

Oregon State Legislature  
Oregon State Capitol  
House on Agriculture and Natural Resources  
900 Court Street NE  
Salem, OR 97301

March 26, 2015

**Beyond Toxics Written Testimony Regarding House Bills 3123, 3482, 3429, 3434,  
3428 and 3430**

Dear Chairman Brad Witt, and Members of the Committee,

Beyond Toxics is a statewide environmental health non-profit working to protect communities and Oregon's environment from toxic exposures. We represent many rural Oregonians who have experienced harm from pesticide drift from aerial applications on forest land. Most of these people work to support their families and could not attend the early morning hearing today. Some of have sent their testimony by email.

Importantly, dozens of rural residents were at the Capitol for a Legislative Briefing on Herbicides and Health on March 12. They met with over 35 legislators, including members of this committee. The conversations held on that day deserve serious consideration in the Committee's deliberations. In addition, many rural residents have come to this Legislature numerous times throughout 2014 to testify before the Senate Environment and Natural Resources Committee on the issue of exposure to herbicide sprays on their private property and in their drinking watershed. Those experiences must be taken into account when you study the bills up for consideration today. I've gathered some of their previous written testimony to submit on their behalf for the record.

Beyond Toxics and these rural residents request meaningful protections for human health and drinking water in forest practices laws. Your constituents find it shocking that reasonable protections that include public notification, public access to timely spray records, and adequate buffers to protect homes, schools, drinking water, and salmon are not on the table. Other than HB 3123, none of the bills proposed for forestry herbicide sprays protects the people and the waters of the state. Instead, the bills are reactive, perpetuate policies that are currently broken, and eschew common sense and common place polices such as forewarning vulnerable residents about a pending aerial pesticide spray so that they can bring their children and pets indoors. Without notification, public access to information and buffers zones similar to those required in other Northwest states, it is unlikely any legislation will be effective in actually addressing the problem.

## **Our Position Regarding House Bills Being Heard on March 27, 2015**

**HB 3123** – **SUPPORT.** This bill would prohibit aerial pesticide spraying except under emergency conditions. Oregon is home to a number of timber harvest companies that do not use aerial herbicide sprays to manage timber. These business supply wood for FSC certification. This certification requires the reduction of environmental impact of logging activities and maintenance of the ecological functions and integrity of the forest. Hb 3123 acknowledges that forest can be profitable under scenarios other than practices that promote aerial herbicide sprays and the ecosystem harms that are inherent to that practice. It would also bring state logging practices in better alignment with pesticide application practices to those used on Forest Service and Bureau of Land Management (where the practice of aerial spraying was largely abandoned in Oregon and then nationwide decades ago due to harm to human health, specifically miscarriages and birth defects).

**HB 3482** – **SUPPORT.** This bill provides one of the three minimal ethical standards for public health and safety – public access and disclosure. It provides that pesticide application records from state and local government uses of pesticides will be collected by the Department of Environmental Quality. This will ensure some public transparency for some pesticide applications. However, this bill does nothing to address the problem of victims of pesticide poisoning and their medical providers getting timely and accurate information to treat at the time of exposure from forestry, farming, landscaping and other commercial uses of pesticides.

**HB 3429** – **OPPOSE.** This bill requires anyone serving on a state pesticide response board or playing a role in a state pesticide investigation to acquire and maintain a pesticide applicator's license. This is a ridiculous requirement which does nothing to improve pesticide exposure investigations, but instead puts a pointless burden on medical professionals, toxicologists, worker safety personnel and federal investigators. These professionals already have the skills necessary for contributing to thorough investigations of pesticide exposures, damage and poisonings.

If the bill sponsors believe it is a good idea for persons involved in pesticide applications and the problems associated with pesticide applications to be licensed, let's start with requiring licensing for pesticide applicators working in plant nurseries and farms. Oregon currently allows persons applying a non-restricted pesticide (e.g., glyphosate or 2,4-D) to spray those products in a commercial setting *without a pesticide applicator license*. Any person using a pesticide for commercial or business purposes should be required to get training and get a license. Oregon must establish this minimum standard for anyone using chemicals known to cause environmental and human harm. The Pesticide Analytic Response Center needs the skills and input of physicians, epidemiologists, toxicologists, worker safety personnel; none of these professionals need a pesticide license to add their knowledge to pesticide investigations. In fact, they are probably well enough educated to be able to read a pesticide label and understand the label requirements.

**HB 3434 – OPPOSE.** This bill appropriates public money to fund the changes to the Pesticide Analytical and Response Center proposed in HB 3429, which is an untenable bill. The Pesticide Analytical and Response Center needs a policy and procedures overhaul and more oversight, not more public dollars. Captain Richard Kauffman, former regional director of the US Center for Disease Control looked into the Cedar Valley case and investigated pesticide exposure complaints in the Triangle Lake area. He reported to journalists at Oregon Public Broadcasting that Oregon’s Pesticide Analytical Response Center investigations were sorely lacking and that complaints were not investigated in a timely manner. (“Southern Oregon Pesticide Case Highlights Gaps In State Oversight,” OPB 4/23/2014)

**HB 3428 – OPPOSE.** This bill creates a new certification requirement for pesticide applicators. We don’t see this bill resulting in a meaningful improvement in how aerial pesticide spraying is conducted by the logging industry in Oregon. When Beyond Toxics asked the Department of Agriculture to identify courses and certifications that could be used to satisfy the requirements of HB 3428, they were unaware of any. More research and proof of efficacy is needed to better understand whether HB 3428 will accomplish anything of value to Oregonians who seek relief from pesticide drift. Advanced notification, requirements for monitoring aerial pesticide sprays while they are taking place and no-spray buffers is the best answer to protecting health and environmental quality.

**HB 3430 – NEUTRAL.** This bill provides a reactionary response to emergencies involving pesticide exposures. A new Standard Operating Procedures document has been drafted and, according to Lisa Hansen from ODA, is being adopted by PARC and other agencies for receiving pesticide application complaints and setting up timely outreach and response. HB 3430 seems to provide something that is already in place but has not been tested for efficacy. WE recommend that the Committee members ask for a report on the adoption of the agencies’ Standard Operating Procedures. A better use of tax payer dollars would be investing in measures that help prevent the types of exposures that are being reported.

**Beyond Toxics supports the comments and recommendations proposed by Oregon Wild and the Sierra Club: Requirements for Meaningful Legislation**

To truly address the problems caused by Oregon’s inadequate aerial spraying rules, which are the weakest in the Pacific Northwest, any final legislation must include:

1. An advance notification system to allow members of the public to receive notice about the date and time of a spray, and the pesticides that will be used, so that they can take steps to limit their exposure to potentially toxic chemicals. The sound of an approaching helicopter should not be the only warning Oregon families receive.
2. Public access to spray records, provided in a timely and accurate fashion. Concerned Oregonians should have access to records so that they can know what has been applied in their watershed and near their homes, and so that medical

professionals have the information they need to respond to medical emergencies resulting from pesticide exposure.

3. A process for establishing adequate no-spray buffers around homes and schools, as well as enhanced buffers to protect drinking water systems, fish bearing streams and their tributaries, municipal drinking watersheds, and other important sites of environmental values.

These three issues are at the core of the problems facing Oregon today in regards to logging and our weak aerial pesticide spraying rules. No legislation should claim to actually address the problem unless it includes provisions that respond to these needs. Senate Bill 613, the Public Health and Drinking Water Resources Protection Act, represents a more reasonable, effective, and realistic approach to addressing this issue.

Thank you for considering the issue of aerial pesticide sprays, a topic that has gained statewide interest, a lot of media attention and the contributions of dozens of rural residents who need their legislators to enact meaningful and protective solutions. Beyond Toxics has gathered significant documentation on aerial spray practices useful to an informed discussion as well as narratives of personal harm. We are ready to provide good data to help bring Oregon up to speed with water and health protections with our neighboring states of Washington, Alaska, Idaho and California. Oregonians from around the state are asking you to pass meaningful aerial pesticide spraying reform legislation in 2015. We believe SB 613 best addresses the problems that have been reported repeatedly in Oregon, and should be the primary vehicle for further legislative action this session.

Sincerely,



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