



**OREGON**  
ASSOCIATION OF  
NURSERIES

**Testimony before the Senate Environment and Natural Resources Committee  
Senate Bill 500 relating eliminating loss report for agricultural operations**

By Jeff Stone, Executive Director, Oregon Association of Nurseries

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Chairman Dembrow, Vice-Chair Olsen, members of the committee, my name is Jeff Stone and I serve as the Executive Director of the Oregon Association of Nurseries. We oppose Senate Bill 500 and urge caution about the elimination of submitting a timely “Report of Loss” to the Oregon Department of Agriculture (ODA). This policy is short sighted and remains an important process between complaints on pesticide applications and protections for agricultural operations.

**The Economic Footprint of the Nursery and Greenhouse Industry**

The nursery and greenhouse industry is the state’s second largest agricultural sector, and ranks as the third largest nursery state in the nation, with over \$894 million in sales annually to customers in Oregon, the rest of the United States, and abroad. In fact, nearly 75% of the nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River. We send ecologically friendly green products out of the state, and bring traded sector dollars back to Oregon.

Nursery association members represent wholesale plant growers, Christmas tree growers, retailers, and greenhouse operators. Our members are located throughout the state, with our largest nursery growing operations found in Clackamas, Marion, Washington, Yamhill and Multnomah Counties.

**The Nursery and Greenhouse industry is committed to lawful pesticide applications**

The OAN and many other organizations have been working hard over the past several years to educate consumers and agricultural sectors, regarding the application of pesticides – which are both a pest and disease mitigation tool and are an expensive and critical element to production of high quality nursery stock.

SB 500 would eliminate the requirement to submit a timely “Report of Loss” form to the Oregon Department of Agriculture prior to filing a complaint about an illegal pesticide application in court. This is an important step for establishing facts for both parties, and should remain a requirement.

Oregon law requires a landowner who believes they've been the victim of an illegal pesticide application to report the alleged loss within 60 days to (1) the Oregon Department of Agriculture, (2) the pesticide applicator, and (3) the person for whom the pesticide was applied.

The "Report of Loss" serves two purposes:

- (a) It gives the Oregon Department of Agriculture an opportunity to initiate an investigation into the extent and nature of the damage alleged, and
- (b) It gives the applicator an opportunity to conduct his or her own investigation in anticipation of litigation.

It is important that ODA investigators are able to collect samples in a timely manner to help determine whether an illegal pesticide application took place. Without a Report of Loss, claims may devolve into "he said/she said" disputes, often with conflicting and weak evidence. This does not benefit either party, and creates more complicated litigation.

The nursery industry is committed to being a good neighbor and a good steward of our land. SB 500 may seem like it solves the problem of appropriate action against illegal spraying of pesticides – but in practice – harms the process of determining critical facts and action plans if a problem arises. We would urge the committee to respectfully vote no on SB 500.