

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 9, 1993 TAPES: 179 -180 PLACE: Hearing Room CTIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair
Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator
Gordon Smith Senator Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research
Associate Kus Soumie, Clerk MEASURES HEARD: SB 114 WRK SB 1131 WRK HB
2682 WRK INFORMATIONAL HEARING: Report on Farmworker Pesticide
Safety: Senator G. Smith

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE
STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION
MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE
PROCEEDINGS. PLEASE REFER TO THE TAPES.

TAPE 179, SIDE A 005 CHAIR CEASE: Calls meeting to order at 8:00 a.m -
Reads letter into the record from Meg Reeves of the Attorney General's
office regarding SB 101 6, and problems with passage of the bill
(EXHIBIT A) WORK SESSION ON SB 1131 WITNESSES: DAVE BARROWS, Chemical
Waste Management GREG WOLF, Dept. of Land Conservation and Development
OLIVIA CLARK, Dept. of Environmental Quality

052 DAVE BARROWS: To refresh the committee's memory, there was no
adverse testimony on this bill All we are doing is asking for a
conditional use permit in the EFU statutes so that we don't have to go
through the lengthy exception process It only applies to one facility in
the state. Senate Agriculture and Natunl Resourcer. June 9, 1993 Page 2

085 CHAIR CEASE: The question is whether this exception should be
done on the local level or through statute. 084 GREG WOLF: Our staff
met with Mr. Barrows to discuss the bill. The use itself isn't anything
that alarms us; we are concerned with adding a lot of uses to the EFU
zone in statute, on principle. 103 OLIVIA CLARK: As far as the
unloading facility, there may be some benefit to placing the spur there.
I can't speak to process. 116 BARROWS: There is a good public policy
reason to move more quickly in terms of obtaining a conditional use
permit (which still permits the county to put conditions on the use) in
order to move hazardous material by train rather than truck through the
gorge. 120 SEN COHEN: Suggests a sunset provision for this bill.
131 BARROWS: We could support that provision if it took effect right
away. 143 CHAIR CEASE: We will get an amendment drafted to that
effect.

WORK SESSION ON SB 114

WITNESSES: PHIL WARD, Oregon Dept. of Agriculture CHRISTOPHER KIRBY,
Oregon Dept. of Agriculture

150 PHIL WARD: This bill was heard in February; testimony given at that
time is being distributed (EXHIBIT B). The bill raises the statutory cap
for license fees for pesticide dealers, applicators, and consultants.
The caps have not been raised for some time. Fee increases would not be
implemented until the end of the biennium.

187 SEN. KINTIGH: The increases are quite high. What is the
rationale?

190 PHIL WARD: Fees have not increased for ten years.

201 SEN. BUNN: Prefers that fees be determined by cost of program, not ability to pay. 209 SEN. KINTIGH: Have you experienced many new licensees? 196 CHRISTOPHER KIRBY: The numbers have remained steady over recent years.

204 SEN SHOEMAKER: Why is there such a disparity in the fee schedule? There does not seem to be any consistency in the amounts of increase in the fees.

208 KIRBY: We have done a study of costs in other states, and the proposed fees are below those

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of other states. We do quite a bit of investigation regarding these dealers. We feel that moving the fee cap to \$75.00 would be appropriate. - In response to Sen. Kintigh, Kirby replies that the department does not know whether they will need to charge the highest amount allowed. - In response to Sen. Cease, Kirby replies that if the fees are not increased the only other resource available to the program is one charged to pesticide product registrants, which would be increased. - Am unaware of any opposition.

MOTION: Sen. Bunn moves SB 114 to the Senate Ways and Means Committee by prior reference.

VOTE: In a roll call vote the motion passes, 6 - 0. Sen. Gold excused.

WORK SESSION ON HB 2682

WITNESSES: TOM JOHNSON, Oregon Health Division RON HALL, Oregon Health Division

293 TOM JOHNSON: Comments on proposed amendments (EXHIBIT C,D), which would allow grapes treated with sulfites at restaurants, but prohibits use of such grapes at restaurants. - The original bill was acceptable to us. - There are now in place federal standards that regulate the use of sulfites in foods that were not in place when the original statute was passed. Our concern is to prohibit the application of sulfites within restaurants, but if product with sulfite comes to the restaurant and meets federal standards, that is fine with us.

363 CHAIR CEASE: Yet some people could react adversely to products where sulfites have been applied prior to being shipped to the restaurant. Why does that occur? 370 JOHNSON: Federal law sets a standard of ten parts per million. That standard is based on the best evidence as to the threshold of people reacting to sulfites. Below that standard there is not evidence that there is a public health risk. - When the girl died in Salem of sulfites, the restaurant employees had added sulfites to the guacamole. - Sulfites are not used to preserve the fruit itself, but to kill molds. - The amendment appears to allow the sale of sulfite-treated grapes to restaurants, but prohibits the use of those grapes. 420 CEASE: That is not the intention of the sponsors; the amendment will be redrafted and John McCulley can speak at the next

meeting (EXHIBIT E). 425SEN. BUNN: Are there any alternatives to sulfides that could be used on grapes?

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430 JOHNSON: Yes; and to our knowledge, within Oregon there are not food processors who apply sulfides to foods.

TAPE 180, SIDE B

REPORT ON FARMWORKER SAFETY: Senator Gordon Smith, State Senate District 29

080 SENATOR GORDON SMITH: Offers testimony on farmworker safety, as requested by Chair Cease. - Recounts how he, OSPIRG, Oregonians for Food and Shelter, and OR-OSHA met regarding SB 195, focusing on farmworker protection regarding pesticide applications. - The question was whether or not there were sufficient standards to protect agricultural workers when they are in the proximity of pesticides. - OSPRIG felt that federal standards were inadequate. - Oregonians for Food and Shelter felt that the federal standards were too new to be judged adequate or inadequate. - OR-OSHA would like to implement the federal standards and make any necessary adjustments through administrative rule. - I believe the federal standards are adequate. Describes those standards. 159 CHAIR CEASE: Many of those in the agriculture business are not around for a long time and may not get adequate training or information on dangers in the agricultural workplace. 174 SEN SMITH: The farmer has to provide training; it can't be assumed. OR-OSHA is making training videos in Spanish and will be distributed to farmers who will be required to show them. 189 SEN KINTIGH: Comments on recent enforcement. 191 SEN SMITH: The farming community feels under siege by OR-OSHA. If SB 195 were imposed at this time, before the federal law was given a chance a work, there would be a tremendous amount of resistance. 203 CHAIR CEASE: How do you deal with workers who do not speak Spanish or English? We assume that those from South America speak Spanish and many don't. 235 SEN SMITH: The burden is on the farmer. In my personal experience, workers are sensitive to signs; they are anxious to work and anxious not to be injured. An employer may be hesitant to hire someone with whom he cannot communicate. There are farm labor organizations who seek to protect those who cannot protect themselves. 265 SEN SHOEMAKER: Procedurally where does that leave us?

256 SEN SMITH: SB 195 went to Ways and Means.

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265 CHAIR CEASE: When I asked Sen Smith to look at this issue it was to look at the greater question of worker safety, not just SB 195.

279 SEN SHOEMAKER: SB 195 is inconsistent with Sen. Smith's report. Didn't the bill also have some sanctions dealing with pesticides?

312 CHAIR CEASE: I don't think the amended bill had sanctions.

322 SEN SMITH: There is a lot being done on this by the agricultural community. I have attended farm meetings in various communities in my district where time is spent in training on how to apply pesticides in order to be certified.

UPDATES ON LEGISLATION PASSED OUT OF SENATE AG AND NATURAL RESOURCES

337 CHAIR CEASE: Update of conference committees formed. - Sen. Gold asks unanimous consent to allow her to vote on SB 114. Hearing no objections, Sen. Gold is allowed to vote. VOTE: Sen. Gold votes "aye" to send SB 114 to Ways and Means. 380 CHAIR CEASE: Adjourns meeting at 9:00 a.m.

Submitted by: Reviewed by: Kus Soumie Peter Green
Assistant Administrator

EXHIBIT WG:

A - testimony, SB 1016, Reeves, 2 pas. B - testimony, SB 114, Ward, 1 pg. C - hand-engrossed bill, HB 2682, staff, 1 pg. D - proposed amendments, HB 2682, staff, 1 pg. E - testimony, HB 2681L John McCulley, 1 pg.

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