

Date: November 3, 2023
To: State Board of Agriculture members
From: Karla Valness, Special Assistant to the Director
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2024.

Proposed action: Preview Presentations for Active Resolutions under review and discussion in 2024*
Proposed action: Establish workgroup to review the following active resolutions

Resolution	Title	Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann, Jess Paulson Board members: To be established
024	Pesticide Use for Pest Control	
169	Need for Documented Agricultural Work Force	
266	Collective Bargaining for Agricultural Workers and Employers	
274	Collaboration of the Board of Agriculture and the Department of Agriculture with the Oregon Watershed Enhancement Board	
316	Federal Minimum Wage Parity	

Proposed action: Preview Presentations for Active Resolutions under review and discussion in 2024*
Proposed action: Establish workgroup to review the following active resolutions

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Rusty Rock Board members: To be established
298	Coexistence of wolves and livestock on Oregon’s rural landscape	
314	Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland	
315	Working Lands Conservation Easements	

* The State Board of Agriculture will be accepting public comment on these resolutions during public comment opportunities listed on the board agenda beginning at the 2024 Q1 meeting.

For a list of State Board of Agriculture Resolutions go to: <https://oda.direct/BOAResolutions>

Oregon State Board of Agriculture Resolution	
Title: Pesticide Use for Pest Control	Number: 024 Effective Date: 01/20/2021
Workgroup A: Harper, Miller, Raymond, Santamaria ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 05/11/1978
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Pesticides are used in agricultural production systems to control pests, including weeds, insect and vertebrate pests, and disease. Pesticides are regulated at the national level by the U.S. Environmental Protection Agency, using the authorities provided in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA includes provisions requiring extensive study and scientific review of a pesticide before it may be registered and approved for use, sale, and distribution.

Pesticides are one of many tools that can be used to control pests as part of an Integrated Pest Management (IPM) approach. IPM focuses on pest prevention, including establishing pest thresholds, scouting and monitoring, and using alternate methods to prevent pests such as mechanical and cultural controls, before pesticides are used. IPM ensures that pesticides are used to control pests only when needed.

Integrated pest management is used widely in agricultural production systems and in residential, institutional, natural resource, and industrial settings. It is a part of core pesticide training curriculum for state licensing and certification of pesticide users.

Resolution

The State Board of Agriculture supports the need of agriculture to control pests using pesticide chemicals as part of an integrated approach to pest management.

The State Board of Agriculture adopts the position that when pesticides used in agriculture are applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), then the public and the environment are protected from harmful or adverse effects as required by federal law.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Need for Documented Agricultural Work Force	Number: 169 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 05/21/1999
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas, Oregon agriculture’s farmgate value is over \$5 billion dollars;

Whereas, Oregon agriculture is the third largest economic sector in the state;

Whereas Oregon farmers, ranchers, fishermen and processors need a reliable, qualified, and legal workforce to raise, harvest, and process over 225 different agricultural commodities produced in Oregon;

Whereas foreign-born workers comprise a significant portion of the Oregon agriculture and food processing workforce;

Whereas finding skilled, qualified agricultural labor is a growing challenge for Oregon’s farmers, ranchers, fishermen and food processors, as well as nationwide;

Whereas when domestic workers are not available, agriculturalists should have access to a guest farmworker program to ensure the continued production of locally grown, harvested and processed Oregon agricultural commodities.

Resolution

Be it resolved that the State Board of Agriculture supports the introduction of immigration laws that create a path forward for existing agricultural workers in the United States to obtain legal documentation. Be it further resolved that the Board strongly recommends to Congress that modifications be made to existing laws, particularly the H-2A Temporary Agricultural Workers Program, so all agricultural sectors have the opportunity to secure a qualified workforce.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Collective Bargaining for Agricultural Workers and Employers	Number: 266 Effective Date: 05/19/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 05/19/2021 Original Resolution Date: 03/17/2005
Board Chair: Bryan Harper, Vice-Chair	Signature on file

Proposed action: Active Resolution under review

Background

WHEREAS, employees’ rights to form or join a union should continue to be protected by federal and state laws;

WHEREAS, neither federal nor state law provide for collective bargaining rules and regulations for Oregon farm workers and Oregon farm employers;

WHEREAS, the Oregon State Board of Agriculture does not believe that this represents a free and fair process to determine whether or not a majority of workers support forming a union;

WHEREAS, Oregon agricultural employers have for many years supported the establishment of Oregon law that would enable equitable rules and regulations to control collective bargaining for Oregon farm workers and their employers;

WHEREAS, it is in the best interest of Oregon agriculture to ensure a fair process for collective bargaining including the rights of employers to communicate freely with employees about the effects of unionization in the workplace.

WHEREAS, the bargaining process is free of coercion to ensure a fair process for all parties involved, such as the use of secret ballot elections as the means to determine whether employees want to be represented by a union.

Resolution

Be it resolved that the Oregon State Board of Agriculture supports extending collective bargaining protections to Oregon agriculture.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Collaboration of the Board of Agriculture and the Department of Agriculture with the Oregon Watershed Enhancement Board	Number: 274 Effective Date: 01/20/2021
Workgroup A: Harper, Miller, Raymond, Santamaria ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 03/02/2006
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

The Oregon Watershed Enhancement Board (OWEB) provides grants to protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies. OWEB works closely with federal, state, and local partners to ensure that priorities for funding reflect partner needs and priorities, including water quality, fish and wildlife habitat, environmental justice, and community development.

OWEB, the Board of Agriculture and ODA have a history of collaboration, both at the Board and agency level. A Board of Agriculture member serves as a voting member on the OWEB board. The two agencies collaborate to administer grants for weed control and local partner capacity. ODA staff provide input into OWEB funding priorities and grant funding decisions. OWEB grants support ag water quality plan implementation, developing and maintaining fish and wildlife habitat as well as noxious weed control.

Most recently, OWEB and ODA have worked closely with DEQ and ODFW in Coordinated Streamside Management. This partnership supports strategic work in small watersheds throughout the state to ensure compliance with agricultural water quality rules and pursue attaining the state's water quality goals.

Both agencies recognize the critical role that local partner organizations such as SWCDs play in achieving the state's water quality goals. SWCDs have been key local partners in Coordinated Streamside Management and OWEB has provided significant support for their efforts. Many SWCDs act as county weed control boards and noxious weed grants support SWCD organizational growth and development as well as noxious weed eradication.

The collaboration has allowed each agency to focus on what it does best - ODA has relied on OWEB's grant administration expertise and has transitioned more grant administration and institutional capacity support responsibility to OWEB over time. This has allowed ODA to focus more on the agency's core work and competencies, focused on inspection, regulation, and promotion of agriculture and food.

Resolution

The Oregon State Board of Agriculture recognizes the connections between healthy watersheds, thriving communities, and strong economies.

The Board of Agriculture encourages OWEB's consideration of economic viability, social stability, and sustainable watersheds in the selection process for awarding funds for projects, particularly those associated with enhancing water quality on Oregon's agricultural lands.

The Board of Agriculture supports continued collaboration between the Board of Agriculture and the Oregon agencies through continued representation on the OWEB board, ODA staff participation in grant review teams, and other partnership efforts.

The Board of Agriculture recognizes the importance of local partners, including but not limited to Soil and Water Conservation Districts, to provide technical and financial assistance to agricultural landowners to implement local agricultural water quality management area plans.

The Board of Agriculture recognizes the importance of local partner capacity, including but limited to county noxious weed control boards and Soil and Water Conservation Districts, to provide early detection and rapid response to noxious weeds and to pursue eradication of noxious weeds that are already established.

The Board encourages both agencies to continue to collaborate to build organizational capacity among local partners, support implementation of local agricultural water quality management plans, and continue to define and differentiate each agency's respective roles and responsibilities based on each agency's areas of expertise.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Federal Minimum Wage Parity	Number: 316 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jess Paulson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 12/17/2015
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas 75 to 80 percent of the agricultural commodities produced in Oregon are sold outside of the state’s borders;

Whereas Oregon agriculture is an important industry for the state’s economy, comprising 13.2 percent of Oregon’s total sales; agriculture is 3.2% of Oregon’s GDP

Whereas Oregon agriculture’s farmgate value is over \$5 billion;

Whereas 13.8 percent of Oregon jobs are related to agriculture;

Whereas an increase in minimum wage makes it difficult to hire and support individuals seeking to gain experience in the agricultural industry when more experienced workers are also seeking employment;

Whereas an increase in minimum wage causes farmers and ranchers to increase the wage for all employees, ultimately increasing the costs of agricultural goods and services;

Whereas Oregon farmers and ranchers are in competition with other agricultural producers from across the country to sell their goods;

Whereas states with a lower minimum wage can produce agricultural goods with a lower cost of labor than Oregon farmers and ranchers thus reducing in-state and out-of-state market opportunities for Oregon’s farmers and ranchers.

Resolution

Be it resolved, that the Oregon State Board of Agriculture supports a federal minimum wage parity to enable Oregon’s farmers and ranchers to be competitive with their out-of-state counterparts as they grow, process, and harvest agricultural goods for the local, domestic, and international markets.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Coexistence of wolves and livestock on Oregon's rural landscape	Number: 298 Effective Date: 1/20/2021
Workgroup A: Harper, Miller, Raymond, Santamaria ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2024 Date of Last Review/Revision: 1/20/2021 Original Resolution Date: 03/10/2011
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas Oregon's livestock producers are major contributors to Oregon's economy and culture;

Whereas Oregon's farmlands and ranchlands provide important wildlife habitat;

Whereas wolf re-colonization is subject to management and control by the State of Oregon and U.S. Fish and Wildlife;

Whereas Oregon's livestock producers endure losses and damage from wildlife, including predation by wolves;

Whereas Oregon's livestock producers have concern for the safety of their families and employees as it relates to the proximity of wolves to the livestock;

Whereas Oregon's livestock producers' goal is to manage the wolf population, not eliminate wolves in Oregon;

Whereas livestock predation and other management costs are caused by wolves and will continue to increase as wolf numbers and distribution increase;

Whereas nonlethal wolf deterrent techniques, such as range riders and bone pile removal, are effective in preventing wolf predation in some, but not all, circumstances;

Where the Wolf Depredation Compensation and Financial Assistance Grant Program provides important financial assistance to livestock producers who experience livestock loss and/or implement nonlethal wolf deterrent techniques;

Whereas wolf management is subject to different management and control standards than other predators, due to their protected status;

Whereas livestock producers have unaddressed and unresolved concerns regarding wolf recovery and management;

Whereas plain, certain, and science-based rules; consistent policy, procedures, and standards are necessary to address livestock predation by wolves in Oregon;

Whereas the relationship between the State of Oregon and its livestock producers is stressed as a result of wolf management;

Whereas the Oregon Department of Agriculture and the State Board of Agriculture represents Oregon's livestock producers and supports the livestock industry;

Resolution

Now, therefore, be it resolved that the Oregon State Board of Agriculture acknowledges the economic importance of the livestock industry in Oregon. The Oregon State Board of Agriculture supports, recommends, and encourages the implementation of plain, certain, and science-based rules; consistent policy, procedures, and standards that are necessary to address livestock predation by wolves in Oregon. The Oregon State Board of Agriculture supports the use of nonlethal wolf deterrent techniques when appropriate and effective, and also supports policies that authorize Oregon's livestock producers and their agents to use immediate lethal control when necessary to prevent livestock predation by wolves or those in the process of or attempting to kill any livestock according to the Oregon Wolf Conservation and Management Plan. The Oregon State Board of Agriculture also supports and encourages full funding for the Wolf Depredation Compensation and Financial Assistance Grant Program.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Permitted Uses on Lands Zoned Exclusive Farm Use and on High-Value Farmland	Number: 314 Effective Date: 05/19/2021
Work group B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 05/19/2021 Original Resolution Date: 12/04/2014
Board Chair: Bryan Harper, Vice-Chair	Signature on file

Proposed action: Active Resolution under review

Background

Whereas in 1973 Oregon’s unique land use planning law was enacted to protect farm land by establishing exclusive farm use zones (EFUs);

Whereas since the law was enacted, the number of land uses permitted in EFUs has risen from the original five established by state law to over fifty;

Whereas an increasing number of nonfarm land uses and related activities present compatibility issues with farming practices and have implications for rural infrastructure and services, and such nonfarm uses are being permitted on lands zoned EFU and approved without adequate consideration of compatibility with surrounding farm practices;

Whereas conversion of agricultural lands into nonfarm uses such as aggregate mining, development of wetlands, public and private parks and other recreational uses, schools, energy generation and transmission facilities, landfills, and urban infrastructure such as sewer and water treatment facilities has serious implications for the future of Oregon agriculture;

Whereas litigation is increasingly being used to define otherwise undefined land uses within EFU’s;

Whereas high-value agricultural soils compose less than 8% of Oregon’s total lands and less than 6% of the lands located outside of urban growth boundaries that are designated for agricultural use under state land use planning goals;

Whereas the total area of irrigated, harvested cropland in the state comprises 10.4% of the total land in farms yet accounts for 39.3% of the total market value of agricultural products sold;

Whereas irrigation and the necessary delivery infrastructure is key to maintaining and growing the state’s agricultural industry;

Whereas no comprehensive statewide policy guidance has been provided regarding the increasing amount of nonfarm development within exclusive farm use zones (EFUs) on agricultural lands:

Resolution

Be it resolved, the Oregon State Board of Agriculture supports siting of nonfarm uses on high value agricultural land only upon a determination that the proposed nonfarm use does not adversely impact or can be mitigated to not adversely impact farming operations in the area;

Be it resolved that the Board recommends that a comprehensive analysis of the impacts of nonfarm development within the exclusive farm use zone on agricultural lands be conducted to include:

1. A reexamination of land uses currently permitted within EFUs with the goal of reducing those permitted uses, and determining which land uses should be permitted outright versus those that should be permitted subject to land use review;
2. Establishing review criteria to evaluate the compatibility of nonfarm land uses with farm uses in surrounding areas;
3. Better definition of what nonfarm land uses include;
4. Establishing land use regulations that provide for the recognition of high value agricultural areas, potentially including areas that currently are not considered to be high-value farmland under Oregon land use law and establishing requirements that provide a greater degree of protection for identified areas;
5. include an analysis of the cumulative impact of the approval and location of all nonfarm uses on lands zoned exclusive farm use. Such an evaluation should include analysis related to the conversion of agricultural lands, and the implications of conflicts created by nonfarm land uses on the short and long-term ability of surrounding farm and ranches to operate efficiently and effectively.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Working Lands Conservation Easements	Number: 315 Effective Date: 01/20/2021
Workgroup B: Boyer, Hallock, Johnson, Zielinski ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2024 Date of Last Review/Revision: 01/20/2021 Original Resolution Date: 04/30/2015
Board Chair: Stephanie Hallock	Signature on file

Proposed action: Active Resolution under review

Background

Whereas, agricultural land is a finite natural resource that is threatened in Oregon by increasing urban expansion and by the cumulative conversion by nonfarm land uses.

Whereas, Oregon’s Statewide Planning Program has provided substantial protection to agricultural lands from development since its establishment in 1973 yet according to Oregon Department of Forestry data, between 1984 and 2009, approximately 147,000 acres of farm and rangeland was converted to nonfarm development. Continued threats to the conversion of agricultural land include expansion of urban growth areas and the cumulative impacts to agricultural lands from nonfarm uses authorized by exclusive farm use zoning.

Whereas, there is increasing interest from farmers, ranchers, land trusts and soil and water conservation districts in the use of working lands easements to *compliment* the statewide planning program to protect working agricultural lands from conversion.

Whereas, there is increasing concern about the succession of farmland to the next generation of farmers and ranchers and working lands easements can provide a tool that can help facilitate effective land succession.

Whereas, the use of working lands easements is voluntary, keeps land in private ownership and on the tax rolls.

Whereas, working lands easements can provide landowners with various financial incentives such as federal and state tax deductions, estate tax benefits and purchase of easement values.

Whereas, the U.S. Department of Agriculture has established a working lands easement program known as the Agricultural Conservation Easement Program (ACEP) that provides funding to states for acquisition for working lands easements. The ACEP program requires matching funds from a local source.

Whereas, there still is concern expressed by many farmers and ranchers as to who would be the best holder of an easement involving working agricultural lands. Entities with a history of working with farmers and ranchers to maintain viable agricultural operations are preferable in many cases. This has led several soil and water conservation districts to become active in promoting the use of easements either by the district itself or by another agency or nonprofit organization with funding support from the subject district. There is increasing interest in examining the ability of the Department of Agriculture to become an active player in the attainment and holding of agricultural lands easements.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Recognizes that the protection and conservation of active agricultural operations and the land base and associated infrastructure needed to support them is a benefit to Oregon's social, ecological and economic health.
2. Supports a focused use of conservation easements that protect working agricultural lands and complement the Oregon Statewide Planning Program. Easements should protect lands that afford the following assets:
 - a) Are or may become highly productive agricultural lands.
 - b) Are significant to a region's agricultural industry
 - c) Have the ability to conduct long-term viable commercial agricultural operations.
 - d) Are under threat of conversion from agricultural use by urban and/or other nonfarm development.
 - e) As a complement to primary protection of working agricultural lands, help facilitate the protection of other natural resources such as water quality, fish and wildlife habitat and other natural areas.
3. Encourages state government, including the Department of Agriculture, to play a more active role in understanding and protecting agricultural lands through the use of working lands conservation easements.
4. Supports the establishment of a fund in state government that could be utilized to help maintain working agricultural lands through the attainment of conservation easements.

Proposed action: Active Resolution under review