

A-Engrossed
Senate Bill 683

Ordered by the Senate May 16
Including Senate Amendments dated May 16

Sponsored by Senator AVAKIAN

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.

Reduces size of identifying hydrologic unit to be used when reporting pesticide use.

Requires government bodies or those acting on behalf of government bodies to report pesticide use by address or by township, range, section and quarter-section of application location.

A BILL FOR AN ACT

1
2 Relating to pesticide use reporting; creating new provisions; and amending sections 4 and 8, chapter
3 1059, Oregon Laws 1999.

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

5 **SECTION 1.** Section 4, chapter 1059, Oregon Laws 1999, as amended by section 1, chapter 743,
6 Oregon Laws 2005, is amended to read:

7 **Sec. 4.** The State Department of Agriculture shall establish and implement a pesticide use re-
8 porting system to meet the need described in section 3, chapter 1059, Oregon Laws 1999. In estab-
9 lishing and implementing the system, the department shall:

10 (1) Design, develop and implement the system in order to collect, evaluate, summarize, retain
11 and report information on the use of pesticides in each major category of use in Oregon, including
12 agriculture, forestry, industrial, urban commercial and urban homeowner uses.

13 (2) At least one time each year, collect the best data practicable from each major category of
14 pesticide use in a manner that reduces paperwork and reporting costs.

15 (3)(a) Require all pesticide users to report basic information on their use of pesticides that in-
16 cludes:

17 [(a)] **(A)** The location of use. For pesticide use within an urban area, as defined by the depart-
18 ment by rule, the pesticide user shall report the location of use by identifying the five-digit zip code
19 for the location. For pesticide use that is not within an urban area, the pesticide user shall report
20 the location of use by identifying the [*third-level*] **fourth-level** hydrologic unit for the location. As
21 used in this paragraph, [*third-level*] "**fourth-level** hydrologic unit" means the [*basin reporting*]
22 **cataloging unit** level of the 12-digit hydrologic unit mapping system developed by the Federal Ge-
23 ographic Data Committee.

24 [(b)] **(B)** The name and United States Environmental Protection Agency registration number for
25 the pesticide product used.

26 [(c)] **(C)** The quantity of pesticide product applied.

27 [(d)] **(D)** The purpose of and type of site of the application.

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 [(e)] (E) The month of the application.

2 [(f)] (F) Subject to section 8, chapter 1059, Oregon Laws 1999, other data gathered by pesticide
3 applicators that the department considers necessary to achieve the purposes of section 3, chapter
4 1059, Oregon Laws 1999.

5 **(b) Notwithstanding paragraph (a) of this subsection, require reporting of pesticide use**
6 **by or on behalf of governmental bodies by exact address or, if an exact address is not avail-**
7 **able, by the township, range, section and quarter-section of the application location. This**
8 **paragraph does not apply to an application of pesticides to government property rented or**
9 **leased to a private party.**

10 (4) Develop a mechanism to ensure the accuracy, reliability and validity of the database by
11 providing for an independent review of the pesticide use data and collection procedures by data
12 quality assurance specialists.

13 (5) Develop a specific mechanism to identify household and other urban uses of pesticides. If this
14 mechanism involves sales reporting by retail pesticide dealers, the department shall develop a min-
15 imum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

16 **SECTION 2.** Section 8, chapter 1059, Oregon Laws 1999, as amended by section 2, chapter 915,
17 Oregon Laws 2001, and section 2, chapter 743, Oregon Laws 2005, is amended to read:

18 **Sec. 8.** (1) In implementing the pesticide use reporting system, the State Department of Agri-
19 culture shall, at a minimum:

20 (a) Publish an annual report summarizing the pesticide use data reported to the department
21 under section 4, chapter 1059, Oregon Laws 1999. The report shall include:

22 (A) An analysis of trends in pesticide use;

23 (B) An assessment of pesticide use reporting data accuracy; and

24 (C) Pesticide use information summarized by [*zip code or hydrologic unit*] **location** as described
25 in section 4 [(3)(a)], chapter 1059, Oregon Laws 1999.

26 (b) Establish policy and adopt rules relating to the public release of data about pesticide sales
27 or use consistent with the limitations provided in this section.

28 (2)(a) Data about pesticide use obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,
29 are confidential if the data would reveal the identity of the owner or lessee or the specific location
30 of property where a person has applied a pesticide:

31 (A) For a private agricultural or forestry operation; or

32 (B) On private property or public property leased to a private person.

33 (b) Data about pesticide sales obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,
34 are confidential if the data would reveal a trade secret, as defined in ORS 646.461, of the retail
35 outlet, multiple-outlet retailer or associated group of retailers that reports the data.

36 (c) **Except as provided in section 4 (3)(b), chapter 1059, Oregon Laws 1999,** the department
37 may not collect pesticide use data under section 4, chapter 1059, Oregon Laws 1999, that would re-
38 veal the identity of the owner or lessee or the specific location of property where a person has ap-
39 plied a pesticide.

40 (3) The policy and rules that the department adopts under this section may not limit access to
41 data for the following purposes:

42 (a) Information obtained as part of any investigation under any other provision of law;

43 (b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws
44 1999, to any other local, state or federal agency, if the local, state or federal agency has agreed to
45 maintain the confidentiality of any information that is required to be treated as confidential under

1 this section, unless the public interest by clear and convincing evidence requires disclosure in the
2 particular instance; and

3 (c) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws
4 1999, to a health or environmental researcher acting in an official capacity from an accredited uni-
5 versity or accepted research institute who agrees to maintain the confidentiality of any information
6 that is required to be treated as confidential under this section.

7 **SECTION 3. The amendments to sections 4 and 8, chapter 1059, Oregon Laws 1999, by**
8 **sections 1 and 2 of this 2007 Act apply to reporting information for pesticide use that occurs**
9 **on or after January 1, 2008.**

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