

# SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 23, 2005  
3:00 P.M.

Hearing Room B  
Tapes 29 - 30

**MEMBERS PRESENT:** Sen. Charlie Ringo, Chair  
Sen. Jason Atkinson, Vice-Chair  
Sen. Roger Beyer  
Sen. Ginny Burdick  
Sen. Frank Shields

**VISITING MEMBER:** Rep. Jackie Dingfelder

**STAFF PRESENT:** Matt Shields, Committee Administrator  
Katie Lowry, Committee Assistant

**MEASURES/ISSUES HEARD:**  
SB 290 – Public Hearing

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 29, A</b>		
005	Chair Ringo	Calls meeting to order at 3:04 p.m. and opens public hearing on SB 290.
<b><u>SB 290 – PUBLIC HEARING</u></b>		
015	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council (OEC). Explains that there is a set of amendments regarding fee. The amendments have been requested, but were not ready for today. Explains amendments.
025	Laura Weiss	Program Director, OEC. Submits informational packet including written testimony, fee chart by state, and an editorial from the Oregonian ( <b>EXHIBIT A</b> ). Reads written testimony in support of SB 290.
070	Chair Ringo	Asks witness to discuss how the fee is paid.
075	Weiss	Clarifies question.
077	Chair Ringo	Asks who pays the fee.
078	Weiss	Explains.
080	Chair Ringo	Asks if the fee is imposed per product.
081	Weiss	Confirms this.
082	Chair Ringo	Asks if there is someone who is going to testify about the specific human health impacts of pesticides.
083	Weiss	Believes that there will be someone to testify on that topic.
085	Chair Ringo	Gives example of human health impacts of pesticides and asks if that kind of testimony will be heard today.
088	Weiss	Discusses studies that link exposure to pesticides to a range of health effects.
100	Dr. Andrew Harris	Physician, Salem. Submits and reads written testimony in support of SB 290 ( <b>EXHIBIT B</b> ).
135	Dr. Joan Rothlein	Research Scientists, Center for Research on Occupational and Environmental Toxicology (CROET), Oregon Health and

		Sciences University. Submits and reads written testimony in support of SB 290 <b>(EXHIBIT C)</b> .
170	Dr. William Lambert	Research Scientist, CROET. Explains that his remarks are included with Dr. Rothlein's testimony <b>(EXHIBIT C)</b> .
180	Mark Yeager	Principal Utilities Engineer, City of Albany. Submits and reads written testimony in support of SB 290 <b>(EXHIBIT D)</b> .
216	Sen. Atkinson	Asks if witnesses are opposed to reporting by zip code rather than how it is currently written.
220	Rothlein	Clarifies that Sen. Atkinson is asking about urban areas.
225	Sen. Atkinson	Discusses different proposals of methods for reporting. Asks if witnesses have a preference.
226	Rothlein	States preferences.
228	Sen. Atkinson	Asks if both urban and rural should be treated the same.
229	Rothlein	Explains.
230	Chair Ringo	Wonders if it could be reported both by zip code and by Section/Township/Range.
231	Rothlein	Confirms this.
234	Yeager	Discusses method of reporting. Urges committee to require reporting by a land based system such as Section/Township/Range.
255	Chair Ringo	Asks for definitions of Section/Township/Range.
260	Sen. Beyer	Gives explanations of a township, a section and a range.
265	Chair Ringo	Clarifies that township and range are the same thing.
268	Sen. Beyer	Confirms this. Gives details using an example.
275	Chair Ringo	Confirms that witness wants a measuring system that doesn't move around.
276	Yeager	Confirms this.
280	Chair Ringo	States that opponents are concerned that it is too small geographically. States that there should be some way to reconcile these concerns.
284	Yeager	Explains that it depends on how specific the information is. Gives illustration regarding a canal. Discusses scale necessary.
300	Chair Ringo	Asks what scale is needed.
301	Yeager	Explains.
305	Sen. Shields	Discusses the Willamette stone where every measurement in the state is based. Discusses CROET. Asks if calculations have been done on what the lack of information is costing the state.
340	Rothlein	Discusses competing for federal dollars and research designs.
360	Sen. Shields	States that he has sat on the CROET board for a long time. States that CROET is good at competing for grant monies. Asks if they can bring information on how much grant money has been lost due to the lack of information.
380	Rothlein	Offers to work on numbers and return information to the committee.
385	Chair Ringo	Asks about connection of research to human health impacts.
395	Rothlein	Discusses a study CROET is currently working on which correlates a toxic substance and a health effect.
410	Katy Coba	Director, Oregon Department of Agriculture (ODA). Submits and reads written testimony on SB 290 <b>(EXHIBIT E)</b> .
<b>TAPE 30, A</b>		
025	Chair Ringo	Asks what the impact would be if the proposed amendments discussed earlier were adopted.
030	Coba	Explains.
040	Chair Ringo	Asks about fees and distribution of products.

045	Lisa Hanson	Assistant Director, ODA. Believes that the fee was intended to be an equal fee to all pesticide products registered in Oregon.
049	Chair Ringo	Asks if there was consideration to change that.
050	Hanson	Explains that she was not working with the program when the initial legislation was implemented.
051	Coba	Continues reading testimony <b>(EXHIBIT E)</b> .
070	Sen. Atkinson	Asks witness to comment on the repeal of the sunset. Asks if that is good public policy.
072	Coba	Supports HB 2152 which extends the sunset seven years. Explains.
083	Sen. Beyer	Asks if there is a fiscal impact statement issued for SB 290.
084	Matt Shields	Committee Administrator. States that a fiscal impact statement has not been issued yet but that it is being worked on.
085	Chair Ringo	States that SB 290 has a subsequent referral to the Ways and Means Committee.
086	Shields	Confirms this.
090	Louis Pitt, Jr.	Director of Government Affairs and Planning, Confederated Tribes of Warm Springs Reservation of Oregon. Submits and reads written testimony in support of SB 290 <b>(EXHIBIT F)</b> .
125	Pitt	Discusses visual aid. Concludes reading written testimony <b>(EXHIBIT F)</b> .
180	Terry Witt	Executive Director, Oregonians for Food and Shelter (OFS). Submits and reads written testimony in opposition to SB 290 <b>(EXHIBIT G)</b> .
235	Chair Ringo	Asks if witness supports general funding for pesticide use reporting.
236	Witt	Replies yes.
237	Chair Ringo	Asks at what level.
238	Witt	Explains that OFS supports it at the level of matching dollars. Discusses funding. Discusses definition of pesticide user in statute and talks about new language of 'any person' in SB 290.
272	Chair Ringo	Verifies that witness would like this language clarified if SB 290 is passed out of committee.
274	Witt	Confirms that the language needs to be clarified or taken out of SB 290.
275	Witt	Discusses conflict of reporting location.
300	Chair Ringo	Asks if witness has a suggestion for the reporting location.
301	Witt	Gives suggestion for urban areas.
305	Chair Ringo	Asks about rural areas.
308	Witt	Discusses reporting in rural areas. Discusses concerns of confidentiality.
340	Witt	Disagrees with comments made earlier that use information data will give information about exposure to humans. States that use does not equal exposure.
355	Chair Ringo	States that, even though the information is not definitive, it is useful in the investigation.
360	Witt	Remarks that it may be useful information , but one has to weigh the cost of that useful information.
362	Chair Ringo	Asks if witness accepts that there is a link between pesticides and cancer.
365	Witt	Replies that laboratory data have shown that there can be links between laboratory animals and high exposures to pesticides.
366	Chair Ringo	Asks if OFS is connected to the pesticide industry.

368	Witt	Explains. Reports that the majority of OFS members are pesticide users rather than suppliers.
370	Chair Ringo	Asks if witness accepts that pesticides will run off into the public waterways.
371	Witt	Agrees that pesticides can run off. Discusses run off.
372	Chair Ringo	Asks if witness accepts that the public has a right to clean waterways.
373	Witt	Replies yes.
374	Chair Ringo	Asks if witness is willing to help committee achieve that goal.
375	Witt	Discusses use of pesticides. States that OFS does not defend people who use pesticides irresponsibly.
395	Rep. Dingfelder	Refers to level of reporting at the watershed scale. Asks if there was an agreement as to the size of the watershed.
405	Witt	Replies no and explains.
410	Sen. Shields	Asks for clarification of what group the witness was a part of.
<b>TAPE 29, B</b>		
007	Witt	Explains details of stakeholders group. Explains outcomes of meetings.
020	Sen. Shields	Asks if some of the details were voted on by members of mentioned group.
021	Witt	Explains.
035	Chair Ringo	States that the question is what should be done in 2005.
036	Chair Ringo	Asks witness if he wants to report by zip code or watershed in the rural areas.
037	Witt	Believes that reporting should be done by watershed in the rural areas.
040	Chair Ringo	Asks if resistance to reporting by a smaller scale is related to eco-terrorism.
042	Witt	Explains.
045	Chair Ringo	Asks if there has ever been any eco-terrorist act related to pesticide use.
048	Witt	Believes that no other state has a reporting program like the proposed program.
050	Barry Bushue	Farmer, Gresham and President, Oregon Farm Bureau Federation. States that he was a member of the pesticide use reporting group appointed by Governor Kitzhaber. Submits and reads written testimony in opposition to SB 290 ( <b>EXHIBIT H</b> ).
063	Chair Ringo	Believes Governor Kitzhaber was interested in the public interest.
065	Bushue	Continues reading testimony ( <b>EXHIBIT H</b> ).
085	Bushue	Discusses public interest in quality of water and watersheds.
095	Bushue	Continues reading testimony ( <b>EXHIBIT H</b> ).
115	Chair Ringo	Believes everyone needs to do their fair share for clean water. Believes there is a broad concern of public interest in improving water quality.
125	Witt	Addresses earlier question regarding registration fee. Discusses pesticides registered in the state. Talks about increasing the registration fee and amount of registrations in the state.
146	Chair Ringo	Refers to question earlier regarding registration fee based on amount of use.
150	Witt	Remarks that he is not sure how one would obtain this information and wonders about the cost of generating an uneven registration process.
155	Chair Ringo	Comments on the uneven registration process.
158	Witt	Submits another way to look at it.

170	Diane Drum	Oregon Nurses' Association, Member of Health Policy Cabinet; Public Health Nurse, with specialty in Maternal-Child Health; Mother of 3 Children. Submits and reads written testimony in support of SB 290 <b>(EXHIBIT I)</b> .
303	Chair Ringo	Thanks Diane Drum for her compelling testimony.
305	Michael Heumann	Environmental, Occupational and Epidemiology Program Manager; Health Services, Office of Disease Prevention and Epidemiology; Oregon Department of Human Services. Submits and reads written testimony in support of SB 290 <b>(EXHIBIT J)</b> .
385	Chair Ringo	Asks if witness is an epidemiologist.
386	Heumann	Replies yes.
387	Chair Ringo	Asks what that means.
388	Heumann	Explains.
395	Chair Ringo	Refers to previous testimony about cancers. Asks if there is a proven link between the application of pesticides and cancers.
400	Heumann	Discusses research done in other states.
412	Chair Ringo	Observes that if it has been proven in Minnesota, then it can be assumed that the same is true in Oregon even if the study wasn't done here.
413	Heumann	Points out that it cannot be assumed that the same pesticides used in Minnesota are used in Oregon. Talks about crops and notes that many pesticides are specific to certain crops, insect pests, plant pests or some other disease.
420	Chair Ringo	Verifies that in the last 30 years the incidence of cancer in society has risen dramatically.
421	Heumann	Confirms this.
422	Chair Ringo	Asserts that this is not only due to pesticides but also a variety of toxics that find ways into our bodies.
435	Heumann	Discusses potential causes.
<b>TAPE 30, B</b>		
008	Chair Ringo	Asks if the link between pesticides and cancers applies only to farm workers and families who live on the farms or also apply to the people who consume those products.
010	Heumann	Discusses effect of exposure and the impact to different groups of people. Gives illustration.
020	Sen. Atkinson	Believes that Americans eat poorly. Discusses examples. Asks if there is a connection between fluoride and cancer.
035	Heumann	Explains that fluoride is a naturally occurring element as opposed to a manufactured chemical. Discusses levels. Mentions animal toxicity.
045	Sen. Beyer	States that he is curious to know how one agency can come in to support SB 290 and another one comes in with concerns and potential opposition to SB 290.
052	Heumann	States that that is a good question. Discusses HB 2152. Mentions that he did not discuss the costs at all in his testimony because they are not part of the Governor's budget.
060	Drum	Makes further comments about pesticides.
080	Tulsi Wallace	Eugene Water and Electric Board (EWEB). Submits informational packet including written testimony, and charts from a report by United States Geological Survey titled "Distribution of Dissolved Pesticides and Other Water Quality Constituents in Small Streams, and their Relative Land Use, in the Willamette River Basin." Reads written testimony in support of SB 290 <b>(EXHIBIT K)</b> .

136	Wallace	Discusses the idea of reporting by Section/Township/Range versus reporting by watershed.
150	Camille Hukari	Orchardist, Hood River. Submits and reads written testimony in opposition to SB 290 ( <b>EXHIBIT L</b> ). Discusses registration fee. Believes the public should be paying for the program if it benefits the general public. Mentions HB 2152 and states that SB 290 is more acceptable.
200	Chair Ringo	Believes that concerns raised can be addressed.
206	Hukari	Stresses that confidentiality is very important.
207	Chair Ringo	Addresses issue of confidentiality versus the need for specificity.
215	Sen. Beyer	Refers to charts in ( <b>EXHIBIT K</b> ). Asks Ms. Wallace a clarifying question.
228	Tulsi	Provides clarification.
245	Bob Dettwyler	Grass seed farmer, Silverton. Testifies in opposition to SB 290.
262	Chair Ringo	Asks if witness is opposed to SB 290 because he doesn't want to be paying for the program. Asks if witness wants the program paid for by the general fund.
265	Dettwyler	States that this is one of the reasons he opposes SB 290.
266	Chair Ringo	Asks if there are any other reasons.
267	Dettwyler	Discusses points of opposition.
288	Chair Ringo	Discusses funding for program.
296	Dettwyler	Talks about reporting requirement. Wants to see it as a watershed and explains why.
318	Chair Ringo	Asks about identification of fields.
320	Dettwyler	Explains. Believes that the sunset clause should not be eliminated.
325	Robert Reynolds	President, Molalla River Improvement District. Testifies in support of SB 290. Submits written testimony in support of SB 290 ( <b>EXHIBIT M</b> ).
370	Rhett Lawrence	Oregon State Public Interest Research Group. Testifies in support of SB 290. Submits written testimony ( <b>EXHIBIT N</b> ).
395	Randy Tucker	Legislative Affairs Manager, Metro. Submits and highlights written testimony in support of SB 290 ( <b>EXHIBIT O</b> ).
<b>The following prepared testimony is submitted for the record without public testimony:</b>		
	Kelly Brooks	Legislative Analyst, City of Eugene. Submits written testimony in support of SB 290 ( <b>EXHIBIT P</b> ).
	Michael Grimm	Chair, Regional Water Providers Consortium Board. Submits written testimony in support of SB 290 ( <b>EXHIBIT Q</b> ).
	Gina Valeri	Director of Legislative Affairs and General Counsel, American Pet Products Manufacturers Association, Inc. Submits written testimony on SB 290 ( <b>EXHIBIT R</b> ).
	John Ledger	Vice President of External Affairs, Association of Oregon Industries. Submits written testimony in opposition to SB 290 ( <b>EXHIBIT S</b> ).
	Jenny Holmes	Environmental Ministries Director, Ecumenical Ministries of Oregon. Submits written testimony in support of SB 290 ( <b>EXHIBIT T</b> ).
450	Chair Ringo	Closes public hearing on SB 290 and adjourns meeting at 4:59 p.m.

## **EXHIBIT SUMMARY**

- A. SB 290, informational packet, Laura Weiss, 5 pp**
- B. SB 290, written testimony, Andrew Harris, 1 p**
- C. SB 290, written testimony, Joan Rothlein, 1 p**
- D. SB 290, written testimony, Mark Yeager, 2 pp**
- E. SB 290, written testimony, Katy Coba, 1 p**
- F. SB 290, written testimony, Louis Pitt, Jr., 2 pp**
- G. SB 290, written testimony, Terry Witt, 4 pp**
- H. SB 290, written testimony, Barry Bushue, 2 pp**
- I. SB 290, written testimony, Diane Drum, 3 pp**
- J. SB 290, written testimony, Michael Heumann, 2 pp**
- K. SB 290, informational packet, Tulsi Wallace, 8 pp**
- L. SB 290, written testimony, Camille Hukari, 1 p**
- M. SB 290, written testimony, Robert Reynolds, 3 pp**
- N. SB 290, written testimony, Rhett Lawrence, 2 pp**
- O. SB 290, written testimony, Randy Tucker, 2 pp**
- P. SB 290, written testimony, Kelly Brooks, 1 p**
- Q. SB 290, written testimony, Michael Grimm, 2 pp**
- R. SB 290, written testimony, Gina Valeri, 2 pp**
- S. SB 290, written testimony, John Ledger, 1 p**
- T. SB 290, written testimony, Jenny Holmes, 1 p**