

## HOUSE AMENDMENTS TO HOUSE BILL 2999

By COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL  
COMMUNITIES

April 30

1 On page 1 of the printed bill, line 2, after “4,” insert “8.”

2 Delete lines 5 through 30 and delete page 2 and insert:

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

5 “**Sec. 4. (1) As used in this section, ‘fourth-level hydrologic unit’ means the cataloging**  
6 **unit level of the 12-digit hydrologic unit mapping system developed by the Federal Geographic**  
7 **Data Committee.**

8 “**(2)** The State Department of Agriculture shall establish and implement a pesticide use report-  
9 ing system to meet the need described in section 3, chapter 1059, Oregon Laws 1999. In establishing  
10 and implementing the system, the department shall:

11 “[*1*] **(a)** Design, develop and implement the system in order to collect, evaluate, summarize,  
12 retain and report information on the use of pesticides in each major category of use in Oregon, in-  
13 cluding agriculture, forestry, industrial, urban commercial and urban homeowner uses.

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

16 “[*3*] **(c)** Require all pesticide users to report basic information on their use of pesticides that  
17 includes:

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

19 “**(i)** For pesticide use within an urban area, as defined by the department by rule, the pesticide  
20 user shall report the location of use by identifying the five-digit zip code for the location.

21 “**(ii)** For pesticide use that is not within an urban area, the pesticide user shall report the lo-  
22 cation of use by identifying the [*third-level*] **fourth-level** hydrologic unit for the location. [*As used*  
23 *in this paragraph, ‘third-level hydrologic unit’ means the basin reporting level of the 12-digit hydrologic*  
24 *unit mapping system developed by the Federal Geographic Data Committee.*]

25 “**(iii) To the extent authorized by the department by rule, notwithstanding any other**  
26 **provision of this subparagraph, for pesticide use on a utility or transportation right of way,**  
27 **the pesticide user may report the location of use by identifying the fourth-level hydrologic**  
28 **unit for the location or by identifying the right of way name and the beginning point and**  
29 **ending point global positioning system coordinates or milepost numbers. If the department**  
30 **receives a pesticide use report for which the location is identified by right of way informa-**  
31 **tion, the department shall determine the fourth-level hydrologic unit in which the right of**  
32 **way beginning point is located and shall use that fourth-level hydrologic unit for purposes**  
33 **of the annual report described in section 8, chapter 1059, Oregon Laws 1999.**

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

1 “[(c)] (C) The quantity of pesticide product applied.

2 “[(d)] (D) The purpose of and type of site of the application.

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

4 “[(f)] (F) Subject to section 8, chapter 1059, Oregon Laws 1999, other data gathered by pesticide  
5 applicators that the department considers necessary to achieve the purposes of section 3, chapter  
6 1059, Oregon Laws 1999.

7 “[(4)] (d) Develop a mechanism to ensure the accuracy, reliability and validity of the database  
8 by providing for an independent review of the pesticide use data and collection procedures by data  
9 quality assurance specialists.

10 “[(5)] (e) Develop a specific mechanism to identify household and other urban uses of pesticides.  
11 If this mechanism involves sales reporting by retail pesticide dealers, the department shall develop  
12 a minimum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

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

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

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

19 “(A) An analysis of trends in pesticide use;

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

21 “(C) Pesticide use information summarized by zip code or **fourth-level** hydrologic unit as de-  
22 scribed in section 4 [(3)(a)] **(2)(c)**, chapter 1059, Oregon Laws 1999.

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

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

28 “(A) For a private agricultural or forestry operation; or

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

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

33 “(c) The department may not collect pesticide use data under section 4, chapter 1059, Oregon  
34 Laws 1999, that would reveal the identity of the owner or lessee or the specific location of property  
35 where a person has applied a pesticide, **other than pesticide location of use reported by refer-**  
36 **ence to a right of way.**

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

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

40 “(b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon  
41 Laws 1999, to any other local, state or federal agency, if the local, state or federal agency has  
42 agreed to maintain the confidentiality of any information that is required to be treated as confi-  
43 dential under this section, unless the public interest by clear and convincing evidence requires dis-  
44 closure in the particular instance; and

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

1 Laws 1999, to a health or environmental researcher acting in an official capacity from an accredited  
2 university or accepted research institute who agrees to maintain the confidentiality of any infor-  
3 mation that is required to be treated as confidential under this section.

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

5 “**Sec. 19.** The amendments to ORS [192.502,] 634.306 and 634.372 by sections [16,] 17 and 18, [of  
6 this 1999 Act] **chapter 1059, Oregon Laws 1999**, become operative on [December 31, 2009] **January**  
7 **2, 2016.**

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

9 “**Sec. 22.** Sections 2 to 4, 6 to 11, 15 and 21, [of this 1999 Act] **chapter 1059, Oregon Laws 1999**,  
10 are repealed on [December 31, 2009] **January 2, 2016.**

11 “**SECTION 5. Notwithstanding sections 4, 8 and 15, chapter 1059, Oregon Laws 1999, ORS**  
12 **561.150, any requirement for the reporting of pesticide sales, distribution or use established**  
13 **by the State Department of Agriculture under ORS 634.306 or any prohibition expressed in**  
14 **ORS 634.372:**

15 “(1) The department may not expend moneys or department resources during the period  
16 beginning October 1, 2009, and ending June 30, 2011, for the purpose of operating or main-  
17 taining a pesticide use reporting system.

18 “(2) A pesticide user, as defined in section 2, chapter 1059, Oregon Laws 1999, is not re-  
19 quired to report any basic information regarding pesticide use that occurs during the period  
20 beginning July 1, 2009, and ending June 30, 2011.

21 “(3) The department may not collect, evaluate, summarize or report data for pesticide  
22 sales, distribution or use that occurs during the period beginning July 1, 2009, and ending  
23 June 30, 2011.

24 “**SECTION 6.** (1) The amendments to section 4, chapter 1059, Oregon Laws 1999, by sec-  
25 tion 1 of this 2009 Act apply to the reporting of information on pesticide use that occurs on  
26 or after January 1, 2013.

27 “(2) The amendments to section 8, chapter 1059, Oregon Laws 1999, by section 2 of this  
28 2009 Act become operative January 1, 2013.

29 “**SECTION 7.** This 2009 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
31 on its passage.”.

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