

603-052-1240

Bentgrass Control Area in Jefferson County

(1) **Definitions:** As used in this rule:

(a) “Modern biotechnology” means genetic modification of organisms by recombinant DNA techniques.

(b) “Conventionally bred” means traditional plant breeding not involving genetic modification of organisms by recombinant DNA techniques.

(c) “Willamette Valley counties” include: Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties in Oregon.

(2) As authorized in ORS 570.405, a control area is established in Jefferson County to regulate the production of bentgrass. This control area is designed to provide physical separation between varieties of bentgrass produced using techniques of modern biotechnology and conventionally bred varieties with which they might cross-pollinate.

(3) **Extent of Control Area:** The control area consists of all of the following parcels in central Jefferson County, Oregon:

(a) In T10S, R13E, W.M.: sections 2, 3, 4, 5, 11, 13, 14, and 24 in their entirety; the portions of sections 10, 15, 22, 23, 26, and 35 lying east of U.S. Hwy 26; the portion of section 25 lying west of Adams Drive; the NW, SE, SW, quarter sections and the western half of the NE quarter section of section 12; the western half of the SW and NW quarter sections of section 1; the NW quarter corner of the NW quarter section of section 36, plus

(b) In T9S, R13E W.M.: sections 28, 33, 34, and 35 in their entirety; the portions of sections 16, 20, 21, and 29 lying on the Agency Plains and above the canyon rim; the southern half of section 32 and the eastern half of the NE quarter section of section 32.

(4) **Commodities Covered:** bentgrass (all *Agrostis spp.*). All other crops, plants, and commodities are exempt from provisions of this regulation except processing of other grass seed crops as regulated in section (5) (c) below.

(5) **Prohibited Acts:**

(a) Only varieties of bentgrass that have been developed using the techniques of modern biotechnology may be planted, grown, cleaned, conditioned or handled in the control area. Conventionally bred bentgrass varieties may not be planted, grown, cleaned, conditioned or handled within the control area. This regulation applies only to bentgrass.

(b) Bentgrass fields within the control area must not be located closer than one-quarter mile from fields of conventionally bred bentgrass varieties located outside the control area. All field borders, ditch banks, and roadsides within 165 feet of the bentgrass fields must be kept free of *Agrostis spp.* Waterways leaving bentgrass fields must be kept free of *Agrostis spp.* for a distance of 165 feet.

(c) The bentgrass seed produced within the control area must be processed at a seed cleaning and packaging facility located within the control area. No conventionally bred varieties of grass seed of any type shall be cleaned or packaged at this facility.

(d) Bentgrass seed produced in the control area must be transported from the field to the cleaning and packaging facility in enclosed containers. Processed bentgrass seed produced in the control area may not leave the control area except in sealed commercial containers.

(e) Combine(s) used to harvest bentgrass in the control area must not be used for any other crop. Dedicated combine(s) no longer being used to harvest bentgrass in the control area must be fumigated to devitalize all bentgrass seeds and thoroughly cleaned. Other equipment used in the harvesting and transporting of unprocessed bentgrass seed must be thoroughly cleaned before leaving the control area. Containers such as poly bags used to transport unprocessed bentgrass seed and straw must not be used for other agricultural commodities or must be thoroughly cleaned before being used for other agricultural commodities to avoid cross-contamination.

(f) All bentgrass straw produced in the control area must be burned within the control area or processed in a way that devitalizes bentgrass seeds, e.g. pelletizing. If processing occurs outside the area, the straw must travel to the processing plant in enclosed containers.

(g) Stand removal following final harvest will include the following steps: watering to promote regrowth, application of an effective herbicide (such as fluazifop or glufosinate), and shallow tillage (not plowing). The next crop must tolerate a selective herbicide that kills bentgrass and roguing or such herbicide must be used to control bentgrass volunteers. Other methods of stand removal, e.g. fumigation, may be acceptable. Growers should send a written request for approval of alternative methods to: Administrator, Plant Division, Oregon Department of Agriculture, 635 Capitol St., Salem, OR, 97301.

(h) Varieties of bentgrass that have been developed using the techniques of modern biotechnology may not be planted in Willamette Valley counties in order to prevent cross-pollination with traditionally bred varieties. This includes both seed production fields and all non-production plantings such as sod farms, golf course putting greens, tees, and fairways. Research plots are allowed in Willamette Valley counties under permit/notification from the United States Department of Agriculture.

(6) The continued necessity for this control area and its effectiveness will be reviewed by the department and other interested parties in 2005.

(7) Violations: Any bentgrass or other grass seed not in compliance with the provisions of this rule is subject to destruction as determined by the Director of the Oregon Department of Agriculture. Such destruction shall be at the expense of the owner or owners or their responsible agent or agents. Violators of this control area are subject to the penalties provided by 570.410 and 570.990, including civil penalties up to \$10,000.

Stat. Auth.: ORS 561.196 & ORS 570.405 – 570.535

Stats. Implemented: ORS 570.405