

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

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• **Food Safety General Update**

- Food Safety program staff are continuing to work 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 3,300. We have a new Program Manager that joined our food safety team in August. Additionally, we have completed training of 2 recently hired food safety inspectors. We are in the process of hiring two additional inspectors to fill gaps in the Portland metro area. We will be posting an additional manager position that will return our program to full staffing levels.

• **Retail and Manufactured Foods**

- Reusable food containers in retail food stores is an issue that we are working to address through a rule making process. We worked with our industry and community partners to develop rules that will provide a pathway to the safe and sanitary reuse of containers in our retail food establishments. Participation in the reusable food container regulations as written is optional for interested businesses.
- Negotiations around the next round of FDA contract work was completed with slight reduction of contract inspections.

• **Dairy Program**

- Milk volumes continue to increase, but on average we have been losing 1 dairy farm every month. We are seeing continued stability on the production side with some small producer/distributors focusing on local customers. Dairy farms have been investing in equipment such as Automatic Milking Installations (AMIs) and Rotary Milking Parlors due to limited labor. Dairy processing plants are also investing in new equipment such as more efficient pasteurizers and additional milk storage silos.

The agency is in the midst of amending rules associated with Somatic Cell Counts (SCC) in fluid milk products. In cows the proposed maximum 400,000/ml will enable Oregon's milk and or milk products into export markets and be competitive with our neighboring states of Idaho and Washington. Most of our producers already meet this number. Oregon's current limit for SSC is 500,000/ml. The rule change also cleans up some inconsistencies with resampling frequency and sheep milk SCC that will bring us back into line with the federal Pasteurized Milk Ordinance. We are anticipating that the amendments will take effect in mid-January of 2023.

Advocates for the legal consumption of raw milk and/or raw milk products have proposed a legislative concept for the 2023 session that will provide a pathway to license raw milk producers.

• **Shellfish Program**

- This year's shellfish and commercial crab season enjoyed a relatively uninterrupted harvest from the standpoint of naturally occurring biotoxins. We did see some bays impacted by spills from municipal water treatment systems and are working with local agencies to improve future communications. We had a new shellfish plat lease proposed in the Tillamook Bay, but the applicant has since withdrawn their application due to restrictions associated with environmental compatibility. These restrictions were imposed through the discussions with state and federal natural resource agencies and concerns highlighted by public comments.

• **State Meat Inspection**

- The State Meat Inspection program (SMI) currently has one firm that came under inspection at the end of August, which was remarkably fast. We have 5 firms that are in various stages of the application process. It is anticipated that another firm will come under inspection in January and potentially a slaughtering firm being added in March. We are closely watching the number and type of firms to ensure that our staffing is sufficient to support licensee activity.

With the recent launch of the SMI there was some confusion related to the intent of the program. Primarily, the SMI is complimentary and collaborative with the long-standing USDA meat inspection program that is run by the federal government. Our program is intended to provide an alternative that is focused on smaller-sized firms. Also, the budget for the SMI is separate from the food safety program. Both programs are

housed within the same program management area but have separate and distinct funding sources. The SMI does not use any revenue from the food safety licensing fees.

- **Animal Health**

- The program has been very busy monitoring, tracking, and preventing the spread of animal disease. The bulk of the work continues to be focused on calls from the public related to Highly Pathogenic Avian Influenza (HPAI). Oregon has not seen any impact on our commercial industry, which we have attributed to successful biosecurity protocol implementations. We have concerns that the numbers we have saw this summer were just a preview of a much more active fall as that is the traditional time that HPAI becomes more widespread. The spike is anticipated due to the return of migratory birds that have been in close contact in their Northern feeding grounds in Canada.

- **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 has hiring processes actively looking to bring in a Chemist and Microbiologist, plus two general lab technicians. The lab is also working with the State Meat inspection program and the Oregon Liquor and Cannabis Commission (OLCC) to develop testing protocols to support the industries they regulate.

Market Access & Certification Programs

Jess Paulson, Program Director; jess.paulson@oda.oregon.gov; 503-507-9313

- **Agricultural Development & Marketing**

- ADMP accompanied Assistant Director Jonathan Sandau and an agricultural trade delegation as part of the Oregon Governor Trade Mission to Korea and Japan. The delegation included members of the Oregon raspberry and blackberry, blueberry, and wine industries, as well as the OSU Food Innovation Center. The mission focused on connecting with trade partners for the first time since the pandemic began and included meetings with government officials seeking market access for frozen raspberries and blackberries in Korea and seeking a tariff reduction for frozen blueberries and expressing support for market access talks for fresh potatoes to Japan.
- ADMP participated in an USDA Agricultural Trade Mission to Kenya and Tanzania the first week of November to assess market opportunities for Oregon agriculture, foods and beverages.
- ADMP disbursed the initial Oregon Meat Grant awards. Recipients must demonstrate progress toward completion for final disbursement by June 30, 2023 and must fully expend all funds by December 31, 2023.
- The Director of Agriculture appointed the first Hemp Commissioners at the end of September 2022. The Commission has scheduled regular meetings to determine key operations that will lead to an initial assessment of hemp in April 2023.
 - The commissioners are Chairman Miles McCoy (public member), Alan Cleaver (Umatilla), Phillippe Thullier (Washington), Seth Crawford (Polk), Chris Sullivan (Crook), Paul Murdoch (Jackson), Mike Noonan (Jackson), and Erick Pike (Jackson).
- ADMP hosted inbound missions from the Taiwan Wheat Association, Japanese buyers, and Mexican potato industry members. We also participated in a joint food and wine mission to Montreal and Toronto and assisted buyers from Taiwan and the Philippines.
- ADMP began airing television messages in October as part of a promotion for local agriculture. October was Farmers Market Month. The next promotions will air after the election and will focus on autumn and winter seasonal products. The call to action is to visit the website OregonTaste.com to locate and support local agriculture.
- ADMP disbursed more than \$1 million in federal funds to seafood processors to reimburse for eligible expenses related to COVID-19. More than \$400,000 in funding remains, and ADMP will work with industry members to identify any additional eligible expenses for reimbursement.
- More than 44 vendors attended Local Link, a trade show for local food services who supply public schools, hospitals, universities, and other institutional buyers. Local Link was attended by 60 buyers.
- ADMP has awarded \$200,000 in Farm to School Equipment and Infrastructure Grants to help producers and food businesses overcome financial barriers to enter or expand school markets.

- **Certification Programs**

- The Certification Program are continuing audits across the state. Weather has delayed harvest on outdoor growing operations which has delayed audits. Auditors are maintained in all Shipping Point Districts across the state. The U.S. Department of Agriculture has increased their auditing fees which mandates the program

increase their fees for Good Agricultural Practice (GAP) audits to \$132/hour from \$115/hour. Fees for Organic audits have not changed.

- **Produce Safety**
 - Produce Safety has held multiple listening sessions for growers across the state to gauge perspectives on taking on a regulatory program. The team has started the Produce Safety Alliance Grower Training classes for the Fall season. Produce Safety is also out on farms across the state offering free technical assistance visits to growers.
- **Plant Health Program**
 - Field inspections are nearly finished. The Plant Health program inspected nearly 18,000 acres for over 30 different seed crops destined for export. These crops are grown all over the state. The Plant Health program works collaboratively with Shipping Point inspection staff to ensure that all fields are inspected.
 - Plant Health program staff collected over 1800 samples as part of the PPA 7721 funded project to survey for the pathogens that cause Little Cherry Disease. Samples are currently being tested by the OSU Plant Clinic as part of this collaborative project.
 - The Plant Health program has worked with grape industry stakeholders to update the standards for Oregon's grape certification program. The program is currently working with interested nurseries to assist them in meeting the updated standard for the 2023 shipping season.
- **Seed Regulatory Program**
 - Please see attached letter from then Deputy Director Lauren Henderson.
- **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.
 - Transportation is also an issue for many commodities, including produce, grass seed, and hay/straw.
 - Harvest has begun; at this point, yields are below average on most crops.
- **Smoke Management Program:**
 - The program registered 15,503 on-time acres resulting in a 96% allocation (14,885 acres) for the 2022 season.
 - The season began on July 5th, 2022. Due to the cool, wet spring which delayed harvest and hot, dry weather in July, the first day of field burning was delayed until August 1. The season was extended through October 6th to provide more time for growers to burn their fields.
- **Weights and Measures Program:**
 - The program has hired 2 new field inspectors based in The Dalles and Ontario.
 - We will begin the process of servicing much of our equipment as the Holiday season sets in. This includes maintenance of our heavy capacity trucks, bulk trucks, trailers, and recertification of our field test equipment.
 - One of our inspectors retired at the end of August leaving several livestock scales untested in Harney and Malheur counties. The program responded to requests from ranchers in the region to test these scales tested by sending 2 inspectors into the region for the month of October to finish as many as was possible. The inspectors were able to finish all these devices save a few of the more remotely located ones. Further testing for the year is no longer possible due to the constraints of winter weather.
 - The program is pursuing fee increases for the next biennium. We are planning to do a series of 3% license fee increases from 2023 through 2026. In 2025, we are planning to introduce an LC which will increase our statutory fee caps.
 - The program is looking replace 2 heavy capacity trucks and a laboratory mass comparator in the next biennium to replace some aging test equipment.

Natural Resource Programs

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The following updates are organized by operating process in our management system and cover all NRPA programs. In addition to the updates below, one more important activity involves filling a variety of vacant positions in the program area with limited duration and/or permanent staff. 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 these staff.

- **Fostering collaboration**
 - The Agricultural Water Quality Program (AGWQP) continues to fill positions. Don Kloft is now in place as the new Regional Water Quality Specialist in the North Willamette Valley and Coast. Amanda Robinson has been hired into a brand-new position to provide much needed capacity to implement the Strategic Implementation Area (SIA) initiative. Rob Hibbs will be welcomed in November as the new Monitoring

Specialist. Another 2 positions in the AGWQP remain to be filled. Onboarding and training all these new staff is a welcome but significant workload.

- The ODA-DEQ Memorandum of Agreement (MOA) has been improved by the incorporation of public comments from a variety of sources. The MOA will be a November agenda topic for both the Board of Agriculture and the Environmental Quality Commission. After edits are incorporated, the MOA will go to the respective agency directors for signature by the end of the calendar year.
- The AGWQP made a big push to stand up, advertise, review, approve, and commit the full \$650,000 in technical assistance grant funds available for the remainder of the biennium. These grants are intended to provide capacity to support voluntary agricultural water quality work in small watersheds and to meet the goals of the Agricultural Water Quality Management Area Plans and the SIA initiative. A total of 14 applications were received and 9 awarded. The AGWQP is already looking ahead to plan the next grant solicitation phase at the beginning of the 23-25 biennium.
- The Pesticide Program continued to work closely with Oregon State University (OSU) to increase awareness on the school Integrated Pest Management (IPM) law. In Summer of 2022, ODA investigative staff presented at OSU's School IPM Coordinator Training (School IPM Plan Coordinators are required to take six hours of IPM training each year) throughout Oregon (Eagle Point, Tualatin, Halfway, Ontario, Turner, Winston, Elmira, Helix and Gresham). Due to a large summer demand an additional event was added for November in Milwaukie and an ODA Investigator is planning to present and participate at the event. In addition, the Pesticide Program plans to meet with Oregon Department of Education and OSU in December to further discuss this past year plus continue to look for areas of outreach that need emphasis in 2023 and other areas for collaboration.
- During late summer, ODA, OSU, hemp growers and other Agency partners sat down (virtually) to talk about the issues being faced by hemp growers with the unique processes they use and potential pesticide issues. From the discussion the Pesticide Enforcement Program will continue to conduct outreach to the growers on how to file a complaint if a pesticide misuse concern arises.
- In October a large portion of the Pesticide Enforcement Program will participate in an EPA Basic Inspector Training with other area EPA Region 10 programs (Idaho, Washington, and Alaska). Helping to continue collaborations with neighboring states and building the program's knowledge as the program continues to onboard new team members.
- The Fertilizer program participated in the National Fertilizer Administrators Seminar (AAPFCO) Participation in AAPFCO helps to ensure consistence in regulatory standards and approaches across states allowing for strong collaboration between states and increase customer service to product registrants due to consistency.
- **Permits, Registrations, and Notifications**
 - The Agricultural Drainage Channel Maintenance (ADCM) Program now has 5 completed notices posted on its webpage. Education and outreach continues, with an estimated 530 contacts made through 39 events. Notably, a recent educational event was held in collaboration with the Tualatin Soil and Water Conservation District. The program focus will switch from the Willamette Valley in 2022 to southern Oregon in 2023 as this region becomes eligible to submit notices.
 - Two applications for permits to conduct weather modification operations in Klamath and Curry Counties were received and processed in a timely manner. These were the first applications received in many decades. The weather modification permit application process required the AGWQP to hold two public hearings and issue decisions within 30 days of receiving the permit applications. The permit applications were denied.
 - ODA has increased the fee to register a pesticide product beginning for calendar year 2023 registrations. The increase was adopted through the public rulemaking process. The amended Oregon Administrative Rule (OAR) 603-057-0006, effective Sept. 21, 2022, increases the annual current fee from \$320 per-product to a fee of \$360 per product, beginning for calendar year 2023 registrations. The amended rule also makes the fee nonrefundable beginning with 2023 pesticide product registrations. House Bill 3549 (2015) increased the statutory maximum for annual pesticide registration fees to \$400 to help fund staffing increases in the Pesticides Program that were also established in the legislation. ODA determined that the maximum authorized amount is not needed to maintain current service levels at this time. However, the fee is now nonrefundable, to increase efficiencies and reduce agency time spent on noncompliant registration applications.
 - ODA is also preparing to move forward with the rulemaking process to implement two new bills. Changes in federal regulations and feedback from pesticide applicators led ODA to develop two legislative concepts for consideration by the Oregon Legislature in 2021 and 2022, which resulted in the enactment of two bills into state law:

- House Bill 4062 (2022), which creates two new applicator license types; and
- House Bill 2031 (2021), which was required to maintain compliance with recent changes in federal regulations.

The new license types cover:

- 1) individuals (except government employees) that apply restricted use pesticides (RUP) on property they, or their employer, owns or leases for purposes other than the production of an agricultural commodity or forest crop (examples: employees of golf courses, wood treatment facilities, wineries); and
- 2) private school employees or owners that apply any pesticide to their own private school campus.

- The Confined Animal Feeding Operation (CAFO) still has not received a complete CAFO Permit application from Evergreen Ranch for a 740,000 bird one-time capacity poultry broiler facility. ODA has not Noticed this application or held a public hearing yet as the application is incomplete. Program staff participated as subject matter experts in the Senate Natural Resources and Wildfire Recover Committee Poultry CAFO Workgroup. It remains to be seen what if any proposed legislation comes out of this workgroup in the upcoming legislative session.

- **Providing Compliance and Technical Assistance**

- The AGWQP has continued to advance work in Strategic Implementation Areas around the state, holding multiple Open Houses to communicate the goals, plans, and rules for clean water on agricultural lands. Some of these in-person Open Houses were repeats of virtual, pandemic events that didn't have the desired public engagement outcomes. A recent AGWQP field tour in the Lower Umatilla Basin Groundwater Management Area helped to train staff on groundwater issues and facilitate exchange between staff, agricultural producers, the conservation community, and the local community.
- All Pesticide Program staff are continuing to answer technical questions from the public on licensing requirements, label interpretations, school IPM law, and other pesticide related questions. During Fall of 2022, Pesticide Program staff wrote outreach articles and published its Fall 2022 newsletter.
- The Pesticide Program has also begin giving a number of presentations at applicator re-certification courses to a wide variety of audiences (e.g. forestry, agriculture, weed control, aerial applicators, urban landscape professionals, right of way management, etc.). These presentations will continue throughout the winter.
- The Soil Health Program was not awarded the Climate Smart Agriculture grant from USDA. However, work does continue. Our Soil Health Specialist has been meeting with growers around the state to discuss soil health practices and conducting a survey to better understand the tool and resource needs of growers. Additionally, they have started the development of shot YouTube education videos for growers.

- **Conducting Inspections, Investigations & Enforcement**

- A significant amount of AGWQP compliance staff time is focused on training 4 new staff to become program inspectors. This will be welcome capacity in the future. Despite this workload, the program has been successful in meeting goals for investigation response timeliness.
- The Pesticides Program has continued to follow-up on complaints through the fall regarding possible violations of the state's Pesticide Control Act. In addition, the program continues to conduct routine marketplace inspections, record inspections of pesticide applicators and pesticide dealers. On November 1, the Program will welcome its newest Investigator filling a position that became vacant in Summer of 2022.
- The Pesticides Enforcement Program Area has made significant progress in reducing its enforcement case backlog (i.e. cases not in the investigation phase, but are in the review/enforcement phase). The additional Enforcement Case Reviewer to the Program from OLCC cannabis funds has helped tremendously. The Program is hoping this position becomes permanent in the 2023 Session to help ensure the program does not face a large backlog into the future.
- The Confined Animal Feeding Operation (CAFO) continues to perform inspections of permitted facilities.

- **Providing Customer Support and Resolving Inquiries**

- Both the AGWQ and CAFO programs have received and responded to multiple inquiries from the Environmental Protection Agency and the media regarding work completed in support of the Lower Umatilla Basin Groundwater Management Area.
- The Pesticides Enforcement Program Area continued to receive and fulfill a number of public records requests in a very 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.
- The CAFO program continues to get lots of interest in the form of public records requests related to permits and permit compliance. This takes significant staff time review the request, collect the data, and review it for completeness and remove any confidential information prior to release.

Plant Protection & Conservation Programs

Chris Benemann, Interim Program Director; chris.benemann@oda.oregon.gov; 503-986-4636

• Insect Pest Prevention and Management Program (IPPM)

- Cody Holthouse was hired as the new manager of the IPPM program in August. IPPM is the largest program in the program area- with around 40 permanent staff and up to 30 seasonals during the trapping season.
- ODA continues to hold a large role in the survey coordination efforts for Emerald ash borer (EAB) in the Forest Grove area. Thus far detections are primarily within the city limits with a few detections in outlying natural areas. In late September ODA hosted USDA-PPQ partners and USFS specialists for a training focused on surveying techniques and identifying biocontrol release sites. Biocontrol remains the focus of ODA's long-term plan for controlling EAB.
- ODA was approved for \$450,000 by the Emergency Board. These funds are to support work for a outreach position (1/3 time), EAB Coordinator (full-time), technicians for survey work, treatments, tree felling and marshaling yards. ODA is currently working on putting contracts together.
- Mediterranean oak borer has been detected 5 times in Oregon within the Willamette Valley (nursery and airport). ODA met with USDA to discuss detections and next steps. ODA will use available funds provided through bundled pest surveys from USDA to perform delimitation trapping.
- Spongy moth has been detected in several distinct locations in Corvallis area. ODA will conduct additional delimitation surveys at these locations.
- Grapevine mealybug has been detected at a third vineyard in Jackson County. Grapevine mealybug is included in Oregon's grapevine pest & disease quarantine. All vineyard operations have been notified and provided action measures and treatment options. Mealybugs are known vectors of viruses; several are of concern to Oregon's grapevine industry. Current trapping efforts are supported through funds granted by the Oregon Wine Board.

• Noxious Weed Control Program

- The recruitment for the Noxious Weed Control Program Manager position is open and will close November 13th.
- In September the Oregon State Weed Board held their first in person meeting in Klamath Falls since COVID. It was a good meeting that showcased weed projects from Klamath County, USFS Federal update and local OSWB Grants. ODOT Discussion on Noxious Weed Control on State Highway Rights-of-Way was a presentation that opened discussion of issues from around the state, and highlighted need for ODOT to have a State Weed Management Plan. The field tour on last day highlighted noxious weed treatment areas in Sprague River in Beatty, Maline and near Klamath Falls.
- ODA is currently recruiting to fill three Oregon State Weed Board positions. Two Weed Board positions for a resident of the state west of the Cascade Mountains. One- Weed Board position for a resident of the state east of the Cascade Mountains.
- ODA is looking for people that are residents of Oregon, with an interest in noxious weeds and protecting Oregon's natural resources and agricultural economy. The term of the board positions is 4 years. The Oregon State Weed Board meets twice a year, usually in the summer and in February for Oregon State Weed Board Grant reviews, grant awards, and updates in the state weed list. Applications are due by November 30, 2022
- Noxious Weed Program staff are wrapping up fall noxious weed treatments, project treatments that include both public and private lands. These projects are protecting Oregon natural resources.
- The new 2023 Oregon State Weed Board Grants cycles are open and will close December 15, 2022. Tristen Berg ODA Noxious Weed Grant Coordinator has been busy preparing new grant cycle in addition to grant reporting for 2022 grants. Tristen and ODA Noxious Weed Regional staff will be busy working with grantees on new grant proposals.
- Program staff coordinated with grantees completed more project monitoring in Central and Southern Oregon. Great work is being done around the state with noxious weed control. Monitoring is valuable for verifying the completion and efficacy of noxious weed projects. It also allows for increased communication and planning for future projects between ODA staff and our stakeholders. Perfect timing with new grant cycle open.
- ODA Noxious Weed staff have been busy planning for the Oregon Interagency Noxious Weed Symposium, December 6 – 8, 2022 in Corvallis.

• Nursery and Christmas Tree Program

- The *Phytophthora ramorum* Program began fall compliance inspections in early October. At the time of this report, five nurseries have been inspected. One interstate nursery was confirmed positive for *P. ramorum*. No traceback investigations were necessary as the plants had been on site for several years.

The Confirmed Nursery Protocol (CNP)/delimitation survey has been completed with results pending. One interstate nursery completed its sixth consecutive inspection with negative results, thus it will be released from the program. The nursery was first confirmed positive in 2004.

- A Boxwood Blight stakeholder meeting is being scheduled in October 2022 and ODA nursery inspector Andriy Hos presented on the newly revised Boxwood Cleanliness Program. Using guidance from OSU Extension and USDA-ARS, ODA bolstered the existing program with the intent of creating a program that will guide growers who are truly committed to growing clean boxwood. Nurseries must go through a pre-audit inspection to determine eligibility. After these initial inspections, eight nurseries have undergone formal audits and are now enrolled in the program. In the previous version, there were over 40 nurseries.
- Christmas tree inspections have been underway, and shipping has begun for some shippers already.
- Inspectors have observed mass dieback of Noble firs in some areas. Without a local resource for Christmas tree Specialist, ODA reached out the Christmas tree Specialist with Washington State University Extension, Gary Chastanger. Gary has agreed to visit Oregon Christmas tree farms to help determine the issues.
- Chal Langdren, Christmas Tree Specialist with OSU Extension, has retired. OSU has not indicated that this position will be refilled. This is of grave concern for the Christmas Tree industry in Oregon.
- In conjunction with the Plant Health Program, the Grapevine Certification Program is also going under a revision. The intent is to strengthen oversight of participating growers to ensure clean grapevine nursery stock that aligns with the standards of the Clean Plant Network and other certification programs. Plant Health hosted a webinar for current grape growers in September.
- **Hemp Program**
 - Summer Inspections: The hemp program conducted its HB3000 presumptive testing for the 2022 hemp growing season. This was like Operation Table Rock that was conducted in 2021. Unlike Operation Table Rock, these inspections occurred throughout the State, with inspection conducted at approximately 50% of the licensed growers. Preliminary data indicates that there was a significant reduction in the number of failed tests and less than 10% of the sites were suspected to be using a hemp license as cover for an illegal marijuana operation.
 - Handler Inspections: The department is developing inspection protocols to begin inspections of handler licensees in 2023. Handlers have not been previously inspected, so the inspectors will conduct a series of informal visits to become familiar with this aspect of the industry. The visits will be used to form a consistent set of inspection protocols.
 - Handler Licensing: The current definition of a handler is limited to those businesses that receives raw hemp from a licensed grower and perform a processing operation. The definition has been expanded to include any business that performs further processing activities up to the point where the hemp product is in a retail ready form. Under the current definition, if a business converted raw hemp into an oil concentrate that business would be required to have a handler license. A business that purchases that oil to make a CBD gummy would not need a license. Under the new definition, the secondary handler would be required to obtain a handler's license. The secondary handler definition does not apply to grain or fiber producers.
- **Oregon Invasive Species Council**
 - OISC held their fall meeting in Salem at the ODFW headquarters in Salem. ODA and ODF presented an overview of the EAB efforts in Oregon. Among other topics discussed: green crab, continued outreach efforts utilizing an invasive species HUB feature that is in development, and feral swine. ODFW reports that feral swine populations can be considered eradicated in Oregon as of 2022.
 - The MOU between ODA and OISC has been fully executed. The MOU clearly defines ODA's role as the fiscal agency for OISC. This was a lengthy process that took many personnel hours across ODA, OISC and DOJ.
- **Native Plant Conservation Program**
 - Work has started in earnest on updating the state list of threatened and endangered plants. There are currently 59 administratively protected plant species in the state of Oregon, and at least 77 candidate species. Our program is undertaking a long-term project by reviewing and updating population data, analyzing, and modeling trends, and seeking expert input.
 - We are currently working with the Oregon Department of Energy and Baker County on permitting and consulting in regard to proposed development in rare plant habitat.
 - Now that the rainy season has started, our team has several projects that will take us into the field in October and November to augment existing populations of rare plant species – including rough popcorn flower in the Roseburg area, Lawrence's milkvetch in Umatilla county, and Peck's milkvetch in Deschutes county.
 - We are making several important updates to our data collection and management strategy, including streamlining our GIS protocols, and updating our GIS workflow.

- We are drafting reports for our federal partners for work performed on threatened and endangered species throughout the state, including species such as Gentner's fritillary in the Grants Pass/Medford area, Applegate's milkvetch in Klamath Falls, and Macfarelane's four o'clock outside of Enterprise, OR.
- We have several important propagation research projects underway in our greenhouse facility at Oregon State University, including research on soft blazing star and Owyhee clover – two extremely rare plants endemic to the remote Owyhee Uplands of eastern Malheur and Owyhee Counties.
- Finally, we are coordinating and drafting agreements with state, local, and federal partners throughout the state.

Administration/Special Projects

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- **Wolf Depredation Grant**

- ODA applied to the US Department of Fish and Wildlife for continued depredation and prevention monies to help support the Oregon Wolf Depredation Grant. We do not yet know if we are receiving the grant, nor do we know how much the grant will be for if it is awarded to ODA. Contact: Sunny Summers



**OREGON
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Date: August 5, 2022

To: All Parties to the 2022 State-Supervised Grass Seed Price Negotiations

From: Lauren Henderson, Deputy Director, Oregon Department of Agriculture

A handwritten signature in black ink, appearing to read "Lauren Henderson".

Subject: 2022 State-Supervised Grass Seed Price Negotiations

The Department actively supervises price negotiations that occur as part of its regulatory program authorized in ORS 62.015, ORS 646.736, ORS 646.535, ORS 646.738, ORS 646.740, OAR 603-076-0005, and OAR 603-076-0016. As part of its supervisory role for grass seed negotiations, the Department has developed, and required all Parties to sign, a pre-negotiation agreement. That agreement requires Parties to negotiate in good faith, comply with applicable statutes and regulations, assure that discussions during the negotiation process remain confidential, and assure that the integrity of the process remains intact.

The Department has information that Parties to the 2022 state-supervised negotiations for grass seed breached the terms of the pre-negotiation agreement and engaged in conduct that is not in compliance with the provisions of ORS 62.015, ORS 646.736, ORS 646.535, ORS 646.738, ORS 646.740, OAR 603-076-0005, and/or OAR 603-076-0016.

This letter provides notice to all Parties who participated in the 2022 state-supervised negotiations for grass seed that, as part of its active supervisory role and its authority to compel action necessary to ensure that Parties are engaging in authorized conduct and that the policies of the state are being fulfilled under the regulatory program, the Department is terminating the 2022 state-supervised price negotiations for grass seed. The Department's termination decision is subject to review as provided in ORS 183.484.

Under ORS 646.738(2)(d)(B), the Department orders the Parties to decline from engaging in any further conduct that would violate the pre-negotiation agreement or contravene the requirements of the federal antitrust laws and the Oregon Antitrust Act or any other applicable law. The Department does not consider any conduct or discussions that occur after the date of this notice to be conduct actively supervised or part of a state regulatory program. Conduct will remain subject to state and federal antitrust and competition laws.