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Chair Dembrow and members of the committee:

I am a farmer and family business owner in Polk County, Oregon and I am asking that you oppose SB500.

During the 2015 Legislative Session, the legislature passed a pesticide reform package in order to establish measures to address this situation. With that legislation, they gave ODA the authority and funding to hire investigators, case reviewers, administrative help, and increase laboratory capacity at Oregon Department of Agriculture (ODA) pesticide investigation division. In addition, it created a dedicated hotline for people to call who are concerned that they, or their property, have been exposed to pesticides. To assist with the funding for this process, there was also an increase in pesticide registration fees that applicators pay doubled from \$160 to \$320.

The 2015 legislation and the increase in applicator registration fees was intended to help keep frivolous lawsuits out of the court system. I feel SB500 goes backwards in these efforts.

I would question the reasons for so quickly abandoning what was implemented less than 2 years ago. Is the current law requiring an individual who believes they have been the victim of an illegal pesticide application to report it to the Oregon Department of Agriculture (ODA) within 60 days not working? Is ODA not investigating complaints? Is ODA not following the rules and requiring applicators retest, lose their license and / or pay civil penalties for violations?

In addition, the "Report of Loss" requirement establishes facts and timelines for both parties when a complaint is filed in court. Without a "Report of Loss," pesticide claims may devolve into "he said/she said" disputes with conflicting and weak evidence. This does not benefit either party, and it creates more complicated litigation. The "Report of Loss" also provides a level playing field, where both parties have the chance to conduct an investigation-and benefit from the state's investigation-before a lawsuit is filed.

SB 500 would leave family farmers, like me, vulnerable to frivolous lawsuits without the opportunity to collect facts through an investigation. It is important maintain the requirement to establish the facts in a pesticide dispute before going to court. I ask you to oppose SB 500.

Regards,

Anna Scharf
Scharf Farms Inc.