

Senate Bill 876

Sponsored by Senator PROZANSKI, Representative HOLVEY

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 reporting certain information regarding commercial or governmental pesticide applications to Department of Environmental Quality or to state database designated by department. Requires department and Oregon Health Authority to develop form for reporting information regarding pesticide application. Requires department to make copy of reported information available to state agencies and local governments upon request. Allows department to charge reasonable fee for providing reported information.

Applies to pesticide applications made on or after January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to pesticide application reporting; creating new provisions; amending ORS 634.146; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 634.**

6 **SECTION 2. (1) As used in this section, "local government" has the meaning given that**
7 **term in ORS 174.116.**

8 **(2) Each state agency or local government shall prepare and maintain a record on a form**
9 **approved under section 3 of this 2015 Act for each pesticide application made by a public**
10 **applicator or public trainee employed by the state agency or local government. The record**
11 **shall include:**

12 **(a) The name of the state agency or local government for which the pesticide was applied.**

13 **(b) The approximate location of the land or property on which the pesticide was applied.**

14 **(c) The date and approximate time of application.**

15 **(d) The person who supplied the pesticides.**

16 **(e) The trade name and the strength of the pesticides.**

17 **(f) The amount or concentration (pounds or gallons per acre of active ingredient or con-**
18 **centration per approximately 100 gallons).**

19 **(g) The specific property to which the pesticide was applied.**

20 **(h) The summary information of equipment, device or apparatus used and, if applied by**
21 **aircraft, the Federal Aviation Administration number.**

22 **(i) The names of the public applicator or public trainee who did the actual application or**
23 **spraying.**

24 **(3) The state agency or local government shall supply the record information for each**
25 **pesticide application to the Department of Environmental Quality, or to a state agency da-**
26 **tabase identified by the department, no later than the earlier of 20 days after the date of the**
27 **pesticide application or 48 hours after receiving a request for the information from the de-**
28 **partment.**

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 (4) The state agency or local government shall keep a record for a period of at least three
2 years after the date of application of the pesticide and shall make the record available during
3 business hours for review and inspection by the Oregon Health Authority or the Department
4 of Environmental Quality.

5 (5) The requirement to supply record information for a pesticide application to the De-
6 partment of Environmental Quality under this section is in addition to any other require-
7 ment for the reporting of pesticide application information.

8 **SECTION 3.** (1) The Oregon Health Authority and the Department of Environmental
9 Quality shall jointly develop and approve a form for recording pesticide application informa-
10 tion under ORS 634.146 and section 2 of this 2015 Act.

11 (2) The Department of Environmental Quality shall collect the pesticide application re-
12 cord information supplied to the department under ORS 634.146 and section 2 of this 2015
13 Act. Upon request, the department may supply the information to another state agency or
14 a local government. The department may charge a state agency or local government a rea-
15 sonable fee for providing the information. Information described in ORS 634.146 (1)(a), (g) or
16 (i) that is supplied to the department or is supplied by the department to another state
17 agency or a local government is a trade secret as defined in ORS 192.501 (2).

18 **SECTION 4.** ORS 634.146 is amended to read:

19 634.146. (1) [*Pesticide operators shall prepare and maintain records on forms approved by the State*
20 *Department of Agriculture. Such records*] **A pesticide operator shall prepare and maintain a re-**
21 **cord on a form approved under section 3 of this 2015 Act for each pesticide application made**
22 **by a pesticide applicator or pesticide trainee employed by the operator. The record shall in-**
23 **clude:**

24 (a) The name of the person for whom the pesticide was applied.

25 (b) The approximate location of the land or property on which the pesticide was applied.

26 (c) The date and approximate time of application.

27 (d) The person who supplied the pesticides.

28 (e) The trade name and the strength of such pesticides.

29 (f) The amount or concentration (pounds or gallons per acre of active ingredient or concen-
30 tration per approximately 100 gallons).

31 (g) The specific property, crop or crops to which the pesticide was applied.

32 (h) The summary information of equipment, device or apparatus used and, if applied by aircraft,
33 the Federal Aviation Administration number.

34 (i) The names of the pesticide applicator or pesticide trainees who did the actual application or
35 spraying.

36 [(2) *The records, which shall be kept for a period of at least three years from the date of application*
37 *of pesticides, shall be available during business hours for review and inspection by the department.*]

38 (2) **The pesticide operator shall supply the record information for each pesticide applica-**
39 **tion to the Department of Environmental Quality, or to a state agency database identified**
40 **by the department, no later than the earlier of 20 days after the date of the pesticide appli-**
41 **cation or 48 hours after receiving a request for the information from the department.**

42 (3) **The pesticide operator shall keep a record for a period of at least three years after**
43 **the date of application of the pesticide and shall make the record available during business**
44 **hours for review and inspection by the Oregon Health Authority or the Department of En-**
45 **vironmental Quality.**

