

**PROPOSED AMENDMENTS TO
SENATE BILL 800**

1 On page 1 of the printed bill, line 2, after “reporting” insert “; creating
2 new provisions; amending ORS 634.146; and declaring an emergency”.

3 Delete lines 4 through 30 and delete page 2 and insert:

4 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part
5 of ORS chapter 634.**

6 **“SECTION 2. (1) As used in this section, ‘local government’ has the
7 meaning given that term in ORS 174.116.**

8 **“(2) Each state agency or local government shall prepare and
9 maintain a record on a form approved under section 3 of this 2013 Act
10 for each pesticide application made by a public applicator or public
11 trainee employed by the state agency or local government. The record
12 shall include:**

13 **“(a) The name of the state agency or local government for which
14 the pesticide was applied.**

15 **“(b) The approximate location of the land or property on which the
16 pesticide was applied.**

17 **“(c) The date and approximate time of application.**

18 **“(d) The person who supplied the pesticides.**

19 **“(e) The trade name and the strength of the pesticides.**

20 **“(f) The amount or concentration (pounds or gallons per acre of
21 active ingredient or concentration per approximately 100 gallons).**

22 **“(g) The specific property to which the pesticide was applied.**

1 “(h) The summary information of equipment, device or apparatus
2 used and, if applied by aircraft, the Federal Aviation Administration
3 number.

4 “(i) The names of the public applicator or public trainee who did the
5 actual application or spraying.

6 “(3) The state agency or local government shall supply the record
7 information for each pesticide application to the Department of Envi-
8 ronmental Quality no later than 60 days after the date of the pesticide
9 application.

10 “(4) The state agency or local government shall keep a record for
11 a period of at least three years after the date of application of the
12 pesticide and shall make the record available during business hours for
13 review and inspection by the Oregon Health Authority or the Depart-
14 ment of Environmental Quality.

15 “SECTION 3. (1) The Oregon Health Authority and the Department
16 of Environmental Quality shall jointly develop and approve a form for
17 recording pesticide application information under ORS 634.146 and
18 section 2 of this 2013 Act.

19 “(2) The Department of Environmental Quality shall collect the
20 pesticide application record information supplied to the department
21 under ORS 634.146 and section 2 of this 2013 Act. Upon request, the
22 department may supply the information to another state agency or a
23 local government. The department may charge a state agency or local
24 government a reasonable fee for providing the information. Informa-
25 tion described in ORS 634.146 (1)(a), (g) or (i) that is supplied to the
26 department or is supplied by the department to another state agency
27 or a local government is a trade secret as defined in ORS 192.501 (2).

28 “SECTION 4. ORS 634.146 is amended to read:

29 “634.146. [(1) Pesticide operators shall prepare and maintain records on
30 forms approved by the State Department of Agriculture. Such records]

1 **“(1) A pesticide operator shall prepare and maintain a record on a**
2 **form approved under section 3 of this 2013 Act for each pesticide ap-**
3 **plication made by a pesticide applicator or pesticide trainee employed**
4 **by the operator. The record shall include:**

5 “(a) The name of the person for whom the pesticide was applied.

6 “(b) The approximate location of the land or property on which the pes-
7 ticide was applied.

8 “(c) The date and approximate time of application.

9 “(d) The person who supplied the pesticides.

10 “(e) The trade name and the strength of such pesticides.

11 “(f) The amount or concentration (pounds or gallons per acre of active
12 ingredient or concentration per approximately 100 gallons).

13 “(g) The specific property, crop or crops to which the pesticide was ap-
14 plied.

15 “(h) The summary information of equipment, device or apparatus used
16 and, if applied by aircraft, the Federal Aviation Administration number.

17 “(i) The names of the pesticide applicator or pesticide trainees who did
18 the actual application or spraying.

19 “*[(2) The records, which shall be kept for a period of at least three years*
20 *from the date of application of pesticides, shall be available during business*
21 *hours for review and inspection by the department.]*

22 **“(2) The pesticide operator shall supply the record information for**
23 **each pesticide application to the Department of Environmental Quality**
24 **no later than 60 days after the date of the pesticide application.**

25 **“(3) The pesticide operator shall keep a record for a period of at**
26 **least three years after the date of application of the pesticide and shall**
27 **make the record available during business hours for review and in-**
28 **spection by the Oregon Health Authority or the Department of Envi-**
29 **ronmental Quality.**

30 “*[(3)]* (4) Upon receiving a request from any owner of field crops on which

1 pesticides were applied, [*the*] a pesticide operator within 40 days after mak-
2 ing such application shall give or forward to the owner a written statement
3 setting forth the information described in subsection (1)(a), (b), (c), (e), (f)
4 and (g) of this section.

5 **“SECTION 5. Section 2 of this 2013 Act and the amendments to ORS**
6 **634.146 by section 4 of this 2013 Act apply to pesticide applications made**
7 **on or after January 1, 2014. The Oregon Health Authority and the**
8 **Department of Environmental Quality shall make the form described**
9 **in section 3 of this 2013 Act available to state agencies, local govern-**
10 **ments and pesticide operators no later than December 31, 2013.**

11 **“SECTION 6. This 2013 Act being necessary for the immediate**
12 **preservation of the public peace, health and safety, an emergency is**
13 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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