

# Enrolled Senate Bill 290

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CHAPTER .....

AN ACT

Relating to pesticides; amending sections 4, 8 and 15, chapter 1059, Oregon Laws 1999; repealing section 7, chapter 1059, Oregon Laws 1999; appropriating money; limiting expenditures; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 4, chapter 1059, Oregon Laws 1999, is amended to read:

**Sec. 4.** The State Department of Agriculture shall establish and implement a pesticide use reporting system to meet the need described in section 3, **chapter 1059, Oregon Laws 1999** [of this 1999 Act]. In establishing and implementing the system, the department shall:

(1) Design, develop and implement the system in order to collect, evaluate, summarize, retain and report information on the use of pesticides in each major category of use in Oregon, including agriculture, forestry, industrial, urban commercial and urban homeowner uses.

(2) At least one time each year, collect the best data practicable from each major category of pesticide use in a manner that reduces paperwork and reporting costs.

(3) Require all pesticide users to report basic information on their use of pesticides that includes[, *at a minimum*]:

[*(a) The watershed, county, zip code or other identification of the location as recommended by the work group established in section 5 of this 1999 Act for the location of use;*]

**(a) The location of use. For pesticide use within an urban area, as defined by the department by rule, the pesticide user shall report the location of use by identifying the five-digit zip code for the location. For pesticide use that is not within an urban area, the pesticide user shall report the location of use by identifying the third-level hydrologic unit for the location. As used in this paragraph, "third-level hydrologic unit" means the basin reporting level of the 12-digit hydrologic unit mapping system developed by the Federal Geographic Data Committee.**

(b) The name and United States Environmental Protection Agency registration number for the pesticide product used.[;]

(c) The quantity of pesticide product applied.[;]

(d) The purpose of and type of site of the application.[;]

(e) The month of the application.[; *and*]

(f) **Subject to section 8, chapter 1059, Oregon Laws 1999**, other data gathered by pesticide applicators that [*is*] **the department considers** necessary to achieve the purposes of section 3, **chapter 1059, Oregon Laws 1999** [of this 1999 Act].

(4) Develop a mechanism to ensure the accuracy, reliability and validity of the database by providing for an independent review of the pesticide use data and collection procedures by data quality assurance specialists.

(5) Develop a specific mechanism to identify household and other urban uses of pesticides. If this mechanism involves sales reporting by retail pesticide dealers, the department shall develop a minimum monthly sales quantity below which the retail pesticide dealer is exempt from reporting.

*[(6) Implement a limited size, pesticide reporting pilot program on or before January 31, 2001.]*

*[(7) Begin operation of the statewide required data reporting program on January 1, 2002.]*

**SECTION 2.** Section 8, chapter 1059, Oregon Laws 1999, as amended by section 2, chapter 915, Oregon Laws 2001, is amended to read:

**Sec. 8.** (1) In implementing the pesticide use reporting system, the State Department of Agriculture shall, at a minimum:

*[(a) Beginning July 1, 2003, and annually thereafter, publish an annual report summarizing the pesticide use data in Oregon on a watershed basis. The report shall include an analysis of trends in use and an assessment of accuracy of the reporting data and summary of use by regions, watershed, county or other scale as recommended by the pesticide stakeholder group appointed under section 5, chapter 1059, Oregon Laws 1999.]*

**(a) Publish an annual report summarizing the pesticide use data reported to the department under section 4, chapter 1059, Oregon Laws 1999. The report shall include:**

**(A) An analysis of trends in pesticide use;**

**(B) An assessment of pesticide use reporting data accuracy; and**

**(C) Pesticide use information summarized by zip code or hydrologic unit as described in section 4 (3)(a), chapter 1059, Oregon Laws 1999.**

(b) Establish policy and adopt rules relating to the public release of data about pesticide sales or use consistent with the limitations provided in this section.

(2)(a) Data about pesticide use obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999, are confidential if the data would reveal the identity of the owner or lessee or the specific location of property where a person has applied a pesticide:

(A) For a private agricultural or forestry operation; or

(B) On private property or public property leased to a private person.

(b) Data about pesticide sales obtained under sections 2 to 9, chapter 1059, Oregon Laws 1999, are confidential if the data would reveal a trade secret, as defined in ORS 646.461, of the retail outlet, multiple-outlet retailer or associated group of retailers that reports the data.

**(c) The department may not collect pesticide use data under section 4, chapter 1059, Oregon Laws 1999, that would reveal the identity of the owner or lessee or the specific location of property where a person has applied a pesticide.**

(3) The policy and rules that the department adopts under this section may not limit access to data for the following purposes:

(a) Information obtained as part of any investigation under any other provision of law;

(b) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws 1999, to any other local, state or federal agency, if the local, state or federal agency has agreed to maintain the confidentiality of any information that is required to be treated as confidential under this section, unless the public interest by clear and convincing evidence requires disclosure in the particular instance; and

(c) To release information obtained exclusively under sections 2 to 9, chapter 1059, Oregon Laws 1999, to a health or environmental researcher acting in an official capacity from an accredited university or accepted research institute who agrees to maintain the confidentiality of any information that is required to be treated as confidential under this section.

**SECTION 3.** Section 15, chapter 1059, Oregon Laws 1999, is amended to read:

**Sec. 15.** Notwithstanding the maximum registration fee established under ORS 634.016 (5),[:]

*[(1) For the years beginning January 1, 2000, and January 1, 2001:]*

*[(a) The registration fee shall not exceed \$130 for each pesticide, formula or formulation; and]*

*[(b) The State Department of Agriculture may collect and distribute up to \$10 in registration fees for each pesticide, formula or formulation in order to fund the analytical review under section 7 of this 1999 Act and to execute the pesticide reporting pilot program under section 4 (6) of this 1999 Act.]*

[(2)] for the years beginning January 1, 2002, and ending December 31, 2009:

[(a)] (1) The registration fee [shall] **may** not exceed \$160 for each pesticide, formula or formulation; and

[(b)] (2) Up to \$40 in registration fees for each pesticide, formula or formulation may be used by the department for the implementation of the pesticide use reporting system under sections 2 to 9, **chapter 1059, Oregon Laws 1999**, [of this 1999 Act] as long as the Legislative Assembly appropriates an equivalent amount of moneys from the General Fund for the system.

**SECTION 4. Section 7, chapter 1059, Oregon Laws 1999, is repealed.**

**SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2005, out of the General Fund, the amount of \$956,287, which may be expended for carrying out sections 2 to 9, chapter 1059, Oregon Laws 1999.**

**SECTION 6. (1) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter \_\_\_\_\_, Oregon Laws 2005 (Enrolled House Bill 5158), for the biennium beginning July 1, 2005, as the maximum limit for payment of expenses for administrative and support services from fees, moneys or other revenues, including Miscellaneous Receipts, and including federal funds for contract services, but excluding lottery funds and federal funds not described in this section, collected or received by the State Department of Agriculture, is increased by \$275,469 for the purpose of carrying out sections 2 to 9, chapter 1059, Oregon Laws 1999.**

**(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter \_\_\_\_\_, Oregon Laws 2005 (Enrolled House Bill 5158), for the biennium beginning July 1, 2005, as the maximum limit for payment of expenses for natural resources from fees, moneys or other revenues, including Miscellaneous Receipts, and including federal funds for contract services, but excluding lottery funds and federal funds not described in this section, collected or received by the State Department of Agriculture, is increased by \$672,897 for the purpose of carrying out sections 2 to 9, chapter 1059, Oregon Laws 1999.**

**SECTION 7. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.**

**Passed by Senate May 26, 2005**

**Repassed by Senate July 30, 2005**

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Secretary of Senate

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President of Senate

**Passed by House July 28, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State