



Oregonians for Food & Shelter Legislative Update for February 28, 2007

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As noted in our last update, we anticipated that as deadlines for submitting drafts and getting measures printed for this session got closer, we'd see an increased number of bills introduced that pose problems for our natural resource allies. They are now starting to drop.

Senate Bill 683 sponsored by Senator Brad Avakian (Portland) seeks to amend the **Pesticide Use Reporting System (PURS)**. The bill reduces the geographic size of the "reporting location" for pesticide use outside of urban areas from a **third-level** hydrologic unit to a **fourth-level** hydrologic unit. Third-level hydrologic units basically correspond to water basins, of which there are 15 whole or partial water basins in Oregon. A fourth-level hydrologic unit is a smaller area, basically corresponding to watersheds. There are over 90 fourth-level units in Oregon. Urban use reporting would be unchanged and continue to report by the identifying five-digit zip code.

OFS opposes SB-683 as it will any other bill that attempts to change PURS statutes this session. Use reporting under PURS just went into effect on January 1, 2007 — with annual reports not officially due until the end of January 2008. It make little practical and no economic sense to change the program before Oregon Department of Agriculture (ODA) has even had one full year of experience. When PURS was initially passed in 1999, a December 31, 2009 sunset was deliberately picked so that it came after the 2009 session. This was to give ODA, the legislature and the public an opportunity to review the merits and/or shortfalls of PURS, and make informed decisions regarding its future.

LC 2366 We know there will be at least one more bill to amend PURS. A bill requested by NCAP (Northwest Coalition for Alternatives to Pesticides) would repeal the PURS 12/31/09 sunset, thereby making the pesticide use reporting requirements permanent. We have seen legislative council's LC 2366 draft version of the bill which will likely be printed any day.

House Bill 2794 sponsored by Representative Paul Holvey (Eugene) would require filing of an **advanced notice or written plan prior to the commercial application of a pesticide**. Forestry related notices would be submitted to the State Forester, and notice of all other commercial uses would be submitted to the Oregon Department of Agriculture (ODA). In either case, notice or detailed plans must be filed at least **30 days prior** to making the application and must contain detailed information including: property location and size; approximate date and time of day; pesticide registration number, scientific and common names of the product; concentration and total amount of product applied; name and license number of the pesticide operator; and if done by or for a public entity, indicate who is making the application and who has ownership or jurisdiction over the property treated.

OFS opposes this unnecessary and intentionally over-burdensome bill.

Based their website information (www.oregontoxics.org) this bill appears to be just one of several that are the work of the Oregon Toxics Alliance (OTA). OTA of Eugene is headed up by Dave Monk, a self-proclaimed community activist who was the former president of the Eugene Toxics Board. OTA is networking with other local activist groups in the area such as the Forestland Dwellers. The site also mentions OTA's involvement in legislation to ban "field and stack burning" and another campaign to require significant buffers for pesticide applications around schools (see Senate Bill 20).

Senate Bill 20 sponsored by Senator Vicki Walker (Eugene) and Rep. Paul Holvey. The bill **prohibits** the aerial or power-driven **application of any pesticide within one mile of a school** property during the academic year, and also prevents spraying within one mile of a road that services that property during certain hours of the day. If a detailed written plan is **not** filed with the State Forester for forestland applications or the Director of ODA for non-forest applications, the **prohibited buffer is five miles** around all school property.

The detailed written plan includes names of property owner and applicator, crop, location, date & time, product and rate, equipment used, drift mitigation and a map with identifiable landmark boundaries. Within three days of receipt of a notice & written plan, the Director must send a copy to each school district with a school within five miles, plus anyone residing within that area that requests notification. The Director must make comments on the plan no earlier than 14 days and no later than 21 days from date of receipt. Public may also comment to Director for consideration. The pesticide application cannot take place until the Director has commented

or the 21 day deadline. **SB 20** allows the State Forester to assess a filing fee for written plans, of which ten per cent would go to DEQ for monitoring air and water quality in pesticide spray areas. **OFS strongly OPPOSES.**

Senate Bill 237 to increase the cap on pesticide registration fees from \$160 to \$250 passed the Senate on February 26 by a 25-3 vote. Senators Gary George (Newberg), Larry George (Sherwood) and Jeff Kruse (Roseburg) voted "NO." Senators Betsy Johnson and Kurt Schrader were excused. The bill will now move over to the House.

Increased funds are necessary to maintain the current base pesticide program within ODA - essential for pesticide license certifications, product registrations and enforcement. The actual fee will be incrementally increased in rule up to the maximum and should be sufficient to cover program needs through 2014. Obtaining the needed revenue by raising pesticide registration spreads the cost over all pesticides used in the state, not just those used by farmers, foresters and commercial applicators. The only other option to raise an equivalent dollar amount would have been to **triple** the cost of all pesticide dealer, operator and applicator licenses in Oregon. **OFS supports passage of SB-237.**

LC 2832 was submitted for printing by OFS on the February 26 deadline. The bill will give the ODA director the authority to issue a civil penalty of up to \$10,000 per incident only for violation of pesticide laws resulting from "gross negligence or willful misconduct." The current civil penalty statutes will remain in effect as will the matrix established in rule for determining the actual dollar amount of most penalties. For these infractions, a first violation is limited to a \$1,000 maximum fine, with subsequent violations going up to a maximum of \$2,000 per count.

The bill is co-sponsored by Senator Ted Ferrioli (John Day) and Representative Tom Butler (Ontario) **at the request of OFS**, Oregon Farm Bureau Federation, Oregon Seed Council, Oregon Wheat Growers League, Oregon Forest Industries Council, Oregon Cattlemen's Association, Northwest Food Processors Association and the Oregon Association of Nurseries. We will give you a bill number and more details when it is printed.

New Dealer Recording-Keeping Requirements in Oregon for Carbofuran Products. Beginning March 1, 2007, temporary changes to OAR 603-059-0140 will require Oregon pesticide dealers to obtain, record and submit to ODA **within five business days**, additional specific information when the "restricted use" pesticide product (RUP) sold or distributed contains the active ingredient carbofuran. In addition to the normal RUP information, at the time of distribution or sale a dealer will also be required to record the name and address of the person who received the product, the crop(s) to which it will be applied, acreage and amount applied per acre for each crop, and the intended date of application. The change in rules is being made by ODA in response to unlawful uses of pesticide products contain carbofuran documented during the 2006 crop-growing season. A public hearing will be held in late April to make the temporary rule permanent.

Senate Bill 672 sponsored by Senators Ginny Burdick (Portland), Rod Monroe (Portland) and Representatives Jackie Dingfelder (Portland), Terry Beyer (Springfield), Peter Buckley (Ashland), Larry Galizio (Tigard), Paul Holvey (Eugene), Speaker Jeff Merkley (Portland), Diane Rosenbaum (Portland), and Carolyn Tomei (Milwaukie), **decreases trap check times to 24 hours.** Current statutes require a person setting a trap for a fur-bearing mammal to check the trap at least once during each 48-hour period. SB-672 requires traps set for "badger, beaver, bobcat, coyote, fisher, gray fox, marten, mink, muskrat, nutria, opossum, otter, rabbit, raccoon, red fox, spotted skunk, striped skunk and weasel to be check at least once each 24-hour period." **OFS opposes.**

House Bill 2564 was one of a series of water bills heard in the House Environment and Energy Committee, chaired by Representative Jackie Dingfelder. HB-2564 would require all users to measure their water use at point of diversion. Representatives of several natural resource groups testified in strong opposition to any mandatory measurement program.

The following letter dated February 19 was submitted to Chair Dingfelder, members of the committee and the record: "*A broad coalition, representing diverse interests in Oregon, has serious concerns about HB 2564 which is an unfunded mandate on water users throughout Oregon. The Oregon Water Resources Department (OWRD) currently has authority to measure, regulate and enforce water use. Further legislation will only result in micro management that is not economically feasible. There is not enough benefit for the public good from this legislation to justify the cost to OWRD, the water user and the taxpayers of the state. Furthermore, many unintended consequences may result from this proposed legislation, and it needs careful consideration. Listed below are organizations opposing HB 2564. Therefore, we encourage you to vote 'no' on this proposed legislation.*"

Signed by: Oregonians for Food & Shelter, Oregon Farm Bureau, Oregon Cattlemen's Association, Manufactured Housing Communities of Oregon, Oregon Association of Realtors, Oregon Groundwater Association, Oregon Home Builders Association, Oregonians in Action, Northwest Pulp and Paper Association, Oregon Agricultural Alliance, Water for Life, Pacific NW Christmas Tree Association, and Cascade Policy Institute.