

Enrolled Senate Bill 237

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CHAPTER

AN ACT

Relating to pesticides; amending ORS 634.016 and section 15, chapter 1059, Oregon Laws 1999.

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

SECTION 1. ORS 634.016 is amended to read:

634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded, delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year with the State Department of Agriculture.

(2) Every device[,] manufactured, delivered, distributed, sold, offered or exposed for sale in this state[,] shall be registered each year with the department.

(3) The registration shall be made by the manufacturer or a distributor of the pesticide.

(4) The application for registration shall include:

(a) The name and address of the registrant.

(b) The name and address of the manufacturer if different than the registrant.

(c) The brand name or trademark of the pesticide.

(d) A specimen or facsimile of the label of each pesticide, and each formula or formulation, for which registration is sought, except for annual renewals of the registration when the label remains unchanged.

(e) The correct name and total percentage of each active ingredient.

(f) The total percentage of inert ingredients.

(5) The application for registration shall be accompanied by a registration fee to be established by the department for each pesticide[,] and each formula or formulation[, *which shall not exceed \$120*]. **The registration fee may not exceed \$250** for each such pesticide, or each formula or formulation.

(6) The department, at the time of application for registration of any pesticide or after a declaration of a ground water management area under ORS 468.698 may:

(a) Restrict or limit the manufacture, delivery, distribution, sale or use of any pesticide in this state.

(b) Refuse to register any pesticide which is highly toxic for which there is no effective antidote under the conditions of use for which such pesticide is intended or recommended.

(c) Refuse to register any pesticide for use on a crop for which no finite tolerances for residues of such pesticide have been established by either the department or the federal government.

(d) In restricting the purposes for which pesticides may be manufactured, delivered, distributed, sold or used, or in refusing to register any pesticide, give consideration to:

(A) The damage to health or life of humans or animals, or detriment to the environment, which might result from the distribution and use of such pesticide.

(B) Authoritative findings and recommendations of agencies of the federal government and of any advisory committee or group established under ORS 634.306 (10).

(C) The existence of an effective antidote under known conditions of use for which the material is intended or recommended.

(D) Residual or delayed toxicity of the material.

(E) The extent to which a pesticide or its carrying agent simulates by appearance and may be mistaken for human food or animal feed.

(7) The provisions of this section shall not, except as provided herein, apply to:

(a) The use and purchase of pesticides by the federal government or its agencies.

(b) The sale or exchange of pesticides between manufacturers and distributors.

(c) Drugs, chemicals or other preparations sold or intended for medicinal or toilet purposes or for use in the arts or sciences.

(d) Common carriers, contract carriers or public warehousemen delivering or storing pesticides, except as provided in ORS 634.322.

SECTION 2. Section 15, chapter 1059, Oregon Laws 1999, as amended by section 3, chapter 743, Oregon Laws 2005, is amended to read:

Sec. 15. [Notwithstanding the maximum registration fee established under ORS 634.016 (5), for the years beginning January 1, 2002, and ending December 31, 2009:]

[(1) The registration fee may not exceed \$160 for each pesticide, formula or formulation; and]

[(2)] **The State Department of Agriculture may use** up to \$40 [in registration fees for] **of each pesticide, formula or formulation [may be used by the department for the implementation of] registration fee collected under ORS 634.016 during the period beginning January 1, 2008, and ending December 31, 2009, to implement** the pesticide use reporting system under sections 2 to 9, chapter 1059, Oregon Laws 1999, as long as the Legislative Assembly appropriates an equivalent amount of moneys from the General Fund for the system.

Passed by Senate February 26, 2007

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Secretary of Senate

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President of Senate

Passed by House May 10, 2007

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Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State