B-Engrossed
House Bill 2999

Ordered by the Senate May 27
Including House Amendments dated April 30 and Senate Amendments
dated May 27

Sponsored by Representatives CLEM, C EDWARDS; Representatives BAILEY, BARNHART, BOONE, BUCKLEY, CANNON, D EDWARDS, GREENLICK, HARKER, KOMP, KRIEGER, NOLAN, READ, RILEY, J SMITH, TOMEI

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.
Specifies methods by which pesticide user may report location of pesticide use on utility or public right of way.
Delays sunset date for pesticide use reporting system.
Prohibits State Department of Agriculture from expending moneys on pesticide use reporting system and from processing data about pesticide sales, distribution or use through June 30, 2011. Provides that pesticide user is not required to report certain information through June 30, 2011.
Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2 Relating to the pesticide use reporting system; creating new provisions; amending sections 4, 8, 19

3   and 22, chapter 1059, Oregon Laws 1999; and declaring an emergency.

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. (1) As used in this section, "fourth-level hydrologic unit" means the cataloging**

8 **unit level of the 12-digit hydrologic unit mapping system developed by the Federal Geographic**

9 **Data Committee.**

10   **(2)** The State Department of Agriculture shall establish and implement a pesticide use reporting

11 system to meet the need described in section 3, chapter 1059, Oregon Laws 1999. In establishing and

12 implementing the system, the department shall:

13   [*(1)*] **(a)** Design, develop and implement the system in order to collect, evaluate, summarize, re-

14 tain and report information on the use of pesticides in each major category of use in Oregon, in-

15 cluding agriculture, forestry, industrial, urban commercial and urban homeowner uses.

16   [*(2)*] **(b)** At least one time each year, collect the best data practicable from each major category

17 of pesticide use in a manner that reduces paperwork and reporting costs.

18   [*(3)*] **(c)** Require all pesticide users to report basic information on their use of pesticides that

19 includes:

20   [*(a)*] **(A)** The location of use[.]**, identified as follows:**

21   **(i) For pesticide use within an urban area, as defined by the department by rule, the pesticide**

22 **user shall report the location of use by identifying the five-digit zip code for the location.**

23   **(ii) For pesticide use that is not within an urban area, the pesticide user shall report the lo-**

1   cation of use by identifying the [*third-level*] **fourth-level** hydrologic unit for the location. [*As used*

2   *in this paragraph, "third-level hydrologic unit" means the basin reporting level of the 12-digit*

3   *hydrologic unit mapping system developed by the Federal Geographic Data Committee.*]

4   **(iii) To the extent authorized by the department by rule, notwithstanding any other pro-**

5   **vision of this subparagraph, for pesticide use on a utility or transportation right of way, the**

6   **pesticide user may report the location of use by identifying the fourth-level hydrologic unit**

7   **for the location or by identifying the right of way name and the beginning point and ending**

8   **point global positioning system coordinates or milepost numbers. If the department receives**

9   **a pesticide use report for which the location is identified by right of way information, the**

10   **department shall determine the fourth-level hydrologic unit in which the right of way be-**

11   **ginning point is located and shall use that fourth-level hydrologic unit for purposes of the**

12   **annual report described in section 8, chapter 1059, Oregon Laws 1999.**

13   [*(b)*] **(B)** The name and United States Environmental Protection Agency registration number for

14   the pesticide product used.

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

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

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

18   [*(f)*] **(F)** Subject to section 8, chapter 1059, Oregon Laws 1999, other data gathered by pesticide

19   applicators that the department considers necessary to achieve the purposes of section 3, chapter

20   1059, Oregon Laws 1999.

21   [*(4)*] **(d)** Develop a mechanism to ensure the accuracy, reliability and validity of the database

22   by providing for an independent review of the pesticide use data and collection procedures by data

23   quality assurance specialists.

24   [*(5)*] **(e)** Develop a specific mechanism to identify household and other urban uses of pesticides.

25   If this mechanism involves sales reporting by retail pesticide dealers, the department shall develop

26   a minimum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

27   **SECTION 2.** Section 8, chapter 1059, Oregon Laws 1999, as amended by section 2, chapter 915,

28   Oregon Laws 2001, and section 2, chapter 743, Oregon Laws 2005, is amended to read:

29   **Sec. 8.** (1) In implementing the pesticide use reporting system, the State Department of Agri-

30   culture shall, at a minimum:

31   (a) Publish an annual report summarizing the pesticide use data reported to the department

32   under section 4, chapter 1059, Oregon Laws 1999. The report shall include:

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

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

35   (C) Pesticide use information summarized by zip code or **fourth-level** hydrologic unit as de-

36   scribed in section 4 [*(3)(a)*] **(2)(c)**, chapter 1059, Oregon Laws 1999.

37   (b) Establish policy and adopt rules relating to the public release of data about pesticide sales

38   or use consistent with the limitations provided in this section.

39   (2)(a) Data about pesticide use obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,

40   are confidential if the data would reveal the identity of the owner or lessee or the specific location

41   of property where a person has applied a pesticide:

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

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

44   (b) Data about pesticide sales obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999,

45   are confidential if the data would reveal a trade secret, as defined in ORS 646.461, of the retail

1 outlet, multiple-outlet retailer or associated group of retailers that reports the data.

2 (c) The department may not collect pesticide use data under section 4, chapter 1059, Oregon

3 Laws 1999, that would reveal the identity of the owner or lessee or the specific location of property

4 where a person has applied a pesticide**, other than pesticide location of use reported by refer-**

5 **ence to a right of way**.

6 (3) The policy and rules that the department adopts under this section may not limit access to

7 data for the following purposes:

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

9 (b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws

10 1999, to any other local, state or federal agency, if the local, state or federal agency has agreed to

11 maintain the confidentiality of any information that is required to be treated as confidential under

12 this section, unless the public interest by clear and convincing evidence requires disclosure in the

13 particular instance; and

14 (c) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws

15 1999, to a health or environmental researcher acting in an official capacity from an accredited uni-

16 versity or accepted research institute who agrees to maintain the confidentiality of any information

17 that is required to be treated as confidential under this section.

18 **SECTION 3.** Section 19, chapter 1059, Oregon Laws 1999, is amended to read:

19 **Sec. 19.** The amendments to ORS [*192.502,*] 634.306 and 634.372 by sections [*16,*] 17 and 18**,** [*of*

20 *this 1999 Act*] **chapter 1059, Oregon Laws 1999,** become operative on [*December 31, 2009*] **June 30,**

21 **2019**.

22 **SECTION 4.** Section 22, chapter 1059, Oregon Laws 1999, is amended to read:

23 **Sec. 22.** Sections 2 to 4, 6 to 11, 15 and 21**,** [*of this 1999 Act*] **chapter 1059, Oregon Laws 1999,**

24 are repealed on [*December 31, 2009*] **June 30, 2019**.

25 **SECTION 5. Notwithstanding sections 4, 8 and 15, chapter 1059, Oregon Laws 1999, ORS**

26 **561.150, any requirement for the reporting of pesticide sales, distribution or use established**

27 **by the State Department of Agriculture under ORS 634.306 or any prohibition expressed in**

28 **ORS 634.372:**

29 **(1) The department may not expend moneys or department resources during the period**

30 **beginning October 1, 2009, and ending June 30, 2011, for the purpose of operating or main-**

31 **taining a pesticide use reporting system.**

32 **(2) A pesticide user, as defined in section 2, chapter 1059, Oregon Laws 1999, is not re-**

33 **quired to report any basic information regarding pesticide use that occurs during the period**

34 **beginning July 1, 2009, and ending June 30, 2011.**

35 **(3) The department may not collect, evaluate, summarize or report data for pesticide**

36 **sales, distribution or use that occurs during the period beginning July 1, 2009, and ending**

37 **June 30, 2011.**

38 **SECTION 6. (1) The amendments to section 4, chapter 1059, Oregon Laws 1999, by section**

39 **1 of this 2009 Act apply to the reporting of information on pesticide use that occurs on or**

40 **after January 1, 2013.**

41 **(2) The amendments to section 8, chapter 1059, Oregon Laws 1999, by section 2 of this**

42 **2009 Act become operative January 1, 2013.**

43 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**

44 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**

45 **on its passage.**

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