

# FARMING ISSUES AND BUSINESS RESOURCES

## BIOSECURITY ON THE FARM OR RANCH

Biosecurity has always been an important component of animal and crop disease control programs. The program is designed by the owner with the help and guidance of the owner's veterinarian or other animal and crop health care professionals.

The goals of a biosecurity program are to prevent the introduction of disease onto the farm from outside sources, as well as prevent the transfer of disease within the farm environment. Biosecurity is not about building fences with razor wire, guarded gates, or water filled moats. It is about how you can protect your operation from profit robbing diseases. The costs of a biosecurity program are minimal while the benefits are great. Biosecurity is a way of thinking and it should be a top priority when planning and making important management decisions.

### DEVELOP A PLAN

Biosecurity requires a plan. The concept of avoiding or preventing the introduction of disease requires some thinking and planning in order for the results to be successful. No two biosecurity plans are exactly the same since no two properties or production units are exactly alike. Keep in mind that biosecurity is basically an economic decision. That is, there is a cost related to certain diseases in your animals or crops, and there is a cost to preventing them. A good plan will be useful and allow an operation to be profitable while the biosecurity plan is being implemented. It is important to consult with your veterinarian or crop health professional so that your efforts will be effective.

### IDENTIFY RISKS

What factors constitute disease exposure (or biosecurity risks)?

- risks related to animals
- risks related to seed and other plant material
- risks related to mechanical traffic and/or human traffic
- risks related to feeds from off-site sources.

Fundamental points common to all biosecurity programs

- Observe your animals and crops daily for signs of disease.
- Be aware of unusual events or behavior changes in your animals.
- Minimize contact with animals belonging to others.
- Know the health status and disease control programs of any herd or flock from which you buy animals.
- Screen visitors who are in contact with your animals and crops.

### TECHNICAL ASSISTANCE

#### OREGON DEPARTMENT OF AGRICULTURE

##### State veterinarian

635 Capitol St. NE

Salem, OR 97301-2532

Phone \_\_\_\_\_ 503-986-4680

Web \_\_\_\_\_ oregon.gov/ODA/AHID

##### Plant Health Programs

Phone \_\_\_\_\_ 503-986-4620

Web \_\_\_\_\_ oregon.gov/ODA/CID/PLANT\_HEALTH

#### US DEPARTMENT OF AGRICULTURE

##### Area veterinarian in charge

Phone \_\_\_\_\_ 503-399-5871

##### Plant Protection and Quarantine Program

Phone \_\_\_\_\_ 503-326-2814

## BIRD, PREDATOR, AND RODENT DAMAGE CONTROL

### WHO MUST COMPLY?

Persons experiencing agricultural damage by migratory birds need to obtain a federal depredation permit from the US Fish and Wildlife Service (USFWS) if birds are going to be killed. No federal or state permit is required to scare (haze) migratory birds, per OAR 635-043-00. The hazing of bald eagles, which are also protected by the Eagle Protection Act and the Endangered Species Act, will require permits from the USFWS. If fireworks are to be used to haze birds from crops, a permit is required from the Office of the State Fire Marshal.

The use of certain methods and techniques to kill predatory animals may require permits.

The use of propane cannons, however, is a non-regulated activity in exclusive farm zones—meaning no agency has legal authority to prohibit or license activities that create noise.

*Note: See section on “Right to Farm”*

However, the use of a propane/noise cannon needs to be conducted in a reasonable and prudent manner, and to be generally accepted as a practice for which it is being used. Farmers employing noise cannons should use best management practices, monitor and move the cannons, and mix other control methods into the process so birds do not become acclimated.

Noise cannons can create conflicts with neighbors. For tips on being a good farm neighbor, see: [http://oregon.gov/ODA/docs/pdf/Good\\_Neighbor.pdf](http://oregon.gov/ODA/docs/pdf/Good_Neighbor.pdf)

For Best Management Practices (BMPs) recommended by the Oregon Winegrowers Association for use of propane cannons in wine grapes for bird control, see: <http://oregon.gov/ODA/doc/pdf/BirdPractices.pdf>

### PERMITS AND LICENSES

Livestock owners or landowners are required to have an aerial hunting permit before killing coyotes from an aircraft. This permit is issued by the Oregon Department of Agriculture (ODA), Animal Health and Identification Division, 503-986-4680.

A pesticide applicator license may also be required if a farmer or rancher intends to use certain EPA/ODA registered pesticides to control vertebrate animals. Contact the Oregon Department of Agriculture Pesticides Division, 503-986-4635.

Hazing any wildlife using agricultural fireworks requires a permit from the Office of the State Fire Marshal, Bureau of Hazardous Materials, 503-378-2885.

Permits to kill game animals causing damage to agricultural crops and property are issued by the Oregon Department of Fish and Wildlife, 503-229-5454, ext. 467 or ext. 478.

### RESOURCES

The US Department of Agriculture Animal and Plant Health Inspection Service (APHIS), Wildlife Services (USDA/WS) provides recommendations to the US Fish and Wildlife Service for federal permits to take (kill) protected migratory birds that are damaging agricultural crops or property.

USDA/WS provides demonstrations, loan or sale of supplies and equipment to haze (scare) migratory birds, and makes recommendations to the Office of the State Fire Marshal regarding issuance of permits for agricultural use of fireworks.

Additionally, USDA/WS provides resources to farmers or ranchers and residential property owners regarding wildlife damage management. USDA/WS provides direct control activities in some counties. USDA/WS also provides recommendations to farmers or ranchers; property owners; and federal, state and municipal land managing agencies regarding field rodent damage control. The program may provide control or technical assistance (extension/education) activities to those having property loss by field rodents (ground squirrels, gophers, moles, beaver, nutria, etc.) depending on county funding. USDA/WS also conducts control activities (e.g., bird control, predator control, etc.).

### COMPLIANCE

Contact USDA/WS and request assistance before taking control measures. USDA/WS will respond to the request and make recommendations based on demonstrated need. Special permits may be needed in some circumstances. The landowner is responsible for complying with all applicable state and federal laws or regulations and conditions of the permit. USDA/WS is available to explain these laws to agricultural producers. USDA/WS may be contacted at 503-326-2346.

**RECORD KEEPING**

Licenses issued by the respective agencies outline the required record keeping requirements.

**SAFETY AND TRAINING**

The Office of the State Fire Marshal has specific responsibilities regarding storage and use of fireworks for protection of agricultural crops. USDA/WS provides assistance and training in the safe and proper use of all wildlife damage control methods and techniques, including fireworks.

The Oregon Department of Agriculture has regulatory authority for all pesticides registered and used for wildlife damage management. Several other sources of information for safety and training are available as well, including the OSU County Extension Offices and ODA Pesticides Division.

**TECHNICAL ASSISTANCE****US DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service (APHIS)**

Wildlife Services (USDA/WS)

David E. Williams

6135 NE 80th, Suite A-8

Portland, OR 97218

Phone \_\_\_\_\_ 503-326-2346

Web \_\_\_\_\_ www.aphis.usda.gov/ws

**Pesticide registration****OREGON DEPARTMENT OF AGRICULTURE****Pesticides Division**

635 Capitol St. NE

Salem, OR 97301-2532

Phone \_\_\_\_\_ 503-986-4635

Web \_\_\_\_\_ oregon.gov/ODA/PEST

**Fireworks permits****OREGON OFFICE OF THE STATE FIRE MARSHAL****Bureau of Hazardous Materials**

Phone \_\_\_\_\_ 503-378-2885

**ENERGY AND AGRICULTURE**

Major opportunities exist for Oregon agriculture in the fields of renewable energy and energy efficiency. Oregon farms and ranches create many potential feedstocks to generate energy and fuels, and can also develop energy facilities such as solar-powered systems, wind turbines, small hydropower facilities, and geothermal systems. A variety of tools and practices are available to producers to reduce energy use and costs. Technologies and incentives for renewable energy and energy conservation are improving.

**25 x '25**

25 x '25 is a broad coalition of business, conservation, and government representatives who share the following vision: by 2025, America's farms, forests and ranches will provide 25 percent of the total energy consumed in the United States, while continuing to produce safe, abundant, and affordable food, feed, and fiber. To find out more, visit <http://www.25x25.org>.

**ENERGY EFFICIENCY**

As fuel and power costs rise, most growers are exploring opportunities to save energy. A variety of programs and technologies are available to reduce energy use for different components of agricultural operations. No-till or reduced tillage offers fuel savings in addition to benefits to soil quality. Precision farming equipment can reduce both fuel and fertilizer use. In addition to changing to more efficient

irrigation equipment, management strategies such as soil moisture monitoring and frequent nozzle inspection and replacement can help reduce energy use from irrigation. Livestock buildings, agricultural processing facilities, and greenhouses can save energy by replacing lighting, switching to more efficient heating and cooling systems, and other strategies.

**BIOMASS AND BIOFUELS**

A variety of agricultural crops and by-products can generate heat, electricity, and fuel. Oilseed crops can be crushed and converted to biodiesel, and corn can be processed to produce ethanol. Several biofuel companies and researchers are refining technologies to produce cellulosic ethanol, pellets, and electricity from materials such as grass straw, poplars, and biosolids. Livestock manure, crop residues, and food processing by-products can be used in methane digesters. Wood waste from nursery clippings, poplars, junipers, and forest slash materials can power boilers to generate heat and electricity.

**SOLAR ENERGY**

Solar energy systems work well across Oregon, which receives as much sun as the national average. Photovoltaic (PV) systems generate electricity for a variety of home and business uses. In agriculture, growers may be able to use PV systems to power pumps for irrigation and livestock watering, supply electricity to buildings, heat water, and

charge electric fencing. “Passive solar” buildings can also be designed to maximize heating with solar energy.

## HYDROPOWER

Small hydroelectric or micro-hydro systems may be installed in irrigation ditches as well as streams. Water may be diverted by pipe (called a penstock) or channel to a turbine, generating electricity. Small hydro projects are generally highly efficient once installed. The permitting process to install small hydro projects has been streamlined for many cases, but it still can be fairly extensive compared with other types of renewable energy.

## WIND

Oregon farms and ranches host large-scale wind power developments, and can also use smaller wind turbines to supply power to their own operations. Turbine output depends heavily on wind speeds, both at your site and at the specific height of the turbine. Wind power is generally economical only if your site has an average wind speed of 10 miles per hour or more. Several websites can help you determine if wind power may be an option at your operation:

Energy Trust of Oregon has a wind mapping tool on its website, <http://energytrust.org>

## GEOTHERMAL

Geothermal wells deliver steam or hot water to the ground surface, which can be used for heating or electricity generation. Geothermal heat pumps can also be used for heating at the home and farm scale. Examples of agricultural uses of geothermal energy include heating greenhouses, heating processing water, or heating a fruit or vegetable drying facility.

Geothermal resources exist in parts of central, eastern, and southern Oregon. The Oregon Institute of Technology has a list of known geothermal resources at <http://geoheat.oit.edu/oregon.htm>.

## INCENTIVES FOR ENERGY PROJECTS

Oregon’s Business Energy Tax Credit provides a 35 percent credit for energy and fuel conservation projects, and a 50 percent credit for certain renewable energy projects. You must apply in advance for this credit. Application processes for the renewable energy credit have been established for three tiers of total project costs. For more information, visit the Oregon Department of Energy website at <http://oregon.gov/ENERGY>.

The Energy Trust of Oregon provides incentives and support to help businesses install qualified energy efficient equipment and install certain renewable energy projects. Oregon customers of Pacific Power, Portland General Electric, NW Natural Gas, and Cascade Natural Gas are eligible for efficiency projects. Oregon customers of Pacific Power and Portland General Electric are eligible for renewable energy projects connected to the Pacific Power or PGE power grid. For more information, call Energy Trust toll-free at 1-866-368-7878 or visit <http://energytrust.org/>.

USDA Rural Development’s Rural Energy for America Program offers competitive grants for up to 25 percent of the costs of energy efficiency and renewable projects, as well as guaranteed loans for up to 50 percent of project costs. For more information, contact the USDA Rural Development office at 503-414-3366 in Portland or in Pendleton at 541-278-8049 x129, or go to <http://www.rurdev.usda.gov/or/energy.htm>.

Oregon’s biomass credit offers per-unit incentives for eligible biopower and biofuel feedstocks. More information and application forms are available on the Oregon Department of Energy’s website, <http://www.oregon.gov/ENERGY>.

The Oregon Department of Energy offers loans for renewable energy and energy efficiency projects, as well as use of recycled materials to create products and projects that use alternative fuels. Loan amounts typically range from \$20,000 to \$20,000,000. More information is available on the Oregon Department of Energy website at <http://oregon.gov/ENERGY>.

A variety of federal tax credits are available for energy efficiency and renewable energy projects. For example, there is a 30 percent federal investment tax credit for solar and small wind projects. For more information, visit <http://www.dsireusa.org>.

## FOR MORE INFORMATION

### OREGON DEPARTMENT OF ENERGY

Web [www.oregon.gov/ENERGY](http://www.oregon.gov/ENERGY)  
25 X '25

For inquiries regarding agricultural, forestry and conservation sector involvement, please contact

Ernie Shea

Email [eshea@25x25.org](mailto:eshea@25x25.org)

Web [www.25x25.org](http://www.25x25.org)

## EXCLUSIVE FARM USE (EFU) ZONES AND PERMITTED NON-FARM USES

Oregon law establishes the following statewide policy for use of agricultural land (ORS 215.243):

- Open land used for agriculture is a vital natural and economic asset for all the people of the state.
- Preservation of a maximum amount of agricultural land, in large blocks, is necessary to maintain the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food.
- Expansion of urban development in rural areas is a public concern because of the conflicts between farm and urban activities.
- Incentives and privileges are justified to owners of land in exclusive farm use zones because such zoning substantially limits alternatives to the use of rural lands.

Statewide Planning Goal 3, "Agricultural Lands" requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use zones. Local counties are responsible for planning and zoning, subject to approval by the Oregon Department of Land Conservation and Development (DLCD). Allowable non-farm uses are incorporated into local zoning regulations.

### DEFINITION OF FARM USE (ORS 215.203)

Farm use means the current employment of land primarily for obtaining a monetary profit by raising, harvesting, and selling crops; feeding, breeding, managing and selling livestock, poultry, fur-bearing animals, and honeybees; dairying; or any other agricultural or horticultural use. Farm use also includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. The definition includes land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; land planted in orchards or other perennials prior to maturity; any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land classified for farm use; dry or water covered wasteland in or adjacent to land in farm use; land under dwellings or buildings supporting farm practices; or land used for processing crops from the farm into biofuels to be used on the farm or neighboring farms. Farm use also includes the stabling or training of equines (horses, mules, etc.) along with riding lessons and training clinics; the propagation, cultivation, maintenance and harvesting of aquatic, bird or animal species as allowed by the state Fish and Wildlife Commission. Farm use does not include land subject to

timber assessment under ORS Chapter 321, except for Christmas trees and poplar farms.

### ELIGIBILITY FOR SPECIAL TAX USE ZONING

To be eligible for preferential farm value, the land must be employed in a farm use as described in ORS 308A.056. For lands located outside an exclusive farm use zone, the landowner must file an application with the county assessor by April 1 of the first year in which such assessment is desired. Applications for farm use special assessment are only necessary in non-EFU zones.

*Note: Refer to the "Property Tax Special Assessment" section of this handbook for more information.*

### LIMITATION ON RESTRICTIONS BY GOVERNING BODIES

No state agency, city, county, or political subdivision may enact local laws or ordinances, restrictions or regulations that would restrict or regulate farm structures or accepted farming practices because of noise, dust, odor, or other materials carried in the air, arising from farm operations in farm use zones, that do not extend into an adopted urban growth boundary, unless the practice affects the health, safety and welfare of the citizens of the state. (ORS 215.253)

### NUISANCE COMPLAINTS

State law requires a county governing body or its designate to apply a condition of approval of a single-family dwelling, that the landowner of the dwelling sign a statement declaring that the landowner will not complain about accepted farming or forest practices on nearby lands devoted to farm or forest use (ORS 215.293). Farm operators may want to contact their county planning department regarding this requirement if nuisance complaints are increasing as a result of new single-family dwellings near exclusive-use farm land. Additionally, the 1993 Oregon Legislature passed "right-to-farm" provisions (see Chapter 792, Oregon Laws 1993. ORS 30.930-30.947), which protect acceptable farming practices from nuisance suits. Contact the Oregon Department of Agriculture (Jim Johnson, 503-986-4706) for information on the right-to-farm law.

Another option for resolving nuisance complaints is mediation. Contact the Oregon Department of Agriculture Farm Mediation Program (800-347-7028) to discuss this alternative. Mediation is a voluntary process involving a

third-party mediator who facilitates discussions and seeks potential resolutions to the disputes of the parties.

*Note: For more information see the "Oregon Farm Mediation Program" section of this handbook.*

## PERMITTED NON-FARM USES ON EFU LAND (ORS CHAPTER 215)

All rural landowners should contact their county planning department prior to siting or building any structure or starting any non-farm use activity. Non-farm uses require prior approval by the respective county. Fines may be levied by the county if prior approval is not obtained.

Certain non-farm uses may be allowed, and their approval standards are incorporated into local zoning regulations; additional approval standards may apply to non-farm use on high value farmland.

Technical variations exist between counties, so contact your county planning department or Department of Land Conservation and Development (DLCD), 503-373-0050, for details. The following types of non-farm uses, among others, are generally allowed in exclusive farm use zones except that some uses (\*) are not allowed on "high value" farmland (ORS 215.710):

- public or private K-12 schools serving rural communities\*
- forest product propagation and harvesting
- dwelling for farm use
- farm buildings
- farm stands
- mineral exploration and mining
- farm-worker housing
- land based application of reclaimed water for farm use
- winery
- private playgrounds or campgrounds\*
- dog kennels\*
- room and board services (five guest limit) in existing residences
- home occupations including bed and breakfasts
- commercial activities in conjunction with farm use including biofuels
- churches and cemeteries\*
- utility service
- geothermal exploration or production
- community centers for rural communities
- replacement of an existing dwelling

- landscaping business in conjunction with a nursery
- guest ranches in Eastern Oregon
- siting for solid waste disposal\*
- creation or restoration of wetlands
- private hunting and fishing preserves\*
- golf courses\*
- small scale crop processing facility including biofuels.

## OTHER ON-FARM ACTIVITIES

The 2011 Oregon Legislature amended Oregon land use law to provide for farm-related events on farmland under certain circumstances. The following is a summary of the legislation that passed. Because much of what was established is optional, one should contact their local land use planning official to determine the applicability in their county.

### SB 960 Agri-tourism

Expands the opportunities for farmers to supplement their farm income with agri-tourism activities, like special events and weddings that are related to and supportive of agriculture, in compliance with county approvals and permits.

<http://www.leg.state.or.us/11reg/measpdf/sb0900.dir/sb0960.en.pdf>

### HB 3280 Expands on-site winery activities

Allows wineries to market and sell wine produced in conjunction with the winery, conduct associated events and activities including food service. Authorizes up to 25 days of events. Creates a new "large winery" category, with greater number of events and food service available.

<http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3280.en.pdf>

## TECHNICAL ASSISTANCE

### OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

635 Capitol St NE, Suite 150  
Salem, OR 97301-2540

Phone \_\_\_\_\_ 503-373-0050

Fax \_\_\_\_\_ 503-378-5518

E-mail \_\_\_\_\_ katherine.daniels@state.or.us

Web \_\_\_\_\_ oregon.gov/DLCD

### DLCD regional representatives

#### Farm and Forest Lands Specialist

Katherine Daniels \_\_\_\_\_ 503-373-0050, ext 329

#### Central Oregon

Phone \_\_\_\_\_ 541-325-6927

#### Central Willamette Valley and Southern Oregon

Phone \_\_\_\_\_ 971-239-9453

**Clackamas and Multnomah counties**

Phone \_\_\_\_\_ 971-673-0963

**Columbia and Washington counties**

Phone \_\_\_\_\_ 503-725-2182

**Eastern Oregon**

Phone \_\_\_\_\_ 541-663-1393

**North Coast**

Phone \_\_\_\_\_ 541-574-1095

**Northern Willamette Valley**

Phone \_\_\_\_\_ 503-373-0050, ext 259

**South Coast**

Phone \_\_\_\_\_ 541-574-1584

## FARM MEDIATION PROGRAM

### WHAT IS MEDIATION?

Farming and ranching are getting more complicated. Many of the challenges facing producers involve issues that affect other parties.

Mediation offers a way to bring people together to resolve differences outside the courtroom. This is one of the most beneficial things about mediation—bringing all interested parties to the table at the same time—saving everyone time and money. Mediation is conducted by trained, professional mediators who know how to help people resolve problems.

### WHEN TO CONSIDER MEDIATION

If you are having problems with any of the following types of ag-related disputes, mediation may be a way to resolve the situation:

- nuisance complaints
- boundary disagreements
- trespass situations

- labor or wage disputes between ag employer and employee(s)
- sales agreements or contracts
- landlord or tenant issues
- multiple party agreements
- partnership dissolution
- family farm transfers.

### WHAT DOES IT COST?

The Oregon Farm Mediation Program provides professional mediators for agricultural and rural disputes at \$30 per hour, per party.

### TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

**Farm Mediation Program**

Brent Searle

635 Capitol St. NE

Salem, OR 97301-2532

Phone \_\_\_\_\_ 800-347-7028

Web \_\_\_\_\_ [oregon.gov/ODA/mediation.shtml](http://oregon.gov/ODA/mediation.shtml)

## FARM SCALES

### WHO MUST COMPLY?

Owners or operators of farm scales used for commercial purposes (buying, selling, or processing commodities by weight, and using those weights to determine charges or payments), in Oregon, must obtain an annual scale license from the Oregon Department of Agriculture's Measurement Standards Division, as provided for by ORS 618.121. In basic terms, whenever money, credit, or something of value changes hands based on the reading of a farm or ranch scale, that scale is being used commercially in Oregon. This applies to the sale of commodities, supplies, produce, livestock, etc., or to the custom cleaning or processing by weight of any such items.

### TYPES OF FARM SCALES COVERED

The licensing requirement applies to all types of weighing devices or scales used on a farm for commercial purposes. Types of scales may include, but are not limited to, roadside stand produce scales, feed, seed, or fertilizer scales, livestock and animal scales, and truck scales.

### EXEMPTIONS

Scales that are located on a farm or ranch but are not used for any commercial purpose are not covered by licensing requirements.

## LICENSING PERIOD

The annual license period for scales and weighing devices in Oregon is July 1 through June 30 of the following year. Scales are to be licensed prior to use. Annual renewal notices are mailed out each year in mid-May, preceding their June 30 expiration date. Farm or ranch scales licensed for use beginning other than July 1, pay the full annual license fee. There is no prorating of fees for scales licensed midyear, since the cost of official field certification remains the same.

## PENALTY FEE FOR DELINQUENT RENEWALS

ORS 561.300 provides for the Oregon Department of Agriculture to collect a delinquent renewal penalty fee if the licensee fails to renew the license before the 60th day after the license expiration date. Renewals cannot be processed until delinquent fees are paid.

## SCALE LICENSE FEE AMOUNTS

Annual scale license fees are based on the scale manufacturer's rated weighing capacity of the system, not a lesser "used" amount.

Rated capacity	Current fee
0 to 400 pounds capacity	\$ 39
401 to 1,160 pounds capacity	\$ 80
1,161 to 7,500 pounds capacity	\$ 161
7,501 to 60,000 pounds capacity	\$ 242
Over 60,000 pounds capacity	\$ 242
Under 10 tons per hour*	\$ 304
10 to 150 tons per hour*	\$ 473
151 to 1,000 tons per hour*	\$ 946
Over 1,000 tons per hour*	\$ 2,101

- Continuous weighing systems (i.e., automatic bulk weighing systems, belt scales and mass flow meters).

## OFFICIAL CERTIFICATION

Currently licensed farm and ranch scales are audited and certified by the department's inspectors on a periodic basis. For most scales, that is normally within a 12-18 month interval. Seasonally used scales are normally audited and

certified just prior to the season when they are used. Scales that are licensed, suitable for their intended use, correctly installed, properly maintained, and accurate, will be certified and receive an examination seal when inspected and tested by a department inspector.

All scales approved for commercial use in Oregon must meet National Institute of Standards and Technology Handbook 44 requirements for commercial weighing and must have an active National Type Evaluation Program (NTEP) Certificate of Conformance unless otherwise exempted. In addition, any device put into commercial use must be licensed and must have a "Placed in Service" report filed with the Measurement Standards Division. "Not-legal-for-trade" weighing devices are not intended by their manufacturers to be used commercially and cannot be accepted in Oregon.

The necessary test equipment and standards to perform adequate performance tests of all scales are not continuously available in all parts of Oregon all months of the year. Scales that cannot be certified when the appropriate agency equipment is in the area may have to wait until the next visit. If a scale test is required on a more frequent basis, such as to satisfy USDA Grain Inspection Service or Packers and Stockyards Administration requirements, the testing may be done by a qualified scale company, at the scale owner/operator's expense.

## REPAIR OR REPLACEMENT

If a farm or ranch scale is tagged with a "repair notice order" or "stop use order" following an agency inspection, it will need to be corrected within the time specified. If it cannot be corrected within the time specified, or if it is not able to be repaired, it must be replaced or permanently taken out of service. Current scale licenses can be transferred to replacement devices.

## TECHNICAL ASSISTANCE

### OREGON DEPARTMENT OF AGRICULTURE

#### Measurement Standards Division

635 Capitol St NE

Salem, OR 97301-2532

Phone \_\_\_\_\_ 503-986-4670

Fax \_\_\_\_\_ 503-986-4784

Web \_\_\_\_\_ oregon.gov/ODA/MSD

## FARM TO SCHOOL

### WHAT IS FARM TO SCHOOL IN OREGON?

While farm to school programs are unique to the place and people who run them, they consist of a spectrum of activities that both serve up and celebrate our agricultural bounty. These programs connect local farmers and food processors with school cafeterias in preschools, grades K-12, and colleges. They include serving more Oregon agricultural products on the lunch line, and activities that directly connect youth to food production such as school gardens, field trips to ranches, and farmers in the classroom. Increasingly, similar procurement and promotion is occurring in other institutions such as health care facilities.

In Oregon, there are approximately 90 school districts out of 187 that indicate that they are purchasing Oregon agricultural products in addition to milk. These 90 districts serve over 65 percent of the school-aged children.

### How do you find a school interested in buying locally produced foods?

FoodHub boasts a list of over 230 pre-schools, K-12 schools, colleges, and health care facilities interested in purchasing locally. Logon for free at [www.food-hub.org](http://www.food-hub.org) and start meeting schools interested in purchasing locally.

### What locally produced foods are schools buying?

Everything! Many farm to school efforts start off with schools purchasing fresh fruits and vegetables directly from neighboring farmers. Schools want fresh and minimally processed fruits and vegetables, as well as multi-ingredient menu items. Increasingly, schools are interested in locally produced grains, beef, and seafood.

### How do schools define “local” for the purposes of buying local?

It is at the discretion of each school to define local. In Oregon, some schools define local as within 20 miles, others within in the county, and some larger districts use “the Pacific Northwest” to include Oregon, and parts of Washington and Northern California.

### TECHNICAL ASSISTANCE

To learn more about Farm to School and to access answers to frequently asked questions, visit the USDA Farm to School website contact Michelle Markesteyn Ratcliffe at the Oregon Department of Agriculture.

#### USDA FARM TO SCHOOL INITIATIVE

Web <http://www.fns.usda.gov/cnd/f2s>

#### OREGON DEPARTMENT OF AGRICULTURE

##### Farm to School Program

Michelle Markesteyn Ratcliffe

Phone 503-872-6600

Email [mmarkesteyn@oda.state.or.us](mailto:mmarkesteyn@oda.state.or.us)

## FEDERAL MOTOR CARRIER SAFETY REGULATIONS (FMCSR)

### WHO MUST COMPLY?

The federal motor carrier safety regulations apply to farm operations if a commercial motor vehicle is used to transport property or passengers in interstate commerce. FMCSR also apply to anyone transporting migrant farm workers in interstate commerce.

### DEFINITIONS

A commercial motor vehicle means

- a truck and/or trailer combination with a gross weight, GVWR or GCWR of 10,001 pounds or more.
- a vehicle of any size that is used to transport a hazardous material requiring placarding.
- a bus designed to transport more than 15 persons, including the driver.

Interstate commerce means

- to operate across state lines, including international boundaries.
- to operate wholly within a state as part of a through-movement that originates or terminates in another state or country.

The first requirement is to obtain a USDOT number, one per legal entity, and mark that on the vehicle(s) used in interstate commerce. You may obtain a USDOT number for free on the Internet at <http://www.fmcsa.dot.gov/registration-licensing>.

The FMCSR has several parts, each covering a separate subject, including qualification of drivers, working and driving limitations for drivers, parts and accessories

necessary for safe operation of vehicles, inspection of vehicles, repair and maintenance requirements for vehicles, specific rules for transporting migrant farm workers (additional equipment and inspections are required for vehicles used to transport migrant farm workers).

*Note: Also see the sections on “Migrant and Seasonal Agricultural Worker Protection Act,” “Federal hazardous materials regulations,” and “Pesticide use, distribution, transportation, and storage” regarding the transport of hazardous materials.*

Additionally, under some circumstances a commercial drivers license (CDL) and drug and alcohol testing may be required. Anyone who operates a CMV over 10,000 pounds in interstate commerce must have a valid medical card in his/her possession that meets USDOT requirements.

## TECHNICAL ASSISTANCE

### US Department of Transportation

#### Federal Motor Carrier Safety Administration

530 Center St NE, Suite 440

Salem, OR 97301

Phone \_\_\_\_\_ 503-399-5775

Fax \_\_\_\_\_ 503-316-2580

Web \_\_\_\_\_ [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

#### USDOT number registration

Web \_\_\_\_\_ [www.fmcsa.dot.gov/registration-licensing](http://www.fmcsa.dot.gov/registration-licensing)

#### Safety status by USDOT number

Web \_\_\_\_\_ [www.safer.fmcsa.dot.gov](http://www.safer.fmcsa.dot.gov)

#### Education and technical assistance

Web \_\_\_\_\_ [www.fmcsa.dot.gov/safety-security/eta](http://www.fmcsa.dot.gov/safety-security/eta)

#### Compliance safety and accountability

Web \_\_\_\_\_ <http://csa.fmcsa.dot.gov>

## FIELD BURNING

### WHO MUST COMPLY?

In the Willamette Valley of Western Oregon, permission to field/stack/propane grass seed and cereal grain crop residue must be obtained from the Oregon Department of Agriculture (ODA).

The 2009 Oregon Legislative Assembly passed Senate Bill 528, changing how field burning is conducted in the Willamette Valley.

These changes include:

- The reduction of acres that can be burned from 65,000 acres annually to 15,000 acres annually. Of these 15,000 acres, only identified species (specific varieties of grass seed residue) can be burned.
- Stack burning and propane flaming will be allowed through 2012 only.
- Fees to register acreage for burning increased from \$2.00 per acre to \$4.00 per acre.
- Fees to burn registered fields increased from \$8.00 per acre to \$16.00 per acre.
- Burning can no longer be conducted in Benton, Lane, and certain portions of Linn counties.

Current law regulating field burning can be found in ORS 468.550 and administrative rules 603-077-0101 through 603-077-0195.

Each year in March, growers are required to pre-register all acreage to be burned with the ODA Smoke Management

Program. Once field burning commences (generally in mid-July) growers must obtain a permit in order to burn their fields. If a grower is new to the program, he or she can receive more information by calling the Smoke Management Program at 503-986-4701.

During the summer field burning season, ODA closely monitors Willamette Valley weather conditions. ODA issues field burning permits when it is anticipated that weather conditions are conducive for smoke dispersal to accommodate a maximum amount of burning with minimal impact to the public.

### COMPLIANCE

Grass seed growers must

- register each field and pay appropriate fees.
- obtain field burn permits prior to any burning.
- notify their local fire district of intent to burn.
- monitor the smoke management radio network for authorization or prohibition of burning.
- burn only specific fields at specific times as directed by ODA.
- prepare fields as required prior to burning.
- have proper fire fighting equipment on site prior to burning.
- execute burning in a timely fashion.

- provide advance warning signage and flaggers on roadways near field burns as appropriate.
- extinguish fires when directed by ODA.

### RECORD KEEPING

ODA keeps records of registration, mapping of registered acreage, issuance of burn permits, weekly burn reports, receipt and processing fees, meteorological conditions and authorizations or prohibitions.

### SAFETY AND TRAINING

Each grower must prepare firebreaks prior to burning and have the required fire-fighting equipment on site prior to burning. Growers should be familiar with smoke management and state fire marshal rules and regulations.

### INSPECTIONS

ODA employs field inspectors to ensure program compliance through on-site visits, document review, and complaint investigation. Violations may involve verbal or written warnings or civil penalties up to \$100,000 depending upon the severity of the violation.

### FEE SCHEDULE

#### Registration for open field burning

\$4.00 per acre

\$2.00 per acres for propane flaming

No registration fee for stack burning

#### Burn fees

- \$16.00 per acre for open field burning
- \$4.00 per acre for propane flaming
- \$10.00 per acre for stack burning

### TECHNICAL ASSISTANCE

Questions regarding field burning, propane flaming, stack burning, rule interpretation, fire safety buffer zones, and problem resolution can be directed to the Smoke Management Program, Oregon Department of Agriculture.

#### OREGON DEPARTMENT OF AGRICULTURE

##### Smoke Management Program

635 Capitol St NE

Salem, OR 97301-2532

Phone \_\_\_\_\_ 503-986-4701

#### OREGON SEED COUNCIL

494 State St, Suite 220

Salem, OR 97301

Phone \_\_\_\_\_ 503-585-1157

#### OFFICE OF THE STATE FIRE MARSHAL

4760 Portland Road NE

Salem, OR 97305-1540

Phone \_\_\_\_\_ 503-378-3473

#### OREGON STATE UNIVERSITY

##### Crop and Soil Science Department

Crop Science Building, Room 107

Corvallis, OR 97331-3002

Phone \_\_\_\_\_ 541-737-2821

## GRANTS AND FINANCIAL RESOURCES FOR PRODUCERS AND AGRIBUSINESS

Grants are highly competitive and require a well-planned and researched concept. Grants for purchasing land or paying general farm operating expenses are very rare. Most grants or financial programs provide incentives for specific types of production activities, such as field tests for new technologies or conservation related practices. Grants or tax credits may fund development of new products and markets, or employment of new technologies (energy conservation or renewable energy generation tax credits, for example). Many grants require matching funds.

Grants are cyclical; they come and go in funding cycles. The Oregon Department of Agriculture grant webpage lists resources on agriculture-related grants, loan information and business plan assistance.

Pay attention to the funding cycle of a grant. Grant notices may stay on the website even though the application period may be expired. This will allow you to learn of the grant, see the requirements and specific criteria, and prepare for the next round of competition if it is something that fits your situation. Please note that ODA does not administer most of these grants.

### TECHNICAL ASSISTANCE

#### Information on grants and tax credits

Web \_\_\_\_\_ [oregon.gov/ODA/grants.shtml](http://oregon.gov/ODA/grants.shtml)

#### Business assistance

ODA Agricultural Development and Marketing Division

Phone \_\_\_\_\_ 503-872-6600

## LEGAL SERVICES

A listing of Oregon attorneys who specialize in agricultural issues can be obtained from the Oregon State Bar, Agricultural Law Section, or from one of the websites listed below. The Oregon State Bar also has a Referral and Information Services Program. Referral and Information Services (RIS) comprise several public and member services that link people seeking legal assistance with lawyers and programs able to assist them. Legal Referral Service (LRS) clerks refer calls from members of the public to participating attorneys based on location, area of law, and special services offered. Approximately 1,500 attorneys in private practice participate in the LRS program.

The Oregon Farm Bureau offers a Farm Employer Education and Legal Defense Service (FEELDS). FEELDS assists members with farm labor law compliance and then provides legal representation should a legal proceeding be initiated against the member. For details on this member-service program call 503-399-1701, ext. 316, or visit <http://oregonfb.org/programs/feellds.shtml>.

### TECHNICAL ASSISTANCE

#### OREGON STATE BAR

##### Referral and Information Services

Phone \_\_\_\_\_ 503-684-3763 or 800-452-7636

Web \_\_\_\_\_ [lawyers.findlaw.com](http://lawyers.findlaw.com) or [osbar.org](http://osbar.org)

## NEW AND SMALL FARMS

Farms come in many sizes, shapes, and forms. The Oregon Department of Agriculture is a partner with the industry to expand and enhance the economic, environmental, and social success of each Oregon farm and ranch.

### FREQUENTLY ASKED QUESTIONS

Key questions and answers to considering the options of starting a small farm. Many resources are summed up in this necessary first read (pdf document):

<http://oregon.gov/ODA/docs/pdf/SoYouWantobeFarmer.pdf>

### RESOURCES

#### Food Hub

Food-hub.org is an online marketplace that can help buyers and sellers, of all sizes, identify one another. Food Hub can be very valuable to small farmers lacking the resources make themselves known to a wide-variety of potential buyers.

#### OSU Small Farm Program resources and workshops

<http://smallfarms.oregonstate.edu/growing-farms-workshop-series>

<http://extension.oregonstate.edu/sorec/farms>

#### USDA Transition Incentives Program

The USDA Transition Incentives Program (TIP) provides up to two additional Conservation Reserve Program (CRP) annual rental payments to a retired or retiring owner or operator of land under an expiring CRP contract. The land

must be sold or leased to a non-family member beginning or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land to production using sustainable grazing or crop production methods.

[http://www.fsa.usda.gov/Internet/FSA\\_File/tipfactsheet.pdf](http://www.fsa.usda.gov/Internet/FSA_File/tipfactsheet.pdf)

#### Oregon farmers' markets

<http://oregonfarmersmarkets.org>

#### Small plot intensive farming

<http://www.spinfarming.com>

### GRANTS

Most grants available to growers are through the US Department of Agriculture. Some of those most fitting for new entrants or smaller growers include:

#### Western Region Sustainable Ag Research and Education Project Grants (SARE)

With a Farmer/Rancher Grant, one or more agricultural producer develops a proposal to conduct research or on-farm demonstrations and educational outreach in an area of sustainable agriculture with assistance from an agricultural or natural resource professional, who serves as a technical advisor. The goal is to achieve results that can be communicated to producers and professionals—information that can improve income, the environment, communities and quality of life for all citizens. Farmer/Rancher grant applications are due in December. Check the link for updates. <http://wsare.usu.edu/grants>

**Value-added Producer Grant (VAPG)**

This grant is intended to help independent agricultural producers enter into value-added activities. The grant can be used to fund one of the following two activities:

- Planning activities needed to establish a viable value-added marketing opportunity for an agricultural product (e.g. conduct a feasibility study, develop a business plan, develop a marketing plan, legal work).
- Working capital to operate a value-added business venture that will allow producers to better compete in domestic and international markets.

Renewable energy projects are also eligible for this funding (planning or working capital projects).

This grant is very competitive. For more information, please contact:

Martin Zone  
 USDA Rural Development  
 1201 NE Lloyd Blvd, Suite 801  
 Portland OR 97204-3222  
 Phone \_\_\_\_\_ 503-414-3361  
 E-mail \_\_\_\_\_ martin.zone@or.usda.gov  
 Web \_\_\_\_\_ <http://www.rurdev.usda.gov/or/vapg.htm>

**LOAN PROGRAMS****Farm Credit Services Young and Beginning Farmer Program**

<http://www.farm-credit.com/Default.aspx?pageid=355>

**Whole Foods Local Producer Loan Program**

<http://www.wholefoodsmarket.com/values/local-producer-details.php>

**USDA Farm Service Agency farm loans**

[http://www.fsa.usda.gov/Internet/FSA\\_File/loans11.pdf](http://www.fsa.usda.gov/Internet/FSA_File/loans11.pdf)

**Other agricultural lenders**

[http://oregon.gov/ODA/pub\\_credit.shtml](http://oregon.gov/ODA/pub_credit.shtml)

**TECHNICAL ASSISTANCE**

OREGON DEPARTMENT OF AGRICULTURE

Web \_\_\_\_\_ [http://oregon.gov/ODA/new\\_small\\_farms.shtml](http://oregon.gov/ODA/new_small_farms.shtml)

**Marketing assistance**

**ODA Agricultural Development & Marketing Division**

Phone \_\_\_\_\_ 503-872-6600

E-mail \_\_\_\_\_ [agmarket@oda.state.or.us](mailto:agmarket@oda.state.or.us)

**Food safety assistance**

**ODA Food Safety Division**

Phone \_\_\_\_\_ 503-986-4724

E-mail \_\_\_\_\_ [jpostlew@oda.state.or.us](mailto:jpostlew@oda.state.or.us)

## OREGON CENTURY FARM & RANCH PROGRAM

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**BACKGROUND**

The Century Farm & Ranch Program started in 1958, on the eve of the Statehood Centennial Celebration, to honor farm and ranch families who have century-long connections to the land and to recognize Oregon's rich agricultural heritage.

The program is a project of the Oregon Agricultural Education Foundation and partially funded through a partnership with the Oregon Farm Bureau, the Oregon Department of Parks and Recreation, OSU Libraries' University Archives and the Oregon Historical Society, with additional support from the Oregon Department of Agriculture, various county farm bureaus, agricultural associations, agri-businesses, the Oregon Travel Information Council, and individuals. Successful applicants receive a special certificate, acknowledged by the governor and signed by the director of the Oregon Department of Agriculture. A colorful roadside sign, identifying the family century farm or century ranch is also available. In 2007, the program introduced a

sesquicentennial award to honor families who have sustained their family farms or ranches for 150 years or more. The first sesquicentennial awards were given to 14 families on Oregon's Statehood Day, February 14, 2008. For further information or to request an application for the sesquicentennial award, please contact the Century Farm & Ranch program at 503-400-7884.

**QUALIFICATIONS FOR CENTURY FARM OR RANCH**

1. Only the legal owner(s) of the property may apply for the Century Farm or Century Ranch honor.
2. Your farm or ranch must have been operated continuously in the same family for 100 years or more. A farm or ranch settled any time 100 years ago or earlier will be eligible if it meets other requirements.
3. The farm or ranch must have a gross income from farming or ranching activities of not less than \$1,000 per year for three out of the five years immediately preceding the application.

4. You must live on the farm or ranch, or if you live off the property, you must actively manage and direct the farming or ranching activity on the land. If the entire farm or ranch has ever been rented or leased, it may not qualify.
5. The line of ownership from the original settler or buyer may be through children, siblings, or nephews and nieces. Adopted children will be recognized equally with other descendants.
6. Applications must be submitted on official forms provided by the Century Farm & Ranch Program with all questions completed. Applicants may submit additional descriptive information on other family history details not specifically requested in the application (two or three pages of narrative). Copies of historical photographs are encouraged. All information, including photos, will be retained by the program for future reference or research.
7. Applications must include verification of continuous ownership for 100 years. Acceptable forms of proof include a document (either original or photocopy) showing date of earliest ownership. This may be provided through a donation land claim, deed of sale, or homestead certificate. Other records, subject to review, include family Bible, diary entry, or correspondence.
8. Applications must be signed and certified by a notary public.
9. Deadline for returning applications is June 1 of the current year. All applications postmarked by midnight of that date will be considered.

### FEES FOR CENTURY FARM OR RANCH

A \$65 non-refundable fee is required with each application. This fee covers administrative costs and includes one certificate. Additional certificates may be ordered at the time of application @\$20 each. Make checks payable to Oregon Agricultural Education Foundation or OAEF.

### TECHNICAL ASSISTANCE

#### CENTURY FARM & RANCH PROGRAM

Sharon Leighty, program coordinator

3415 Commercial St SE

Salem, OR 97302

Phone \_\_\_\_\_ 503-400-7884

E-mail \_\_\_\_\_ cfr@oregonfb.org

Web \_\_\_\_\_ www.oregonfb.org/programs/century-farm-ranch

#### OREGON AGRICULTURAL EDUCATION FOUNDATION

Janice Reed, Director

Phone \_\_\_\_\_ 503-399-1701

E-mail \_\_\_\_\_ janice@oregonfb.org

## OREGON FARM DIRECT NUTRITION PROGRAM

The Oregon Farm Direct Nutrition Program (FDNP) is a state-administered federal nutrition program that offers WIC (Women Infants & Children) program clients and eligible low-income seniors the ability to purchase fresh fruits, vegetables and culinary herbs directly from participating Oregon farmers at farm stands and farmers' markets. These funds are available as vouchers.

### TECHNICAL ASSISTANCE

#### OREGON DEPARTMENT OF AGRICULTURE

**Agricultural Development & Marketing Division**

1207 NW Naito Parkway, Suite 104

Portland, OR 97209-2832

Phone \_\_\_\_\_ 503-872-6600

Fax \_\_\_\_\_ 503-872-6601

E-mail \_\_\_\_\_ agmarket@oda.state.or.us

Web \_\_\_\_\_ oregon.gov/ODA/ADMD/farm\_direct.shtml

## OREGON'S RENEWABLE FUEL STANDARDS

In 2007, Oregon's Legislative Assembly passed House Bill (HB) 2210, which included a renewable fuel standard (RFS) requiring that ethanol and biodiesel be blended in Oregon's motor fuels. HB 2210 also required the Oregon Department of Agriculture (ODA) to study, monitor and implement the RFS. Oregon's RFS enables Oregon growers, processors, and fuel distributors to help power our economy with US-based renewable fuels, increase crop

production opportunities, and add jobs and income to Oregon's economy.

Currently, Oregon's ethanol standard requires gasoline sold in Oregon to be a 10 percent ethanol blend (E10). Oregon's biodiesel standard requires diesel sold in Oregon to be a minimum 5 percent biodiesel blend (B5).

Many fuel users will not notice a change in vehicle or equipment performance from using 10 percent ethanol

blended gasoline or a 5 percent biodiesel blend. Biofuel producers, fuel distributors, retailers and consumers can help avoid problems by using good management when storing and using fuel. Good storage practices include periodic cleaning of farm fuel tanks, removal of accumulated water, and using a fuel filter on the tank fuel dispenser. When using blended fuel, check the equipment owner's manual and follow any recommendations. Keep equipment properly maintained and winterized.

### **GASOLINE—ETHANOL BLENDS REQUIRED**

All retail dealers, nonretail dealers, or wholesale dealers may only sell or offer for sale gasoline that contains 10 percent ethanol by volume, unless it meets exceptions in OAR 603-027-0420(3)(c).

### **ETHANOL DISPENSER LABELING**

Legislation requires gasoline dispensers to be labeled if the fuel product contains ethanol. This label must be located on the upper 50 percent of the dispenser's front panels, in a position that is clear and conspicuous from the driver's position, in type at least 1/2 inch in height and 1/16 inch in width.

Due to the required use of 10 percent by volume ethanol, the label is required to state the specific amount in the gasoline blend, for example, "THIS PRODUCT CONTAINS 10% ETHANOL" or similar language. Prohibited terms and phrases include but are not limited to, "Contains up to 10% ethanol," "May contain ethanol," or any other similar language.

If a non-ethanol blended gasoline of less than 91 octane is used in compliance with the exceptions, the dispenser shall be labeled, "NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY (ORS 646.913)," in capital letters and type at least 1/2 inch in height and 1/16 inch width of type on each face and upper 50 percent of the dispensers front panels in a position that is clear and conspicuous to the consumer.

Non-ethanol blended gasoline of 91 octane or higher does not require any special labeling.

### **EXCEPTIONS TO ETHANOL REQUIREMENTS FOR PREMIUM GASOLINE**

The 2009 Legislature passed House Bill (HB) 3497 exempting premium gasoline of 91 octane or higher from the ethanol blend requirement. This became effective January 1, 2010.

Businesses are not required to offer a non-ethanol blended premium fuel, but they have the ability to make a business decision to provide it based upon customer demand.

Note to retailers:

- No additional dispenser labeling is required for non-ethanol gasoline.
- Delivery documentation must state that it is non-ethanol blended gasoline.
- Storage tanks must identify that it is non-ethanol blended gasoline.
- Important: If a *blending* dispenser is used, the mid-grade portion must be disabled and labeling removed. This is because a 10 percent ethanol regular blended with a 0 percent ethanol premium will yield approximately a 6 percent ethanol mid-grade which would not be legal. The mid-grade must still contain 10 percent ethanol.

### **EXCEPTIONS TO ETHANOL MANDATE FOR ALL GRADES OF GASOLINE**

To address citizens' concerns about the mandate to blend all gasoline with 10 percent by volume ethanol, the 2008 Oregon Legislature passed Senate Bill (SB) 1079, which allows non-ethanol blended gasoline of any grade for the following applications only:

- aircraft
- antique vehicles
- all-terrain vehicles
- racing activity vehicles
- snowmobiles
- tools including but not limited to lawn mowers, leaf blowers, and chain saws
- watercraft.

The Oregon State Marine Board maintains a list of locations offering non-ethanol blended gasoline at <http://oregon.gov/OSMB/news/E10.shtml>

### **POSTING OF ETHANOL EXCEPTIONS**

Pursuant to OAR 603-027-0430(1)(c), businesses that offer non-ethanol blended gasoline of less than 91 percent octane for sale shall post the exceptions in a position that is clear and conspicuous to the consumer. They must be in capital letters and type at least 1/4 inch in height and 1/32 inch in width.

## ETHANOL DELIVERY DOCUMENTATION

- Gasoline blended with ethanol—Delivery documentation shall state that the gasoline is blended with ethanol and the volume percent of ethanol.
- Non-ethanol blended gasoline—Delivery documentation shall state that the gasoline is non-ethanol blended.

## BIODIESEL REQUIREMENT

In February of 2011, the Oregon Department of Agriculture (ODA) determined that Oregon's in-state biodiesel production capacity had reached at least 15 million gallons on an annualized basis. In compliance with Oregon's RFS, (ORS 646.921 and ORS 646.922), effective April 1, 2011, all diesel fuel sold or offered for sale in Oregon had to contain a minimum of 5 percent by volume biodiesel, creating a B5 biodiesel blend.

## EXCEPTIONS TO BIODIESEL MANDATE

Diesel fuel sold or offered for sale for use by railroad locomotives, marine engines, and home heating is exempt from the requirement to be blended with biodiesel.

## WINTERIZING DIESEL

In the state of Oregon, the required minimum B5 biodiesel fuel may have substances added to enhance its cold weather operation from October 1, of one year, through February 28, of the following year. It is important to emphasize that the fuel must begin as at least a B5 blend and then the winterizing products may be added. For reference,

this allowance is found in Oregon Revised Statute (ORS) 646.922(3) and Oregon Administrative Rule (OAR) 603-027-0420(11)(e)(B).

## BIODIESEL DISPENSER LABELING

If the fuel is a 5 percent or less biodiesel blend, then no additional dispenser ("pump") labeling is required. For information on labeling biodiesel blends please see our biodiesel and E85 fuel requirements webpage [http://www.oregon.gov/ODA/MSD/biofuel\\_dispensers.shtml](http://www.oregon.gov/ODA/MSD/biofuel_dispensers.shtml).

## BIODIESEL DELIVERY DOCUMENTATION

Delivery documentation of biodiesel blends is required to identify the specific volume percent of biodiesel blended with the petroleum diesel. An example of a sufficient statement for a 5 percent biodiesel blend is, "B5 Biodiesel Blend." in addition to all of the other required information on the documentation. This is to certify the volume percent of biodiesel that is blended into the diesel fuel. During inspections the department will check delivery documentation for biodiesel blend requirements.

## TECHNICAL ASSISTANCE

More information on Oregon's renewable fuel standards and a complete list of exemptions is available at [http://oregon.gov/ODA/MSD/renewable\\_fuel\\_standard.shtml](http://oregon.gov/ODA/MSD/renewable_fuel_standard.shtml).

The City of Portland has also established its own renewable fuel standards for ethanol and biodiesel. More information about these standards is available at <http://portlandonline.com/BDS/INDEX.CFM?c=43886>

# RIGHT-TO-FARM

## OVERVIEW

Legislation in 1993, updated in 1995 and 2001, declares farm and forest practices as critical to the welfare of the Oregon economy, and establishes a right-to-farm law. This law protects growers from court decisions based on customary noises, smells, dust, or other nuisances associated with farming. It also limits local governments, and special districts from administratively declaring certain farm and forest products to be nuisances or trespasses (ORS 30.930).

## PROTECTED LAND

No farming or forest practice on lands zoned for farm or forest use shall give rise to any private right of action,

suit, or claim for relief based upon nuisance or trespass. Pre-existing nonconforming (farm or forest) uses are also afforded this protection provided that the farming or forest use existed before the conflicting non-farm or non-forest use of the real property that gave rise to the claim, and provided that the pre-existing nonconforming farming or forest practice has not significantly increased in size or intensity from November 4, 1993.

Right-to-farm protection is not afforded if claims are based on

- damage to commercial agricultural products.
- death or serious injury.

## PROTECTED PRACTICES

Protected practices include farming or forest practices that

- are or may be used on a farm or forestland of similar nature.
- are generally accepted, reasonable, and prudent methods for the operation to obtain profit in money (commercial).
- comply with applicable law.
- are performed in a reasonable manner.

The lawful and proper use of pesticides is considered a protected farming or forest practice.

The law also provides protection for the movement of farm vehicles and livestock on public roads.

Local government and special district ordinances and regulations now in effect or subsequently adopted which

are contrary to this law are invalid. In any legal action alleging nuisance or trespass arising from a practice alleged by either side as a farm or forest practice, the prevailing party is awarded attorney fees and costs at the trial and on appeal.

Complainants may want to consider the Oregon Department of Agriculture's Farm Mediation Program before filing any legal action. Call 503-986-4558 or 800-347-7028 for information about the mediation program. Parties are encouraged to talk with legal counsel on the interpretation of the statute.

## TECHNICAL ASSISTANCE

### OREGON DEPARTMENT OF AGRICULTURE

#### Land use

Jim Johnson \_\_\_\_\_ 503-986-4706

#### Farm Mediation Program

Brent Searle \_\_\_\_\_ 503-986-4558 or 800-347-7028

# STATE OPERATOR LICENSE AND FARM VEHICLE REGISTRATION

## WHO MUST COMPLY?

An operator license or driver license is required by anyone operating a motorized vehicle on a public highway. An operator license is not required to temporarily operate a farm tractor or an implement of husbandry.

## LICENSE

Farmers who operate vehicles designed to carry 16 or more passengers, including the driver, must have a CDL. A commercial driver license (CDL) or farm endorsement (FE) is required for farmers driving vehicles that exceed 26,000 pounds or vehicles carrying hazardous materials. These requirements also apply to combinations of vehicles that exceed 26,000 pounds (Gross Combination Weight Rating), if the trailer has a Gross Vehicle Weight Rating over 10,000 pounds. An FE permits a person to drive a vehicle exceeding 26,000 pounds or to haul hazardous materials without a CDL, provided the vehicle

- is used to transport agricultural products, farm machinery, or farm supplies to or from a farm.
- is controlled or operated by the farmer.
- is operated in Oregon or Idaho and within 150 miles of the farm.
- is not used in the operation of a common carrier.

A driver of a farm vehicle must obtain a CDL and comply with all the requirements of the federal motor carrier safety

regulations as applicable to operate beyond 150 miles from his or her farming operation.

A safety certification course must be completed by minors between 16 and 18 years of age before operating farm machinery. (See the section on "Employing minors" for more information.)

Contact customer assistance, Oregon Department of Transportation, Driver and Motor Vehicle Services, 503-945-5000, regarding farm endorsements on driver licenses.

## VEHICLE REGISTRATION

Farmers may choose to register vehicles over 10,000 pounds with truck registration, with farm registration, or register on a proportional basis, if the farm registered vehicle is going to be operated in more than one state. Farm registered vehicles are exempt from Oregon weight-mile tax when the vehicle is used for farm or personal purposes. Hauling for hire, with few exceptions, requires a 1A permit. For-hire operations over 26,000 pounds require payment of weight-mile tax. For more information regarding farm vehicle registration, contact the ODOT farm registration desk at 503-378-5203, or visit <http://oregon.gov/ODOT/MCT/FARM.shtml>.

**INSPECTIONS**

Farm vehicles up to 80,000 pounds are exempt from ODOT, MCTD safety requirements as long as they are not operating for hire or operating interstate. Farm trucks over 20,000 pounds are required to stop at weigh stations.

**HAULING HAZARDOUS MATERIALS**

Many farms use and transport hazardous materials. The federal hazardous materials table specifies which materials, and quantities of materials, are deemed hazardous.

Contact the US Department of Transportation, Federal Motor Carrier Safety Administration, 503-399-5775, for a listing of hazardous materials. Vehicles hauling hazardous materials, and operated by a farmer within 150 air miles of his or her farm, must be properly placarded with warning signs on the container labels and the vehicle. No endorsement is required. Vehicle operators hauling hazardous materials more than 150 air miles from the

farm of origin are required to have a CDL and proper endorsement.

The person who loads the vehicle must place the placards on the front, rear, and both sides of the vehicle. Hazardous materials drivers also must know which products they can load together and which products must be loaded separately.

**TECHNICAL ASSISTANCE****OREGON DEPARTMENT OF TRANSPORTATION****Motor Carrier Transportation Division**

550 Capitol St. NE

Salem OR 97301-2530

Phone \_\_\_\_\_ 503-378-5849

Web \_\_\_\_\_ oregon.gov/ODOT

**Farm endorsements on driver licenses****Driver and Motor Vehicle Services**

Phone \_\_\_\_\_ 503-945-5000