

No canola this fall: Oregon Court of Appeals halts attempt to expand planting areas

By Eric Mortenson, The Oregonian

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Oregon farmers have been arguing the merits or danger of canola for a decade.

The Willamette Valley won't see expanded plantings of canola this fall. The Oregon Court of Appeals, siding with specialty seed growers and food activists who believe canola will contaminate other crops, blocked an attempt to expand the areas where it can be grown.

Earlier this summer, the Oregon Department of Agriculture adopted a temporary rule allowing canola to be planted at the edges of a protected zone in the Willamette Valley. The rule would have opened an estimated 480,000 acres for canola, which is grown for food oil and bio-fuel. Supporters said only a fraction of the acreage would be planted in any given year, however, because most farmers would grow it in annual rotation with grass seed or grains.

The agriculture department adopted the rule in order to give interested farmers time to plant canola this fall. The Court of Appeals issued a stay, meaning the temporary rule can't take effect and canola production in the Willamette Valley is not allowed until further notice, said Bruce Pokarney, agriculture spokesman.

The court said canola opponents demonstrated a "very substantial likelihood of prevailing" in their rule challenge. Opponents also "demonstrated a sufficient likelihood of severe and irreparable harm," the court said.

The department is pursuing a permanent rule that would allow canola cultivation in the future, however. A public hearing will be held Friday, Sept. 28, at 9 a.m. in Cascade Hall at the Oregon State Fairgrounds, 2330 17th St. N.E., Salem.

Farmers involved in Oregon's \$32 million specialty seed fiercely oppose canola, saying it spreads rapidly and will cross-pollinate and contaminate their valuable seed. Farmers here grow cabbage, radish, turnip and pumpkin seed, among many others, that are used by farmers all over the world.

Fresh-market vegetable growers also don't like canola. Groups such as Friends of Family Farmers particularly oppose the introduction of genetically modified canola into the valley.

"We've managed to overcome this first roadblock, but the fight does not end here," said Leah Rodgers, field director for Friends of Family Farmers. "Still on the table is the fight over the identical permanent rule that would change the face of the Willamette Valley, the lives and livelihoods of growers and the economic security of this state," she said in a prepared statement.

George Kimbrell, senior attorney at Center for Food Safety, called the ruling a "fitting tribute to the hardworking growers who have created a thriving economic engine for the state."

On the other side, some farmers and processors believe canola is a viable option

that has been unfairly restricted. Canola produces tiny, dark seeds that are crushed to produce bio-diesel or food-grade oil. It's a profitable crop that can be planted in rotation every few years to break disease cycles that occur when the same crops are planted in fields year after year. It doesn't require irrigation and can be planted and harvested with the same equipment used for grass seed or wheat.

The two sides have been arguing for more than 10 years. Before this year, the state managed the problem by establishing a 48- by 120-mile rectangle in the Willamette Valley -- nearly 3.7 million acres -- in which canola could not be grown without a permit. Some test plots were allowed in 2007-09, but no other permits were issued.

An advisory group representing both sides met with the Department of Agriculture several times this year, but was unable to reach consensus.