

Senate Bill 837

Sponsored by Senator BATES

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 requirements for displaying information and posting notices regarding pesticide applicator, pesticide trainee, public applicator and public trainee application activities.

Requires pesticide applicators, pesticide trainees, public applicators and public trainees to possess material safety data sheets and product safety data sheets when applying pesticide or pesticide product and to provide certain information when applying pesticides to public right-of-way.

Requires displaying identifying information on power-operated spray equipment.

Allows person to be placed on list of persons with heightened sensitivity to pesticides. Requires pesticide applicators and public applicators to check list when making certain applications and to give notice to listed persons residing nearby.

Requires State Department of Agriculture to establish system for receiving reports of pesticide incidents. Requires providing resource information to person reporting incident. Requires department to investigate reported incident.

A BILL FOR AN ACT

1
2 Relating to pesticides.

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

4 **SECTION 1. Sections 2 to 6 of this 2015 Act are added to and made a part of ORS chapter**
5 **634.**

6 **SECTION 2. (1) A pesticide operator shall display the name and telephone number of the**
7 **pesticide application business on the power-operated spray equipment used in the business.**
8 **This subsection does not apply to equipment used in spraying pesticides by aircraft.**

9 **(2) A pesticide operator shall provide each pesticide applicator and pesticide trainee em-**
10 **ployed by the operator with a material safety data sheet or product safety data sheet for**
11 **each pesticide or pesticide product applied by the applicator or trainee.**

12 **(3) An entity that employs a public applicator or public trainee shall display the name**
13 **and telephone number of the entity on the power-operated spray equipment used by the**
14 **public applicator or public trainee to apply pesticides. This subsection does not apply to**
15 **equipment used in spraying pesticides by aircraft.**

16 **(4) An entity that employs a public applicator or public trainee shall provide the public**
17 **applicator and public trainee with a material safety data sheet or product safety data sheet**
18 **for each pesticide or pesticide product applied by the applicator or trainee.**

19 **(5) A pesticide applicator, pesticide trainee, public applicator or public trainee shall, when**
20 **applying a pesticide or pesticide product, have the material safety data sheet or product**
21 **safety data sheet for that pesticide or pesticide product present at the application site.**

22 **SECTION 3. (1) A pesticide applicator, pesticide trainee, public applicator or public**
23 **trainee who applies a pesticide to a public right-of-way shall:**

24 **(a) Display the name and telephone number of the pesticide operator and a sign bearing**
25 **the words "Vegetation Management Application" at the application site while the application**

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 is in progress;

2 (b) Upon request, provide any person present at the site with the name of each pesticide
3 or pesticide product being applied; and

4 (c) Upon request, provide any person present at the site with a copy of the material
5 safety data sheet or product safety data sheet for the pesticide or pesticide product being
6 applied or with a pesticide fact sheet approved by the State Department of Agriculture for
7 use in connection with that pesticide or pesticide product.

8 (2) The department may adopt rules to specify the size, design, posting location and other
9 requirements for the sign required under subsection (1) of this section.

10 (3) Subsection (1) of this section does not apply to a roadside rest area.

11 **SECTION 4.** (1) A pesticide applicator, pesticide trainee, public applicator or public
12 trainee must, at the time of making a pesticide application on property that is not subject
13 to section 3 of this 2015 Act, post notice of the pesticide application on the property in ac-
14 cordance with this section.

15 (2) At a residential property other than multifamily housing, except as otherwise pro-
16 vided in this section, a notice of pesticide application must be posted at the main entryway
17 to the property. If the pesticide application is made to an isolated and limited area, the notice
18 may be posted at the area. A notice is not required if the pesticide application is in a fenced
19 or otherwise isolated backyard.

20 (3) At a multifamily housing building or a shopping center or other commercial property,
21 a notice of pesticide application must be posted in a conspicuous location in each area of the
22 property where pesticide is being applied.

23 (4) At a golf course, a notice of application must be posted:

24 (a) At the tee for the first and, if applicable, the tee for the tenth hole; or

25 (b) On a central message board or other conspicuous location.

26 (5) At a child care facility, as defined in ORS 329A.250, a notice of application must be
27 posted at each prominent entryway to the property.

28 (6) At a park, cemetery or roadside rest area, and at other properties as provided by the
29 State Department of Agriculture by rule, a notice of pesticide application must be posted at
30 each prominent entryway.

31 (7) This section does not apply to a school property that is subject to posting require-
32 ments under ORS 634.740.

33 (8) The department may adopt rules specifying the design, content, posting and removal
34 times and other requirements for notices that must be posted at pesticide application sites
35 under this section.

36 (9) A pesticide applicator, pesticide trainee, public applicator or public trainee who posts
37 notices of pesticide application as required by this section and department rules is not re-
38 sponsible for the unauthorized removal of the notices.

39 **SECTION 5.** (1) The State Department of Agriculture shall establish a program to allow
40 the voluntary listing of persons having a heightened sensitivity to pesticides.

41 (2) A person who wishes to be placed on the list described in subsection (1) of this section
42 shall file an application in a form approved by the department. In addition to any other in-
43 formation required by the department, the application shall include:

44 (a) The name, residential address and telephone number of the applicant;

45 (b) The name, address and telephone number of the owners of each property abutting the

1 property on which the applicant's dwelling unit is located; and

2 (c) A statement from a treating physician verifying that the person has a heightened
3 sensitivity to pesticides.

4 (3) The department shall maintain a list of persons with heightened sensitivity to pesti-
5 cides and shall make the list available in one or more readily accessible formats to pesticide
6 applicators and public applicators. The list shall include the contact information for the
7 person and for the owners of abutting properties.

8 (4) Prior to making an application of pesticide on or abutting a property where one or
9 more dwelling units are located, a pesticide applicator, pesticide trainee, public applicator or
10 public trainee shall check the department list described in this section to determine whether
11 any dwelling unit on the property or on an abutting property is the residence of a person
12 with heightened sensitivity to pesticides. If the list shows that a dwelling unit on the prop-
13 erty or an abutting property is the residence of a person with heightened sensitivity to pes-
14 ticides, the applicator or trainee shall attempt to provide the person with notice prior to
15 making the application. The notice must include, but need not be limited to, the name of the
16 pesticide product being used, the pesticide and other active ingredients in the product, and
17 the planned time and place for the application.

18 (5) If an attempt under subsection (4) of this section to provide a person with prior notice
19 of an application is unsuccessful, the applicator or trainee shall attempt to provide the per-
20 son with notice of the application immediately after completing the application.

21 (6) The department shall adopt rules governing attempts to provide notice under this
22 section.

23 **SECTION 6.** (1) The State Department of Agriculture shall establish and maintain a sys-
24 tem for receiving reports of incidents involving pesticides. The system must be capable of
25 receiving the reports 24 hours a day, seven days a week.

26 (2) In addition to allowing the reporting of pesticide incidents, the system must provide
27 information or means for obtaining information about the potential effects of pesticides on
28 human health, animal health and property, and about procedures and precautions for avoid-
29 ing or mitigating those potential effects.

30 (3) The department shall initiate an investigation of a pesticide incident no later than one
31 business day after the incident is received by the system.

32 (4) A report of a suspected or known incident involving pesticide is not a report of loss
33 for purposes of ORS 634.172. The duty of the department to investigate a suspected or known
34 incident under this section is separate from any duty to investigate damage under ORS
35 634.172.

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