

## HB 2031 -1 STAFF MEASURE SUMMARY

### House Committee On Agriculture and Natural Resources

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**Meeting Dates:** 4/1

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#### WHAT THE MEASURE DOES:

Creates and modifies definitions used in Oregon Pesticide Control Act (Act). Specifies “pesticide use” means activities identified by the Oregon Department of Agriculture (ODA) by rule that involves pre-application, application, or other pesticide-related conduct. To establish a definition, requires ODA to consider: federal laws and regulations related to pesticides including the Federal Insecticide Fungicide and Rodenticide Act and the Federal Environmental Pesticide Control Act; laws and regulations of other states; and the advice and counsel of experts in pesticides from industry, universities, and colleges and other governmental agencies or bodies. Describes exemptions to the Act when restricted-use pesticides are used by persons who do not advertise or are in the pesticide application business but: use mainly for work or business to maintain small or home lawns, shrubs, or gardens; or whose principal activity or business is selling pesticides, or selling or leasing equipment. Applies Act to use of restricted-use pesticides by persons exempt for other uses. Adds that a licensed public applicator is required to directly supervise restricted-use pesticides use. Requires applicants for private applicator’s certificate be at least 18 years of age. Revises record keeping requirements for the pesticide operator including the total amount of pesticide product applied and concentration; federal pesticide registration number; full name and license number of the pesticide applicator; and other information as determined necessary by ODA rule. Specifies conditions under which ODA can determine that the applicant, licensee, or certificate holder has violated the law and can revoke, suspend, or refuse to issue or renew license or certificate. Defines "power-driven" pesticide applicator as means other than hand or backpack type applicator.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-1 Replaces the measure. Modifies the definition of "pesticide applicator" or "applicator as individual using, spraying, or applying restricted-use or highly toxic pesticides for others; or spraying or applying pesticides for others. Requires Oregon Department of Agriculture (ODA) to adopt rules relating to the other use of pesticides for pesticide trainee. Authorizes ODA to suspend or refuse to issue or renew license or certificate if it determines that the applicant, licensee, or certificate holder has violated: a provision of ORS Chapter 634 (Pesticide Control); a rule adopted by ODA for the administration or enforcement of the Chapter ; and a provision of specified federal law or federal regulation. Authorizes ODA Director to impose a civil penalty for violation of any provision of Chapter or ODA rules related to the restricted-use pesticides and makes ODA rule violation related to restricted-use pesticides a Class A misdemeanor.

*REVENUE: No revenue impact*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### BACKGROUND:

The Oregon Department of Agriculture (ODA) enforces the Oregon Pesticide Control Act (ORS Chapter 634). The Act regulates the use of pesticides, including pesticide registration and labeling, applicator licensing and certification, and protocols regarding pesticide use reporting system that requires users to report the name of the

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pesticide used, the quantify of pesticide product applied, the purpose and type of site of application, and the month of application.

House Bill 2031 would create and modify definitions used in the Oregon Pesticide Control Act, change qualifications for private applicator certificate, and add record keeping requirements for the pesticide applicator.