

Final ruling on canola stay expected soon

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Ron Bice checks canola seed during a recent harvest near Rickreall, Ore. Canola is one crop that biotech companies are researching to develop traits for disease resistance, drought tolerance and herbicide resistance.

The Oregon Court of Appeals is expected to rule by Aug. 31 on a temporary stay preventing canola production in the Willamette Valley.

The appellate court on Aug. 15 issued the stay pending a response from the Oregon Department of Agriculture.

Two nonprofit groups and three specialty seed companies sought the injunction to block the department from adopting a temporary rule issued Aug. 10 that opened almost 1.7 million acres in the valley to canola production.

The department had prohibited canola production in all but a sliver of the Willamette Valley since 2009.

Restrictions on the crop are in place to protect specialty seed growers from an increase in plant pests and other agronomic problems they say will be brought on by canola.

The temporary rule continues the prohibition against canola production on 2 million acres in the heart of the valley, where most of the state's specialty seed is produced.

Prospective canola producers say the rule represents a reasonable compromise that allows them to grow the crop for oilseed, yet protects the specialty seed industry.

The appellate court on Aug. 15 said it planned to issue a final ruling on the stay within a week or so of obtaining ODA's response.

Bruce Pokarney, spokesman for the ODA, said on Aug. 21 that the department has been providing information to the Oregon Department of Justice, which is representing ODA in the case.

The Department of Justice said it planned to file a response Aug. 22 or Aug. 23.

"From what we understand, a quick decision is important to parties who need to make planting decisions soon, so we are trying to expedite the process as much as possible," said Kate Medema, spokesperson for Oregon Attorney General Ellen Rosenblum.

Pokarney said the court's ruling on the stay "will have no impact on our moving forward on the proposed permanent rule," which is similar to the temporary rule.

The first public hearing on the proposed permanent rule is scheduled Sept. 28 at Cascade Hall on the Oregon State Fairgrounds, 2330 17th St. NE, beginning at 9 a.m.