

# House Bill 3429

Sponsored by Representatives CLEM, GILLIAM, Senator JOHNSON, Representatives MCKEOWN, WITT, Senators HANSELL, ROBLAN; Representatives BARKER, HUFFMAN, JOHNSON, KOMP, MCLANE, OLSON, PARRISH, WILLIAMSON, Senators BEYER, FERRIOLI, THOMSEN

## 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 governing board of Pesticide Analytical and Response Center to adopt rules establishing standardized operating procedures for state agencies represented on governing board to receive and investigate complaints regarding use of pesticides. Requires governing board to report semi-annually to Legislative Assembly or to interim committee regarding activities of board and state agencies represented on board regarding standardized operating procedures.

Requires that governing board members acquire and maintain pesticide applicator licensing in classification authorized to apply pesticides to commercial properties.

## A BILL FOR AN ACT

1  
2 Relating to the Pesticide Analytical and Response Center; amending ORS 634.550.

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

4 **SECTION 1.** ORS 634.550 is amended to read:

5 634.550. (1) There is created a Pesticide Analytical and Response Center with a governing board  
6 consisting of the following members:

7 (a) The Director of Agriculture or designee.

8 (b) The State Forester or designee.

9 (c) The State Fish and Wildlife Director or designee.

10 (d) The Director of the Department of Environmental Quality or designee.

11 (e) The Director of the Oregon Health Authority or designee.

12 (f) The Administrator of the Occupational Safety and Health Division or designee.

13 (g) The State Fire Marshal or designee.

14 (h) The Director of the Poison Control and Drug Information Program of the Oregon Health and  
15 Science University or designee.

16 (i) One citizen from the state at large appointed jointly by the Director of Agriculture and the  
17 Director of the Oregon Health Authority.

18 (2) The Director of Agriculture shall appoint an administrator for the Pesticide Analytical and  
19 Response Center, who shall be responsible to the board for performance of the duties of the center  
20 and the board.

21 (3) The Director of Agriculture or designee and the Director of the Oregon Health Authority  
22 or designee shall alternate as chairperson of the board for terms of one year each. When one is  
23 serving as chairperson, the other shall serve as vice chairperson.

24 (4) The board shall seek expert consultation from the extension service toxicology program, the  
25 Oregon Institute of Occupational Health Sciences and such other sources as may be needed.

26 **(5) Board members must acquire and maintain pesticide applicator licenses of a classi-**  
27 **fication that authorizes the application of pesticide to one or more types of commercial**

**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 **property. If a member does not acquire and maintain licensing as required in this subsection,**  
 2 **a person with the required license must be designated or appointed under subsection (1) of**  
 3 **this section as a substitute until the member is licensed as required by this subsection.**

4 [(5)] (6) The functions of the board are to:

5 (a) Direct the activities and priorities of the administrator of the center.

6 (b) Centralize receiving of information relating to actual or alleged health and environmental  
 7 incidents involving pesticides.

8 (c) Mobilize expertise necessary for timely and accurate investigation of pesticide incidents and  
 9 analyses of associated samples.

10 (d) Identify trends and patterns of problems related to pesticide use.

11 (e) Make recommendations for action to a state agency when a majority of the board considers  
 12 that such action may be warranted on the basis of the findings of an incident investigation or on  
 13 the basis of identification of a trend or pattern of problems. Recommended actions may include, but  
 14 not be limited to, regulatory action, modification of administrative rules, proposal of new legislation,  
 15 public education and consultation to industry.

16 **(f) Adopt standardized operating procedures for use by the state agencies represented on**  
 17 **the board in receiving complaints regarding the use of pesticides and for investigation of**  
 18 **those complaints.**

19 **(g) Report semiannually to the Legislative Assembly, or to an interim committee dealing**  
 20 **with natural resource issues, regarding activities during the reporting period by the board**  
 21 **and by state agencies represented on the board regarding the adoption, implementation,**  
 22 **amendment or operation of standardized operating procedures adopted under paragraph (f)**  
 23 **of this subsection.**

24 [(f)] (h) Report in a standardized format the results of the investigations of pesticide incidents.

25 [(g)] (i) Establish by consensus, procedures for carrying out its responsibilities within the limits  
 26 of available resources.

27 [(h)] (j) Prepare and submit to each odd-numbered year regular session of the Legislative As-  
 28 sembly a report of the activities of the center that includes a record of recommendations made by  
 29 the board and the actions resulting from the board's work.

30 [(6)] (7) Upon receipt of a recommendation from the board, a state agency shall respond in a  
 31 timely manner to inform the board of actions taken or the reasons for taking no action on the rec-  
 32 ommendation.

33 [(7)] (8) Any medical information received by a member of the board or by a staff member of the  
 34 center in the course of carrying out the duties of the center or the board shall be held confidential  
 35 as provided in ORS 192.553 to 192.581 and 433.008.

36 [(8)] (9) The functions of the board do not supersede the regulatory authority of any agency and  
 37 are not in lieu of the regulatory authority of any agency.

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