

# House Bill 4139

Sponsored by Representative REARDON (Pre-session filed.)

## 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 **as introduced**.

Requires State Department of Agriculture to classify certain pesticides as restricted-use pesticides. Repeals requirement January 2, 2021. Provides for possible earlier removal of pesticide from restricted-use classification at discretion of Director of Agriculture.

Requires department, in cooperation with Oregon State University, to develop educational materials regarding best practices for avoiding adverse effects of pesticides on populations of bees and other pollinating insects. Requires department to make educational materials part of training required of pesticide trainee as qualification to sit for pesticide applicator licensing examination.

Requires department to biennially report to interim committee of Legislative Assembly regarding population health of bees and other pollinating insects.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to pollinator health; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 4 of this 2014 Act are added to and made a part of ORS chapter**  
5 **634.**

6 **SECTION 2. (1) In addition to any other highly toxic or restricted-use pesticides identified**  
7 **by the State Department of Agriculture under ORS 634.316, and subject to subsection (2) of**  
8 **this section, in order to ensure the health of bees and other pollinating insects, the depart-**  
9 **ment shall classify the following as restricted-use pesticides:**

10 (a) **Clothianidin;**

11 (b) **Dinotefuran;**

12 (c) **Imidacloprid; and**

13 (d) **Thiamethoxam.**

14 (2) **Unless the department determines the product to be unduly injurious or detrimental**  
15 **to humans or domestic animals, notwithstanding ORS 634.306 the department may not re-**  
16 **strict any use of a product containing one or more of the pesticides described in subsection**  
17 **(1) of this section that is in accordance with product manufacturer instructions:**

18 (a) **On domestic animals that are not livestock as defined by department rule;**

19 (b) **On bedding for domestic animals described in paragraph (a) of this subsection;**

20 (c) **On fabric; or**

21 (d) **In an enclosed indoor area.**

22 (3) **Department classification of a pesticide described in subsection (1) of this section as**  
23 **a restricted-use pesticide has the same force and effect as a restricted-use pesticide classi-**  
24 **fication made by the department under ORS 634.306.**

25 **SECTION 3. The State Department of Agriculture, in consultation with Oregon State**  
26 **University, shall develop educational materials regarding the best practices for avoiding ad-**  
27 **verse effects from pesticides on populations of bees and other pollinating insects. The edu-**

**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 cational materials must include, but not be limited to, measures that pesticide applicators  
 2 and pesticide trainees can take to protect honeybees and bumblebees. The department and  
 3 the university shall design the requirements to ensure that any pesticide applicator applying  
 4 or supervising the application of a restricted-use pesticide is highly knowledgeable regarding  
 5 alternatives to, the appropriateness of, and precautions for, the use of restricted-use pesti-  
 6 cides that may be injurious to the health of bees and other pollinating insects. The depart-  
 7 ment shall make the educational materials described in this section a part of the training  
 8 required to qualify a pesticide trainee for taking the pesticide applicator licensing examina-  
 9 tion under ORS 634.122.

10 **SECTION 4.** The State Department of Agriculture shall biennially report to an interim  
 11 committee of the Legislative Assembly dealing with agriculture regarding the population  
 12 health of bees and other pollinating insects in this state. The department may base the re-  
 13 port on materials available from the United States Department of Agriculture, Oregon State  
 14 University, nonprofit organizations and other information sources the State Department of  
 15 Agriculture considers reliable.

16 **SECTION 5.** The State Department of Agriculture shall make the first biennial report  
 17 required under section 4 of this 2014 Act no later than October 1, 2015.

18 **SECTION 6.** (1) Section 2 of this 2014 Act is repealed January 2, 2021.

19 (2) Notwithstanding section 2 of this 2014 Act and subsection (1) of this section, at the  
 20 discretion of the Director of Agriculture, the State Department of Agriculture may remove  
 21 a pesticide listed in section 2 of this 2014 Act from classification as a restricted-use pesticide  
 22 prior to January 2, 2021, if:

23 (a) The director determines that the United States Environmental Protection Agency has  
 24 completed a study of the pesticide that clearly finds that the pesticide is not unduly injurious  
 25 or detrimental to bees or other pollinating insects or to persons, animals, crops, wildlife, land  
 26 or the environment; and

27 (b) The department, after a consideration of available evidence that includes but need not  
 28 be limited to the study described in paragraph (a) of this subsection, finds and determines  
 29 that the pesticide is not so injurious or detrimental to bees or other pollinating insects or  
 30 to persons, animals, crops, wildlife, land or the environment, other than to those pests that  
 31 the pesticide is intended to prevent, control or mitigate, that special restrictions on use of  
 32 the pesticide are required.

33 **SECTION 7.** This 2014 Act being necessary for the immediate preservation of the public  
 34 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect  
 35 on its passage.