

HB 4109 -2 STAFF MEASURE SUMMARY

House Committee On Health Care

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Meeting Dates: 2/11, 2/13

WHAT THE MEASURE DOES:

Prohibits aerial spraying of any pesticides containing chlorpyrifos or applying any pesticide product containing chlorpyrifos within 300 feet of a school campus. Directs Oregon State Department of Agriculture to revoke any registration of pesticides or application devices that contain chlorpyrifos prior to January 1, 2022. Specifies civil penalties. Declares emergency, effective on passage.

REVENUE: Revenue impact statement issued: no impact.

FISCAL: Fiscal impact statement issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces measure. Requires the State Department of Agriculture, in coordination with the Occupational Safety and Health Division of the Department of Consumer and Business Services to review laws or protect agricultural workers from exposure or potential exposure to pesticides containing chlorpyrifos. Allow the State Department of Agriculture to adopt rules restricting the application of pesticide products containing chlorpyrifos.

REVENUE: Revenue impact statement issued: no impact.

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

BACKGROUND:

According to the U.S. Environmental Protection Agency (EPA), chlorpyrifos is an organophosphate pesticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used since 1965 in both agricultural and non-agricultural settings. Agricultural uses include corn, soybean, broccoli, cauliflower, brussels sprouts, other row crops, and fruit and nut tree production. Non-agricultural uses include golf courses, turf, greenhouses, and non-structural wood treatments for utility poles and fence posts.

All pesticides sold or distributed in the U.S. must be registered with the EPA, which involves an evaluation of the human health and other risks attributable to the chemicals that make up the pesticide, identification of proper usage, and labeling to ensure the pesticide will not have unreasonable adverse effects on humans or the environment. Findings from a 2014 human health and risk assessment of chlorpyrifos led the EPA to issue a proposed rule to revoke all tolerances of chlorpyrifos, indicating that no amount of chlorpyrifos residue on foods would be considered acceptable. Based on public comment regarding the proposed rule, a revised human health and risk assessment was conducted and was published by the EPA in November 2016. The 2016 assessment identified risks from dietary exposure as a result of ingesting residues of chlorpyrifos on food crops and risks from drinking water. Currently, chlorpyrifos remains a registered pesticide. In 2019, Oregon along with other states challenged the EPA's decision allowing for continued use of chlorpyrifos.

House Bill 4109 prohibits the use of any pesticide product containing chlorpyrifos as of January 1, 2022 and limits current usage until ban takes affect in 2022.