

STAFF MEASURE SUMMARY**House Committee On Rules****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 06/03/15**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways And Means.**Meeting Dates:** 05/21, 06/03**Vote:**

Yeas: 9 - Barnhart, Gilliam, Hoyle, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Wilson

Prepared By: Erin Seiler, Committee Administrator**WHAT THE MEASURE DOES:**

Requires individual engaging in application of pesticides by aircraft to have aerial pesticide applicator certificate. Establishes qualifications for obtaining and maintaining certificate. Authorizes Oregon Department of Agriculture (ODA) to suspend, revoke or refuse to renew license, certificate or other authorization if civil penalty is not paid within 90 days. Increases maximum amounts of certain civil penalties. Defines "person" for purposes of pesticide control chapter. Requires governing board of Pesticide Analytical and Response Center to develop standard operating procedures for implementation by public entities represented on board to coordinate receipt of, and response to, pesticide-related complaints indicating possible health or environmental effects. Requires board report biennially to legislature on its activities and public entities represented on board regarding standard operating procedures. Requires ODA operate telephone line to receive, and facilitate coordination of responses to, pesticide-related complaints by public, indicating possible health or environmental effects. Requires ODA report biennially to legislature regarding telephone line operations. Requires ODA place information regarding pesticides on website. Requires information indicate pesticides and devices listed by ODA as highly toxic or restricted-use. Increases maximum amount ODA may establish as pesticide registration fee. Allows ODA require individual holding license, certificate or other authorization to retake examination if individual commits or has responsibility for violation indicating inadequate knowledge of pesticide laws and rules. Allows ODA to suspend, revoke or refuse to renew license, certificate or other authorization if individual fails retaken examination. Establishes 60-foot buffer zone when applying herbicides by aircraft near inhabited dwelling or school. Establishes operative dates. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Existing and previous buffer zone law in Oregon
- Legislative work group process
- Application techniques and standard operating procedures

EFFECT OF COMMITTEE AMENDMENT:

Removes requirement for State Forestry Department to collect and analyze information regarding sufficiency of existing legal requirements to protect certain areas in proximity to forestland from impacts due to application of pesticides by aircraft. Establishes 60-foot buffer zone when applying herbicides by aircraft near inhabited dwelling or school.

BACKGROUND:

Under current Oregon law, a person may apply pesticides from an aircraft with a pesticide applicator's license and a license to operate the aircraft from which the pesticide is being applied. There are also requirements for the pesticide applicator not to apply pesticides on or near certain areas. These are frequently called 'setbacks' or 'buffers'. The Pesticide Analytical and Response Center (PARC) is mandated to perform the following activities with regard to pesticide-related incidents in Oregon that have suspected health or environmental effects: collect incident information; mobilize expertise for investigations;

identify trends and patterns of problems; make policy or other recommendations for action; report results of investigations and prepare activity reports for each legislative session.

House Bill 3549-A establishes a 60-foot buffer zone when applying herbicides by aircraft near inhabited dwelling or school, requires additional certification requirements in order to aeriually apply pesticides and requires PARC to create standard operating procedures for public entities receiving complaints regarding the use of pesticides and to report on those standard operating procedures to the Legislative Assembly.