

HB 4109 STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Environment and Natural Resources

Action Date: 02/25/20
Action: Do pass.
Vote: 3-0-0-2
Yeas: 3 - Dembrow, Prozanski, Roblan
Abs: 2 - Baertschiger Jr, Findley
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Beth Patrino, LPRO Analyst
Meeting Dates: 2/21, 2/25

WHAT THE MEASURE DOES:

Prohibits aerial spraying of any pesticide product containing chlorpyrifos or applying such products within 300 feet of a school campus. Requires an employer to take steps to ensure a worker does not enter an area in which a pesticide product containing chlorpyrifos was applied within eight preceding calendar days. Prohibits sale, purchase, or use of pesticides containing chlorpyrifos starting January 1, 2022. Directs Oregon Department of Agriculture to revoke any registration of pesticides or application devices that contain chlorpyrifos prior to January 1, 2022. Specifies civil penalties. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Uses of chlorpyrifos
- Oregon Department of Agriculture work group on chlorpyrifos
- Health effects of pesticide products containing chlorpyrifos
- Limited alternatives to chlorpyrifos for specialty crops
- Process to register pesticide products for use

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the U.S. Environmental Protection Agency (EPA), chlorpyrifos is an organophosphate pesticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used since 1965 in both agricultural and non-agricultural settings. Agricultural uses include pest control in corn, soybean, broccoli, cauliflower, brussels sprouts, other row crops; specialty seed crops; and fruit and nut tree production. Non-agricultural uses include golf courses, turf, greenhouses, and non-structural wood treatments for utility poles and fence posts.

All pesticides sold or distributed in the U.S. must be registered with the EPA, which involves an evaluation of the human health and other risks attributable to the chemicals that make up the pesticide, identification of proper usage, and labeling to ensure the pesticide will not have unreasonable adverse effects on humans or the environment. Findings from a 2014 revised human health risk assessment of chlorpyrifos led the EPA to issue a proposed rule to revoke all tolerances of chlorpyrifos, indicating that no amount of chlorpyrifos residue on foods would be considered acceptable. Based on public comment regarding the proposed rule, a revised human health risk assessment was conducted and was published by the EPA in November 2016. The 2016 assessment identified risks from dietary exposure as a result of ingesting residues of chlorpyrifos on food crops and risks from drinking water containing chlorpyrifos. In March 2017, EPA denied a petition to revoke all tolerances for chlorpyrifos and cancel all chlorpyrifos registrations. In 2019, Oregon, along with other states, challenged the EPA's decision to

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allow the continued use of chlorpyrifos. Currently, chlorpyrifos remains a registered pesticide.

House Bill 4109 prohibits the use of any pesticide product containing chlorpyrifos as of January 1, 2022 and limits current usage until ban takes affect in 2022.