



## **Senate Committee on Environment & Natural Resources**

**March 26, 2019**

### **Oregon Farm Bureau OPPOSES House Bill 3044**

The Oregon Farm Bureau Federation (“OFB”) is the state’s largest general agriculture association, representing nearly 7,000 families actively engaged in farming and ranching. Oregon farmers are engaged in the production of over 225 agricultural products, and in many instances, are dependent on pesticide products regulated by the U.S. Environmental Protection Agency (“EPA”) and Oregon Department of Agriculture (“ODA”). OFB respectfully asks for your opposition to HB 3044.

Aerial application is an important tool used by farmers to control pests and noxious weeds. It often is the safest, fastest, most efficient and cost-effective way to apply pesticides. When soil conditions are wet, or if rolling terrain or dense plant foliage prevents other methods of treating an area, aerial application may be the only method of pest treatment. Modern aerial application utilizes cutting-edge technology to protect waterways, neighbor boundaries, and other no-spray areas.

HB 3044 shifts jurisdiction to regulate pesticides from the ODA to the Department of Environmental Quality (“DEQ”). ODA, not DEQ, has designated authority to regulate pesticides in Oregon. And ODA has expertise in pesticides and investigatory staff and civil penalty authority for misapplications, not DEQ.

HB 3044 also risks safety of landowners and applicators. The bill would require that DEQ post the details of a pesticide application on a public website—specific location, name of the applicator, and name of the operator or company—within 14 days of an application. This puts applicators and landowners at risk of harassment and vandalism.

As a final concern, HB 3044 creates concern without due diligence. The bill requires DEQ to send notices to neighboring properties if the agency determines that records indicate that products drifted beyond an application site. No agency can make any credible determination based solely on records; this will create unnecessary alarm! Today, assessments rely on real-time observations and investigations conducted by ODA. Pesticide drift is already illegal; HB 3044 doesn’t make it more illegal. It just creates a new reporting burden at an agency without jurisdiction over pesticide complaints and investigations and will ultimately jeopardize the safety and privacy of family farmers.

This bill duplicates other laws already in statute. The committee should instead extend the statutory sunset and fund the implementation of the Pesticide Use Reporting under ORS 634.048. In 1999, the legislature required all pesticide users to report their pesticide use to ODA. In 2009, the Legislature defunded the program, curtailing an important regulatory tool key to understanding the footprint of pesticide use in our state. OFB encourages your consideration of this mechanism.

Please oppose HB 3044. It puts farmers at risk and is unnecessary given the regulatory structure already in existence at ODA and in statute.

Thank you for the opportunity to provide testimony today. Please direct any questions to Jenny Dresler on behalf of the Oregon Farm Bureau ([jenny@pacounsel.org](mailto:jenny@pacounsel.org)).