

SENT VIA EMAIL TO: Beth.Reiley@state.or.us

March 29, 2013

Senator and Chair Dingfelder
Senate Committee on Environment and Natural Resources
Oregon State Legislature, c/o Beth Reiley
900 Court St. Room 347
Salem, OR 97301

**RE: TESTIMONY IN SUPPORT OF SENATE BILL 800 AND LEGISLATOR
AMENDMENT REQUEST BY REPRESENTATIVE PAUL HOLVEY**

Dear Senator Dingfelder:

I strongly support Senate Bill 800 sponsored by Senator Prozanski, as well as the
Legislator Amendment Request by Representative Paul Holvey.

It is essential for the health, safety and welfare of Oregonians that a government agency,
such as DEQ, is collecting records about government and private pesticide applications
on public and private lands.

I am writing specifically to support the reporting requirement for commercial pesticide
applications. A spray application by Cutting Edge Landscape & Design, a local company
hired by my next-door neighbors, recently raised my consciousness about why reporting
requirements are essential. Here's what happened: I walked out my front door, with my
3-year-old son in tow, to see a man applying pesticides to the park strip in front of my
neighbor's house, and to breathe in the odor of the pesticides being applied. Previously,
my neighbors had instructed the company not to spray pesticides so I asked the man if he
was sure he had been authorized to spray at that house. He said yes, because this
pesticide would not harm the environment. I asked what he was spraying. He said he was
spraying Brash.

I went inside to look up the Manufacturer's Label for Brash, and discovered the
following alarming facts:

- Brash is 35.7% 2,4-D and 12.4% Dicamba.
- The label states: "For use on Conservation Reserve Program Land, Fallow Systems (Between Crop Applications), General Farmstead, Sorghum, Grass (Hay or Silage), Pastures, Rangeland, Sugarcane, and Wheat." Nowhere on the label are residential and/or commercial applications mentioned.
- The label states: "DANGER." This is a label designation that I have come to learn is relatively unusual in its severity.
- The label states: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift." When I stepped off my front porch, the man was approximately 25-30 feet in front of me, and approximately 15-20 feet from our property line. I could smell the pesticides as I stepped out of my house. There was no signage to keep pedestrians from walking down the sidewalk, bikers from riding passed the house or cars from parking at the curb.

Anyone in the vicinity would have been unknowing exposed to drift from this application.

- The label states: “Only protected handlers may be in the area during application.” The man was applying the pesticide on the park strip and lawn of a home on a corner property in south Eugene. As stated above, there was no signage to keep pedestrians from walking down the sidewalk, bikers from riding passed the house or cars from parking at the curb.
- The label states: “Do not enter or allow workers entry into treated areas during the restricted entry interval (REI) of 48 hours. Since there was no signage, there was no way to avoid people from entering the spray area, which included the sidewalk along the two different streets which border this corner property. Because Brash is clearly labeled for agricultural uses, it seems clear that the application area is probably anticipated to be larger than the park strips and front lawn of this home where the pesticide was applied.

As a side note, I have also recently learned that it is unlawful for spray applicators to comment on the environmental impact of pesticides. In this instance, the spray applicator made a very clear statement to me that the pesticide he was using would not harm the environment.

Cutting Edge Landscape & Design installs and maintains residential and commercial properties. If the company’s pesticide applicators are applying Brash at residences, it is safe to assume they are also applying them at commercial properties. If a reporting requirement were in place, the DEQ could establish if pesticide applications were made in violation of the product’s label requirements, which is against federal law. Hopefully, this would result in the landscaping business being investigated, and advised that their applications were unlawful and needed to stop - bringing an end to what otherwise could be on-going unlawful pesticide applications exposing numerous unwitting individuals to toxic chemicals.

The reporting requirements proposed in Senate Bill 800, and Senator Holvey’s Amendment Request are the minimum measures our State government should be taking to ensure the proper use of pesticides, and to reduce the exposure of residents and visitors to the toxic effect of these chemicals. The application of pesticides on public and private land throughout Oregon is a serious matter of public health and public concern. Please pass this important legislation to improve the accountability of spray applicators using these dangerous products.

Thank you for your time and consideration. Sincerely yours,

Ann B. Kneeland
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