

HB 3058 -1, -2, -3, -4 STAFF MEASURE SUMMARY

House Committee On Agriculture and Land Use

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Meeting Dates: 3/26, 4/9

WHAT THE MEASURE DOES:

Prohibits the sale, purchase, or use of any pesticide product containing chlorpyrifos. Requires the Oregon Department of Agriculture (ODA) immediately revoke any registration for pesticides containing chlorpyrifos. Defines neonicotinoid. Requires ODA to list pesticide products containing a neonicotinoid as restricted-use pesticides.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Eliminates the provisions related to neonicotinoids.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

-2 Eliminates the provisions related to products containing chlorpyrifos.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

-3 Directs ODA to review scientific data regarding the safety of current uses of pesticide products that contain chlorpyrifos. Requires that ODA, by January 1, 2020: (1) act to restrict the use of chlorpyrifos in outdoor settings; (2) act to commence the phasing out of the sale, purchase, or use of chlorpyrifos in outdoor settings except in situations where ODA determines there is no available alternative; or (3) report to an interim committee of the Legislative Assembly regarding the agency findings and include any recommendations for legislative action. Declares emergency, effective on passage.

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FISCAL: May have fiscal impact, but no statement yet issued

-4 Creates a new pesticide license category. Requires that a "pesticide retailer," defined as a person who sells, offers for sale, handles, displays, or distributes pesticides, but not pesticides classified by ODA as a restricted-use or highly toxic pesticide, must possess a valid pesticide retailer license issued by ODA. Requires that ODA establish the annual license fee for a pesticide retailer license by rule, to be not less than \$20 or more than \$75. Requires that a pesticide retailer that engages in the selling or offering of pesticides through more than one sales outlet obtain a separate license for each sales outlet. Credits \$20 of each license fee to a subaccount within the ODA Service Fund; specifies \$10 is to be used for the purpose of carrying out ODA responsibilities to avoid adverse effects on pollinating insects, and \$10 is to be used to develop and provide materials for proper handling and disposal techniques for pesticides, and for developing additional programs to educate nonprofessional pesticide users regarding proper application. Requires that a pesticide retailer ensure that each sales outlet has a designated employee to serve as a contact person for ODA, who must ensure that the sales outlet maintains a supply of ODA materials regarding proper handling and disposal techniques for pesticides, and makes those materials available to the public upon request. Removes the requirement for ODA to apply \$10 of each pesticide registration fee towards avoidance of adverse effects on pollinating insects. Declares emergency, effective on passage.

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BACKGROUND:

According to the U.S. Environmental Protection Agency (EPA), chlorpyrifos is used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used in the U.S. since 1965 in both agricultural and non-agricultural settings including corn, soybeans, fruit and nut trees, golf courses, and non-structural wood treatments such as utility poles and fence posts.

Neonicotinoids are a type of insecticide that can be applied to either a plant or soil. The Oregon Department of Agriculture (ODA) is authorized to establish, maintain, and amend lists of restricted-use pesticides and can restrict their application and use by rule.

House Bill 3058 would prohibit the sale, purchase, or use of any pesticide containing chlorpyrifos and would require ODA to list pesticide products containing neonicotinoid as a restricted-use pesticide.