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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603  
DEPARTMENT OF AGRICULTURE

**FILED**

05/09/2024 11:14 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Repeals the Central OR Protected District for Brassicas

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/28/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Sunny Summers  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 06/26/2024

TIME: 9:00 AM - 10:30 AM

OFFICER: TBD

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 263025637589

SPECIAL INSTRUCTIONS:

Meeting ID: 263 025 637 589

Passcode: ajVodi

Dial-in by phone

+1 503-446-4951,,557326254#

NEED FOR THE RULE(S)

Growers in Central Oregon need access to new crops for crop rotation, such as brassicas, for several reasons:

- 1. Soil Health:** Brassicas, which include crops like canola, broccoli, cabbage, and kale, are known for their ability to improve soil health. They belong to a group of plants called "biofumigants" that release natural compounds into the soil as they decompose, which can help suppress soil-borne pests and diseases. By incorporating brassicas into their crop rotation, growers can reduce the need for chemical pesticides and fertilizers, promoting sustainable agriculture practices and preserving soil quality over time.
- 2. Disease Management:** Introducing brassicas into crop rotations can help break up disease cycles and reduce the buildup of pathogens that target specific crops. Many brassicas have different disease susceptibilities than common Central Oregon crops, which can help minimize the risk of disease outbreaks and improve overall crop health.

3. Weed Control: Brassicas are often vigorous growers that can outcompete weeds, helping to suppress weed populations in fields where they are cultivated. This natural weed control benefit can reduce the need for herbicides and manual weed management practices, saving growers time and money while promoting more environmentally friendly farming methods.
  4. Crop Diversity: Diversifying crop rotations with brassicas can provide growers with additional income streams and market opportunities.
  5. By diversifying crop rotations to include crops like brassicas, growers can mitigate the risk of water scarcity. This not only helps conserve precious water resources but also enhances the resilience of agricultural operations to drought conditions or fluctuations in water availability.
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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 603-052 – Sec. of State Website

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#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

By diversifying the range of crops grown within the state, making a crop available to all farmers can contribute to community empowerment and resilience, particularly in rural areas with significant minority populations. This can help strengthen local food systems and reduce reliance on a limited number of agricultural commodities, which may be subject to price volatility or environmental risks. Additionally, increased diversity in crop production can enhance food security and access to nutritious foods within underserved communities.

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#### FISCAL AND ECONOMIC IMPACT:

Removing the protected district designation could impact market dynamics for producers in Central Oregon. Having access to a wider range of crop rotation options may benefit producers, especially those impacted by the risk of water scarcity.

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#### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

Farmers in the Central Oregon Protected District (Crook, Deschutes, and Jefferson counties) will be economically affected.

(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

a) It is currently unknown how many farmers in the three counties will express interest in growing brassicas outside of the existing District restrictions.

b) There are no expected reporting, recordkeeping and administrative activities and cost required to comply with the rule.

c) While there are no anticipated direct costs of professional services, equipment supplies, labor, or increased administration required to comply with the rule, it's essential to acknowledge potential considerations related to good neighbor relations among growers in the District. Given the nature of brassica crops and concerns about cross-pollination and/or pollination services, there may arise a need for collaboration facilitated by either the Oregon Department of Agriculture (ODA) or a local public or private entity. Bringing growers together to create a good neighbor agreement could be prudent. This agreement would outline mutually agreed-upon practices and protocols for growing brassicas in the area, aiming to address any potential conflicts or issues related to pollination services. While this may not entail direct costs, it could involve administrative efforts and time commitments from both growers and facilitating entities to ensure harmonious relationships and sustainable agricultural practices within the community.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

ODA met with farmers in the Central Oregon Protected District in May 2023 and March 2024 to specifically discuss the district and if there were still a need for that district.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A specific rules advisory committee was not consulted. Rather, ODA met with farmers in the Central Oregon Protected District in May 2023 and March 2024 to specifically discuss the district and if there were still a need for that district.

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REPEAL: 603-052-0884

RULE SUMMARY: Outlines current requirements of Central Oregon 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~~