

Oregon Department of Agriculture Program Reports  
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**Food Safety and Animal Health & ID Programs**

Rusty Rock, Program Director, [rusty.rock@oda.oregon.gov](mailto:rusty.rock@oda.oregon.gov) 503-508-2262

• **Food Safety General Update**

- Food Safety program staff continue to reduce the inspection backlog from the COVID pandemic. Overdue is defined as those inspections that are more than 90 days beyond their due date. The backlog numbers have trended down from a peak of 4,943 in July of 2021, to the current 2,752. We currently have 3 open positions that we are recruiting to fill. The vacancies are related to internal promotions and retirements.
- The legislative session has several measures that will require rule making activities over the next couple months. Specifically, rules need to be created or modified related to exemptions for rabbit slaughter and processing (HB 2689), home baking/confections (SB 643), and farm direct sales (SB507).
- The program is planning to implement a 3% fee increase in the 2023/2024 licensing period.

• **Retail and Manufactured Foods**

- Food Safety staff and management are attending various national and regional conferences representing the Food Safety Department including the WAFDO-FDA Retail Seminar and the FDA Cascadia 5 State Conference.
- Negotiations for next year's FDA contract were delayed but are now nearly complete. The new contract will add 5 seafood HACCP inspections per year, 160 GMP inspections per year, 43 Full scope Preventative Controls inspections per year, and 9 acidified foods inspections per year. Food safety has conducted 146 inspections using FSMA Preventative Controls dating back to the 2018/2019 contract.
- Our licensing and inspection systems are now equipped to begin the licensing and inspection of firms producing edible psilocybin products and edible Kratom products.

• **Dairy Program**

- Over the last couple of years, we have lost an average of one dairy farm per month. Meanwhile, we are seeing more interest in small producer/distributors who are wanting to target local customers, through sales at Farmers Markets and smaller neighborhood retail stores.
- Due to labor cost and lack of reliable employees, many existing dairies (farms and plants) are investing in Automated Milking Installations (AMIs) or Robotic Milkers. AMIs are costly and require extensive capital to purchase and install, so it is not an option for most dairies. Still, about 10% of our fluid milk producers have one or more AMIs on their dairy farm.

• **Shellfish and Crab Program**

- The FDA has completed field work on one of two audits of the ODA molluscan shellfish program in 2023. The shellfish patrol audit was performed in June in conjunction with Oregon State Police; and was found to be in conformance. An audit of the growing area and harvesting component of the program is to be performed in August. Audits by the FDA are required to maintain Oregon's ability to engage in interstate commerce of molluscan bivalve shellfish. The presence of domoic acid, a naturally occurring biotoxin produced by a certain type of marine algae, continues to be problematic along the Oregon Coast. Recreational razor clam - harvesting remains closed in some areas of coast-. Commercial harvesting of molluscan shellfish in Oregon has been unaffected by domoic acid and has not experienced any closures.
- Testing of Dungeness crab has concluded for the season and will resume with pre-season testing for the 23/24 crab fishery later this year. Persistent domoic acid in razor clams, and also in crab viscera, required crab to be tested along portions of the Oregon coast for the entire commercial season. This resulted tensions in the crab fishing, processing, and buying communities. Testing is important since it provides customer food safety assurances, as well as flexibility allowing industry to crab with restrictions rather than being completely closed. Eviscerated crab can have less value than whole crab in the marketplace.

• **State Meat Inspection**

- On July 18th, 19th, and 20th, 2023, The ODA State Meat Inspection (SMI) program had its first audit by the United States Department of Agriculture (USDA), Food Safety Inspection Service (FSIS) to verify that the SMI program was operating "at least equal to" the federal meat inspection program. The audit consisted of reviewing our Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs) to verify that they

have met the federal requirements. Federal compliance staff also observed and reviewed our inspection methods, sampling programs, staffing, and training, Humane Handling observations, and our compliance documentation and activities. This included site visits to our slaughter and processing facilities, as well as an onsite review of a Custom Exempt facility, and a warehouse inspection.

- The audit determined that our SMI program is at least equal to the federal system, and no significant deficiencies were observed. A big “Thank you” goes out to our staff that were involved in this audit process and demonstrated that our SMI program is just as effective as the federal meat inspection system.
- **Animal Health**
  - The program has been very busy monitoring, tracking, and preventing the spread of animal disease. The calls from the public related to Highly Pathogenic Avian Influenza (HPAI) have decreased to a standstill. We are continuing to monitor a vesicular stomatitis (VSV) outbreak that started in Southern California but has been steadily moving northward. Oregon has not seen any impact on our commercial industry, which we have attributed to successful biosecurity protocol implementations.
  - The program has some rulemaking in the works. The Animal Rescue Entity (ARE) program continues to work to cleaning up language and enforcement pathways to make the program activities more streamlined. There is also some discussion on modifications to the fee structure of the ARE program to balance the revenue and licensing costs to match the level of activity occurring at the locations.
  - SB 57 impacted requirements related to brucellosis vaccination and has cleared current legislative session.
- **Livestock Brand Inspection**
  - The brand program is collecting data associated with program costs and how to best maintain existing levels of service. The program director recently participated in the International Livestock Identification Association conference and was able to see several software options that are in use in other states at this time.
- **Lab Services**
  - The regulatory lab continues to keep up with the testing workload provided by the various ODA programs despite going through some staff turnover. The lab working to fill 3 vacant, or soon to be vacant, positions in the coming month (Chemist, Microbiologist, 1 Lab technicians). Much of our employee movement is being triggered by the anticipated move to the North Valley Complex. As that transition point nears, we anticipate seeing more staff changes.
  - The schedule for the move has been set to occur between September and the end of December of this year.
  - The lab continues to work with the State Meat inspection program and the Oregon Liquor and Cannabis Commission (OLCC) to develop testing protocols to support the industries they regulate. As well as the potential to do some testing for Psilocybin requested by OHA.

## Market Access & Certification Programs

Jess Paulson, Program Director, [jess.paulson@oda.oregon.gov](mailto:jess.paulson@oda.oregon.gov) 503-507-9313

- **Agricultural Development & Marketing (ADMP)**
  - Eric Morris began his new role August 7, 2023, as the Commodity Commission Oversight Program (CCOP) manager.
  - The Agricultural Development and Marketing Program (ADMP) hosted two inbounds of buyers from Korea and Southeast Asia, and from China, as well as an outbound promotion of Oregon seafood products in Mexico City.
  - ODA’s local campaign activating the website [OregonTaste.com](http://OregonTaste.com) concluded in June and resulted in nearly 14.5 million impressions and 5,000 engagements.
  - ADMP contributed to its film content with the addition of seafood, farm to school, and livestock footage.
- **Certification Programs**
  - The Certification Program (GAP and Organic) are continuing audits across the state. Auditors are maintained in all Shipping Point Districts across the state.
  - The U.S. Department of Agriculture will again increase their auditing fees in October 2023. This mandates the program to increase fees for Good Agricultural Practice (GAP) and Harmonized GAP audits to \$155/hour from \$132/hour. This is the second fee increase in two years causing challenges for ODA to remain competitive with other third-party auditing services.
  - The Organic Program Manager has been with the program since June 2023.

- Working with the Ontario High School and the United States Department of Agriculture, Oregon Department of Education and Oregon Future Farms of America to hold a high school class “Food Safety on the Farm: Agriculture and Process Auditing.”
- **Produce Safety**
  - Developed and presented a food safety workshop for the Black, Indigenous, People of Color (BIPOC) Farm to Market group that works with Ecotrust.
  - The ODA’s Produce Safety Program is hosting the 2023 Western States Regional Meeting that will be held remotely in October.
  - The technical assistance side of the program has seen a rise in interest with the growing season, these visits are conducted on farms across the state offering free technical assistance visits to growers.
- **Plant Health Program**
  - Seed fields inspection is underway – 723 fields totally 20,412 acres were submitted for inspection for 35 crops. Labor shortages make completing inspections a challenge this year.
  - The Plant Health program continues to develop certification programs for virus-tested Oregon nursery stock. In 2022, the program worked closely with the grapevine and wine industries to update the Grapevine Certification program standards which will be in effect for 2023.
  - In collaboration with the Washington State Department of Agriculture, Plant Health is working on a federally funded project to identify potential pathways for virus infection in certified nurseries. This is a two-year project funded by PPA 7721.
- **Seed Regulatory Program**
  - Successful Grass Seed Price Negotiations were held on June 5 between the Oregon Grass Seed Bargaining Association and participating seed dealers. Prices were established for both tall fescue and perennial ryegrass.
- **Shipping Point Inspection**
  - Labor continues to be a challenge for both the industry and the shipping point program. The limited labor pool as well as constraints put on hiring practices make it difficult for the program to hire in a competitive market.
  - Product movement of 2023 crop harvested to date is fair although prices are lower than normal average.
  - Weather patterns (ie., cool wet spring and a fast transition to warm summer days) has compressed harvest timelines, making it a challenge to complete inspections and other work as all crops are ready at the same time.
  - ODA is working with cherry growers and packers to assist with an oversupply of cherries that are not moving in the market.
- **Smoke Management Program**
  - The 2023 season began July 5 – 13,361 acres were registered for the season. The first day of burning was July 11, 2023. Through August 1, 5,572 registered acres have been burned.

## Natural Resource Programs

Isaak Stapleton, Program Director, [isaak.stapleton@oda.oregon.gov](mailto:isaak.stapleton@oda.oregon.gov) 503-986-4713

The following updates are organized by operating process in our management system and cover all NRPA programs. In addition to the updates below, we continue to have turnover across the programs and are in various stages of recruitment. This will continue to be a major focus for all programs for the remainder of the biennium and we are excited to be able to bring on new staff.

- **Fostering collaboration**
  - The Pesticides Program continues to work closely with Oregon State University (OSU) and Oregon Department of Education (ODE) on increasing awareness on the school Integrated Pest Management (IPM) law. By the end of August ODA investigative/enforcement staff will have presented on the law at all ten 2023 OSU School IPM Coordinator Trainings around the state. In addition, one special project that the Pesticides Program continues to work on as time allows is to create “school IPM law modules” (basically short ~5-10 minutes, narrated PowerPoints focused on the law requirements) to post on YouTube for school IPM coordinators and other school staff. The goal is to provide short, recorded trainings so they will be able to access them all year round (e.g., refresher or say new staff start/onboarding). The first two were published on YouTube in June of 2023 before the summer training time. The Team is also currently working

to have both of these videos available in Spanish. The videos may be viewed at:

<https://www.youtube.com/playlist?list=PLJDjgT1SK-gwQBRQJHxVBy4bRkdzQk6zw>

- The AGWQP reviewed 22 applications for the 2023 Water Quality Support grant totaling a little over \$2M in requested funds. 11 of the grant applications were funded. Look for updated information to be posted online: <https://www.oregon.gov/oda/programs/NaturalResources/AgWQ/Pages/AgWQGrants.aspx>.
- Now that the new ODA-DEQ Memorandum of Agreement (MOA) is in place we have begun quarterly coordination meetings with ODA and DEQ staff. These meetings are to ensure that work aligns with the spirit of the MOA.
- The Confined Animal Feeding Operation (CAFO) Program continues to engage with Region 10 EPA drinking water and enforcement sections in quarterly meeting on ODA and partner agencies program implementation in the Lower Umatilla Basin Groundwater Management Area. CAFO program staff have fulfilled extensive data requests to EPA and has had additional information and programmatic review meetings with EPA staff.
- CAFO program is continuing its outreach to small milk producers in Oregon who have not sought a CAFO permit. Dairies, regardless of size are CAFOs in Oregon because of their operational characteristics and wastewater control systems. The program is conducting outreach, providing education and technical assistance to non-permitted milk producers to bring any operation needing a permit into compliance.
- **Permits, Registrations, and Notifications**
  - Starting January 1, 2023, counties eligible to submit notices to the Agricultural Drainage Channel Maintenance (ADCM) Program expanded beyond northwest Oregon to include Coos, Douglas, Curry, Josephine, and Jackson. AGWQP staff are meeting with local farming and ranching organizations, Soil and Water Conservation Districts, and OSU Extension in southern Oregon to spread the news about the program.
  - A major piece of CAFO legislation SB 85 was past in the 2023 legislative session and took effect upon signing. The bill makes significant changes to the CAFO permitting process some of which is; creating new definitions, requiring a preapplication consultation between applicants and relevant agencies, required water supply plan, construction approval and pre-populations inspections, creation of a nutrient application permit for producers receiving animal nutrient from a permitted CAFO and applying to land in a Ground Water Management Area, limiting exempt stock water use for new or expanding CAFOs to 12,000 gal/day.
  - Due to the broad impacts of the legislation on the permitting process and the new requirements the program is pausing processing applications that are impacted until rulemaking can be completed to fully implement the legislation.
- **Providing Compliance and Technical Assistance**
  - The AGWQP is working with partner agencies to find opportunities to adapt and improve the monitoring portion of the Strategic Implementation Area (SIA) initiative. The program has lined up four Strategic implementation Areas (SIAs) for the 2023 cycle and is looking at identifying five for the 2024 cycle. One of the new SIAs for 2024 will be located in the Lower Umatilla Groundwater Management Area and will focus on ground water improvements. This is the first time that the SIA process will be adapted to look at ground water rather than surface waters. The full scope is still in development but is expected to focus on education, outreach and demonstration projects focused on irrigation practices and nutrient use efficiency.
  - All Pesticide Program staff continue to answer technical questions from the public on licensing requirements, label interpretations, school IPM law, and other pesticide related questions. An additional project initiated in the Spring was a review of the website by multiple technical staff as the agency looks to migrate its website this year. The website has a wealth of information, and the program continues to look to have the information readily available and accessible. The Pesticides Program also distributed a survey in the summer to Commercial Pesticide Operators (CPOs) to seek interest in a new training. This training would be focused on staff or owners of these companies who submit for licensing renewals for themselves and/or their staff. Based on the feedback the team is looking to provide a training this fall to provide tips to help CPOs through the administrative requirements, so renewals go smoothly. In addition, ODA's Insect Pest Prevention & Management (IPPM) Program and the Pesticides Program connected this spring for the Pesticides Program to assist with some of the IPPM's projects (e.g., spring eradication efforts relating to Emerald Ash Borer and Japanese Beetle). For example, Pesticide Investigators can provide use observations for pesticide applications and Pesticide staff can also provide technical assistance regarding label interpretation or provide clarification on the licensing requirement. This Spring staff attended meetings relating the Emerald Ash Borer project to help provide technical advice and conducted a use observation on the first day of the Japanese Beetle project.



- **Conducting Inspections, Investigations & Enforcement**

- The Pesticides Program has continued to follow-up on complaints through the year to investigate possible violations of the state's Pesticide Control Act. In addition, the program continues to conduct routine compliance monitoring to include marketplace inspections, record inspections of pesticide applicators and pesticide dealers. Although during the summer the focus has shifted primarily to complaint-based investigations as the numbers of complaints increase. The Pesticides Enforcement Program also continues to keep a focus on its Enforcement case load to help prevent any backlogs into the future after making significant progress in reducing its enforcement case backlog (i.e., cases not in the investigation phase, but are in the review/enforcement phase). Currently cases being submitted by investigators (after an investigation was completed) are continuing to receive reviews within a short time frame (e.g., typical turnaround time for the case review step of the process is less than 60 days).
- Hiring and Onboarding continue in the Pesticides Program. On May 1, the program welcomed its newest Investigator Andy Nagy filling a Eugene based position that became vacant in 2022. The program will also be recruiting for one vacant Salem based investigator position during late Summer/ early Fall that became vacant July 1.
- The AGWQP recently filled our easter region water quality specialist position. Shiloh Simerell joined the team in April and will be based out of LaGrande. She is well on her way through her onboarding and training.
- The 2022 compliance report is completed and can be found [here](#). The AGWQP has had 5 Ag Drainage Chanell Maintenance related compliance cases. All resulted in Water Quality Advisory letters because maintenance work was completed without a valid notice on file.
- The CAFO Program has filled a CAFO inspector and administrative position. Katie Kearney started with the program in April. That brings the program back to full staffing levels.

- **Providing Customer Support and Resolving Inquiries**

- The Pesticides Enforcement Program Area continued to receive and fulfill a number of public records requests in a timely manner. ODA's Citizen Advocate also continued to work closely with citizens concerned about pesticide usage helping answer questions and find other resources to their questions. Lastly, the Pesticides Program continues to work on increasing the number of outreach materials available in Spanish. For example, recently the Pesticide Enforcement Program brochure was translated into Spanish and was published during late Spring. Additional documents such as the Complaint Form and Report of Loss Form have had Spanish versions reviewed and updated this past Spring.
- Both the AGWQ and CAFO programs have continued to receive and respond to inquiries from the Environmental Protection Agency and the media regarding work completed in support of the Lower Umatilla Basin Groundwater Management Area (LUB GWMA). The AGWQP is working in collaboration with local the Umatilla and Morrow Soil and Water Conservation Districts to ensure consistent tracking and reporting of actions completed in support of the 2020 LUB GWMA Action Plan.

## **Plant Protection & Conservation Programs**

Chris Benemann, Program Director, [chris.benemann@oda.oregon.gov](mailto:chris.benemann@oda.oregon.gov) 503-986-4636

- **Insect Pest Prevention and Management Program (IPPM)**

- It's been over one year since emerald ash borer was discovered in Washington County. Surveys, treatments, and tree removal work is ongoing. There have been no detections outside Washington County. For more information, please read the [June 2023 EAB Bulletin](#).
- Program is currently working on proposals to secure federal funding for fiscal year 2024. IPPM is submitting 9 proposals to fund insect pest surveys, biocontrol projects and outreach.
- IPPM, Plant Health and Nursery programs are submitting a proposal to fund mitigation response work of the *P. ramorum* infestation in Lincoln City and survey/treatment work on Mediterranean oak borer – a newly established invasive wood borer which attacks Oregon white oak. Funding would be provided by US Forest Service.

- ODA was approved a one-time General Fund appropriation of \$312,100 in the Oregon to support survey and treatment of the vine mealybug. This pest presents a substantial threat to wine grapes in many production regions worldwide, and it was first identified in Oregon in 2021. Vine mealybug directly impacts vines and fruit and is also a key vector of leafroll virus in grapevines. Both the vine mealybug and leafroll virus cause economic damage in vineyards once established.
- **Noxious Weed Control Program**
  - The NWP returned to full staffing levels in June with the hiring of one Central Oregon seasonal staff.
  - Field work on priority species continues across the state, with notable progress being made on A-List projects in southwest and central Oregon.
  - Partnership with NRCS to create two positions for invasive annual grass specialists is on track for implementation in 2025.
  - Collaboration between the co-managed Native Plant Conservation and Noxious Weed Programs has been strong and new opportunities continue to be identified.
  - Program currently working with Oregon Department of Energy on noxious weed management provisions related to construction/maintenance of B2H transmission line.
- **Nursery and Christmas Tree Program**
  - Two new staff started July 10 to cover the Portland Metro area and Polk/N. Lincoln Counties.
  - Staff participated in Post Entry Quarantine program training.
  - Planning for the Western Horticultural Society Meeting and Far West trade show has been ongoing.
  - ODA, OAN, and OSU have been in discussions regarding new data that challenges the metric of how the ODA approves butterfly bush cultivars for sale in Oregon.
  - SANC annual audits have begun with on-site visits of the two participating nurseries.
- **Native Plant Conservation Program**
  - Staff continue to work with the Oregon Department of Energy, Baker County, and other entities on permitting and consulting regarding proposed development or mitigation activities in rare plant habitat. Outreach regarding the program's permitting and consultation requirements to partners is ongoing.
  - The field season recently ended. Staff met with partners to better understand habitat and species management concerns and collect data. The team worked with rare and endangered plant species all over the state, including the Willamette Valley, southwest Oregon, south coast, and southeastern Oregon.
  - The next review of the state's list of threatened and endangered species has begun. Staff are currently collating data collected this year with data from that will inform potential listings or reclassifications of rare species.
  - The program was awarded \$128k of federal funding in 2024 to: 1) work with Howell's spectacular thelypody (*Thelypodium howellii* ssp. *spectabilis*), rough popcornflower (*Plagiobothrys hirtus*), Applegate's milkvetch (*Astragalus applegatei*), and Bradshaw's lomatium (*Lomatium bradshawii*).
  - Several research projects continue in the greenhouse facility at Oregon State University, including research on soft blazing star (*Mentzelia mollis*) and Owyhee clover (*Trifolium owyheense*) – two extremely rare plants endemic to the remote Owyhee Uplands of eastern Malheur and Owyhee Counties.
- **Oregon Invasive Species Council**
  - OISC is hosting an in-person meeting in Bend, OR August 15-16, 2023. To include presentations by ODA on apple maggot survey work in NE Oregon and noxious weed projects in the Bend area (presentation and field-trip portions).

## Administration/Special Projects

Sunny Summers, [sunny.summers@oda.oregon.gov](mailto:sunny.summers@oda.oregon.gov) 503-986-4565; Karla Valness, [karla.valness@oda.oregon.gov](mailto:karla.valness@oda.oregon.gov) 503-986-4554

- **Canola**

HB 789 continued to require ODA to permit up to 500 acres of canola in the Willamette Valley Protected District. ODA has started that project and hopes to have the 500 acres permitted by August 1. Additionally, the bill requires that ODA submit a report to the Oregon Legislature by September 30<sup>th</sup> on recommendations for legislation to establish a program that identifies fields in the Willamette valley Protected District that produce seed crops of the genus Brassica in order to mitigate ways to mitigate conflicts related to the production of seed crops of the genus Brassica.

The report may include, but need not be limited to:

- A discussion of a pinning map of the product of seed crops of the genus Brassica in the Willamette Valley Protected District that is operated by the department and accessible to the public, including a discussion of the potential costs for the implementation and ongoing management of the pinning map.
- Recommendations for geographic or acreage limitations on the production of seed crops of the genus Brassica in the Willamette Valley Protected District.
- Any changes to provisions of law, or new provisions of law, including provisions concerning the department's authority, that are needed to implement the recommendations.