



OREGON
ASSOCIATION OF
NURSERIES

Testimony before House Committee on Health Care
House Bill 4109 - Relating to prevention of health impacts from exposure to chlorpyrifos
Submitted by Jeff Stone, Executive Director, Oregon Association of Nurseries
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Chair Salinas, Vice-Chairs Nosse and Hayden, members of the committee, my name is Jeff Stone and I serve as the Executive Director of the Oregon Association of Nurseries. The OAN opposes House Bill 4109 – which prohibits aerial application and ultimately bans the active ingredient chlorpyrifos in Oregon.

Nursery and Greenhouse Industry is a traded sector and steward of the land

The nursery and greenhouse industry is the state’s largest agricultural sector, and the industry ranks third in the nation, with almost a billion (\$996 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. In 2018, Nursery and Floriculture averaged 9,150 jobs, while its payroll totaled \$332 million; with the average wage of \$36,286. We grow and provide 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

What the bill does

The Oregon legislature drafted legislation in the 2019 session through House Bill 2619 – which would have prohibited sale, purchase or use of pesticide chlorpyrifos. The bill before you today bans the sale and use of chlorpyrifos in Oregon in 2022 and imposes new restrictions immediately—300 foot buffers, expanded reentry intervals, and a ban on aerial application.

The nursery industry cares about workforce and community health and safety, and is careful about the application of any pesticide. However, this bill implies that agricultural operations do not adhere to the federal Worker Protection Standard (WPS) and the requirements to protect workers by clear protective guidelines of the Application Exclusion Zone (AEZ), which Oregon expanded. The bill also requires the Oregon

Department of Agriculture (ODA) to prohibit sale, purchase or use of pesticide product containing chlorpyrifos and revoking pesticide registrations for pesticide products containing chlorpyrifos by January 1, 2022.

The OAN finds it troubling that this bill was introduced despite ongoing work from a state-appointed work group, which includes agricultural, environmental and higher education voices to work together to examine potential solutions regarding chlorpyrifos. By the very nature of the bill, the OAN is curious why HB 4109 was not subsequently referred to the House Committee on Agriculture and Land Use.

Let the state-appointed rules advisory committee do its work

After the 2019 legislative session, the Oregon Department of Agriculture (ODA) proactively decided to address concerns and identify potential risk mitigation strategies to reduce the risk of bystander exposure to chlorpyrifos. This is the Oregon way.

The OAN is a full participant in the 20 member rules advisory committee (RAC) – which brings together stakeholders with divergent viewpoints. This is not an easy subject, and we give the department a lot of credit for engaging with farmworker advocates, grower representatives, environmental advocates, and toxicologists.

The RAC was appointed in November 2019 and has met twice to discuss existing regulations and worker protections as well as any gaps that may need to be addressed to reduce bystander exposure risk.

The ODA has noted key foundational protections related to chlorpyrifos and explained how the group will look at those protections and ways to build upon them, while also understanding unintended consequences.

The key foundational protections include:

- Licensing and registration
- Worker Protection Standard
- Label restrictions
- Prohibitions on residential uses

The Pesticide Analytical Response Center coordinates the state's response to pesticide incidents and concerns. ODA serves a coordinating role and works closely with the other PARC member agencies to investigate pesticide incidents and concerns, evaluate data for trends, and recommend ways to prevent incidents.

In 2013 and 2016, the Environmental Protection Agency (EPA) revised its human health risk assessment as part of its registration review. There was contention about how to measure impacts of chlorpyrifos to human health. The RAC is evaluating these concerns as well as critical uses for the chemistry class on agricultural operations.

It should be noted that the EPA is currently reviewing chlorpyrifos under its normal registration review process. That review will be done by 2021, and any new label requirements, if needed, will be implemented soon after that.

Integrated Pest Management tools are critical to prevent pest and disease issues

There are wide ranging approaches to pest management issues facing Oregon's nursery and greenhouse industry. It is critical that the industry produce healthy and high-quality green goods. The Oregon nursery and greenhouse industry has a well-earned reputation for best practices of plant production. To achieve this expectation, our grower community needs to have as many tools as possible to address pest and disease issues in an ever-changing climate.

There are no simple answers regarding this chemistry class. We are committed to a safe working environment with a robust and effective Integrated Pest Management (IPM). These tools are critical to the agricultural community and in addition many of Oregon's specialty crops have state approved Special Local Need registrations of chlorpyrifos. Pesticide options can be daunting, and our association supports research to bring a bevy of alternative products to battle certain pests. HB 4109 is a crude instrument and ignores science-teams and regulators at the state and federal agency level and in its place puts legislators in a position of banning chemical classes at a whim.

Trade markets and the national discussion over chlorpyrifos

At the national level there are ongoing discussions and its role as a tool within an Integrated Pest Management plan. It is worth noting that chlorpyrifos is part of the National Japanese Beetle Harmonization Plan, adopted and approved by the National Plant Board (NPB). The application method for the nursery industry includes chlorpyrifos as a dip and drench treatment chemical. The NPB is concerned about viable options for chlorpyrifos as treatment options for nursery stock material coming from infested states back east.

The Christmas tree industry ships over a thousand truck loads to Mexico every year. In 2017, Mexico imported for 16% of Oregon's Christmas tree, valuing \$19.2 million (23 percent of all Oregon Douglas-fir are shipped to Mexico). Oregon's access to Mexico is important and accounts for 54,000 jobs directly connected to trade with our neighbor from the south.

Oregon shippers to Mexico often find themselves running the gauntlet with border inspectors holding up loads based on the finding of insect pests, including insects that are often difficult to control. One of the provisions and regulation standards required by Mexico directs Oregon Christmas tree producers to spray fields 3-6 weeks prior to harvesting; Mexico has a zero tolerance for the presence of pests. It is critical that an exporter have every tool possible in the tool box be available, and Chlorpyrifos is a single application that is one of the few effective chemistries the industry has.

The nursery industry is solution oriented

The OAN engages on issues of concern and comes to the table to help resolve differences and work in a bipartisan manner to make good policy. We understand the concerns by the proponents of HB 4109 and believe the good work being done by the ODA RAC could render a more balanced approach. However, the path of this bill, ignoring the very committee that oversees agriculture and agricultural practices is concerning. Passing controversial bills was never the intention of the short session. Lots of work still needs to be done. We urge the committee to give the diverse groups at the table time to develop recommendations for the full session in 2021.