

House Bill 3362

Sponsored by Representative REARDON; Representatives BUEHLER, GORSEK, PILUSO, RAYFIELD, WITT, Senator DEMBROW

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**.

Establishes pollinator health outreach and education plan. Increases apiary registration fee. Increases pesticide registration fee. Dedicates specified amount of fees to research, education and outreach programs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to pollinator health; creating new provisions; amending ORS 602.090, 602.180, 634.016 and
3 634.326 and section 1, chapter 40, Oregon Laws 2014; and declaring an emergency.

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

5 **SECTION 1.** Section 1, chapter 40, Oregon Laws 2014, is amended to read:

6 **Sec. 1. (1)(a)** Oregon State University, in consultation with the State Department of Agriculture,
7 ture, shall develop educational materials regarding the best practices for avoiding adverse effects
8 from pesticides on populations of bees and other pollinating insects.

9 **(b)** The educational materials must include, but need not be limited to, measures that pesticide
10 applicators and pesticide trainees can take to protect honeybees and bumblebees.

11 **(c)** The university and the department shall design the requirements to ensure that any pesticide
12 applicator applying or supervising the application of a pesticide is knowledgeable regarding alter-
13 natives to, the appropriateness of, and precautions for pesticide use that may be injurious to the
14 health of bees and other pollinating insects.

15 **(d)** The department shall make the educational materials described in this section a part of the
16 education required for taking the pesticide applicator licensing examination under ORS 634.122.

17 **(2) Oregon State University, in consultation with the State Department of Agriculture,**
18 **shall develop a pollinator health outreach and education plan to educate the public regarding**
19 **the best practices for avoiding adverse effects from pesticides on populations of bees and**
20 **other pollinating insects. The plan shall include:**

21 **(a) Educational materials that are appropriate and effective for a broad audience, in-**
22 **cluding, but not limited to, pesticide applicators, consultants, dealers, operators and trainees**
23 **and private applicators, as those terms are defined in ORS 634.006, and members of the**
24 **public; and**

25 **(b) A communication strategy for dissemination of educational materials using media**
26 **sources, state agencies, associations and organizations.**

27 **(3) The State Department of Agriculture shall develop a bee incident reporting system**
28 **to facilitate public reporting of incidents related to pollinator health to the department.**

29 **SECTION 2.** ORS 602.090 is amended to read:

30 602.090. (1) Every person who owns or is in charge of five or more colonies of bees located

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 within this state, shall cause the colonies to be registered with the State Department of Agriculture
 2 as in this section provided.

3 (2) Application for registration shall be made on a form furnished by the department. The reg-
 4 istration shall cover each colony of bees owned by the applicant, and shall give the locations of such
 5 colonies and the name, address and telephone number of the owner and the name, address and
 6 telephone number of the person in charge if the person in charge is not the owner. The registration
 7 shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address
 8 to which any notice required by this chapter to be given may be sent, and shall agree that any no-
 9 tice sent by the department to such address shall be deemed to be notice in fact.

10 (3) The application for registration shall be accompanied by a fee not to exceed \$10 **per appli-**
 11 **cation and \$0.50 per colony.** For each registration after July 1, the fee shall not exceed \$20 **per**
 12 **application and \$0.50 per colony.** The department, by rule, shall establish the fees subject to be the
 13 maximum limits prescribed in this subsection.

14 (4) When the ownership of bees which have been subject to the charge provided in this section
 15 is changed, the department shall transfer the registration to the new owner without charges.
 16 However, if the bees have not been previously registered, the new owner shall pay the registration
 17 fee without penalty.

18 (5) The department shall maintain records of registered beekeepers and the number of colonies
 19 registered.

20 **SECTION 3.** ORS 602.180 is amended to read:

21 602.180. (1) **Except as provided in subsection (2) of this section,** the State Department of
 22 Agriculture shall deposit all fees paid to it under this chapter into the Department of Agriculture
 23 Service Fund. Such fees are continuously appropriated to the department for the purpose of admin-
 24 istering and enforcing this chapter, including release and publication of information and material to
 25 better acquaint the bee industry with the law and regulations promulgated thereunder.

26 (2) **All moneys collected pursuant to ORS 602.090 shall be spent on honeybee and native**
 27 **bee research.**

28 **SECTION 4.** ORS 634.016 is amended to read:

29 634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded,
 30 delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year
 31 with the State Department of Agriculture.

32 (2) Every device manufactured, delivered, distributed, sold, offered or exposed for sale in this
 33 state shall be registered each year with the department.

34 (3) The registration shall be made by the manufacturer or a distributor of the pesticide.

35 (4) The application for registration shall include:

36 (a) The name and address of the registrant.

37 (b) The name and address of the manufacturer if different than the registrant.

38 (c) The brand name or trademark of the pesticide.

39 (d) A specimen or facsimile of the label of each pesticide, and each formula or formulation, for
 40 which registration is sought, except for annual renewals of the registration when the label remains
 41 unchanged.

42 (e) The correct name and total percentage of each active ingredient.

43 (f) The total percentage of inert ingredients.

44 (5) The application for registration shall be accompanied by a registration fee to be established
 45 by the department for each pesticide and each formula or formulation. The registration fee may not

1 exceed [\$250] \$_____ for each such pesticide, or each formula or formulation.

2 (6) The department, at the time of application for registration of any pesticide or after a decla-
 3 ration of a ground water management area under ORS 468B.180 may:

4 (a) Restrict or limit the manufacture, delivery, distribution, sale or use of any pesticide in this
 5 state.

6 (b) Refuse to register any pesticide which is highly toxic for which there is no effective antidote
 7 under the conditions of use for which such pesticide is intended or recommended.

8 (c) Refuse to register any pesticide for use on a crop for which no finite tolerances for residues
 9 of such pesticide have been established by either the department or the federal government.

10 (d) In restricting the purposes for which pesticides may be manufactured, delivered, distributed,
 11 sold or used, or in refusing to register any pesticide, give consideration to:

12 (A) The damage to health or life of humans or animals, or detriment to the environment, which
 13 might result from the distribution and use of such pesticide.

14 (B) Authoritative findings and recommendations of agencies of the federal government and of
 15 any advisory committee or group established under ORS 634.306 (10).

16 (C) The existence of an effective antidote under known conditions of use for which the material
 17 is intended or recommended.

18 (D) Residual or delayed toxicity of the material.

19 (E) The extent to which a pesticide or its carrying agent simulates by appearance and may be
 20 mistaken for human food or animal feed.

21 (7) The provisions of this section shall not, except as provided herein, apply to:

22 (a) The use and purchase of pesticides by the federal government or its agencies.

23 (b) The sale or exchange of pesticides between manufacturers and distributors.

24 (c) Drugs, chemicals or other preparations sold or intended for medicinal or toilet purposes or
 25 for use in the arts or sciences.

26 (d) Common carriers, contract carriers or public warehousemen delivering or storing pesticides,
 27 except as provided in ORS 634.322.

28 **SECTION 5.** ORS 634.326 is amended to read:

29 634.326. (1) The State Department of Agriculture shall deposit all fees paid to it under the pro-
 30 visions of this chapter in the Department of Agriculture Service Fund. Such moneys are contin-
 31 uously appropriated to the department for the purpose of administering and enforcing the provisions
 32 of this chapter.

33 (2) An amount of the fees and moneys referred to in subsection (1) of this section not to exceed
 34 10 percent of registration fees received under ORS 634.016 may be used by the department pursuant
 35 to agreements entered into between the department and the Dean of the College of Agricultural
 36 Sciences of Oregon State University, with the advice of the Minor Crops Advisory Committee for
 37 the purposes set forth in subsection (3) of this section.

38 (3) The amounts provided for in subsection (2) of this section shall be used by the Dean of the
 39 College of Agricultural Sciences of Oregon State University for research projects and investigations
 40 agreed upon by the dean and the department directed toward obtaining pesticide use registrations
 41 needed by growers to produce crops economically in Oregon.

42 (4) **The department shall apply all revenue from registration fees collected pursuant to**
 43 **ORS 634.016 in excess of \$250 per pesticide, formula or formulation to fulfill the provisions**
 44 **of section 1, chapter 40, Oregon Laws 2014.**

45 **SECTION 6.** (1) **The amendments to section 1, chapter 40, Oregon Laws 2014, and ORS**

1 **602.090, 602.180, 634.016 and 634.326 by sections 1 to 5 of this 2015 Act become operative on**
2 **January 1, 2016.**

3 **(2) The State Department of Agriculture may take any action before the operative date**
4 **specified in subsection (1) of this section that is necessary for the department to exercise,**
5 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
6 **functions and powers conferred on the department by the amendments to section 1, chapter**
7 **40, Oregon Laws 2014, and ORS 602.090, 602.180, 634.016 and 634.326 by sections 1 to 5 of this**
8 **2015 Act.**

9 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
11 **on its passage.**

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