



## Oregon Bill 2289

For the past 2 weeks, WBFI has been active in the State of Oregon as Oregon's bill 2289 has moved from adoption by the Oregon House to consideration by the Oregon Senate Committee.

[Read the January 29th on-line article in the Oregonian](#)

[Read the on-line version of the bill](#)

[Read the pdf version of the bill](#)

## WILD BIRD SEED WRITTEN INTO Bill 2289 as Commercial Feed

2289 is legislation of concern to the wild bird feeding industry because it **specifically singles out and defines wild bird feed as a commercial feed and subjects it to all laws pertaining to noxious weeds.**

If 2289 passes this year, the amounts of viable noxious weed seeds that will be allowed will be determined by a committee starting in January 2008. Entities who have expressed interest in participating on the rulemaking committee include the Oregon State Forestry Department, Bureau of Land Management (BLM), US Forest Service, a non-WBFI member Oregon retailer, and **WBFI**, which will be represented by Gordy Kribs from North Pacific Group. According to the Oregon Department of Agriculture, interest in the issue of viable noxious weed seeds has been brought to the forefront in that state by the groups concerned about invasive species.

## Cause for concern

Your business may be affected by this legislation whether or not you do business in Oregon.

- If you do business in Oregon, whether in bird feed or other commercial feed like squirrel or cattle feed, and you ship in a load of (for example) Black Oil Sunflower that is found to contain viable noxious weed seeds, this bill gives the Oregon Department of Agriculture the authority to declare the load to be bird food and to reject it. The load could be intended for squirrel food or cattle food; it doesn't matter.
- If you do business in Oregon in packaged bird food and your product is found to contain viable noxious weed seeds in amounts in excess of what is allowed in the rules, your product will be stop sold.
- If you do business in other states that are watching the rules Oregon establishes and how 2289 reads, you may find similar legislation in other states and similar rules in other states. The issue of viable noxious weed seeds is not going to go away.

## WBFI Next Steps

Gordy Kribs from North Pacific Group will present testimony on behalf of the industry at the Senate Committee hearing in the near future. The WBFI will request that the specific reference to wild bird food being considered a contaminant if it contains viable noxious weed seeds be removed from 2289. If the Senate Committee agrees to this, the bill

must be returned to the starting point for rewriting, reconsideration by the House, and reconsideration by the Senate Committee.

### **New Committee Leadership**

Vince Connolly of Commodity Marketing volunteered to chair the State Issues Committee that includes the Noxious Weed Workgroup. We welcome Vince's expertise on this and other issues!

### **Removing Barriers: Part of the WBFI Mission**

The issue of noxious weed seeds in bird food will remain at the forefront due to strong levels of federal funding for protection of the environment. As we move closer to the 2007 crop season, WBFI continues its efforts to encourage elevators and growers to use effective crop management to control the growth of noxious weeds. Both the elevators and the growers were made aware of the situation last year through letter writing and public relations. In addition, WBFI contacted the major chemical companies and alerted them that the industry needs an effective herbicide labeled for use on millet.

### **Your diligence needed!**

If a state in which you do business is considering similar legislation, please let us know here at WBFI Headquarters. There is significant expertise at your disposal through the WBFI network of members and alliances.

Thanks!

Susan M. Hays, CMP, Executive Director  
Wild Bird Feeding Industry  
1305 N. Tahoe Trail  
Sioux Falls SD 57110  
[shays@wbfi.org](mailto:shays@wbfi.org)  
Phone: 888.839.1237  
Fax: 605.275.6697

*The Wild Bird Feeding Industry is a trade association dedicated to:  
Promoting responsible feeding, creating alliances, removing barriers, safeguarding  
gains, and  
Enhancing the experience of the consumer.*