

HB 4109 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 2/21

WHAT THE MEASURE DOES:

Prohibits aerial spraying of any pesticides containing chlorpyrifos or applying such products within 300 feet of a school campus. Prohibits sale, purchase, or use of pesticides containing chlorpyrifos starting January 1, 2022. Directs Oregon Department of Agriculture to revoke any registration of pesticides or application devices that contain chlorpyrifos prior to January 1, 2022. Requires an employer to take steps to ensure a worker does not enter an area that contained a pesticide with chlorpyrifos within eight calendar days following chlorpyrifos application. Specifies civil penalties. Declares emergency, effective on passage.

Minimal fiscal impact

No revenue impact

House vote: Passed. Ayes, 32; Nays, 24; Excused, 4

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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 pest control in 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 revised human health 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 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 containing chlorpyrifos. 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.