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15 December 2022

Senator Jeff Golden, Chair ([Sen.JeffGolden@oregonlegislature.gov](mailto:Sen.JeffGolden@oregonlegislature.gov))  
Senate Interim Committee on Natural Resources and Wildfire Recovery  
900 Court St NE, S-421,  
Salem, OR, 97301

**Subject: The Oregon Aquaculture Act: LC 3132**

Dear Senator Golden,

As Oregon's aquacultural producer's association it was very surprising to us that the Oregon Aquaculture Association (OAA) was not invited to the informational hearing on LC 3132, the so-called Oregon Aquaculture Act (Act). Unlike what you were told during the hearing, we are not ambivalent regarding this proposed legislation.

One of the animal rights groups sponsoring this legislation did originally ask us in 2020 to assist them to draft legislative concepts for regulating aquaculture operations. After considerable engagement with these parties, we found that we could not support their proposed legislation as stated in our letter to them of November 13, 2020 (copy attached). In working with them, the OAA determined that the ultimate goal of these animal rights non-governmental organizations (NGOs) was not to improve aquacultural practices, but rather to use legislation to curtail the nascent aquaculture sector in Oregon as a steppingstone in their ongoing nationwide and worldwide efforts to stop the killing of all animals for food. At that point we withdrew and unlike what you were told during the hearing, we explicitly told them we would oppose their legislative efforts in this regard. Their organizational goals are explicitly stated on their websites [www.mercyforanimals.org](http://www.mercyforanimals.org) and [www.animalequality.org](http://www.animalequality.org).

We strongly oppose this current effort and if this proposed Act progresses to a bill, we will work to engage Oregon's entire animal husbandry community to oppose these groups and this legislation.

Oregonians consume a lot of aquacultural products. Today, Oregonians import almost all the aquacultural products that we consume since, unlike all of our surrounding states, Oregon does not have a commercial aquaculture sector. The OAA would like to provide some observations on comments made by the NGOs to your Committee on December 8, 2022 and provide a science-based assessment of the issues at hand and our shared hopes to see Oregon establish a responsible and productive aquacultural sector.

We believe three governmental reports are especially germane to these discussions:

- An overview of Oregon Aquaculture by the Oregon Department of Agriculture: (<https://www.oregon.gov/ODA/shared/Documents/Publications/MarketAccess/AquacultureInvestment.pdf>);
- A preliminary assessment of the aquaculture footprint in Oregon by the Oregon Department of Environmental Quality (<https://www.oregon.gov/deq/FilterDocs/PEF-Aquaculture-ExecutiveSummary.pdf>); and
- State-wide data on the Oregon aquaculture sector as reported by USDA ([https://www.nass.usda.gov/Publications/AgCensus/2017/Online\\_Resources/Aquaculture/Aqua.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Aquaculture/Aqua.pdf)).

As you can see in these reports, Oregon’s embryonic aquaculture sector (compared to all our surrounding states) has both a public and private component. From a production perspective, the public component focuses chiefly on state hatcheries producing fish to stock the state’s waters to support recreational fishing and provide revenue to ODFW through fishing licenses, while the private component presently consists mainly of small private hatcheries producing juvenile fish for pond stocking as well as a shellfish segment concentrated in four coastal estuaries principally producing oysters. To our knowledge, only one aquaculture facility in Oregon sells fish for stocking and food, mostly to California buyers. There are projects in the works to produce freshwater shrimp and dulse and other seaweeds for food and other commercial uses.

There is only a very minor portion of the overall state harvest that is finfish reaching Oregonian tables. Outside of the commercial fishing industry, aquaculture in Oregon is land-based, mostly using self-contained recirculating aquaculture systems (RAS) or fresh-water wells to produce the fish. Some of these are aquaponics systems which grow fish and vegetables in the same system. Very few of these operations are currently at a commercial scale. Consulting the USDA Aquaculture Census would show that the Oregon aquacultural sector has, in fact, contracted in recent years despite our abundant natural resources seen by many as offering a comparative advantage as our country looks to find ways to address a very substantial seafood deficit.

The fact that local seafood production going directly from farm to plate in Oregon is so extremely small compared to both our markets and our aquatic resources is what has prompted the OAA, along with our public and private partners including tribal communities, to engage in efforts to expand aquaculture production across the state. At present, with help from a generous grant from Business Oregon and a \$700,000 grant from NOAA, the OAA is working with Oregon State University and other public and private partners, including the various aquaculture regulatory agencies, on a variety of tools and institutions to build and support a productive and responsible farmed seafood sector here in Oregon (the *Oregon Aquaculture Explorer Project* <https://oregonexplorer.info/topics/aquaculture?ptopic=179>). To say that the effort to expand aquaculture in Oregon is happening in a vacuum, or without the input from those agencies charged with the protection of Oregon’s native species and water quality is simply not true.

The Oregon Aquaculture Association needs to specifically respond to three of the concerns brought forward by the NGOs during your recent hearing on the Oregon Aquaculture Act.

First, within the aquaculture sector, a categorization of “industrial” is rarely employed, and the use of this term by the NGOs is deliberately pejorative, used in an attempt to contrast “industrial” (i.e., bad) agriculture with non-industrial (i.e., good) agriculture. I use agriculture rather than aquaculture here because one of their stated goals is to eliminate “industrial” agriculture, not simply regulate it.

Aquaculture operations can be classified as intensive or extensive, commercial or non-commercial, small- or large-scale, but are not typified as “industrial.” This pejorative classification is meaningless in practice. With the high capital and high input costs required for aquaculture, \$500,000 in gross revenue is generally recognized as the starting point where you can finally become a full-time operation and be able to hire paid employees rather than relying on unpaid family labor. Using this as the threshold for the definition of “industrial” aquaculture will bring every small, family-owned commercial operation in Oregon under this proposed Act. At the present time, only a handful aquaculture producers in Oregon have even reached this scale of operations – but we are working with our partners and stakeholders to create a future where current producers can grow to become commercial operators and where new players are welcome. The proposed Oregon Aquaculture Act would stifle this future.

The OAA and our partners are working to create a sustainable collection of land-side and sea-side farms that complement current seafood value chains and make a significant positive impact on the state’s economy along with benefiting the related farming communities. There are more than 600 different farmed aquaculture organisms being raised around the world using scores of different farming methods both land-side and sea-side. Only a small handful of these organisms are currently being produced in Oregon. Aquatic agriculture is no less diverse than terrestrial. Specific standards and best practices are, furthermore, specific to each organism and to each different type of farming system/practice that can be used by the operator to raise that organism.

This landscape is constantly changing with new research and the entrepreneurial energy of the sector consistently bringing new systems and new organisms to market. Oregon State University is a vital partner in this project since the investments made by the Oregon legislature and others in their Sea Grant program has made them one of those important research institutions.

This incredible multiplicity of options and practices is one of the issues that the on-going *Oregon Aquaculture Explorer Project* is attempting to address such that potential investors can be made aware of the best ways of conducting their very specific businesses while optimizing resource use and supplying high quality products to local markets. At this critical stage of early development, any legislation like this proposed Act which specifies supposed best practices or preemptively limits allowable species or systems would deny Oregon producers the ability to experiment with these new ideas and create their own approaches to solving our seafood deficit.

Second, the sponsors of the Act stated during the hearing that **before** the proposed expansion of Oregon’s aquaculture sector occurs, the legislature needs to put into place “basic yet important protections for our water and animals.”

It is a serious misrepresentation of the facts to infer that this hoped-for increased investment in aquaculture would be uncontrolled and unregulated. Oregon already has a very significant and complex network of local, state, and federal rules and procedures (e.g., see ODA document <http://www.oregon.gov/ODA/shared/Documents/Publications/MarketAccess/AquacultureUsersGuide.pdf>) that regulate aquaculture including protections for native species and water quality.

This extraordinary regulatory burden is one of the many reasons why Oregon has not been seen as a destination for investors in commercial aquaculture. Adding more regulatory burdens and costs would exacerbate this problem. While basic and important protections need to be updated and adjusted through time, we already have a broad-based and widely-enforced system of approvals and

oversight involving multiple local, state, and federal agencies. This includes a large block of effort devoted to managing endangered species as well as undertaking restorative activities. The examination and review of our existing regulatory structure with the various regulatory agencies is an important element of the *Oregon Aquaculture Explorer Project*.

Third, frequent reference was made to the “disasters” in Washington State regarding cage culture in Puget Sound, intimating that such a disaster is in the wings for Oregon absent new legislation. While it is true that a decision was just made in Washington to ban net pen aquaculture, this decision was made in spite of overwhelming scientific evidence that there was no threat being posed to native fish or waterways. The grower and many organizations, including our own, are pressing for a higher-level review of this decision based on objective science.

While this Washington decision is still being examined and litigated, it has no bearing on aquaculture here in Oregon since we have no similar ecosystems nor operations. In addition to multiple federal agencies, offshore aquaculture operations in Oregon are covered by Goal 19 of Oregon’s Statewide Planning Goals, the Territorial Sea Plan (TSP) and the Coastal Management Plan. The TSP Part II already provides a strict standard for agencies to apply when reviewing proposals that affect Oregon’s ocean resources.

In close collaboration with our public and private partners, we have re-started the process begun in 2013 of laying the groundwork for the creation of a *state aquaculture plan*. Many states with successful aquaculture sectors have such plans in place. We have invited all our stakeholders to work with us as we strategize and plan a responsible 21<sup>st</sup> Century aquaculture sector for the State of Oregon.

As we move forward, OAA will likely need to come before the legislature to request updates to our laws and regulations here in Oregon to responsibly accommodate an expanded aquaculture sector. As part of this effort, OAA has asked the Governor’s office to designate the Oregon Department of Agriculture (with support from the Oregon Department of Fish and Wildlife) to function as the lead state agency for the regulation of aquaculture, as exists in California. Our primary goal is to seek the continued support of all the local, state and federal agencies tasked with overseeing Oregon’s aquacultural producers and with protecting Oregon’s natural resources to create a “one-stop shop” to assist new producers in navigating the many regulatory hurdles to establish an aquaculture facility here in Oregon.

The OAA believes that the proposed Oregon Aquaculture Act is premature and is a solution in search of a problem that does not exist. To this end, the OAA invites you to visit our website, [www.oregonaquaculture.org](http://www.oregonaquaculture.org) for more information. Furthermore, OAA would be happy to coordinate visits to existing local aquaculture facilities to provide you with information about farmed fish including the opportunities and challenges that we face here in Oregon.

For ease of reference, we have included as separate documents the material referenced in the above text as well as a stakeholder list of those folks being copied on this letter.

We appreciate your efforts on behalf of the state’s aqua farmers. If you have any questions, please feel free to contact us any time. We would also be available to meet with the Committee as appropriate to discuss the future of aquaculture in Oregon.

Sincerely yours,



Clint Bentz  
President, Oregon Aquaculture Association

Cc:

Senator Bill Kennemer, Vice-Chair ([Sen.BillKennemer@oregonlegislature.gov](mailto:Sen.BillKennemer@oregonlegislature.gov) )

Senator Dallas Heard, Member ([sen.dallasheard@oregonlegislature.gov](mailto:sen.dallasheard@oregonlegislature.gov) )

Senator Deb Patterson, Member ([Sen.DebPatterson@oregonlegislature.gov](mailto:Sen.DebPatterson@oregonlegislature.gov) )

Senator Floyd Prozanski ([Sen.FloydProzanski@OregonLegislature.gov](mailto:Sen.FloydProzanski@OregonLegislature.gov) )

Attachment:

- Distribution list
- OAA letter dated Nov 13, 2020 to Kathy Hessler and Amy Wilson

Accompanying Documents:

- Developing Additional Investment in Aqua Farming in Oregon: a roadmap for sustainable development, *Oregon Department of Agriculture*, 2015
- Executive Summary: Environmental Footprint Literature Review: Land-Based Aquaculture, *Oregon Department of Environmental Quality*, 2017
- 2018 Census of Aquaculture, *USDA*, 2019
- Landing Page, Oregon Aquaculture Explorer, *Institute for Natural Resources*, Natural Resources Digital Library, 2022
- Users Guide: A snapshot of the processes to follow to start an aqua farming business in Oregon, *Oregon Department of Agriculture*, 2015

Distribution List: *Stakeholders copied through a second mailing*

- *Representative D.B. Smith*
- *S. Patterson, ODF&W*
- *S. Rumrill, ODF&W*
- *L. Henderson, ODA*
- *E. Garman, ODA*
- *A. Manderson, ODA*
- *DEQ Focal Point*
- *OWRD Focal Point*
- *DLCD Focal Point*
- *DSL Focal Point*
- *M. Murphy, Regional Solutions*
- *K. Vaughn, VertueLab*
- *S. Wiese-Hansen, Pacific Seafood*
- *M. Ries, Pacific Seafood*
- *M. Chaney, Mt Hood CC*
- *T. Hanna, Mt. Hood CC*
- *P. LaVine, Chemeketa CC*
- *D. Lara, Oregon Coast CC*
- *A. Doer, OSU/Sea Grant*
- *Ehrhart, OSU/Sea Grant*
- *T. Miller-Morgan, OSU*
- *C. Langdon, OSU*
- *T. Calvanese, OSU*
- *M. Harte, OSU*
- *Oregon Aquaponics List*
- *Oregon Ornamental List*
- *INR List*
- *OAA List*
- *California Aquaculture Association*
- *NW Aquaculture Alliance*
- *The Farmed Fish/Rogue*
- *Got Fish/Klamath Falls*
- *Desert Springs Fish Farm*
- *M. Goodson, Oregon Royal Sturgeon Company*
- *J. Bonkoski, Ecotrust*
- *R. Anderson, The Steward Foundation*
- *-T. Losodro*
- *S. van de Wetering, Siletz Tribes*
- *A. Gonyaw, Klamath Tribes*
- *K. Dirksen, Grand Ronde Tribes*



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13 November 2020

Ms Kathy Hessler and Ms Amy Wilson  
Animal Law Clinic  
Northwestern School of Law  
Lewis and Clark College  
Portland, Oregon 97219

Subject: Proposed Legislation Regarding Humane Slaughter of Farmed Fish in Oregon

Reference: Your letter of June 15, 2020  
Draft Oregon Legislative Bill "Relating to aquaculture and the slaughter of animals  
entitled The Humane Aquaculture Slaughter Act"

Dear Ms Hessler and Ms Wilson,

On behalf of the Association and its collaborators and stakeholders, I thank you for contacting us in regard to the above-cited subject. The Association cannot, however, support the proposed legislation.

Sincerely,

A handwritten signature in black ink that reads "Clinton J. Bentz". The signature is written in a cursive style.

Clint Bentz, President  
Oregon Aquaculture Association  
[clint.bentz@gmail.com](mailto:clint.bentz@gmail.com)