

Brassicaceae Production Districts

603-052-0860

Brassicaceae Production Districts and Rapeseed Control Areas

As provided in ORS 570.405 and 570.450, the Oregon Department of Agriculture may establish control areas for the production of Brassicaceae so as to protect against plant diseases, plant pests or other conditions as may constitute a menace to the horticultural, agricultural or forest industries of Oregon. The Department may also establish the conditions for the production of Brassicaceae including rapeseed, for the general protection of the horticultural, agricultural or forest industries of Oregon by excluding from established control areas *Brassica* spp. or rapeseed plants that if, not managed in accordance with these rules, may be a menace to such areas and generally to horticultural, agricultural or forest industries.

Stat. Auth.: ORS 561.190, 570.405, & 570.450

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405, 570.410 - 570.415 & 570.450

Hist.: AD 19-1990, f. & cert. ef. 10-15-90; AD 7-1991(Temp), f. & cert. ef. 7-22-91; AD 19-1991, f. & cert. ef. 12-5-91; DOA 18-2005, f. & cert. ef. 10-28-05; DOA 14-2009, f. & cert. ef. 9-16-09; DOA 3-2010, f. & cert. ef. 1-21-10; DOA 24-2012(Temp), f. & cert. ef. 8-10-12 thru 1-31-13; DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0861

General Production Area/Protected Districts

The seeding and growing of Brassicaceae by any person for any purpose in the state of Oregon shall be subject to the regulations of the general production area and, if applicable, a protected district as described in these rules. The Willamette Valley Protected District as described in HB 2427 (2013) is governed by 2013 Oregon Laws Chapter 724.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0862

Definitions

Unless the context requires otherwise, the following terms are defined as indicated:

- (1) "Blackleg" means the disease of crucifer crops and Brassicaceae species caused by the fungi *Leptosphaeria maculans* (asexual stage = *Phoma lingam*) and *Leptosphaeria biglobosa*.
- (2) "Brassicaceae" means any genera and species in the plant family Brassicaceae including, but not limited to, all species of *Brassica* and *Sinapis*, and *Raphanus sativus*.
- (23) "Cover crop brassica" means any species of *Brassica* that is grown as a cover crop and is not allowed to flower.
- (4) "Department" means the department of agriculture of the state of Oregon.
- (5) "Director" means the director of the department or the Director's duly authorized representative.
- (6) "Forage brassica" means any species of *Brassica* that is grown for animal/livestock feed and is not allowed to flower.
- (7) "Person" means an individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.
- (8) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in, and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.
- (9) "Rapeseed " means plants of the species *Brassica napus*, *Brassica rapa*, *Brassica juncea*, or other *Brassica* species grown for the purpose of edible or industrial oil production. Canola is a rapeseed and means any plant of the genus *Brassica* in which seeds having a high oil content are the primary economically valuable product and that have a high erucic acid content suitable for industrial uses or a low erucic acid content suitable for edible oils.
- (10) "Field" For the purpose of this rule a field may include one or more contiguous plots of land managed as a single unit. These plots may be separated by an unimproved farm road, ditch or hedgerow.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0870

General Production Area

All lands in Oregon constitute the General Production Area for the purposes of controlling pests and diseases of Brassicaceae. With the exception of prepackaged seed lots of Brassicaceae of one-half (0.5) ounce or less for home use and transplants for home use, Brassicaceae production in the General Production Area is subject to the following best management practices:

(1) All Brassicaceae seed stock intended for commercial planting that trades in commerce in the General Production Area must be accompanied by an official test stating that the untreated seed is free from blackleg (*Leptosphaeria maculans*); and

(2) All Brassicaceae seed stock must also be treated prior to planting. Treatment methods approved by the Department for blackleg control include:

(a) Hot water treatment for 25- to 30-minutes at 50°C (122°F); and

(b) Treatment with a fungicide registered for the purpose of treating Brassicaceae seed for blackleg control.

(3) To prevent buildup of blackleg, blackrot, and other diseases and pests, Brassicaceae may not be grown on the same plot of land in two consecutive years or not more than two years in every five.

(4) Brassicaceae crops grown in the General Production Area but transported into or through protected districts are subject to the transport and other requirements of the protected district through which the Brassicaceae is transported.

(5) Any volunteer or uncontrolled Brassicaceae in and around production fields must be rogued out or otherwise eliminated by the producer.

(6) Fields in which blackleg (*Leptosphaeria maculans*) has been detected and officially confirmed by the Department must be treated in a manner approved by the Department. The Department shall issue a treatment plan to the producer in the form of an Administrative Directive. Such treatments shall be at the expense of the producer or producers, or their responsible agent or agents. The treatment plan may include some or all of the following activities:

(a) Foliar fungicide applications;

(b) Roguing out infected plant materials;

(c) Post-harvest residue management;

(d) Crop destruction.

(7) The Department and other interested parties shall review these General Production Area requirements biennially for accuracy and effectiveness.

NOTE: Information on laboratories in Oregon approved by the Department for conducting official seed tests is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, 503-986-4620.

Stat. Auth.: ORS 561.190 and 570.405-~~570.450~~

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405, 570.410 - 570.415 & 570.450

Hist.: AD 19-1990, f. & cert. ef. 10-15-90; AD 7-1991(Temp), f. & cert. ef. 7-22-91; DOA 18-2005, f. & cert. ef. 10-28-05; DOA 14-2009, f. & cert. ef. 9-16-09; DOA 24-2012(Temp), f. & cert. ef. 8-10-12 thru 1-31-13; DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0880

Protected Districts; Prohibitions

(1) Growth of rapeseed seed crops for edible or industrial oil production requires special care and isolation. Rapeseed may be grown within the following protected districts only in accordance with those rules governing each protected district, except that rapeseed grown in the Willamette Valley Protected District as described in HB 2427 (2013) is governed by 2013 Oregon Laws Chapter 724. The following are protected districts:

- (a) Willamette Valley Protected District;
- (b) Central Oregon Protected District;
- (c) Northeast Oregon Protected District;
- (d) Malheur/Idaho Protected District.

(2) No person shall violate any provision of those rules governing each protected district.

Stat. Auth.: ORS 561.190, 561.510-561.600, 570.305, 570.405. 570.410-570.415 & 570.450

Stats. Implemented: ORS 570.405-570.415 & 570.450

Hist.: AD 19-1990, f. & cert. ef. 10-15-90; AD 7-1991(Temp), f. & cert. ef. 7-22-91; AD 19-1991, f. & cert. ef. 12-5-91; DOA 18-2005, f. & cert. ef. 10-28-05; DOA 1-2008, f. & cert. ef. 1-7-08; DOA 14-2009, f. & cert. ef. 9-16-09; DOA 3-2010, f. & cert. ef. 1-21-10; DOA 24-2012(Temp), f. & cert. ef. 8-10-12 thru 1-31-13; DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0882

Willamette Valley Protected District

This Willamette Valley Protected District as described in HB2427 (2013) is governed by 2013 Oregon Laws Chapter 724. The Willamette Valley Protected District is as provided in the Oregon Department of Agriculture's (2013) map available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, 503-986-4552.

Stat. Auth.: ORS 561.190, 570.305, 570.405, 570.412, 570.415 & 570.450

Stats. Implemented: 2013 HB 2427, ORS 570.305, 570.405, 570.410, 570.412, 570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13; DOA 9-2014(Temp), f. & cert. ef. 7-7-14 thru 1-3-15

603-052-0884

Central Oregon Protected District

(1) The following area is designated as the Central Oregon Protected Area: the entire counties of Crook, Deschutes and Jefferson.

(2) Forage brassica and cover crop brassica may be grown but shall not be allowed to flower.

(3) Rapeseed seed crops are prohibited in the Central Oregon Protected District except under Research Permit (see 603-052-0901(1)). All rapeseed grown under research permit must meet the following conditions:

(a) Within the Central Oregon Protected District the required isolation distance shall be not less than three miles;

(b) The location of all rapeseed fields must be recorded at the appropriate Oregon State University County Extension Office at least ten days prior to planting;

(c) All planting, harvest, and transportation equipment shall be cleaned to prevent any inadvertant spread of rapeseed from the field;

(d) All unbagged loads of rapeseed transported within the protected district must be in enclosed bins or in containers lined and covered in a manner to prevent seed loss; and

(e) Any volunteer or uncontrolled rapeseed in or around production fields must be prevented from flowering by the producer.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0886

Northeast Oregon Protected District

(1) The following area is designated as the Northeast Oregon Protected District: the entire counties of Baker, Union and Wallowa, except the following part of Wallowa County which is designated as a general production area: Township 4N, Range 43E; Township 4N, Range 44E; Township 4N, Range 45E; Township 5N, Range 43E; Township 5N, Range 44E; and Township 5N, Range 45E; and those portions of Township 6N, Range 43E; Township 6N, Range 44E; and Township 6N, Range 45E falling within the State of Oregon.

(2) Forage brassica and cover crop brassica may be grown but shall not be allowed to flower.

(3) Rapeseed seed crops are allowed in the Northeast Oregon Protected District subject to the following requirements:

(a) Within the Northeast Oregon Protected District the required isolation distance from any crops with which rapeseed could cross-pollinate shall be not less than two miles;

(b) The location of all rapeseed fields must be recorded at the appropriate Oregon State University County Extension Office at least ten days prior to planting;

(c) All planting, harvest, and transportation equipment shall be cleaned to prevent any inadvertent spread of rapeseed from the field;

(d) All unbagged loads of rapeseed transported through or within the protected district must be in enclosed bins or in containers lined and covered in a manner to prevent seed loss; and

(e) Any volunteer or uncontrolled rapeseed in or around production fields must be prevented from flowering by the producer.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0888

Malheur/Idaho Protected District

(1) The following area is designated as the Malheur/Idaho Protected District: in Malheur County, a 3-mile wide strip of land along the Idaho border from the point where Payette County, Idaho's northern border intersects Malheur County's eastern border, south to the point where Highway 95 crosses the Oregon border. This strip of land borders Idaho's

rapeseed production district IV (IDAPA 02.06.13) where rapeseed production is prohibited. The rest of Malheur Co. is a general production area.

(2) Forage brassica and cover crop brassica may be grown but shall not be allowed to flower.

(3) Rapeseed seed crops are prohibited in the Malheur/Idaho Protected District.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13

603-052-0921

Violations

(1) No person shall violate any control area rule governing the production of Brassicaceae in Oregon.

(2) Consistent with ORS 561.280 and ORS 570.405 and in addition to any other lawful remedy, the Director may bring an action to enjoin the violation or threatened violation of any provision of ORS 570.405 and ORS 570.450 or its rules. Such action may be filed in the circuit court of Marion County or in the county in which the violation or threatened violation occurs or is about to occur. Consistent with applicable law, the relief requested may include, but is not limited to, an order for summary destruction of any rapeseed crop.

(3) Notice of Noncompliance and Plan of Correction. In addition to, or in lieu of, any action to enjoin enforcement of these rules, the Director may issue a Notice of Noncompliance and Plan of Correction to any person.

(a) A Notice of Noncompliance informs the person to whom the notice is directed of the violation, including a reference to the particular statute or administrative rules involved, and the location of the violation;

(b) A Plan of Correction directs the person to whom the plan of correction is directed to perform those actions necessary to comply with the particular statute or administrative rules involved;

(A) Specifies a reasonable period of time by which compliance is to be achieved not to exceed five (5) calendar days after the notice is received;

(B) May include requirements for the person to whom the plan of correction is directed to report the completion of specific actions;

(c) A Notice of Noncompliance and Plan of Correction is issued by the Director, is an order other than contested case for purposes of judicial review, and must be served personally or by registered or certified mail.

(d) Failure to perform any of the requirements of a Plan of Correction may be considered by the Director as a failure to correct the violation within the period of time set for correction by the Director in the Notice of Noncompliance and Plan of Correction and may result in any lawful enforcement including, but not limited to, those remedies described in subsection (2) of this section.

Stat. Auth.: ORS 561.190, 561.510–561.600, 570.305, 570.405, 570.410–570.415 & 570.450

Stats. Implemented: ORS 570.405–570.415 & 570.450

Hist.: DOA 1-2013, f. & cert. ef. 2-6-13; DOA 11-2013, f. & cert. ef. 10-21-13