

HB 4109 A STAFF MEASURE SUMMARY

Carrier: Rep. Boshart Davis

House Committee On Health Care**Minority Report****Action Date:** 02/13/20**Action:** Do pass with amendments to the bill. (Printed A-Eng.) Minority**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Report Signers:** Rep. Christine Drazan, Rep. Cedric Hayden**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 2/11, 2/13**WHAT THE MEASURE DOES:**

Defines terms. Prohibits aerial spraying of any pesticides containing chlorpyrifos or applying such products within 300 feet of a school campus unless exempted in rule by the Department of Agriculture. Specifies exemptions to prohibition. Requires an employer to take steps to ensure a worker does not enter a restricted area that contains a pesticide with chlorpyrifos eight calendar days following chlorpyrifos application, except during a "restricted-entry interval" period as defined by federal law. Specifies civil penalties. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Short- and long-term health effects of pesticides containing chlorpyrifos on farmworkers and their families
- Human health risks for women and children based on exposure to chlorpyrifos
- Types and levels of environmental exposure to chlorpyrifos through direct and indirect means
- Current federal and state regulation of chlorpyrifos
- 2018 Circuit Court of Appeals order to U.S. Environmental Protection Agency to ban all sales and uses of chlorpyrifos
- Worker protections and restrictions on chlorpyrifos application; risk mitigation strategies; labeling of pesticides containing chlorpyrifos
- Conventional and organic farming; availability of alternative products to replace chlorpyrifos use in farming
- Oregon Department of Agriculture's 2020 chlorpyrifos work group
- Legislative history, prior legislation to ban chlorpyrifos in agricultural policy committees, House Bill 3058 (2019)
- International tolerance levels for pests in agricultural exports and imports

EFFECT OF AMENDMENT:

Defines terms. Prohibits aerial spraying of any pesticides containing chlorpyrifos or applying such products within 300 feet of a school campus unless exempted in rule by the Department of Agriculture. Specifies exemptions to prohibitive use of pesticides containing chlorpyrifos: during a quarantine, to stop the spread of an invasive species, or products intended for export with no alternative pesticide. Requires an employer to take steps to ensure a worker does not enter a restricted area that contains a pesticide with chlorpyrifos eight calendar days following chlorpyrifos application, except during a "restricted-entry interval" period as defined by federal law. Specifies civil penalties.

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

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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-MRA prohibits the use of any pesticide product containing chlorpyrifos unless certain exemptions are granted in rule by the Department of Agriculture.