

House Bill 2152

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for State Department of Agriculture)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes State Department of Agriculture to develop and administer program to educate urban residents regarding noncommercial pesticide use. Authorizes department to coordinate pesticide program information gathering and utilization.

Changes implementation and sunset dates for statewide pesticide use reporting system.

A BILL FOR AN ACT

Relating to pesticides; creating new provisions; and amending sections 4, 8, 15, 19, 21 and 22, chapter 1059, Oregon Laws 1999.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS chapter 634.

SECTION 2. The State Department of Agriculture may develop and administer a program designed to educate urban residents on matters relating to the noncommercial use of pesticides. To the extent practicable, the department may coordinate program efforts with any other department pesticide programs to maximize the gathering and utilization of information regarding pesticide use in this state. The education program developed under this section may include, but need not be limited to:

- (1) The identification of pests;
- (2) Alternatives to the use of pesticides;
- (3) The selection and use of appropriate pesticides;
- (4) Pesticide equipment care and cleaning; and
- (5) The proper storage and disposal of pesticides.

SECTION 3. Section 4, chapter 1059, Oregon Laws 1999, is amended to read:

Sec. 4. The State Department of Agriculture shall establish and implement a pesticide use reporting system to meet the need described in section 3, **chapter 1059, Oregon Laws 1999** [*of this 1999 Act*]. In establishing and implementing the system, the department shall:

(1) Design, develop and implement the system in order to collect, evaluate, summarize, retain and report information on the use of pesticides in each major category of use in Oregon, including agriculture, forestry, industrial, urban commercial and urban homeowner uses.

(2) At least one time each year, collect the best data practicable from each major category of pesticide use in a manner that reduces paperwork and reporting costs.

(3) Require all pesticide users to report basic information on their use of pesticides that includes, at a minimum:

(a) The watershed, county, zip code or other identification of the location as recommended by the work group established in section 5, **chapter 1059, Oregon Laws 1999**, [*of this 1999 Act*] for the location of use;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(b) The name and United States Environmental Protection Agency registration number for the pesticide product used;

(c) The quantity of pesticide product applied;

(d) The purpose of and type of site of the application;

(e) The month of the application; and

(f) Other data gathered by pesticide applicators that is necessary to achieve the purposes of section 3, **chapter 1059, Oregon Laws 1999** [of this 1999 Act].

(4) Develop a mechanism to ensure the accuracy, reliability and validity of the database by providing for an independent review of the pesticide use data and collection procedures by data quality assurance specialists.

(5) Develop a specific mechanism to identify household and other urban uses of pesticides. If this mechanism involves sales reporting by retail pesticide dealers, the department shall develop a minimum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

(6) Implement a limited size, pesticide reporting pilot program on or before January 31, 2001.

(7) Begin operation of the statewide required data reporting program on January 1, [2002] **2006**.

SECTION 4. Section 8, chapter 1059, Oregon Laws 1999, as amended by section 2, chapter 915, Oregon Laws 2001, is amended to read:

Sec. 8. (1) In implementing the pesticide use reporting system, the State Department of Agriculture shall, at a minimum:

(a) Beginning July 1, [2003] **2007**, and annually thereafter, publish an annual report summarizing the pesticide use data in Oregon on a watershed basis. The report shall include an analysis of trends in use and an assessment of accuracy of the reporting data and summary of use by regions, watershed, county or other scale as recommended by the pesticide stakeholder group appointed under section 5, chapter 1059, Oregon Laws 1999.

(b) Establish policy and adopt rules relating to the public release of data about pesticide sales or use consistent with the limitations provided in this section.

(2)(a) Data about pesticide use obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999, are confidential if the data would reveal the identity of the owner or lessee or the specific location of property where a person has applied a pesticide:

(A) For a private agricultural or forestry operation; or

(B) On private property or public property leased to a private person.

(b) Data about pesticide sales obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999, are confidential if the data would reveal a trade secret, as defined in ORS 646.461, of the retail outlet, multiple-outlet retailer or associated group of retailers that reports the data.

(3) The policy and rules that the department adopts under this section may not limit access to data for the following purposes:

(a) Information obtained as part of any investigation under any other provision of law;

(b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws 1999, to any other local, state or federal agency, if the local, state or federal agency has agreed to maintain the confidentiality of any information that is required to be treated as confidential under this section, unless the public interest by clear and convincing evidence requires disclosure in the particular instance; and

(c) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws 1999, to a health or environmental researcher acting in an official capacity from an accredited uni-

versity or accepted research institute who agrees to maintain the confidentiality of any information that is required to be treated as confidential under this section.

SECTION 5. Section 15, chapter 1059, Oregon Laws 1999, is amended to read:

Sec. 15. Notwithstanding the maximum registration fee established under ORS 634.016 (5),[.]

[(1) *For the years beginning January 1, 2000, and January 1, 2001:*]

[(a) *The registration fee shall not exceed \$130 for each pesticide, formula or formulation; and*]

[(b) *The State Department of Agriculture may collect and distribute up to \$10 in registration fees for each pesticide, formula or formulation in order to fund the analytical review under section 7 of this 1999 Act and to execute the pesticide reporting pilot program under section 4 (6) of this 1999 Act.*]

[(2)] for the [years] **period** beginning January 1, 2002, and ending December 31, [2009:] **2013**,

[(a)] the **annual** registration fee [shall] **may** not exceed \$160 for each pesticide, formula or formulation[; and].

[(b)] **The State Department of Agriculture may use** up to \$40 [in] **of each** registration [fees] **fee that is subject to this section** for [each] a pesticide, formula or formulation [may be used by the department] for the implementation of the pesticide use reporting system under sections 2 to 9, **chapter 1059, Oregon Laws 1999, provided that** [of this 1999 Act as long as] the Legislative Assembly appropriates an equivalent amount of moneys from the General Fund for the system.

SECTION 6. Section 19, chapter 1059, Oregon Laws 1999, is amended to read:

Sec. 19. The amendments to ORS [192.502,] 634.306 and 634.372 by sections [16,] 17 and 18, **chapter 1059, Oregon Laws 1999**, [of this 1999 Act] become operative on [December 31, 2009] **January 2, 2014**.

SECTION 7. Section 21, chapter 1059, Oregon Laws 1999, is amended to read:

Sec. 21. The State Department of Agriculture shall report to the [Seventy-second] **Seventy-fourth** Legislative Assembly and to the [Seventy-third] **Seventy-fifth** Legislative Assembly on the implementation and operation of the pesticide use reporting system under sections 2 to 9, **chapter 1059, Oregon Laws 1999** [of this 1999 Act]. The report shall include any recommendations to improve the effectiveness or efficiency of the system in order to achieve the purposes of sections 2 to 9, **chapter 1059, Oregon Laws 1999** [of this 1999 Act].

SECTION 8. Section 22, chapter 1059, Oregon Laws 1999, is amended to read:

Sec. 22. Sections 2 to 4, 6 to 11, 15 and 21, **chapter 1059, Oregon Laws 1999**, [of this 1999 Act] are repealed on [December 31, 2009] **January 2, 2014**.