

# House Bill 2589

Sponsored by Representatives HOLVEY, BUCKLEY (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Department of Agriculture to adopt rules prohibiting application of pesticide products containing nitro-group neonicotinoids. Creates exceptions. Allows department to establish additional exceptions.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to preventing environmental harm from neonicotinoids; and declaring an emergency.

2 Whereas there is peer-reviewed scientific evidence that nitro-group neonicotinoids adversely af-  
3 fect fish, birds, bats, amphibians, invertebrates and other animal species that are, or are comparable  
4 to, species native to Oregon; and

5  
6 Whereas the use of nitro-group neonicotinoids increases risks to health and increases the mor-  
7 tality rate for animal and insect species native to Oregon; and

8 Whereas neonicotinoids are systemic, toxic and long-lived in plants, seeds, pollen and soil and  
9 dissolve easily in water; and

10 Whereas neonicotinoids are present in plants, seeds, pollen, soil, water, animals and insects in  
11 Oregon despite existing regulations and the establishment of best practices for pesticide use; and

12 Whereas other governments and their agencies have restricted or banned the use of  
13 neonicotinoids in order to prevent adverse impacts to animals and insects and prevent the presence  
14 of neonicotinoids in ecosystems and the environment; now, therefore,

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

16 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 634.**

17 **SECTION 2. (1) Except as provided in this section, the State Department of Agriculture**  
18 **shall adopt rules to prohibit the application of pesticide products containing nitro-group**  
19 **neonicotinoids, including but not limited to the application of pesticide products containing:**

20 (a) **Clothianidin;**

21 (b) **Dinotefuran;**

22 (c) **Imidacloprid; or**

23 (d) **Thiamethoxam.**

24 (2) **Subject to any applicable restrictions imposed under ORS 634.306, unless the depart-**  
25 **ment determines that serious adverse effects on nontargeted plants, seeds, pollen, soil, wa-**  
26 **ter, animals or insects would result, a pesticide product described in subsection (1) of this**  
27 **section may be sold for application in accordance with product manufacturer instructions:**

28 (a) **On domestic animals that are not livestock as defined by department rule;**

29 (b) **On bedding for domestic animals described in paragraph (a) of this subsection;**

30 (c) **On fabric; or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) In an enclosed indoor area.

2 (3) In addition to any use described under subsection (2) of this section, the department  
3 may adopt rules to allow the application of a pesticide product described in subsection (1) of  
4 this section under circumstances that the department, after consultation with the Depart-  
5 ment of Environmental Quality and the State Department of Fish and Wildlife, determines  
6 will not cause unreasonable adverse effects on nontargeted plants, seeds, pollen, soil, water,  
7 animals or insects.

8 (4) Notwithstanding any rule adopted under this section, the State Department of Agri-  
9 culture may, on a case-by-case basis, grant a temporary exemption to allow an application  
10 of a pesticide product described in subsection (1) of this section if the department determines  
11 that, due to unusual circumstances, failure to allow that application will have serious ad-  
12 verse effects on plants, seeds, pollen, soil, water, animals or insects in Oregon. An ex-  
13 emption under this subsection must be limited to the smallest amount of pesticide product  
14 and briefest application period practicable to prevent, substantially reduce or mitigate the  
15 serious adverse effects on plants, seeds, pollen, soil, water, animals and insects in Oregon  
16 that would result from a failure to make the pesticide product application. The department  
17 may impose any conditions on a pesticide product application authorized under this sub-  
18 section that the department deems reasonable for the protection of plants, seeds, pollen, soil,  
19 water, animals and insects or for the prevention, reduction or mitigation of the unusual  
20 circumstances that created the need for the pesticide product application.

21 **SECTION 3.** The State Department of Agriculture shall adopt rules to carry out section  
22 2 of this 2015 Act in time for the rules to take effect no later than 180 days after the effective  
23 date of this 2015 Act.

24 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
26 on its passage.