile tax. At this time, it is looking like transportation funding is being teed up for 2025.

### Session Timeline

Legislators have until February 12 to announce what bills will have a hearing or a work session in policy committees in their chamber of origin.

*continued on page 2*

## IN THIS ISSUE:

<a href="#">Oregon Seed Council Legislative Update</a> .....	1
<a href="#">Sclerotinia Pressure Extremely High in Clover</a> .....	3
<a href="#">OSU Pesticide Expert Explains Ramifications of Megasuit for Oregon Growers</a> .....	4
<a href="#">ODA Recruiting for 66 Commodity Commissioner Openings; Apply by March 15</a> .....	5
<a href="#">Warm Weather Pushes Up Start of Fertilizer Season</a> .....	6
<a href="#">Calendar</a> .....	6
<a href="#">Oregon AgriStress Helpline is Now Open</a> .....	6

## Oregon Seed Council Legislative Update, *Continued*

*continued from page 1*

On February 19, those bills that were scheduled, must be moved out of their chamber of origin or to an exempt committee to survive.

Those rules do not apply to bills in the joint committees, revenue or rules.

Once a bill hits its second chamber, it has until February 23 to be scheduled, and until February 29 to be moved out of committee.

The session will close by March 10.

Shortly after that, on March 12, we'll get our first window into the election cycle and how the next session may start to shape up. Important to the election process, this is filing day, the final day candidates can declare before the primaries.

### So, what do the political dynamics of the session look like?

The breakdown is a Senate of 17 Democrats, 11 Republicans, one Independent, and one Independent/Republican.

The House is split with 35 Democrats and 25 Republicans.

And the final signature on bills is Governor Tina Kotek (D).

The state's constitution requires 20 Senators to be present to conduct business in the Senate and 40 Representatives to be present to conduct business in the House – a two-thirds quorum for either chamber.

An additional layer on the political front is Measure 113. The measure, passed in 2022, disqualifies legislators from re-election following their term if they acquire 10 or more unexcused absences from legislative floor sessions. The verbiage of this measure has been interpreted differently by various parties. In August, following a six-week walkout in the 2023 Session, Oregon Secretary of State Griffin-Valade filed an administrative rule barring legislators with 10 unexcused absences from running for re-election.

[Legal action](#) was taken by five Senate Republicans, and the case was filed and moved through the court system to the State Supreme Court.

In its ruling, the State Supreme Court ruled in favor of the Secretary of State interpretation of the measure, disqualifying legislators with 10 or more unexcused absences from the 2023 Legislature from running for re-election in their immediate next term.

In a recent article from the [Statesman Journal](#) following the ruling, Senate Republican Leader Tim Knopp was quoted saying “we still have the opportunity to pause the session if we need to for any reason.”



### Session Focus Issues

We anticipate most of the air to be taken up by housing and Measure 110

[Senate Bill 1537](#) is the governor's housing proposal. The bill authorizes certain cities to expand their Urban Growth Boundaries (UGBs). Cities would have to demonstrate a need for affordable housing and insufficient available land. This component would allow cities with populations of over 25,000 to expand their UGBs by 150 acres. Smaller cities could expand by 75 acres.

There are additional limitations including higher percentage of renter households that are paying more than 50 percent of their income on housing.

Under the proposal, cities could not expand into high value farm or forest land that is not already zoned for long-term urban development.

The bill also creates a Housing Production and Accountability Office.

The Joint Committee on Addiction and Community Public Safety is focused on fixes to Measure 110, and committee discussion has included changing the Class E violation to a Class C misdemeanor.

Contributed by: [Megan Chuinard](#) | Oregon Seed Council Executive Director



## Sclerotinia Pressure Extremely High in Clover

Oregon State University Extension Seed Production Specialist Nicole Anderson said she is seeing more *sclerotinia* in clover this year than at any time in her career.

“It is from Banks (in the northern Willamette Valley) to Eugene, and it is on every species that we grow,” Anderson said in a presentation at the Oregon Clover Growers Annual Meeting, January 31 in Wilsonville. “It is widespread.”

Anderson said she has taken 23 calls on the disease just since the first week of January, mostly from fieldmen working in the Willamette Valley. “So, that tells you how high the pressure is this year.”

According to the *Pacific Northwest Plant Disease Management Handbook*, the *sclerotinia* fungus produces small black sclerotia within infected tissue. During the fall or winter, the sclerotia produce small, mushroom-like structures called apothecia, which produce spores that are blown by wind to susceptible plants. The disease also is spread by infected plants touching non-infected plants.

During her presentation, Anderson showed photos of infected plants with a snowy mold material on leaves. “Once you get to later winter and early spring, you start to see what some people refer to as a small snow mold or whitish fungal material on the plants and it will start to rot out the stems and you’ll lose that top growth,” Anderson said.

At issue this year, Anderson said, is weather conditions have been ideal for disease development. “So, 40 to 60 degrees (Fahrenheit) is what it likes,” she said. “And other than the week of the ice storm, we haven’t had a lot of really cold weather this winter.”

The disease also likes excess foliage, she said, and timely rainfall this autumn increased foliage on many stands. “That means we’ve got bigger plants than normal here in the winter, and that’s not helpful.

“We basically have a perfect storm here,” Anderson said.

At highest risk are annual clovers and first-year fields, she said, so if growers are prioritizing treatments, those should be targeted first. “Save your established fields for last if you are in a time crunch to get all your sprays done,” she said.

The traditional thinking is that established fields can sustain some *sclerotinia* pressure and get good regrowth after defoliation



Nicole Anderson at the Oregon Clover Growers Annual Meeting January 31 said she has received more reports of *sclerotinia* infection in clover this year than at any point in her career.

in the spring, she said. But in a year of such extreme pressure, that may not be the case.

“So, there’s no judgment against anybody who feels like they need to treat some of the established fields, because the pressure is so high across the region,” Anderson said. “But make sure you are getting to annual clover (e.g. crimson) and fall-planted fields first.”

She added that it is imperative to keep an eye out for the disease after an initial treatment. “Everybody might go out and spray next week and think they’ve got it beat back, but as long as we stay in this weather pattern, it’s not going to be surprising to me if we don’t see continued infections. So, once you think you’ve got it killed, don’t take your eyes off of it, because there is so much inoculum in the Valley right now that I wouldn’t be surprised if we don’t see recurring infections.”

When treating for *sclerotinia*, Anderson said that growers should use maximum labeled rates with plenty of water. Fungicides currently registered for *sclerotinia* in clover are Endura (crimson only), Nevada 4F, Flint (crimson only) and Quadris.

**THE E-NEWSLETTER** The goal of this e-newsletter is to provide timely updates to Oregon seed producers and field reps. It includes a snapshot of what’s happening currently with respect to weather, pest and disease outbreaks, harvest, label updates, and other management activities. Growers or field reps can provide input anytime at [mitchlies@comcast.net](mailto:mitchlies@comcast.net).

**CONNECT WITH US** To sign-up for this e-newsletter or for archived issues, please visit: <http://www.oregonseedcouncil.org/seed-update>

## OSU Pesticide Expert Explains Ramifications of Megasuit for Oregon Growers

In a sweeping presentation, Oregon State University Specialty Crops Pesticide Registration Research Leader Dani Lightle walked Oregon clover growers through some of the ramifications coming out of the Environmental Protection Agency's (EPA) response to continued litigation over its regulation of pesticides.

In the January 31 presentation at the Oregon Clover Growers Annual Meeting, Lightle provided information on EPA's proposed Vulnerable Species Pilot Project, its draft herbicide strategy, which EPA released last August, and its latest draft rodenticide strategy, which EPA released in November.

Lightle traced EPA's actions back to litigation that the agency fought for years regarding pesticides' effects on endangered species, and specifically in regard to compliance issues with the Endangered Species Act. The litigation culminated in what is known as the Megasuit, a lawsuit brought by the Center for Biological Diversity and the Pesticide Action Network that challenged the registered use of 382 active ingredients as harmful to listed species.

That list was trimmed to 35 in a final settlement agreement signed last September. In the settlement, in exchange for not cancelling the uses of the 35 active ingredients, EPA agreed to implement mitigation measures on the pesticides' uses.

In addition, EPA is planning to implement the mitigation measures when registering all new active ingredients and those active ingredients up for review.

"EPA is required by Congress to review every active ingredient every fifteen years, so as they come up for review, they are going to go through the endangered species assessment, and mitigations are going to be added to labels," Lightle said.

Eventually, she said, all conventional pesticides, as well as antimicrobials and biopesticides, are going to go through risk analysis and label mitigations to ensure that listed species are not being harmed.

In its first plan, the Vulnerable Species Pilot Project, which EPA released early last summer, the agency designated Pesticide Use Limitation Areas (PULA), for 27 vulnerable species. In Oregon, the EPA's draft project initially eliminated pesticide use on one million acres of productive agriculture and forestry land for the protection of the Taylor's checkerspot butterfly.

The proposal was roundly criticized, given that the butterfly's known area of habitat in Oregon is less than 20 acres in the Corvallis area, and not on any ag land.

After receiving well over 10,000 comments, the EPA walked back the proposal. "With their plan update in November, they said that they were going to get rid of the avoidance zones for ag uses," Lightle said. "Weirdly, they did not say that for forestry uses, so



*Dani Lightle at the Oregon Clover Growers Annual Meeting in Wilsonville January 31 speaks about the ramifications of the "Megasuit" settlement on Oregon farmers.*

keep your forestry friends in mind. But at least ag is off the hook here and EPA is saying that they don't feel like there's a need for that because of the other mitigations that we can put into place on agricultural uses. So, at least for the Vulnerable Species Pilot Project, we don't need to worry about the avoidance zones going into place right now."

She added that the EPA plans to make the PULAs more representative of where the species is found, which in the case of the butterfly is the 12 to 20 acres of land just outside of Corvallis. Also, she said, the EPA plans to have a new plan for the Vulnerable Species Pilot Project in September of 2024.

"So, it's not the last you've heard of it," Lightle said. "Hopefully this next version will be a little less scary."

Next, Lightle talked about EPA's proposed herbicide strategy.

Under its current proposal, EPA will mitigate herbicide use based in part on the risk it carries for listed species, a risk that will be affected mainly by the potential for offsite movement of the chemistry being applied. EPA will measure risks on a point basis, with the higher the point assigned to an active ingredient, the higher the risk.

Applicators who want to apply a high-risk herbicide, under the proposal, would be assigned more mitigation measures than those applying a low-risk herbicide before a herbicide could be used. Mitigation measures could include reduced rates of usage, implementation of buffer strips or reduced tillage, cover cropping or other measures to reduce the chance of runoff.

*continued on page 5*

## OSU Pesticide Expert Explains Ramifications of Megasuit for Oregon Growers, *Continued*

*continued from page 4*

EPA has said it plans to release its final plan about May 24, Lightle said, and that it plans to implement the plan through the use of a system known as Bulletins Live! Two, or BLT, which EPA will roll out for each herbicide as it is registered or reviewed.

In BLT, an applicator must check for restrictions on his or her planned application no more than six months prior to an application up to the day of an application by going to a website, selecting the month of application, adding the registration number of the material he or she plans to apply and clicking on the site of application on a map provided by EPA. The website will then provide the applicator with any required mitigation measures.

Lightle also provided attendees information on EPA's proposed rodenticide strategy, particularly as it pertains to use of zinc phosphide. Included in proposed mitigation measures for the vole control material, one stands out as particularly problematic, Lightle said, that being that applicators will need to conduct a carcass search and dispose of all carcasses starting four days after the first application and at subsequent intervals of one to two days for at least two weeks after the last application, or longer if carcasses are still being found.

The proposed mitigation measure has questionable merits, Lightle said. "It is pretty inefficient in that most of our rodents die underground. When they are not feeling good, they're not going to go out for a walk. They're going to sit at home and be miserable like we do when we're sick."

Also, she said zinc phosphide is known to dissipate relatively quickly when ingested, so the risk of zinc phosphide poisoning a secondary consumer is very low. Still, she said, "Unfortunately, this is what EPA is proposing."

Lightle said EPA is taking comments on the proposal until February 13. She added that comments should address issues like the feasibility of conducting carcass searches, or the cost involved in meeting the mitigation measures, rather than expressing frustrations at the proposal.

Comments can be submitted by going to <https://www.regulations.gov/document/EPA-HQ-OPP-2023-0567-0001> and clicking on the comment button.

Lightle said growers can contact her for help in crafting comments if they so desire. She can be reached at [danielle.lightle@oregonstate.edu](mailto:danielle.lightle@oregonstate.edu).

## ODA Recruiting for 66 Commodity Commissioner Openings; Apply by March 15

The Oregon Department of Agriculture (ODA) seeks applicants to fill 66 commissioner seats on 22 of the state's agricultural and commercial fisheries commodity commissions.

The deadline to apply is **March 15, 2024**.

For instructions on how to apply or to learn more about commissions, please visit [oda.direct/commissions](https://oda.direct/commissions).

The Director of the ODA appoints commissioners. Once selected commissioners serve as public officials; most serve three-year terms. Their duties include making decisions about funding for promotion, education and research projects. The Director is seeking applicants representing the diversity among Oregon's farmers, ranchers, processors and commercial fisheries. For public members, users of the commodity who have an interest and time to serve are the prerequisites.

A public member must be a U.S. citizen, an Oregon resident and have an active interest in improving economic conditions for the commodity. A public member cannot be directly associated with producing or handling/selling the specific commodity they seek to serve.

Applicants for producer or handler positions must also be U.S. citizens, an Oregon resident and have paid or collected the assessment for that particular commodity for the previous three years or longer in some cases. A producer is defined as a grower or harvester. A handler is the first to buy the commodity from the producer and is often a processor, distributor or marketer.

For a complete listing of commodity commission seats available, [click here](#).

The State is also now accepting applications to fill partial terms for two Oregon State Board of Agriculture producer positions.

Term lengths on open positions are as follows: Producer position 02, partial term ends 10/31/2026 and Producer position 06, partial term ends 10/31/2026. Both are qualified to serve at least one additional 4-year term.

[Click here for more information.](#)





## Warm Weather Pushes Up Start of Fertilizer Season

The old adage about starting your grass seed fertility program on Valentine’s Day might need to be moved up this year.

As of January 30, weather conditions at the Oregon State University Hyslop Research Farm had already reached 170 growing degree days, just 30 short of the 200 growing degree days needed for nitrogen uptake in grass seed.

“With these warm temperatures, we’ve been accumulating about 10 or 11 growing degree days every calendar day,” said OSU Extension Seed Production Specialist Nicole Anderson at the Oregon Clover Growers Annual Meeting on January 31. “So, if that pattern holds, we’re going to hit that 200 marker this weekend.

“So, FYI, fertilizer season is here whether we like it or not,” Anderson said.

Update: As of February 1, growing degree days had hit 192 at Hyslop.



## Calendar

- February 12** Oregon Fine Fescue Commission Meeting, 7 a.m., Roth’s, 1130 Wallace Rd NW, Salem
- February 19** Oregon Ryegrass Commission Meeting, 6 p.m., Cascade Grill, 110 Opal St N.E., Albany
- February 22** Oregon Tall Fescue Commission Meeting, 6 p.m., Cascade Grill, 110 Opal St N.E., Albany
- February 27** Oregon Seed Council Meeting, 6:30 p.m., Cascade Grill, 110 Opal St N.E., Albany
- March 20** Oregon Clover Commission Meeting, 7 a.m., Roth’s, 1130 Wallace Rd NW, Salem
- March 26** Oregon Seed Council Meeting, 6:30 p.m., Cascade Grill, 110 Opal St N.E., Albany
- April 1** Oregon Fine Fescue Commission Meeting, 7 a.m., Roth’s, 1130 Wallace Rd NW, Salem
- April 4** Oregon Tall Fescue Commission Meeting, 6 p.m., Roth’s, 1130 Wallace Rd NW, Salem
- April 8** Oregon Ryegrass Commission Meeting, 6 p.m., Cascade Grill, 110 Opal St N.E., Albany
- April 23** Oregon Seed Council Meeting, 6:30 p.m., Cascade Grill, 110 Opal St N.E., Albany
- May 28** Oregon Seed Council Meeting, 6:30 p.m., Cascade Grill, 110 Opal St N.E., Albany
- June 25** Oregon Seed Council Meeting, 6:30 p.m., Cascade Grill, 110 Opal St N.E., Albany

## Oregon AgriStress Helpline is Now Open ☐ 833-897-2474

This program is completely dedicated to serving Oregon’s agriculture and forestry communities, which includes farmers, farm workers, ranchers, fishermen, foresters and their families.

The AgriStress Helpline<sup>SM</sup> is a crisis line for people engaged in agriculture, forestry and fishing. It includes crisis and emotional support, suicide intervention and prevention, and a database of both mental health and agriculture-related resources. The AgriStress Helpline provides persons in agriculture with free and confidential crisis support. The AgriStress Helpline can be reached 24/7/365 by calling or texting 833-897-2474. [Click here for more information.](#)

**If you or someone you know is struggling, call or text 833-897-2474. If you have a medical emergency, call 911.**