

Chemical Applicators Short Course

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“2007 Legislative Update”

New College Football Playoff System

- 👍 Each state governor will select two teams for a bowl game to be played after the regular season at the state's land grant university.
- 👍 The state bowl game must be named after a state noxious or invasive species – i.e. the Oregon Tansy Ragwort Bowl, the North Carolina Kudzu Bowl.
- 👍 If citizens don't like the two teams the governor chooses, they can make it an election issue next time around.
- 👍 At half time of each bowl game a popular music artist will be contracted to create and perform a song about the evils of the noxious or invasive species in bowl game's name.
- 👍 Second, Third, Fourth and Fifth round elimination Bowls for winners will be played in a neutral state, with the Bowl game named after a problematic noxious or invasive species at the federal level.
- 👍 The national champion will be crowned at The U.S. Eradication Bowl to be played on the lawn of the White House in Washington DC on April Fools Day.

The legislative / regulatory process can be complex and at times confusing, if not quite conflicting

**U.S. Congress passes laws
granting power to a federal
agency ... who in turn typically
delegate that authority to a state
agency for implementation.
(i.e. FIFRA, ESA, OSHA, CWA, etc...)**

States are required to enforce federal laws as the minimum , but can pass state statutes that are more stringent.

State statutes do not have to focus on delegated powers... they can create novel ways to regulate pesticides.

In most cases, state statute can also empower local political subdivisions to enforce their own regulations:

- 26 Oregon counties
- 1,000's of cities & special districts

Fortunately, Oregon passed a Pesticide Pre-emption law in 1996 that prohibits pesticide regulation below the state level.

Then there is the
Activist's TRUMP Card:
LAWSUITS

- By-passes all legislative and rule making processes completely.
- Court interprets the law, and establish legal precedence.

So, the bottom line caveat on any “Legislative Update” is ...

- (1) Things change rapidly;
- (2) Keep tuned in; - and -
- (3) Never assume yesterday's regulations and labels will still be the law tomorrow.

PESTICIDE USE REPORTING SYSTEM (PURS):

- Still in effect, current sunset 12/31/2009.
- Anyone applying a pesticide for a business related purpose **MUST** report 2007 calendar use by January 31, 2008.
- Location of use identifiers are unchanged:
 - ★ Five digit zip code for urban applications
 - ★ Water basin (3rd HUC) for Ag, forestry and most others.
- ODA cannot reveal exact location or individual.
- Public Summary report in July 2008.








Some 2007 Pesticide legislation that did NOT pass...

- ☠ 1 to 5 mile buffers around all schools / roads
- ☠ Citizen Pesticide Advisory Board
- ☠ State list of approved chemicals
- ☠ 14 to 21 day advanced notice / public posting
- ☠ Written notice to all schools within 5 miles
- ☠ Public access to spray records
- ☠ Tightening of forestry requirements in FPA

...but like likely be back in 2009

Other Likely Issues of Impact in 2009

Amendment or REPEAL of existing Oregon statutes regarding pesticides:

-  **Right to Farm & Forest** (nuisance suits)
-  **Pre-emption of local pesticide regulation**
-  **60-day notification of damage to ODA**
-  **Community Right to Know restrictions**
-  **The state definition of IPM**
-  **New Licensing requirements**
-  **Mandatory noxious/invasive species control**

ONGOING CHALLENGES of FEDERAL ACTS at STATE LEVEL:

- ☹ Clean Water Act
- ☹ Endangered Species Act
- ☹ Clean Air Act
- ☹ Food Quality Protection Act
- ☹ OSHA
- ☹ Others – use your imagination!

Some parting thoughts ...

- 👉 “Everything begins & ends with politics”
this includes laws and regulations.
- 👉 2008 elections will be CRITICAL
- 👉 Every person MUST get involved and
voice your concerns / needs:
 - 👉 Individually
 - 👉 Through organizations
- 👉 Support candidates who support you

**“The world is run by
those who show up!”**

Bruce Vincent, Montana Logger

Never discount the value of **your** knowledge
or the importance of **your** contribution...

**The ARC was built by
a single amateur...**

**The TITANIC was built by
thousands of professionals!**

In the end, if it is true that...

**“PERCEPTION
IS
REALITY”**

*...what are **we** willing to do to protect **our** future?*

It all starts now with each of you!

And remember...

As an applicator, **YOU are
the last line of defense in
preventing the illegal or
irresponsible use of a pesticide.**