

# Senate Bill 237

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## 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 **as introduced**.

Increases maximum permissible fee paid by pesticide manufacturer or distributor for annual registration of each pesticide, formula or formulation.

## A BILL FOR AN ACT

1  
2 Relating to pesticides; amending ORS 634.016 and section 15, chapter 1059, Oregon Laws 1999.

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

4 **SECTION 1.** ORS 634.016 is amended to read:

5 634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded,  
6 delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year  
7 with the State Department of Agriculture.

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

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

11 (4) The application for registration shall include:

12 (a) The name and address of the registrant.

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

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

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

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

19 (f) The total percentage of inert ingredients.

20 (5) The application for registration shall be accompanied by a registration fee to be established  
21 by the department for each pesticide[,] and each formula or formulation[, *which shall not exceed*  
22 *\$120*]. **The registration fee may not exceed \$250** for each such pesticide, or each formula or for-  
23 mulation.

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

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

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

30 (c) Refuse to register any pesticide for use on a crop for which no finite tolerances for residues

**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 of such pesticide have been established by either the department or the federal government.

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

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

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

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

10 (D) Residual or delayed toxicity of the material.

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

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

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

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

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

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

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

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

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

25 *[(2)]* **The State Department of Agriculture may use** up to \$40 *[in registration fees for]* **of** each  
 26 pesticide, formula or formulation *[may be used by the department for the implementation of]* **regis-**  
 27 **tration fee collected under ORS 634.016 during the period beginning January 1, 2008, and**  
 28 **ending December 31, 2009, to implement** the pesticide use reporting system under sections 2 to  
 29 9, chapter 1059, Oregon Laws 1999, as long as the Legislative Assembly appropriates an equivalent  
 30 amount of moneys from the General Fund for the system.

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