

To: Senate Committee on Environment and Natural Resources  
From: Nargess Shadbeh, Oregon Law Center  
Date: February 21, 2020  
Re: HB 4109

Chair Dembrow and members of the committee:

I submit this testimony on behalf of the Oregon Law Center (OLC), in support of HB 4109, which is a sensible approach to phasing out the use and application of Chlorpyrifos in Oregon. The bill would immediately prohibit aerial pesticide applicator from spraying or otherwise applying by aircraft pesticide product containing chlorpyrifos. It would also restrict applying Chlorpyrifos within 300 feet of school campus. Additionally, the bill would ensure that workers do not enter in areas containing chlorpyrifos if applied in the previous eight days. Finally, it requires the ODA to revoke the registration for chlorpyrifos by January 2022 and prohibits sell and use of products containing Chlorpyrifos by 2023.

The Oregon Law Center (OLC) is a non-profit law firm whose mission is to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. OLC and its predecessor organization has over forty years of experience in providing civil legal services and community education to Oregon's farmworkers on issues such as unpaid wages, labor housing conditions and workplace health and safety.

HB 4109 is a sensible approach to phasing out the use of a neurotoxin that has a long and steady record of harm to children, including migrant farmworker children in Oregon. It allows for immediate restriction of aerial spraying of this pesticide, arguably one of the most important restrictions closing off the possibility of drift through application by helicopters or plane. It simultaneously restricts application at sensitive locations, such as a school campus but it allows application by some other methods less prone to drift such as injection or ground spray for two more years.

Oregon's phase out of Chlorpyrifos would join other states that have sought to protect the health of their farmworkers, including Hawaii, California, New York, and now Washington considering its options. At this particular moment, some of the most vulnerable population of farmworkers in Oregon are looking forward to a decisive approach to ending the possibility of additional neurobehavioral damage to their children while these farmworkers work hard to earn a living in this state.

Our clients work on many products on which heavy use of Chlorpyrifos has been used or continues to be used around the state. Those include Christmas trees, nuts, berries, vegetable crops, orchards and vineyards to name a few. Farmworkers, composed of a significant number

of women in childbearing age can be exposed to Chlorpyrifos through mixing and applying while working on crops in the fields or by drift. Farmworkers and their young children work and often live near fields that are sprayed. In this way, farmworkers and their families are hit on all sides with the potential for exposure.

A popular misconception about farmworkers is that they are largely men who work in agriculture and are in and out of the state for short periods during the height of the harvest season. However, Oregon's own demographic of workers demonstrates that at least a third of the work force is composed of women and largely women of child bearing age. As migrant clinicians attest, pregnant women, young children, and the elderly are the most susceptible to the adverse effects of exposure to Chlorpyrifos. Furthermore, the work in agriculture season has grown to almost year-round.

While consideration of measures to reduce exposure should always include how farmworkers can protect themselves, this cannot be continuously relied on to safeguard against toxins such as Chlorpyrifos. There is not much that workers and their children can do to reduce exposure if they do not have ample information about the application, time and date of application, nor adequate facilities to wash and dry their clothes, playgrounds (aside from the parking lot next to the orchards) for their kids, or even adequate housing with indoor toilet or kitchens.

After many years of providing training on Worker Protection Safety provisions in Spanish and a number of indigenous languages, we know that most farmworkers understand the dangers of exposure to pesticides, including how to reduce such exposure. However, the regulatory provisions for training are meaningless when it comes to Chlorpyrifos. Workers must be protected with ban of this product and while the product is phased out with enough distance from the fields to reduce the possibility of exposure in the first place. We respectfully request your support for HB 4109.