

House Bill 3430

Sponsored by Representatives CLEM, GILLIAM, KOMP, Senator HANSELL; Representatives BARKER, JOHNSON, MCKEOWN, MCLANE, PARRISH, WILLIAMSON, Senators BEYER, FERRIOLI, JOHNSON, 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 State Department of Agriculture to establish telephone line for persons concerned about misuse or alleged misuse of pesticides. Requires that telephone line be designed to refer persons to department reporting system and to other appropriate resources.

Requires department to establish system for receiving reports of misuse or alleged misuse of pesticide. Requires department to investigate reports. Creates exception. Requires that person investigating reported misuse or alleged misuse of pesticide maintain valid pesticide applicator license.

A BILL FOR AN ACT

1
2 Relating to pesticide incidents.

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

4 **SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS**
5 **chapter 634.**

6 **SECTION 2. (1) The State Department of Agriculture shall establish a toll-free telephone**
7 **line that is available at all times for members of the public who have concerns about a mis-**
8 **use or alleged misuse of pesticides. The line shall be designed to provide callers with infor-**
9 **mation about making a written report to the department under section 3 of this 2015 Act.**
10 **The line shall also be designed to provide a caller with contact information for appropriate**
11 **resources that may be of assistance to the caller. The resources may include, but need not**
12 **be limited to, poison control centers, occupational safety and health personnel, the federal**
13 **Centers for Disease Control and Prevention and pesticide information centers.**

14 **(2) The department may contract with a private entity or enter into an interagency**
15 **agreement with a state agency or political subdivision of the state to operate the telephone**
16 **line described in this section.**

17 **SECTION 3. (1) The State Department of Agriculture shall establish and maintain a sys-**
18 **tem for receiving written reports of misuse or alleged misuse of pesticide. The system must**
19 **be capable of receiving the reports 24 hours a day, seven days a week. The department shall**
20 **specify a form for use in reporting information concerning a misuse or alleged misuse of**
21 **pesticide to the system. The department shall design the system to allow the department**
22 **or a person making a report to produce printed copies of the completed report form.**

23 **(2) Except as provided in subsection (3) of this section, if the department receives a re-**
24 **port under this section the department shall open a case file and may undertake other**
25 **actions the department considers reasonable or necessary to carry out an appropriate in-**
26 **vestigation. The department shall, at a minimum, attempt to contact the person making the**
27 **report:**

28 **(a) Immediately upon receipt of the report, if the report indicates that an acute exposure**

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 of humans or animals to pesticides may have occurred.

2 (b) Except as provided in paragraph (a) of this subsection, no later than 48 hours after
3 receipt of the report.

4 (3) The department is not required to open a case file or conduct an investigation if the
5 person making the written report discovered the misuse or alleged misuse of pesticide more
6 than 30 days prior to making the report. This subsection does not excuse the department
7 from the duty under subsection (2) of this section to timely contact the person making the
8 report.

9 (4) A written report under this section regarding the misuse or alleged misuse of pesti-
10 cide is not a report of loss for purposes of ORS 634.172. The duty of the department to in-
11 vestigate misuse or alleged misuse of pesticide reported under this section is separate from
12 any duty to investigate damage under ORS 634.172.

13 (5) Any person employed by or contracting with the department to conduct an investi-
14 gation under this section must maintain a valid pesticide applicator license issued by the
15 department under ORS 634.116.

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