

SENATE COMMITTEE ON LABOR

April 1, 1991                      Hearing Room 50 03:00 p.m.                      Tapes 49 - 50  
MEMBERS PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,  
VICE-CHAIR                      SEN. PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB  
SHOEMAKER

STAFF PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE,  
COMMITTEE ASSISTANT MEASURES CONSIDERED: SB 756 - PESTICIDE APPLICATORS  
SAFETY - PUBLIC HEARING

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statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
proceedings, please refer to the tapes. -

TAPE 49, SIDE A WITNESSES: MICHAEL DALE, DIRECTOR, OREGON LEGAL SERVICES  
SANDRA ELY, R.N., GRADUATE STUDENT, UNIVERSITY OF OREGON QUINCY  
SUGARMAN, OSPERG RAMON RAMIREZ, PCUN JOSE GALVAN, PCUN THOM NELSON, HOOD  
RIVER GROWERS-SHIPPERS ASSOCIATION CAMILLE HOKARI, HOOD RIVER  
GROWERS-SHIPPERS ASSOCIATION BOB CASTAGNA, OREGON CATHOLIC CONFERENCE  
DR. JANE GORDON, DEPUTY STATE EPIDEMIOLOGIST, STATE OF OREGON LORNA  
YOUNGS, ASSISTANT DIRECTOR, FOOD SAFETY AND PESTICIDE PROGRAM,  
DEPARTMENT OF AGRICULTURE BRETT FISHER, NORTHWEST COALITION FOR  
ALTERNATIVES TO PESTICIDES QUINCY SUGARMAN, ENVIRONMENTAL ADVOCATE,  
OSPIRG CHRISTINA MALANGO, R.N., SALUD MEDICAL CENTER, INC., WOODBURN,  
OREGON (EXHIBIT H) CHRIS KIRBY, ASSISTANT ADMINISTRATOR, PLANT DIVISION,  
DEPARTMENT OF AGRICULTURE

001            CHAIR KERANS called the meeting to order at 3:09 p.m. Senate  
Committee on Labor April 1, 1991- Page 2 SB 756 - PESTICIDE APPLICATORS  
SAFETY - PUBLIC HEARING

012            MICHAEL DALE, DIRECTOR, OREGON LEGAL SERVICES (EXHIBIT A) > Plays  
video tape of a migrant farm worker, Leticia Tomez, from 3:12 p.m. to  
3:16 p.m., which document the health problems of a worker exposed to  
pesticides over a period of time. 091            > Explains the parts of the  
video tape which were not explained. 143> Details Exhibit A.  
288            SANDRA ELY, R.N., GRADUATE STUDENT, ENVIRONMENTAL STUDIES,  
UNIVERSITY OF OREGON (EXHIBITS B and C) > Details Exhibit B. > Testifies  
in support of SB 756.

TAPE 50, SIDE A

001            ELY, CONTINUED > Continues to detail Exhibit B. 019            RAMON  
RAMIREZ, PCUN, (EXHIBIT D) > Details Exhibit D. > Testifies in support  
of SB 756. 057            > Presents video tape of farm workers working with  
toxic substances without any knowledge or protective covering for the  
worker. 110            > Continues to detail Exhibit D. 145            JOSE GALVAN, PCUN  
> Testifies about the conditions under which he works in the fields. >  
Testimony was given in Spanish and translated by Larry Kleinman, also of  
PCUN. 186            THOM NELSON, MANAGER, HOOD RIVER GROWERS SHIPPERS  
ASSOCIATION > Testifies in opposition of SB 756. > He would like to see  
a course developed that parallels the applicator license program in  
Spanish so that workers will have the ability to learn everything they  
need to know. 344            CAMILLE HOKARI, HOOD RIVER GROWERS-SHIPPERS  
ASSOCIATION > Testifies in opposition to SB 756. > She outlines her  
objections to the bill section by section:    The section which calls for  
direct supervision does not work on her land.    She could not allow  
non-licensed workers to spray. This would affect over 700 employees in

the Hood River area. · Definition of worker is so broad that it could include people not even on the farms, which she does not believe is the intent of the legislation.

TAPE 49, SIDE B 001 HOKARI, CONTINUED > Continues to testify in opposition to SB 756. > She believes that the bill as proposed is that the amendments are vague, they lack essential

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definition and guidelines, and they duplicate protection already in law. > The definition of IPM in the bill is not complete.

164 QUINCY SUGARMAN, ENVIRONMENTAL ADVOCATE, OSPERG (EXHIBIT E) > Details Exhibit E. > Testifies in support of SB 756, with amendments. > Jean Cameron of the Oregon Environmental Council is also in support of this bill with the amendments about expanded pesticide reporting.

200 BRETT FISHER, NORTHWEST COALITION FOR ALTERNATIVES TO PESTICIDES > Testifies in support of SB 756. 390 BOB CASTAGNA, OREGON CATHOLIC CONFERENCE > Testifies in support of SB 756.

TAPE 50, SIDE B

005 DR. JANE GORDON, DEPUTY STATE EPIDEMIOLOGIST, HEALTH DIVISION, DEPARTMENT OF HUMAN RESOURCES (EXHIBIT F) > Details Exhibit F. > Division of Health is in support of the intent of SB 756. > The Division has two suggestions for this senate bill: · Broaden the proposed record-keeping requirements to include application by unlicensed individuals and those who use non-restricted pesticides on their own property for the purpose of producing crops for commercial sale. · Consider adequate resources for both agencies so that they can work effectively together. SENATOR HILL: I am taking your point about the resources to add up to a fiscal impact. GORDON: I am sure it will add up to something. There is another bill under consideration for Parks. Depending on how that goes, we will be able to cover our expenses under any allocation that comes out of that. Without that we can provide some consultative service, but not quite as extensive as the full potential would indicate in the bill. 050 LORNA YOUNGS, ASSISTANT DIRECTOR, FOOD SAFETY AND PESTICIDE PROGRAM, DEPARTMENT OF AGRICULTURE (EXHIBIT G) > Details Exhibit G. > The Department is in support of SB 756.

103 SENATOR HILL: Miss Ely states that there were violations of current state and federal standards in a number of cases. Some are enforced by OR-OSHA and some are enforced by the Bureau of Labor and Industries. Have you looked at the study at all? YOUNGS: We have had no opportunity to review the study. This is the first we've heard of it.

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SENATOR HILL: I'd like to recommend that the Department take a look at the study and consult with Ms. Ely, and see if they can respond to what clearly seem to be problems in enforcing current law.

YOUNGS: We'd be most happy to do that.

SENATOR HILL: I'd like to make the same request of OR-OSHA. I'm very concerned that if we can't enforce existing laws adequately, I'm not sure how far we can go beyond. We need to make our current laws work, and then go from there. I'd also like to request that PCUN participate since they have stated that they have experience with the same sorts of problems.

129 SENATOR SHOEMAKER: I wonder if it wouldn't be useful for the people who are sponsoring the bill to consult with some of the responsible farmers and get their input into this so that we don't have to sort all of that out. I'm sure they would have useful suggestions to make.

ELY: I just want to clarify that that quote does not come from my research - it came from another graduate student's research, and I submitted a copy of that for the record. (Exhibit C) That was included in my report but it was not part of my research.

YOUNGS: We have met with Neva Hassanein, who conducted this study. As a matter of fact, we went over this study with her in some detail, and yes, she correctly identified some of the major problems facing our pesticide enforcement session, and that is resources - both in opportunity for a timely resolution to the analytical results, and sheer numbers of investigators available to us. We now have 10, at the time of her study, there were 8.

CHAIR KERANS: If you are only dealing with 5% of these claims, what is the point of passing more legislation.

YOUNGS: Our current caseload is not as drastic as that report would make out. 189CHRIS KIRBY, ASSISTANT ADMINISTRATOR, PLANT DIVISION, DEPARTMENT OF AGRICULTURE > The study was done in 1989 and we have done things since then to correct the situation. At the time of the study there were 3 field investigators to cover the entire state. We are now staffed with 5 field investigators. > There has been additional supervisory staff added. > The Department has civil penalty authority since the 1989 session, and they use it. > Their caseload in 1990 was approximately 461 cases - about 153 investigations per investigator, which is twice the workload of the states of Washington and Idaho.

SENATOR HILL: Ms. Hokari suggested that a training course provided by the state for applicators would be very helpful in building a pool of skilled folks who could apply pesticides in a safe manner, and therefore meet the test of the law. Do you currently have any kind of a training program for applicators or private applicators.

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KIRBY: > The current process of the Department is to use written examinations for the certification of individuals, be it private applicator or commercial applicator. Also required is recertification on a 5-year cycle. That recertification requires re-examination each five years or the attendance of training sessions approved by the Department. So we are involved in the preparation and administration of the initial

certification exams, working with OSU to design training materials not only for initial certification but also for recertification, and also in approving sessions for recertification purposes. We also provide speakers for training sessions. At this point we do not ourselves conduct training sessions. > We are involved, but we are not currently conducting or sponsoring sessions.

246 CHRISTINA MALANGO, R.N., FAMILY NURSE PRACTITIONER, SALUD MEDICAL CENTER, INC., WOODBURN, OREGON (EXHIBIT H) > Details Exhibit H. > Testifies in favor of SB 756. 274 > She has been monitoring pregnancies during the last year, comparing her statistics from the clinic with those of the Marion County as a whole. They have seen an unusually high rate of bad outcomes to pregnancies during this year, which makes them suspicious that pesticides may be involved. > They see a four times higher rate of still births than Marion County. They have not compared the rates of fetal defects or miscarriages to Marion County as whole, and they are preparing that data right now. > This data was for 1989, comparing the rate of still births in the clinic, which was 2.1% of the 239 deliveries, compared to Marion County data as a whole, and the rate for Marion County was .58%. > Their clinic sees most of the pesticide exposed women in the county. > The OHSU hospital has mentioned to the clinic that the number and types of birth defects has been out of the ordinary. > They have seen an unusual number of miscarriages in the second and third trimesters. They suspect that pesticides may be part of the problem, although they are not certain. > There has been research done in California linking pesticides to "limb reduction anomalies" - birth defects in the hands, legs and arms. They looked for chromosomal defects in workers who had been applying pesticides for five years. They noted that two of the sprayers were sterile, and that all of the sprayers had chromosomal defects. One of the concerns is that the defects might be occurring through the changes in the male sperm. SENATOR HILL: Could I request that Dr. Gordon take a look at the information that Ms. Malango is sharing with the committee, and at some point in the near future offer some comment on this from a professional perspective, and help us understand if this is something you have seen before that is typically connected with pesticide exposures? GORDON: I'd be happy to do this. My graduate work dealt with all kinds of malformations and pesticide use. 485 CHAIR KERANS: Note for the record, a letter from the VALLEY FAMILY HEALTH CARE ORGANIZATION (EXHIBIT I) in Nissa, in support of the legislation. 494The meeting was adjourned at 5:00 p.m.

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Submitted by:      Reviewed by: Roberta White      Jeannette Talbott  
Assistant              Committee Counsel EXHIBIT LOG:

A - Testimony on SB 756 - D. Michael Dale - 3 pages B - Testimony on SB 756 - Sandra Ely - 8 pages C - "Enforcement of the Federal Pesticide Law: An Assessment of Oregon's Program" - Neva Hassanein- 98 pages D - Testimony on SB 756 - Ramon Ramirez - 15 pages E - Testimony on SB 756 - Quincy Sugarman - 4 pages F - Testimony on SB 756 - Jane E. Gordon, PhD. - 2 pages G - Testimony on SB 756 - Lorna Youngs - 1 page H - Testimony

on SB 756 - Christina Malango - 4 pages I - Testimony on SB 756 - Valley  
Family Health Care - 1 page J - Testimony on SB 756 - Robert W. Gobbo,  
M.D. - 1 page K - Testimony on SB 756 - Colin S. Wood - 2 pages L -  
Preliminary Staff Measure Summaries - Staff - 1 page

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