

Oregon Administrative Rule Amendments Filed August 18, 2016

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* and excluding the ornamental genera *Arabis*, *Erysimum*, and *Iberis*.
- (3) "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 State Department of Agriculture.
- (5) "Director" means the Director of the Department or the Director's duly authorized representative.
- (6) "Field" For the purpose of this rule a field is defined as a commercial production area in which Brassicaceae are planted directly into the ground. 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.
- (7) "Forage brassica" means any species of Brassica that is grown for animal/livestock feed and is not allowed to flower.
- (8) "Land manager" means any person who is legally responsible for the maintenance, use, and development of resources for a section of land or piece of property.
- (9) "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.
- (10) "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.
- (11) "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.

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; DOA 1-2015, f. & cert. ef. 1-13-15

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. Brassicaceae production in the General Production Area is subject to the following best management practices:

- (1) All Brassicaceae seed stock intended for planting for commercial or home use in the General Production Area must be accompanied by an official test report stating that the untreated seed is from a seed lot that has been tested and found free from blackleg. Only seed stock or transplants from seed stock that has tested free of blackleg may be planted or sold within the General Production Area. Producers must maintain a copy of the official test reports for a minimum of three (3) years from the time of planting;
- (2) 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.
- (3) Any volunteer or uncontrolled Brassicaceae in and around production fields that is determined by the Department to be infected with blackleg may be declared a Public Nuisance as described in Section (4) and, as such, must be rogued out or otherwise eliminated by the producer or the land manager.
- (4) Any field that is determined after official inspection and testing by the Department to be infected with blackleg may be determined to be a Public Nuisance subject to the Public Nuisance abatement processes described in ORS 570.170 through 570.180
- (5) 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 & 570.405

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.170 - 570.180, 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; DOA 1-2015, f. & cert. ef. 1-13-15