

Minority Report
A-Engrossed
House Bill 4109

Ordered by the House February 18
Including House Minority Report Amendments dated February 18

Sponsored by nonconcurring members of the House Committee on Health Care: Representatives DRAZAN,
HAYDEN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits aerial pesticide applicator from spraying or otherwise applying by aircraft pesticide product containing chlorpyrifos. **Requires State Department of Agriculture to adopt rules creating exceptions for application during quarantine or to stop spread of invasive species. Allows department to adopt rules creating exception for application to export crops if there is no alternative pesticide.**

Prohibits person from applying pesticide product containing chlorpyrifos within 300 feet of campus of school.

Requires person that employs worker to take steps to [*ensure that worker does not enter*] **re-strict worker entry** into area in which pesticide product containing chlorpyrifos was applied within eight preceding calendar days.

[*Effective January 1, 2022, prohibits sale, purchase or use of pesticide product containing chlorpyrifos.*]

[*Requires State Department of Agriculture to revoke, on January 1, 2022, pesticide registrations for pesticide products containing chlorpyrifos.*]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prevention of health impacts from exposure to chlorpyrifos; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 6 of this 2020 Act are added to and made a part of ORS chapter**
5 **634.**

6 **SECTION 2. The purpose of this 2020 Act is to prevent health impacts from chlorpyrifos,**
7 **which is known to be harmful to human health, by reducing exposure to this pesticide.**

8 **SECTION 3. (1) As used in this section, "aerial pesticide applicator" means an individual**
9 **engaging in activities that require a certificate under ORS 634.128.**

10 **(2) An aerial pesticide applicator may not spray or otherwise apply by aircraft a pesticide**
11 **product containing chlorpyrifos.**

12 **(3) By rule, the State Department of Agriculture:**

13 **(a) Shall establish exceptions to the prohibition in subsection (2) of this section for aerial**
14 **application of a pesticide product containing chlorpyrifos during a quarantine or to stop the**
15 **spread of an invasive species.**

16 **(b) May establish exceptions to the prohibition in subsection (2) of this section for aerial**
17 **application of a pesticide product containing chlorpyrifos to agricultural products intended**
18 **for export for which there is no alternative pesticide.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 4.** (1) As used in this section, “campus” and “school” have the meanings given
2 those terms in ORS 634.700.

3 (2) A person may not apply a pesticide product containing chlorpyrifos within 300 feet of
4 the campus of a school.

5 **SECTION 5.** (1) As used in this section:

6 (a) “Agricultural emergency” has the meaning given that term in 40 C.F.R. 170.112 (d)(1).

7 (b) “Restricted-entry interval” means the time after the end of a pesticide application
8 during which presence in the area in which the pesticide was applied is restricted.

9 (2) The restricted-entry interval for chlorpyrifos is eight days.

10 (3) During the restricted-entry interval for chlorpyrifos, a person that employs a worker
11 shall take steps to ensure that the worker does not enter or remain in an area in which
12 chlorpyrifos has been applied, except that the employer may allow the worker to enter or
13 remain in the area during the restricted-area interval:

14 (a) For activities not involving contact with chlorpyrifos, if the employer ensures com-
15 pliance with the requirements established by 40 C.F.R. 170.112 (b);

16 (b) For short-term activities, if the employer ensures compliance with the requirements
17 established by 40 C.F.R. 170.112 (c); or

18 (c) During an agricultural emergency, if the employer ensures compliance with the re-
19 quirements established by 40 C.F.R. 170.112 (c)(3) through (c)(9) and 40 C.F.R. 170.112 (d)(2).

20 **SECTION 6.** Notwithstanding ORS 634.900 (1), a violation of sections 3 to 5 of this 2020
21 Act constitutes a violation subject to imposition of civil penalties under ORS 634.900 to
22 634.915.

23 **SECTION 7.** This 2020 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
25 on its passage.