

Re: House Bill 3044

Dear Chair Representative Witt and committee members,

My name is Adam Stinnett and I have been working in Oregon as a professional forester for the last nineteen years. In that time, I have had the privilege to work with many different pesticide applicators and have overseen the work of tens of thousands of acres.

There is no reason to have HB3044. As you look at the requirements of this proposal and then look at the requirements and rules already in place it's obvious that all this bill would do is create more unnecessary red tape. As you can see in the table listed below all the reporting requirements listed in HB3044 are already required by the Oregon Department of Agriculture. In fact, there is some information that ODA requires that this proposal doesn't. Making the current reporting more robust.

<p>Current Oregon Department of Ag Requirements: Commercial, public, and consultant requirements Commercial operators, public applicators, commercial applicators not employed by a commercial operator, and pesticide consultants making demonstration or research trial applications, must prepare and maintain records containing the following information:</p>	<p>House Bill 3044: Requires business or individual carrying out application of soil treatment or pesticide by aircraft to record information regarding application conditions. Requires business or individual to submit information concerning application to Department of Environmental Quality. Requires department to post information on website. Requires department to send notice to affected properties if department determines that soil treatment or pesticide applied by aircraft drifted beyond property where area targeted for application is located. Authorizes department to assess civil penalty, not to exceed \$50,000, for failure to record, falsifying or failing to timely submit information concerning application of soil treatment or pesticide by aircraft or if soil treatment or pesticide applied by aircraft drifts beyond property where area targeted for application is located.</p>
<p>The firm or person for whom the pesticide application was made: The full name, address, and phone number of the business, firm, or person who owns or controls the crop or property sprayed</p>	<p>(A) The name and address of the business and the name of the individual making the application;</p>
<p>The location of the land or property where application was made: The address of the site, or a geographic description of the application site, and the size of the area treated</p>	<p>(D) The boundaries of the property where the area targeted for the application is located;</p>
<p>The date and approximate time of application</p>	<p>(C) The dates and beginning and ending times of the application;</p>
<p>The supplier of pesticide product(s) applied</p>	

The trade name and the strength of such pesticides applied: The EPA registration number of each pesticide product applied or the manufacturer, product name and formulation type of each product applied	(E) The product name, if any, of the soil treatment or pesticide including any registration number issued by the United States Environmental Protection Agency or the State Department of Agriculture; (F) For an application of a named product, the active ingredients; and
The amount or concentration	(G) The quantity of substance applied, including any carrier substance, and the concentration of the soil treatment or pesticide in the substance applied.
The specific property, crop or crops to which the pesticide was applied	
The summary information of equipment, device or apparatus used and, if applied by aircraft, the F.A.A. number	
The full name and license number of the applicator(s), apprentice(s), and/or trainee(s) who applied the pesticides	(B) For an application of pesticide, the pesticide operator license number for the business and the pesticide applicator or public applicator license or private applicator certificate number and the aerial pesticide applicator certificate number of the individual;
Records must be maintained for at least three years from the date of application.	

CIVIL PENALTY MATRICES FOR OAR 603-057, IMPLEMENTING CIVIL PENALTIES FOR VIOLATIONS OF OREGON'S STATE PESTICIDE CONTROL ACT, OREGON REVISED STATUTES (ORS) CHAPTER 634

These matrices are referenced but not included in the Oregon Administrative Rules (OAR) as published by the Oregon Secretary of State. Those published rules refer readers to the Oregon Department of Agriculture (ODA). By such reference the following matrices are incorporated into four sections of OAR 603-057, the rules ODA has adopted in order to carry out the intent of ORS Chapter 634.

603-057-0529 and 603-057-0630, for violations occurring before January 1, 2016, not involving Gross Negligence or Willful Misconduct.

Both OAR 603-057-0529(1)(b) 603-057-0630(1)(b) indicate that penalties under their respective section are determined using the following matrix: GRAVITY OF EFFECT Rank Rank Rank High Medium Low MAGNITUDE Category I OF Major \$370 \$300 \$200 VIOLATION Category II Medium (moderate) \$300 \$200 \$100 Category III Minor \$200 \$100 \$50

603-057-0531, for violations occurring on or after January 1, 2016, not involving Gross Negligence or Willful Misconduct.

603-057-0531(1)(b) indicates that penalties under this section are determined using the following matrix: GRAVITY OF EFFECT Rank Rank Rank High Medium Low MAGNITUDE Category I OF Major \$740 \$600 \$400 VIOLATION Category II Medium (moderate) \$600 \$400 \$200 Category III Minor \$400 \$200 \$100

603-057-0532, for violations involving Gross Negligence or Willful Misconduct.

603-057-0532(1)(b) indicates that penalties under this section are determined using the following matrix: GRAVITY OF EFFECT Rank Rank Rank High Medium Low MAGNITUDE Category I OF High (major) \$10,000 \$9,000 \$8,000 VIOLATION Category II Moderate \$9,000 \$8,000 \$7,000 Category III Low (minor) \$8,000 \$7,000 \$6,000

As you can see from the information above HB3044 only serves to duplicate information and penalties that are already in place through ODA. There is absolutely no reason to create more bureaucracy for an activity that is already managed through the ODA.

Thank you for your consideration of my recommendation to not pass HB3044 out of committee.

Sincerely,

Adam Stinnett
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