



Oregonians for Food & Shelter

Legislative Update #5: March 30, 2007

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Oregon's legislature has now been in session for 12 weeks, and finally we have seen new bill introductions decrease to a dribble. Now we must monitor for hearings and amendments, work sessions and floor votes. Currently we have taken a position on 19 bills: 11 that impact pesticides or pest control (support 6 and oppose 5); 3 bills impacting PURS (oppose all 3); 3 bills impacting plant biotechnology (support 2, oppose 1) plus one food security and metal theft bill (support both).

The staff, in conjunction with Katie Fast of OFB and Ray Wilkeson of OFIC, continue to meet with as many House and Senate members on both sides of the political aisle as possible to discuss the pros and cons of these bills. When these bills are scheduled for hearings, we will be asking for your personal assistance to testify in support or opposition. As a constituent and farmer, forester or applicator, YOU really have clout.

The following bills have seen some activity since our 3/16/07 update or are currently scheduled:

Senate Bill 20 ****OFS OPPOSES**** To date, this poorly written bill, has by far the greatest negative impact of the nine bills OFS is opposing. It starts bad with erroneous "whereas" preamble statements about childhood cancer, and then gets worse.

The bill prohibits all use by a "pesticide applicator" or "public applicator" (even by hand or backpack equipment) within **one-half mile** of school property — including the school building. Aerial or any power-driven application of any pesticide is prohibited within **one mile** of a school property during the academic year, or spraying within **one mile** of a road that services that property during certain hours of the day — PROVIDED a highly detailed written plan is filed with the State Forester ODF for forestland applications or the Director of ODA for **all other applications by licensed applicators**, including business and residential properties, at least 14 days in advance. If a plan is not filed, the prohibited buffer is **five miles** around all school property. The plan is to be filed by the landowner, property renter or lessee. Not filing or submitting incorrect data is subject to \$2,500 fine. SB 20 also allows ODF or ODA to assess a filing fee for written plans, of which ten percent would go to DEQ for monitoring air and water quality in areas where pesticides have been sprayed.

SB-20 also grants any person private right of action to file suit to enforce these requirements. In addition to any individual, it allows a city District Attorney to bring action for "preventative" injunctive relief, which in essence would negate current state law preempting local governments from regulating pesticides.

The bill is in Senate Environment and Natural Resources Committee. Although no hearing has been officially scheduled to date, we have heard that a hearing may be scheduled on April 10, 2007. Stay tuned!

Senate Bill 234 ****OFS SUPPORTS (with SB 234-1 amendments)**** The bill enacts statutory changes to give ODA the authority to establish a "biopharm" permit for the production of a biopharmaceutical crop in Oregon. ODA may charge the registrant a fee of up to \$10,000 to recover the costs for permit review, site inspection, monitoring, administration and enforcement. The bill also authorizes the directors of ODA and Human Services to enter into intergovernmental agreements with federal agencies that regulate the growing of biopharmaceutical crops to receive certain federal permit application information, provided all confidential data remains confidential at the state level.

A hearing was held in the Senate Environment and Natural Resources Committee on February 8. The dash-1 amendments by ODA are now complete and a public hearing/work session is scheduled for April 5 at 3:00 P.M. in HR-B.

Senate Bill 683 ****OFS OPPOSES**** The bill seeks to make the “reporting location” in PURS more specific, changing from a **third-level hydrologic unit** (i.e. one of 16 water basins) to a **fourth-level hydrologic unit** (i.e. one of 91 watersheds). ODA is doing a cost estimate to re-program the data base, which would also require any use data submitted for 2007 to be thrown out or re-entered by the user. **OFS will continue to oppose any bill that attempts to change PURS statutes this session.** The bill is in Senate Environment and Natural Resources Committee, although no hearing has been scheduled we are hearing that committee Chair Senator Brad Avakian does hope to have a hearing on his bill soon.

Senate Bill 991 OFS understands this bill will be withdrawn by the requestor, the Oregon Veterinary Medical Association. It would have exempted veterinarians or veterinary technicians from PURS reporting requirements when applying an animal pesticide within the scope of their license. **Although OFS supports the conceptual change, all natural resource groups agree that any changes to PURS, including the sunset date, should be postponed and dealt with during the 2009 session.** The bill currently is in Senate Environment and Natural Resources Committee.

House Bill 2920 ****OFS OPPOSES**** The bill requires state agencies to **disclose a public record** if the “state agency originally made, received, filed or recorded the record in electronic form.” The agency is required to disclose or make copies of the record available in an “open format” that allows them to “display, read, print, manipulate or otherwise interact with the information embodied in the record free of charge.”

OFS believes there is a very strong possibility that these changes could undermine the confidentiality of pesticide use information electronically reported to the PURS data base. As such we will attempt to draft a short amendment to expressly exclude public release of confidential information reported under PURS.

A hearing has been schedule in House Government Accountability and Information Technology Committee on **April 3 at 1:00 P.M. in HR-E.**

House Bill 3068 ****OFS SUPPORTS**** The bill, drafted at the request of Oregon Vector Control Association, cleans up existing inconsistencies and outdated language in statute relating to vector control. It also introduces specific language that vector control districts must “take all necessary or proper steps and measures for the prevention, control or eradication of public health vectors” and vector habitats using “integrated pest management methods” (IPM) as described in ORS 634.650. This is the very balanced IPM definition that OFS passed in 1991. The bill also allows a licensed applicator working for a vector control district to apply pesticides to the property of another governmental entity that is not immediately adjacent to their jurisdiction only for the purpose of managing a public health vector, provided it is not done as a source of profit to avoid unnecessary conflicts with private commercial applicators.

OFS testified in support of the bill at a March 27 hearing before the House Agriculture and Natural Resources Committee. The bill passed unanimously and was **sent to the House floor for a vote.**

House Bill 3353 ****OFS SUPPORTS**** The bill, requested by the Oregon Landscape Contractors Association, will **eliminate** the current pesticide applicator licensing **exemption** for persons engaged in maintenance of lawns, shrubs and gardens. This puts landscape businesses and their employees who do pesticide applications as only a minor portion of their job, on the same licensing basis as commercial pest control companies who provide these services as their primary function. The bill has been scheduled for a hearing in House Business and Labor Committee on **April 4 at 3:00 P.M. in HR-D.**

For more information on all the bills OFS is tracking this session, go to our website **www.ofsonline.org** and see previous OFS Legislative Updates. Should you desire to voice your support or opposition for any or all of these bills, go to our website and click on **FIND YOUR LEGISLATOR** to identify your state senator and representative, and information on how to contact them by phone, email or postal mail.