

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 continue 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 2,577.
- We are in the process of onboarding and training 3 new inspectors.
- The final rules of the updates to the Farm Direct Exemption rules (SB 507) were filed on November 29, 2023. We are shifting our focus to rulemaking related to exemptions for rabbit slaughter and processing (HB 2689), Meat Donation (SB 479), and home baking/confections exemption (SB 643).

• **Retail and Manufactured Foods**

- In 2024, We intend on updating our Retail Food Code in conjunction with OHA and in consultation with ODA's Food Safety Advisory Committee. We have signed an "undefinitized" contract with the FDA to conduct a limited amount of contract work with the start date as of September 30, 2023. We submitted the supplemental documentation to FDA on 10/30/23 to get the contract definitized and are waiting for FDA's response
- We are making on-schedule progress on our contract work, with approximately 12% of the work being completed in the first quarter (9/30/23 - 12/31/23) of contract year.

• **Dairy Program**

- In the 2023 calendar year, dairy inspections, sampling, and other critical program elements such as responding to pasteurizers broken seal notices, positive drug residue loads, consumer complaints related to food safety, and sample test results requiring enforcement actions were performed and met our state responsibilities in accordance with Oregon's Dairy rules and regulations, the Pasteurized Milk Ordinance (PMO), and the National Conference of Interstate Milk Shipments (NCIMS) program.
- State Rating officers (SROs) completed all required State rating inspections required for 2023.
- Moving into the new calendar year, we will continue to meet all PMO requirements, including enacting a new sampling schedule of collecting (4) milk and/or milk product samples within every six (6) months versus the monthly sampling we've been accustomed of doing. The reduction in dairy sampling will allow inspectors to do other much-needed work such as routine inspections at other non-dairy food establishments.

• **Shellfish and Crab Program**

- The presence of naturally occurring marine biotoxins, domoic acid is still present along the - Coast. Recreational razor clam harvesting – remains closed on the south coast. However, this closure has not affected any commercial operations. The commercial ocean crab season is underway along the Oregon coast except for the ocean offshore Clatsop County. ODA begins the first round of in-season domoic acid testing in crab from the two most southern crab zones in Oregon the week of 1/7/24. Testing of crab is required for crab landed from areas affected by shellfish biotoxin closures.
- Shellfish distributors were all inspected in December as part of the license re-certification process. Re-certification is especially important for Oregon shellfish firms wishing to ship molluscan shellfish in interstate commerce. The Food Safety Program is responsible for inspecting and certifying shellfish distributors, as well as communicating with the US FDA which firms are cleared for interstate commerce. This is an important function that allows Oregon shellfish firms to ship throughout the US as well as Canada and select international markets.

• **State Meat Inspection**

- 2023 was an exciting year for the State Meat Inspection (SMI) program. A \$9 Million grant by the legislature for firms wanting to apply for funding will add new facilities wanting to operate under the SMI Program. By February 2024, we are projected to have 5 firms operating under the SMI program while we continue to get multiple inquiries every week from firms who are interested in joining the SMI Program. With a staff of two; one (1) SMI Specialist and one (1)

field staff (excluding Management and State Veterinarians), we are looking at ways of hiring additional field staff as the program continues to grow with new meat facilities.

- **House Bill 2689**, which provides licensing exemption for a person slaughtering not more than 1,000 rabbits for use as human food and **Senate Bill 479**, which aims to help food banks and other non-profit organizations in rural parts of the state to be able to receive donated products and/or animals are in their final draft forms and ready for the onset of the rulemaking process of adopting them into law.
- **Animal Health**
 - The program has been very busy monitoring, tracking, and preventing the spread of animal disease. The calls from the public related to Highly Pathogenic Avian Influenza (HPAI) decreased to a standstill over last Spring and Summer, but ODA confirmed a couple cases this fall in Union County.
 - The program has been investigating an atypical respiratory disease affecting Oregon dogs since last August. To date, the program has received over 200 case reports from veterinarians, with over 100 of those cases meeting the case criteria that ODA established for this atypical syndrome. ODA veterinarians have also received reports from several other states, including Washington, Idaho, California, Montana, Colorado, Illinois, and Indiana of similar cases occurring in those states. To date, the cause of these illnesses remains unknown, but ODA veterinarians have worked with several local veterinarians to begin collecting high-quality surveillance samples to conduct whole-genome sequencing at USDA's National Veterinary Services Laboratory in hopes of finding the cause.
 - The program has some rulemaking in the works. The Animal Rescue Entity (ARE) program is working on modifications to the fee structure of the ARE program to balance the revenue and licensing costs to match the level of activity occurring at the locations. The Animal Health program is also undertaking rulemaking to update the program's rules in response to the passage of SB 57, and cleanup the Animal Health administrative rules. While no new regulations are being proposed, the program is undertaking a significant rewrite and restructuring of their rules to improve the readability of the rules and remove outdated rules/requirements.
- **Lab Services**
 - The regulatory lab continues to keep up with the testing workload provided by the various ODA programs. Filling vacant positions continues to be fluctuating due to difficulties filling Lab Tech 2 level positions and staff changes due to lab move.
 - The lab has relocated to the North Valley Complex and has shifted focus to maintaining consistent operations in the new working environment.
 - The lab continues to work with the Oregon Liquor and Cannabis Commission (OLCC) to develop a scope of work and timetable to begin testing in support of their regulated industries.

Market Access & Certification Programs

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- **Agricultural Development & Marketing (ADMP)**
 - ODA organized promotions in Canada of Hot Sauces in Toronto, Ontario in October 2023, and of Oregon cheeses and wines in Vancouver British Columbia in November 2023.
 - An Oregon delegation led by Representatives Evans and Nguyen participated in the opening ceremony of the Vietnam Foodexpo trade show in Ho Chi Minh City, November 22-25, 2023. ODA hosted a pavilion as the State of Honor that featured cheese, cranberry juice, Oregon pink shrimp, berry jams, and chocolate-covered hazelnuts. The Oregon companies that participated in the pavilion were Bambuza, Bob's Red Mill, and Dragonberry Produce.
 - ODA led a n Oregon Food and Beverage Trade Mission to Singapore and Taiwan November 29 to December 6, 2023. The Singapore portion was all about berries and featured a seminar for chefs held in collaboration with the U.S. Highbush Blueberry Council, and business to business meetings. The Taiwan portion featured a month-long restaurant promotion of blueberries, cranberries, Dungeness crab, Oregon pink shrimp, and hazelnuts. Media coverage of the promotion ran in 15 online stories.

- ODA held the first quarterly training for minority or historically underserved farmers through a grant ODA pursued with Health Care Without Harm. The training applies lessons learned in previous farm to institution efforts.
 - ODA hosted two educational webinars November 15 in partnership with WUSATA, Business Oregon, and the Oregon Wine Board on export opportunities; and on December 9 for the NW Cider Association on export opportunities in Japan in connection with their upcoming trade mission in March 2024.
 - ODA connected an initial pear shipment to the Philippines that resulted in sales for the Christmas gift-giving season in 2023.
 - The Oregon Meat Processing Capacity Building Grant application period closes January 16. The grant was funded at \$8.2 million in fiscal year 2023-2025 and is the second round of investments in meat processing in the state.
 - The week of January 22, ODA will open the Farm to School Equipment and Infrastructure Grant, which is funded at \$500,000 in fiscal year 2023-2025. This is the third round of this grant opportunity, which has funded investments for farmers to better access school lunch procurement.
- **Commodity Inspection**
 - The Commodity Inspection Program, Oregon Department of Education, Oregon FFA, and Ontario High School have partnered with USDA to launch a program training high school students in two certification audit scopes: United States Department of Agriculture Good Agricultural Practice (GAP) and Good Handling Practices (GHP). This program started this fall with 17 students. The goal is to train students in the basics of produce safety and assist students with working in the auditing field. Ontario FFA Advisor Sarah Huss and ODA's Susanna Pearlstein have been instrumental in the development of this program.
 - Price negotiations were held for Dungeness Crab on December 10-11th, 2023.
 - 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.
 - Prices have increased or are above average for most commodities. Yields and quality look to be average to above for all crops. Unseasonably warm and wet conditions in Eastern Oregon have made storage difficult.
 - Certification and Organic program audits are wrapped up for the 2023 harvest season. Staff are working on continuing education and preparing for spring audits to begin.
 - The Produce Safety program is working on updating the farm inventory. The program continues to offer free and voluntary technical assistance to farms across the state.
 - The Specialty Crop Block Grant Program is currently accepting applications for the 2024 grant cycle through January 31, 2024 at noon.
 - The Organic Cost Share Reimbursement program opened August 1st and closed December 15th, 2023. The program was funded for \$150,000 and 198 applications were received.
 - Resilient Food Systems Grant Outreach opened January 1, 2024 and closes February 29, 2024. The program is funded for \$5.8 million and aims to build resilience in the middle of the supply chain and strengthen local and regional food systems by creating new revenue streams for Oregon producers.
 - The program is in preparations for the move to the North Valley Complex which is scheduled for January 22nd-26th. All programs in CID are moving to NVC along with the Plant Health program laboratory. The lab intends to be back up and running by February 1st.
 - **Weights and Measures**
 - W&M has hired 1 new inspector to help with the Central/Easter Oregon caseload.
 - W&M is planning an all-staff conference in April - our first since the 2020 COVID-19 shutdown and a first for almost half of the inspectors attending.
 - **Motor Fuel Quality**
 - This year, ODA adopted the latest American Society for Testing and Materials (ASTM) motor fuel quality standards for gasoline, diesel, and aviation gas.
 - ODA is in the process of replacing a bench top octane analyzer. The current unit might be 20 years old and is no longer meeting operational needs.
 - **Cage-Free Eggs**

- New egg rules are in effect. We've been taking calls from businesses worried about compliance as one might expect as well as from concerned citizens worried about what this means for them.

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, we continue to have turnover across the programs and are in various stages of recruitment. 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 new staff.

- **Fostering collaboration**

- The Pesticides Program continues to work closely with Oregon State University (OSU) and Oregon Department of Education (ODE) on increasing awareness on the school Integrated Pest Management (IPM) law. During this past year ODA investigative/enforcement staff presented on the law at all ten 2023 OSU School IPM Coordinator Trainings around the state. In addition, one special project that the Pesticides Program continues to work on as time allows is to create "school IPM law modules" (basically short ~5-10 minutes, narrated PowerPoints focused on the law requirements) to post on YouTube for school IPM coordinators and other school staff. The goal is to provide short, recorded trainings so they will be able to access them all year round (e.g., refresher or say new staff start/onboarding). The first two were published on YouTube in before the summer training time. The Team is also working to have the videos available in Spanish. As the Team moves into winter they are looking to try and add more videos to the collection. The videos may be viewed at: <https://www.youtube.com/playlist?list=PLJDigT1SK-gwQBRQJHxVBy4bRkdzQk6zw> In addition, ODA, OSU, and ODE met in December to discuss the 2024 OSU trainings.
- In late November, representatives from ODA's Pesticides Program attended the EPA Region 10 (Alaska, Idaho, Oregon and Washington) Director's meeting and met with representatives from other Region 10 states that also have pesticide regulatory programs, plus representatives from universities in Region 10 states that are involved with educating applicators, to discuss current matters.
- The ODA Pesticides Program is working on a pilot project with the Hood River Pesticide Stewardship Partnership (PSP) local partner, OSU, and WSDA to deliver pre-licensing training and setup a temporary pesticide exam center to accommodate the surge in demand after the pre-licensing course. The current plan is for attendees to take both the WA and OR private applicator exams – WA currently only offers paper-based exams, and OR only offers computer-based exams. The educational material and the exams will all be delivered in Spanish.
- The AGWQP recently filled the Program Manager Position, Kevin Fenn. Kevin started working in the Agricultural Water Quality Program at Oregon Department of Agriculture on December 24, 2007. Kevin worked as the Mid Coast/Mid-Willamette Water Quality Specialist for 6 years and as the Water Quality Program's Compliance Lead for 10 years. Prior to working at ODA, Kevin worked for Soil and Water Conservation Districts implementing streamside restoration through the Conservation Reserve Enhancement Program in Washington and Douglas Counties. Kevin also has worked in fisheries with the Burns Paiute Tribe. Kevin's education was at Oregon State University was in Environmental Sociology with a focus on Natural Resource Management related to agriculture, fisheries, and forestry.
- The Water Quality Program finished the Willamette Mercury Total Maximum Daily Load (TMDL) Implementation Plan. This is the first TMDL Implementation Plan completed by the Department.
- The Water Quality Program was awarded a \$650,000 grant along with DEQ for agricultural work related to the Mercury TMDL.
- The Water Quality Program has agreed to develop TMDL Implementation Plan's within 18 months of TMDL completion and approval by the EQC. The Upper Yaquina TMDL has been completed and approved with an implementation plan due April of 2025.
- The Confined Animal Feeding Operation (CAFO) Program continues to engage with Region10 EPA drinking water and enforcement sections in quarterly meeting on ODA and partner agencies program implementation in the Lower

- Umatilla Basin Groundwater Management Area. CAFO program staff have fulfilled extensive data requests to EPA and has had additional information and programmatic review meetings with EPA staff.
- ODA and DEQ continue the efforts to collaborate to develop coordinated review and harmonization of point source NPDES and WPCF Permits jointly issued by agencies and point source NPDES and WPCF Permits issued solely by DEQ.
 - The Agriculture Drainage Channel Maintenance program completed and submitted the 2023 legislative report.
 - **Permits, Registrations, and Notifications**
 - A major piece of CAFO legislation SB 85 was passed in the 2023 legislative session and took effect upon signing. The bill makes significant changes to the CAFO permitting process some of which is; creating new definitions, requiring a preapplication consultation between applicants and relevant agencies, required water supply plan, construction approval and pre-populations inspections, creation of a nutrient application permit for producers receiving animal nutrient from a permitted CAFO and applying to land in a Ground Water Management Area, limiting exempt stock water use for new or expanding CAFOs to 12,000 gal/day. We have begun drafting rules and selecting the rules advisory committee to fully implement SB 85.
 - Due to the broad impacts of the legislation on the permitting process and the new requirements the program is pausing processing applications that are impacted until rulemaking can be completed to fully implement the legislation.
 - The last component of the chlorpyrifos rule adopted on December 15, 2020 went into effect January 1, 2024, after which point “[...] it is prohibited to use, deliver, distribute, sell, offer or expose for sale all chlorpyrifos-containing products, except when: (a) Labeled for use as, and used as, a commercial pre-plant seed treatment, or (b) Formulated as, and used as, a granular product” (OAR 603-057-0545). Developing court cases involving the EPA and chlorpyrifos do not affect these state rules, but may affect individual chlorpyrifos-containing products and how they are registered. The ODA Pesticides Program has been communicating with registrants, dealers, and applicators of the changes.
 - **Providing Compliance and Technical Assistance**
 - The AGWQP is working with partner agencies to find opportunities to adapt and improve the monitoring portion of the Strategic Implementation Area (SIA) initiative. The program has lined up four Strategic implementation Areas (SIAs) for the 2023 cycle and is looking at identifying five for the 2024 cycle. One of the new SIAs for 2024 will be in the Lower Umatilla Groundwater Management Area and will focus on ground water improvements. This is the first time that the SIA process will be adapted to look at ground water rather than surface waters. The full scope is still in development but is expected to focus on education, outreach and demonstration projects focused on irrigation practices and nutrient use efficiency.
 - New Grants are available, SIA Restoration Grants are available to both Umatilla and Morrow SWCD; primarily for improving riparian areas, such as keeping manure/fertilizer out of streams, vegetation establishment, etc. This is a pilot grant opportunity from OWEB for SWCDs who have already participated in the SIA process. Any SWCD that conducted an SIA between 2018-2022 can apply for up to \$15,000, and Districts may apply for multiple grants. Application deadline: January 17, 2024.
 - Pesticide Program staff continue to answer technical questions from the public on licensing requirements, label interpretations, school IPM law, and other pesticide related questions. As an example, the Pesticides Program conducted a training this fall to Commercial Pesticide Operators (CPOs). This training was focused on staff or owners of these companies who submit for licensing renewals for themselves and/or their staff. The training provided tips to help CPOs through the administrative requirements, so renewals go smoothly. Additionally, during this winter, the program has been conducting a number of presentations for applicator certification training courses. These training will continue into the winter. Topics that are commonly presented on are Laws and Regulations plus “Lessons Learned” presentations from Pesticide Investigators.
 - **Conducting Inspections, Investigations & Enforcement**
 - The Pesticides Program has continued to follow-up on complaints through the year to investigate possible violations of the state’s Pesticide Control Act. In addition, the program continues to conduct routine compliance monitoring to include marketplace inspections, record inspections of pesticide applicators and pesticide dealers. During the wintertime the team shifts its focus onto the routine compliance monitoring inspection work as the number of complaint-based cases reduces. The Pesticides Enforcement Program also continues to keep a focus on its Enforcement case load to help prevent any backlogs into the future after making significant progress in reducing its enforcement case backlog (i.e., cases not in the investigation phase, but are in the review/enforcement phase).

Currently cases being submitted by investigators (after an investigation was completed) are continuing to receive reviews within a short time frame (e.g., typical turnaround time for the case review step of the process is less than 60 days).

- Hiring and Onboarding continue in the Pesticides Program. The program will also be recruiting for vacant positions during this winter and spring.
- The AGWQP conducts investigations based on complaints, agency notification, and observations of concerns to address potential violations of the Agricultural Water Quality Rules. There are 91 active investigations including 48 that were initiated in 2023. The investigations include follow-ups until properties are in compliance with Agricultural Water Quality Rules.
- **Providing Customer Support and Resolving Inquiries**
 - The Pesticides Enforcement Program Area continued to receive and fulfill a number of public records requests in a 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 Pesticides Program continues to work on increasing the number of outreach materials available in Spanish. For example, most recently the Pesticide Enforcement Program posted its first school IPM module on YouTube for school IPM coordinators and other school staff in Spanish.
- Both the AGWQ and CAFO programs have continued to receive and respond to inquiries from the Environmental Protection Agency and the media regarding work completed in support of the Lower Umatilla Basin Groundwater Management Area (LUB GWMA). The AGWQP is working in collaboration with local the Umatilla and Morrow Soil and Water Conservation Districts to ensure consistent tracking and reporting of actions completed in support of the 2020 LUB GWMA Action Plan.

Plant Protection & Conservation Programs

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- **Hemp Program**
 - Staff Changes: Program manager, Alan Hanson, left the ODA at the end of December. Chris Benemann will serve as interim manager until the position has been filled.
 - Submitted end of year report to fulfill USDA reporting requirements.
 - Staff are working on wrapping up remaining case files from 2023.
- **Insect Pest Prevention and Management Program (IPPM)**
 - Closed the first cycle of the Oregon State Control Area against Emerald ash borer (EAB) is now a permanent rule. Outreach is ongoing. The rule will now impact growers of olive who may seek to move olive plants from outside a quarantined area. To date Washington County is still the only quarantined county in Oregon.
 - Report writing for federally funded projects is ongoing.
 - Mediterranean oak borer (MOB) interagency working group continues to meet regularly. ODA has received ~\$200k from USFS to implement statewide survey.
 - Preparation for 2024 field season is ongoing.
- **Native Plant Conservation Program**
 - New hire: A new greenhouse technician has successfully integrated into the team and has already been a valuable contributor on numerous projects.
 - State list review process is underway. Tribal consultations are currently ongoing, and the Technical Advisory Committee will meet soon to discuss candidate species. This round of the state list review will include six species, all of which are currently unlisted.
 - Oregon Native Seed Strategy development and implementation continues, seeking funds from HB3409 to augment efforts. The novel strategy addresses currently unmet needs for reliable and appropriate sources of native seed.
- **Noxious Weed Control Program**
 - Weed Board Grant cycle for the 23-25 biennium. There were a record number of applications as well as a record number of total funds requested.

- Submitted a request to pursue a Rangeland Resilience Initiative partnership with NRCS that will leverage \$360K in state funds for over \$1.7M in federal funds to address invasive annual grasses and noxious weeds. Effort will improve carbon sequestration capacity, rangeland/habitat quality and wildfire resilience.
- Participating in revisions to Western Weed Action Plan.

- **Nursery & Christmas Tree Program**

- New Hire: Kevin Bailey began as the new manager as of December 1, 2023. Kevin was previously the Shipping Point manager for the Salem region for six years. He started at ODA in 2010 as an inspector with Weights and Measures.
- In the fall of 2023, on the ground mitigation efforts began in Lincoln City, in response to the detection of Phytophthora ramorum at several residential locations and a local botanical garden. ODA contracted with local landscapers and waste removal companies. ODA trained contractors on required sanitation measures and supervised plant removal. Removed plant material was disposed of by composting at municipal facility. Additional mitigation measures taken included stump grinding to prevent re-sprouting and the laying of cedar bark chips. The Mitigation at the botanical garden was completed and residential mitigation is ongoing.

- **Oregon Invasive Species Council**

- Fall meeting was held in Newport at the OSU Marine Hatfield Research Center. Agenda included review of the spending plan for 2024 and other administrative business. Presentations included updates on the Idaho quagga mussel response, communication and response for emerald ash borer, Washington State’s Response Plan for spotted lanternfly, among others. Sam Chan of OSU will be the Chair for 2024.

Administration/Special Projects

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- **Canola**

- ODA continues to work with interested parties and Legislative members on discussions to create a program that identifies fields in the Willamette Valley Protected District involved in producing seed crops of the genus Brassica. The focus is on finding ways to address and minimize conflicts related to the production of these seed crops. A fourth meeting was held late December 2023.

- **Ag Workforce Housing Grant**

- ODA continued conversations with Oregon OSHA (OR-OSHA) about HB 2001 – Section 67. Section 67 directs ODA to provide grants to improve the health and safety conditions of existing agriculture workforce housing. The priority is for housing that will comply with changes to rules that are under consideration of the agricultural labor rulemaking advisory committee of OR-OSHA. The Legislature identified \$5,000,000 for the grant fund.