To: Chair Fahey and Members of the House Committee on Housing

From: Lisa Arkin, Executive Director, Beyond Toxics

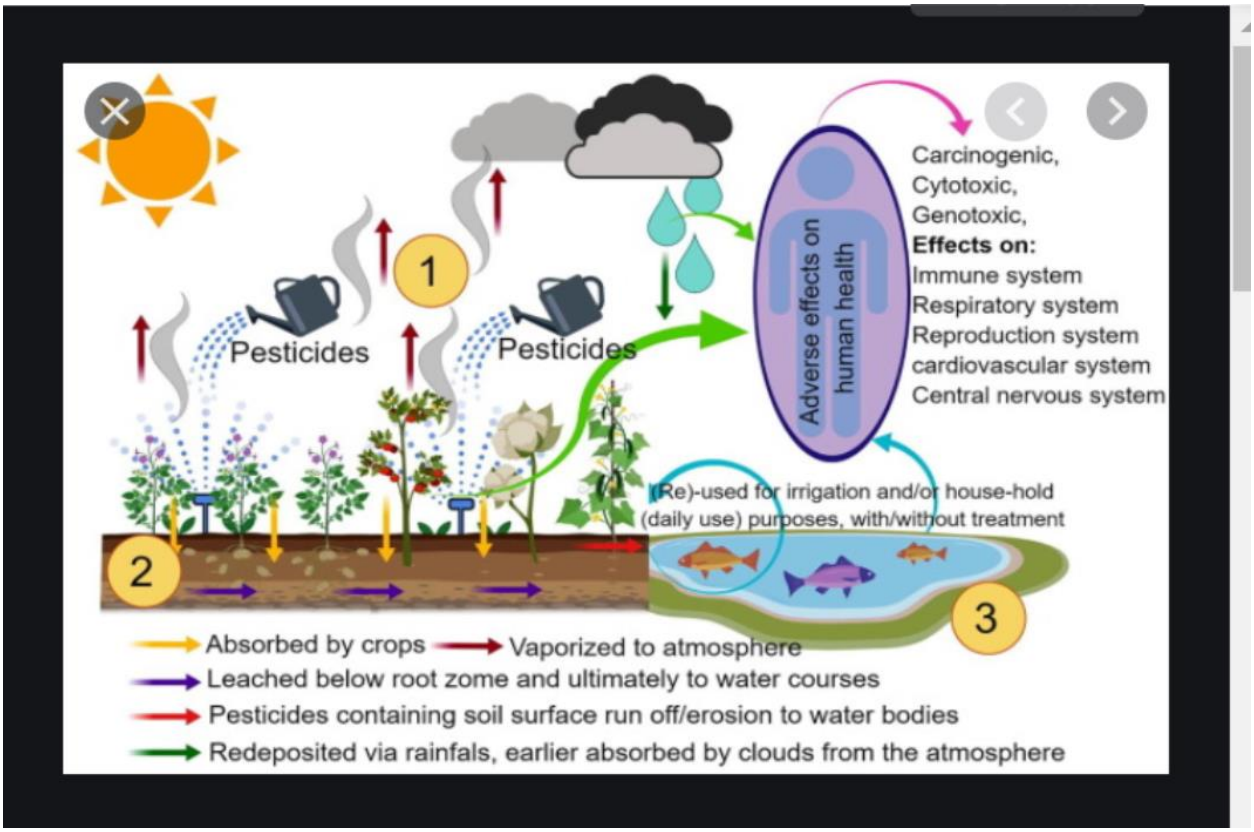
Date: 2/1/2021

Subject: Urging Passage of HB 2409

Homeowners, whether they live in a Home Owners Association (HOA) or in a residential neighborhood, should not be put in a situation to accept someone making unwanted pesticide applications to their property. We urge you to vote yes on HB 2409, a bill to allow homeowners to make informed decisions about whether or not they want pesticides applied on their property by a landscaping company. Homeowners should be given that choice for a number of reasons.

I. **Homeowners should have the right to make decisions to protect themselves, their family members and their pets from chemicals that can cause harm to human health.** Residents, not pesticide applicators, can determine if an individual living at a residence has an existing health condition that may make them more vulnerable to chemical exposure, is pregnant or nursing, is an infant or toddler putting everything they touch into their mouth, or is an elder with a weak immune system.

II. **Pesticides (including herbicides) can persist and accumulate in soils, plants and water.** The graphic below illustrates the many ways pesticides can remain in the immediate environment, and possibly cause harm to the main organ systems of the human body.[i]



III. **According to the US EPA, children are often more heavily exposed than adults to environmental toxicants**. Young children play close to the ground and come into contact with contaminated soil and plants outdoors. Recent studies have shown that young children can be exposed to pesticides during normal oral exploration of their environment. Furthermore, pesticide residues can be tracked into a home on pets or on shoes to accumulate indoors in carpets where young children spend a significant amount of time.[ii] Eliminating pesticide applications in the immediate vicinity of the home can help reduce outdoor exposure as well as the risk of tracking these chemical indoors where they are slower to degrade.

IV. **In a report on pesticide exposures published by the Oregon Health Authority (2009), key findings suggest innocent bystanders experience pesticide exposures in residential areas**.[iii]

The Health Authority's key findings help demonstrate the need to pass HB 2409.

1. Almost 2/3 of non-occupational acute pesticide-related illnesses occurred to individuals engaged in routine outdoor or indoor activities, usually at or in their own homes, *and were not applying pesticides themselves.* Examples of exposure include brushing up against an area that had recently been sprayed or otherwise coming in contact with pesticide residues.
2. *More residential exposures occurred in women* (55%).[iv] This may be because women may spend more time at home with young children.
3. Health care providers are not reporting suspected or confirmed cases of pesticide exposures despite the fact that pesticide poisoning is a reportable condition under Oregon law. This means that Oregon regulators may not have complete data to gauge the extent of pesticide poisonings occurring to innocent bystanders.

We believe HB 2409 can be effectively implemented without Section 2(1)a, which redefines the term pesticides to exclude a product used in organic crop production. Organic products are also used to kill, repel or deter pests. The primary difference between organic products and conventional pesticides is that organic products are usually derived from natural substances whereas agricultural and landscape pesticides tend to synthetically produced and have inert ingredients which can also be highly toxic.

Section 2(2), which requires a 7-day notice to a homeowner seems reasonable when one considers that most landscaping pesticide applications are done on a routine basis. A 7-day notice is helpful to provide the homeowner a chance to work with the HOA governing board to find solutions and/or solve the pest or weed problems themselves in advance of an application.

Lastly, we wish to point out that HB 2409 exposes a weak point in Oregon's pesticide licensing rules. Beyond Toxics is concerned that Oregon law is not clear regarding the requirement to hold a pesticide applicator license to apply pesticides as a part of landscape maintenance employment. Specifically, page 1 of the 2019 Oregon Department of Agriculture Pesticide Licensing Guide states "licensing is <u>not</u> needed" when "applying pesticides as a part of landscape maintenance under

specific conditions." [v] Pesticide licensing and certification should be clearly required for all landscape maintenance.

We urge the House Committee on Housing to require the Oregon Department of Agriculture to ensure that anyone applying pesticides for landscaping and grounds maintenance in residential settings is required to hold a pesticide applicators license and certification and to learn about pesticides and human health, integrated pest management, alternatives to pesticides and pesticide reduction techniques.

Thank you for your attention to the matter of protecting children, elders, pets and others residing in HOA's who may be vulnerable to chemical exposures. Our homes should be shelters of safety. Please pass HB 2409.

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[i] Bilal, M, et al., *Persistence of pesticides-based contaminants in the environment and their effective degradation using laccase-assisted biocatalytic systems*. The Science of the Total Environment. Vol. 695, 12/10/2019.

[ii] US EPA, Child-Specific Exposure Factors Handbook, 2008.

[iii] "Descriptive Analysis of Pest Cases, 2002-2007." Pesticide Exposure, Safety and Tracking Program Office of Environmental Public Health, Public Health Division Oregon Health Authority. Accessed at https://www.oregon.gov/oha/ph/HealthyEnvironments/HealthyNeighborhoods/Pesticides/Documents/Final_Descriptive_Analysis_2002-07.pdf (2/1/2021)

[iv] CD Summary: Acute Pesticide Poisoning in Oregon: An Incomplete View?, 12/15/2009. Vol 58, No.25.

[v] 2019 Oregon Department of Agriculture Pesticide Licensing Guide. Accessed at https://www.oregon.gov/oda/shared/Documents/Publications/PesticidesPARC/LicenseGuide.pdf (2/1/2021).