Senator Jackie Dingfelder Chair, Senate Committee on Environment and Natural Resources c/o Ms. Beth Patrino Oregon State Legislature 900 Court Street NE, Room 347 Salem, Oregon 97301

April 1, 2013

Re: SB 800

Dear Chair Dingfelder and Committee Members:

Thank you for the opportunity to speak before you today on the topic of pesticide spray records. I am the Executive Director of Beyond Toxics. Over the past 12 years, Beyond Toxics has responded to public concern about pesticide spray. We have conducted research on the impacts of pesticide at schools, on salmon streams and overuse by state agencies. Our research has resulted in the adoption of better policies at the state and local level.

In carrying out this research, I've become quite familiar with pesticide record keeping and pesticide complaint procedures. This experience allows me to discuss my knowledge of the data gaps and inconsistencies as well as the necessity of pesticide use record keeping.

Charles Darwin said the following about science, ignorance and knowledge:

"... it is those who know little, and not those who know much, who so positively assert that this or that problem will never be solved by science."

SB 800 addresses the problem described so aptly by Darwin. SB 800 is about increasing knowledge about the use of pesticides, and so that Oregonians are not making policy decisions in a state of ignorance. SB 800 is about good science informing policy and practice. This bill is a response to pesticide investigations in Oregon, and the near impossibility of obtaining reliable data to carry out valid investigations. Without science, without data, how can an investigator prove that pesticide laws are being followed – or determine whether pesticides are causing problems? Without sufficient data with which to conduct a thorough investigation, it is easy enough to suspend a chemical drift investigation or to deny a medical claim based on possibility of exposure. As a result of lack of information, state agencies are not able to serve the businesses and people of Oregon.

In my testimony I will point out three reasons why better pesticide use record keeping and reporting are necessary. Each example is followed by a suggestion for steps the Legislature can take to solve the problem.

Example 1: With my testimony, I have supplied examples of various Spray Records forms used by Oregon agencies and government programs. There is no consistency in the way records are kept, and this is even true for different offices within one agency. For example, look at the difference in the record keeping for two state forests in Exhibit 1 and 2. Also, Exhibits 3 and 4

shows significant differences between private forestry uses and state forests; or see Exhibits 5 and 6 to compare ODF invasive weed programs and State Parks Invasive Species.

Recommendation: Standardize pesticide spray recording forms so that all necessary information for good metrics and science is provided on each form.

Example 2: I have attended numerous meetings of the Pesticide Analytic Response Center. The purpose of the PARC board is to investigate, classify cases by ranking the likelihood of exposure and determine whether or not there has been a violation of federal pesticide laws. Through numerous public records requests, I have reviewed many of the PARC complaint files. In the majority of cases, ODA staff and experts on the Board spent many hours looking into a case, only to determine that there was insufficient information to make a determination because too much time had elapsed between the actual spray event, the complaint, the opening of an investigation, and the request for spray records. It is not uncommon that investigators didn't have timely access to records to help them make that determination. Recommendation: Oregon must develop a system of accurate record keeping and policies that make it easier to obtain records in a timely manner.

Example 3: ORS 527.321 and ORS 527.335 requires the State Forester to implement an integrated pest management process on department-managed and other lands, as well as to conduct surveys and evaluations to determine overall forest health. In addition, other agencies are charged with reducing toxic chemicals in the environment and their impacts to water quality. Where does the data come from to accomplish these requirements? As one model, in Washington State, state agencies and the public have access to forestry spray records, the agency has a 3 week review period, and records are kept for a total for 7 years. Please see Exhibit 7 which is a comparison of Oregon and Washington's forestry chemical reporting requirements. Recommendation: Look at policies in other states that successfully collect data on pesticide sprays and use this information for various valid purposes including scientific research and the public good.

In a time of increasing evidence about the persistence of pesticides in the environment, the decreasing effectiveness of pesticides because of pest habituation and adaptation, and their role in human and animal health, we commend this Committee for taking up the topic of pesticide data collection.

Beyond Toxics recommends that the Oregon Legislature initiate an Interim Legislative Task Force on Pesticide Use Record Keeping and Reporting. This is an important topic that will need deliberation, expertise and the participation of users, agencies and researchers, with oversight by the Legislature.

Sincerely,

Lisa Arkin, Executive Director

Beyond Toxics PO BOX 1106

Eugene, OR 97440

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Daily Chemical Application Record Form

O D	D	S	This form outlines daily pesticide application information an applicator must record to meet requirements of the Oregon Departments of Forestry (ODF) and Agriculture (ODA), and the U.S.										
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¹ Oregon Department of Forestry requirements for all pesticide applicators

² Oregon Department of Agriculture requirements for commercial and public applicators. Applicators must also report to the Pesticide Use Reporting System at http://oregon.gov/ODA/PEST/purs_index.shtml.

3 U.S. Department of Agriculture requirements for private pesticide applicators using restricted use products.

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1. Crop Owner and 2 Location

93015 Templeton Road Cheshire, OR

3. Date and 3 Time

6-23-10 _7:00 am - 4:50 PM

4. Supplier

Crop Production Services 4195-B Salem Industrial Drive Salem, OR 97301 1800 452 8324

5. Trade name & strength;

Oust Extra #352-622

6 Amount

4 oz /acre x 4 acre = 16 oz total

Carrier was 40 gallons of water

7. Crop

Site prep for Doug Fir planting

8. Apparatus

Solo Back Pack

9. Name Paul Millard (541) 7474669. AG-L0088847CPA.

10. Throw away date 6-23-13

Notification number 2010-781-00830





16:30

Washburn Contract Services Inc. P.O.Box 760 OR 97338 831-1593

Dallas, (503)

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Actial Herbicide Application Record

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Project Name: ARRA Invasive Weed Control - Roads Oregon Dept. of Foresty

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INVASIVE SPECIES TREATMENT RECORD

Oregon Parks & Recreation Department (Insert Park Name & Address)

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	GPS coordinates, township/range section		
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Date / Time Record begin & end time	Date	Access to the Commence of the	and a company of the company of the debugge
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Method of treatment (pesticide, hand pulling, trapping, mulching, site restoration etc.)			
Use this section for per	Section B	n (legal requirement)	
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Amount applied Use lbs, oz or gal of actual product per acre or concentration (lbs or oz product/gal) and total gallons applied	Commission of the Programme of Commission of the	apada (amanganga anganganganganganganganganganganganganga	A second of the
Target site/crop Examples: corn field, roadside, office baseboards, turf area		MAN COLOR TO THE PROPERTY OF T	ALL INSCRIBE OVEROID
Equipment description Backpack sprayer, boom, etc	VETTO-A-POCOCIONO DISTUNCIO DOCCO A MANAGEMENTA ZIZINANO, I SECRETA MA A FANA O	AVM (also opposited and also opp	
Name of applicator Full name of person who made the application			
Weather Temp, sunny, cloudy etc	TANADO TANADO	200	
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Keep this record for 3 years

Exhibit 7

Comparison of Aerial Spraying Herbicide Regulations

	Washington State Forest Practices Act	Oregon State Forest Practices Act
Fish Bearing Stream Buffer	100-150' for Forests equivalent to the Coast Range, depends on growing conditions and stream width	60 ' or Distance defined by Product Label
Domestic Water Supply		60 ' or Distance defined by Product Label
Perennial Non Fish Stream Buffer	50-100' depends on wind and nozzle type	0 ' or Distance defined by Product Label
Intermittent Non Fish Stream Buffer, with surface water present	50-100' depends on wind and nozzle type	0 ' or Distance defined by Product Label
Buffer next to Residences	200′	None
Buffer next to Agriculture Lands	100′	None
Posting Site	Must post 5 days in advance and 15 days after spraying	No posting required
Flying Orientation	Must fly parallel to stream, drift control agents are required	Must fly parallel to edge of water when within 100 feet of Fish or Domestic Water Supply stream
Public Comments Allowed	Yes	No
Agency Review Period	3 Weeks	No Review
Application Records Available to the Public	Yes	No
Years Records are Kept	7 years	3 Years