Senate Committee on Environment & Natural Resources

February 21, 2020

Oregon Farm Bureau OPPOSES House Bill 4109

The Oregon Farm Bureau Federation ("OFB") is the state's largest general agriculture association, representing nearly 6500 families actively engaged in farming and ranching. Oregon growers are engaged in the production of over 225 agricultural products, and are dependent on pesticide products, both conventional and organic, regulated by the U.S. Environmental Protection Agency ("EPA") to manage pest and disease outbreaks on their crops. OFB opposes HB 4109, which would prohibit the use of pesticides containing the active ingredient chlorpyrifos beginning in 2022.

Oregon is an incredibly diverse state, and chlorpyrifos products play an important role in managing pests on nearly 100 Oregon crops—Christmas trees, sugar beets, grass seed, peppermint, and cranberries, among others. Chlorpyrifos is one of the essential tools that Oregon farmers have kept in their toolbox as an effective way to control pests. It's a tool that is used only in specific situations to address problematic pests.

HB 4109 circumvents the regulatory process at the Department of Agriculture
Since December 2019, OFB has participated in a work group through the Oregon Department of Agriculture ("ODA"), alongside the Oregon Association of Nurseries, PCUN, Beyond Toxics, Oregonians for Food and Shelter, Oregon Environmental Council, and others. Several toxicologists sit on the work group to provide their expertise to the issue of worker and bystander health and safety. The work group was convened to address the very concern behind HB 4109—reducing the risk of bystander and worker exposure to chlorpyrifos.

OFB was surprised to see HB 4109 introduced in the 2020 Short Session, given the collaborative effort underway at the ODA with worker advocates and agricultural groups through the rulemaking. The work group is currently in the process of assessing the existing regulatory framework for pesticide applications, potential exposure pathways, identification of policy gaps, and the appropriate risk mitigation measures to protect workers from exposure to chlorpyrifos. These conversations are ongoing with draft rules anticipated in March 2020. HB 4109 clearly circumvents this process and the expertise provided by work group members.

HB 4109 impacts IPM strategies on the farm
Chlorpyrifos is one component of comprehensive integrated pest management ("IPM") programs and helps to maximize yield and contribute to insect resistance management. It often is used in rotation with other products and not on a regular basis. Agriculture is

dynamic. A farmer may not use a product much or at all for a year or two and then insect population pressures change, and the farmer must look to that product to save their crops. HB 4109 would eliminate a critical product in cases where few alternatives currently exist. In many instances those alternatives would be less effective and have greater impacts on non-target species (e.g. pollinators and beneficial insects). For crops with few alternatives, the economic impacts would be substantial.

Additionally, chlorpyrifos is used to manage pests on several crops that no other insecticides can control, including Christmas trees and clover grown for seed. Pests can have devastating effects on yield, and HB 4109 presents a serious concern for economic damage if the pest is left uncontrolled. While research is ongoing to understand pests and find other means of pest control, chlorpyrifos is still a much-needed tool in a small toolbox.

Chlorpyrifos is also a long-standing treatment for seeds and minor crops. As a seed treatment, it is used by seed producers and vegetable farmers and is necessary in situations where there is significant pest pressure. As no-till agriculture has become more prevalent, insect pressures have also increased. There are only a few products registered for use as seed treatment insecticides. Farmers base their seed treatment decisions on historical pest pressures as part of their IPM programs. Without chlorpyrifos, entire fields could be lost or resistance to other pesticides could develop. This would cause significant economic hardship for many Oregon farmers.

HB 4109 would impact international trade

A unilateral ban on the active ingredient chlorpyrifos in 2022 would disrupt international trading and financially harm Oregon farmers. Approximately 80 percent of commodities grown in Oregon leave the state, and of those, half are exported to international markets. Other countries and states have strong phytosanitary requirements. Commodities that are exported to international markets can face rejection when a quarantine pest is found.

Chlorpyrifos is currently registered in about 100 countries for use on more than 50 crops. Oregon producers may face trade restrictions in those markets if they lose access to the tool. HB 4109 would impact Oregon farmers' ability to produce and export agricultural commodities.

HB 4109 is not supported by science

The EPA evaluates and registers pesticides to ensure that they will not harm people, non-target species, or the environment. After years of testing and scientific studies, EPA determines if a pesticide can be sold and used. An across-the-board ban in Oregon is not supported by EPA's findings and would unnecessarily prohibit the use of critical tools for Oregon agriculture. An across-the-board ban also goes far beyond the stated goal of this legislation. Farmers have been using chlorpyrifos safely for over 40 years. A state-specific ban will let insects develop resistance to other chemicals more quickly and deprive farmers of a weapon in responding to new pest pressures. For some, there are no alternatives available.

In 2016 EPA's Science Advisory Panel rejected the agency's methodology in quantifying the risk posed by chlorpyrifos. And in 2017, the EPA declined to support a ban on the product, instead stating that it needed more time to come to a clearer scientific resolution on the matter. EPA's decision is anticipated as early as June 2020 with final resolution expedited by the end of this year. OFB urges the legislature to allow EPA, the agency responsible for the evaluation of chlorpyrifos, to continue its ongoing science-based and expert-led evaluation of the product, before taking unnecessary action that will impact Oregon's agricultural industry.

The -5 amendment provides an opportunity for compromise

The Washington legislature is currently considering this issue, and they've put forward a bill that addresses concerns both for public health and the viability of their specialty crop industry. We have that same opportunity here today. The -5 amendment reaches the same safety measures as HB 4109 to protect farm workers and bystanders from the risk of exposure to chlorpyrifos. It also maintains chlorpyrifos for emergency pest outbreaks and for farmers who need it to meet export requirements. And if the amendment passes, ODA will continue rulemaking to identify additional risk mitigation measures needed to protect public health.

OFB has extensive policy regarding the safe and proper use of agriculture and forestry chemicals to ensure a reliable and high-quality supply of agricultural commodities. Our members oppose HB 4109, which puts the legislature in the role of making decisions for farmers on a product-by-product basis without the scientific background or on-the-ground knowledge to inform these decisions.

Thank you for the opportunity to provide testimony today. We respectfully ask you to oppose HB 4109.

Please direct any questions to Jenny Dresler (jenny@pacounsel.org) or Mary Anne Cooper (maryannecooper@oregonfb.org) on behalf of the Oregon Farm Bureau.