

**OREGON DEPARTMENT OF AGRICULTURE
AGRICULTURAL WATER QUALITY MANAGEMENT
PROGRAM ADVISORY COMMITTEE**

December 9, 2016

Oregon Department of Agriculture
635 Capitol Street NE
Salem, Oregon

Attendance:

Jerome Rosa
April Snell, OWRC
Jerry Nicolescu, OACD
Jerome Rosa, OCA
Curtis Martin, OCA
Scott Dahlman, OFS
Tracey Liskey, BOA
Audrey Hatch, OWEB

Gene Foster, DEQ

Via Phone:

Tony Barber, EPA
Ken Bailey, Chair
Barbara Boyer, SWCC & BOA
Steve?
Oregon Wheat Growers
Stephanie Hallock, BOA
Danette Faucera, ODFW

ODA Staff:

Lisa Hanson
Ray Jaendl
John Byers
Mike Odenthal
Sunny Jones
Kevin Fenn
Mike Powers
Sheila Marcoe
Manette Simpson
Ryan Beyer
Ted Bunch
Renita McNaughtan

Welcome and Introductions – John Byers, Ken Bailey, and Lisa Hanson

John Byers welcomed everyone to the meeting and started the introductions.

Lisa Hanson, ODA Deputy Director, gave a quick update on the transition within the director's office and other happenings. Katy Coba officially started October 1st as Chief Operating Officer and Director of the Department of Administrative Services. Lisa was asked to be the interim director for ODA.

Alexis Taylor, from the United States Department of Agriculture (USDA) was selected as the next director of ODA. She is in town this week and meeting with legislators getting ready for her confirmation.

Lisa spent time with Alexis over a couple of days. She has a wealth of experience at the federal level, was a staffer in Congress, and worked at the USDA in marketing, working with farm services agencies, and writing farm bills. She has some fresh new ideas that are exciting and staff is looking forward to working with her.

Ms. Taylor has said that her first six months with the agency will continue as it has. She has noted that the agency is well run and the programs are doing what they need to.

The administrative staff appreciates her energy and the excitement she is bringing. She would like to visit every county in the state within the first year. She has a significant interest in what we can grow and support in the rural economy.

Alexis officially starts with ODA on January 23, 2017.

Lisa Hanson thanked everyone for the devotion to this program. There are challenges around data collection and staff has to present it so that it is understandable and make sense to others; while allowing for farmers and ranchers to get recognition for the good work they have been doing.

Budget: Governor's recommended budget was released – agency took a 9% reduction in general funds. Key areas for General Fund were reduced:

- Predator control program was eliminated;
- Large fund shift in food safety;
- Fund shift of a CAFO position;
- Fund shift for General Fund from Federal Funds in the marketing program that will move to food safety modernization;
- Elimination of a position in weed program that was vacate due to a retirement.

A couple of program option packages are included but are all other funds. If one of the POPs is successful, there is a position for the Human Resources program, IT money, and lab money infrastructure. We will have to look at cash balances if we bring new resources into the Department.

Food safety fund shift - food safety currently has a good General Fund balance. The program continues to grow in cash balances and licenses. We feel better about doing a fund shift there rather than having a big balance.

Lisa noted that our relationship with DEQ is good and we continue to work closely with their staff, especially Gene Foster. She recently attended a meeting around Coastal COHO and CZARA with EPA, NOAA (regional and national), DEQ, ODF, F&W, OWEB, and State Lands. The Strategic Implementation Areas (SIAs) has helped us get a solid footing with peers. The data gives us something to show.

Richard Whitman is currently serving as acting director for DEQ and an executive recruitment is underway.

Cannabis touches almost every program in our agency. We have been tracking the time that staff is spending on Cannabis within the programs. We do not have a mechanism to re-coop those costs.

ODA Pesticide Program Briefing – Mike Odenthal

Our program regulates every pesticide in the state - the sales, use, and distribution, which includes: swimming pool chemicals, janitorial, hospital antimicrobials, animal treatments, etc. Our mission is to protect people and the environment from any adverse effects of pesticide use while maintaining the availability of pesticides for beneficial uses.

The program had 680 investigations last year and we will easily have that many this year. About one-third of the investigations are complaint driven with the rest being routine. Our investigations average a violation rate of about 20%, so 80% of the time there were no violations. The bulk of the people the program regulates are not violating.

The Pesticides Program regulates pesticide use on Cannabis as well as industrial hemp, etc. Currently, Cannabis is considered a crop. The legislature defined it as such and pesticide use on Cannabis must meet the requirements as any other agricultural crop. The Department has created criteria for some products that are allowable for use on Cannabis. The criteria are:

1. No tolerance required for any crop,
2. The label has to be general enough as to what crop it can be used on that it can fit Cannabis, and
3. It cannot have failed a pyrolysis (burn) test.

Oregon has five labs accredited to sample Cannabis. If a sample fails, there is a tracking mechanism until it's destruction. A permit is not needed to burn off bad product since it is an agricultural crop.

Ag Water Quality Program Strategic Initiatives – John Byers

John discussed four primary topics. These included an Ag Water Quality Program overview, strategic initiative overview, an update on status and trends in Focus Areas and Strategic Implementation Areas, and challenges and opportunities for the group to consider for program operations.

As the program moves forward, there are challenges and opportunities. John discussed the distribution of the \$1 Million "SIA" dollars from OWEB. To date, approximately \$595,000 has been distributed, with approximately \$400,000 remaining.

John presented the idea of "smarter outputs," as a way to capture and document the conservation and restoration activities taking place on ag lands throughout Oregon. He also discussed the expectation of how future data collection will occur to include landscape monitoring, DEQ water column analyses, the work of the Conservation Effectiveness Partnership, and the potential of future of "remote evaluation techniques."

Cannabis Update – Sunny Jones, ODA Cannabis Policy Coordinator

The ODA Cannabis Policy Coordinator position was created last year with the legalization of recreational Cannabis. ODA is involved since Cannabis is considered an agricultural product. Many other agencies are also involved:

- OLCC – recreational
- Oregon Health Authority – medical
- Department of Land Conservation and Development and local municipalities
- Water Resources Department – water rights
- DEQ – waste management
- Department of Revenue – taxes
- OSHA – worker protection

House Bill 3400 specifies Cannabis as an agricultural crop. Multiple ODA programs are involved, such as food safety (when someone wants to make a food product such as concentrates or extracts, infused butter, etc. – anything edible - they will need a food safety license). Retail facilities will fall under ODA licensing. The sale of homemade products will not be allowed, and ODA will not license domestic kitchens. The Ag Water Quality Program is involved if there are any water quality concerns.

Cannabis will be treated like any other ag crop if pesticides are used. Pesticides are registered at the federal level. However, Cannabis is not legal at the federal level, therefore, the pesticides labels do not specify Cannabis. Pesticides used for Cannabis need a broad enough label that it would cover Cannabis.

There is a Voluntary Fee for Service, for certification services, if growers would like to set up an organic-like program. Cannabis growers cannot use the USDA Organic certification because it is a federal program.

There are many challenges and opportunities since Cannabis is not legal at the federal level and there are no extension resources for the growers. The crop may be new to ODA but it is not a new industry.

ODA is working closely with other agencies to develop policies on when to issue licenses and how to do inspections. ODA is meeting and working with Colorado and Washington with cross-communication and outreach to interested parties.

When To Meet Next?