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OREGONIANS FOR FOOD & SHELTER

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A non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.

HB 3123 -- Relating to the application of pesticides by aircraft

HB 3482 -- Relating to pesticide application reporting

26 March 2015

Testimony to the House Committee on Agriculture and Natural Resources

Honorable Committee Members:

Oregonians for Food & Shelter (OFS) is a grassroots coalition of farmers, foresters, and other technology users focused on natural resource issues involving pesticides, fertilizer, and biotechnology. We are writing you today in opposition to House Bills 3123 and 3482. We thank you for the opportunity to submit comments on this important issue.

Please OPPOSE HB 3123

House bill 3123 would ban the aerial application of pesticides, except in certain emergency situations. Aerial applications are an important method of applying pesticides and a ban would severely hurt our agriculture and timber industries and endanger public health efforts.

Bans an important method of pesticide application

Aerial application is crucial to both agricultural and forestry operations. For agriculture, there are times when pest pressures erupt suddenly, and being able to treat a field in a timely manner could be the difference between saving a crop and losing it. Aerial application is not only faster than ground applications, it allows for fields to be treated when ground applications are impossible. For example, a field can be under intense pest pressure but be too muddy for spray equipment to operate in. This leaves key crops at risk to total destruction from pests if rapid action is needed.

For forestry applications, it is common for aerial applications to be the only safe method. Steep and hilly terrain can be impossible for ground crews to navigate, and aerial application becomes the only option available. A ban on aerial applications would make it extremely difficult, if not impossible for foresters to reestablish tree stands after harvest as required by the Forest Practices Act and could reduce forest productivity by more than 30%.

Wouldn't allow important vector control operations meant to protect human health, which require aerial applications.

Many vector control programs rely exclusively on aerial applications for pest control. These applications require widespread use of pesticides over large areas that cannot realistically be accessed by ground. These applications help control deadly viruses like West Nile before they spread. This bill would force vector control districts to wait until after these diseases had spread to try and curtail them, instead of addressing the problem early. Vectors like mosquitos are easier to control in their larval form than as adults so early action is crucial.

Please OPPOSE HB 3482

House bill 3482 sets up a new pesticide application reporting program within the Department of Environmental Quality (DEQ), and puts onerous new reporting requirements on state and local governments, and commercial pesticide applicators. It also moves significant pesticide regulatory responsibilities away from Oregon Department of Agriculture (ODA) to DEQ and Oregon Health Authority (OHA).

Solution in Search of a Problem

House Bill 3482 is a solution in search of a problem. Under current law, pesticide applicators must create and keep application records for three years. If a question arises about a particular application, ODA (or Oregon Department of Forestry for forestry applications) has the authority to request copies of those records. ODA is the pesticide regulatory agency for the state and has a division devoted to the regulation of these products. These experts are best equipped to analyze this information for regulatory compliance. In contrast, neither DEQ nor OHA have the expertise or authority to regulate pesticides.

Creates a Costly New Reporting Program

House Bill 3482 requires DEQ to create an entirely new pesticide application reporting program. This will take new staff and infrastructure, and add a large cost to an agency that is already facing a tight budget. Additionally, there will be a fiscal impact to state agencies and local governments to begin a new recordkeeping process-- putting another unfunded mandate on entities that cannot afford it. It will also have an impact on commercial applicators, as they would have to ensure that their records are submitted to DEQ every 20 days.

ODA is the State Pesticide Regulator

House Bill 3482 would move a significant portion of ODA's pesticide responsibilities to DEQ and OHA. Neither of these agencies are equipped for this responsibility, and it would only hurt the regulatory efforts of ODA. ODA is the state delegated agency on pesticides and needs access to application records. They currently have the authority to obtain those documents. This bill would strip ODA of the access to records that they need to perform their incident investigation duties. House Bill 3482 make these records available only to DEQ and OHA—two agencies with no regulatory authority of pesticides. This would be a major step backwards in pesticide regulation, and make it nearly impossible for ODA to fulfill its regulatory role in this arena.

House Bill 3482 creates substantial new work for an already fiscally strapped agency, burdens local governments and pesticide applicators with a new mandate, and strips ODA of the authority it needs to carry out its regulatory duties, all with no appreciable benefit.

Vote NO on HB 3123 and HB 3482

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Dahlman", with a long horizontal flourish extending to the right.

Scott J. Dahlman
Policy Director