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Strength through Weakness

An Orwellian approach to pesticide tracking

In 1999, the Oregon Legislature voted 88-2 to require the Oregon Department of Agriculture (ODA) to collect information about rural and urban pesticide use. Under the law, a statewide Pesticide Use Reporting System (PURS) would provide information to researchers about the pesticides released into Oregon's environment by township and square-mile section. The public would have access to less detailed information in an annual report.

Only one problem: Six years after the passage of the law, PURS has yet to be implemented. In response to pressure from the agriculture industry, the bill's proponents had agreed to split PURS's funding evenly between pesticide registration fees and the Oregon General Fund. The cost to the state is small by government standards — about \$375,000 annually. But several key legislators with ties to the agriculture industry successfully fought to keep PURS funding out of three consecutive biennial budgets. Without taxpayer money, PURS remains dead in the water.

The Oregon PURS 2002 Annual Report — the only report to date — contains no data at all beyond the number of pesticide use reports submitted (about 235,000 in 2002). Instead, it states dismally, "Funding issues hampered these efforts and the overall success of the program during the first year of required reporting."

According to ODA spokesman Bruce Pokarney, PURS is the only agriculture-related program that has passed in the Legislature without getting funded. The governor's recommended budget has included funding for PURS since the 1999 passage of the law, but the Legislature, under pressure from industry lobbyists, has consistently gutted it from the final budget. "One would hope that they would pass something knowing that they would fund it," Pokarney says.

The agriculture industry objected to the original reporting method, which would have released pesticide use data by township and section to researchers who signed confidentiality agreements. Industry lobbyists argued that it violated farmers' privacy, a claim that rattled growers.

"The farming community has always been very careful about what they want to report to others," says cherry farmer Ken

Bailey. "I think a lot of growers out there are concerned with who's gonna have access to the information and what they're gonna do with it. I'm not sure that fear is valid, but it's real."

In an effort to get the agriculture industry off the backs of legislators, the Oregon Environmental Council (OEC) spearheaded a law to weaken PURS, and thus get it funded in the next state budget. The pesticide work group — a state-appointed committee of pesticide users, researchers and environmentalists — reached a consensus to address the privacy concern: amend the 1999 PURS law to direct the ODA to release agricultural pesticide data to the public by watershed, a much larger geographical unit than township and section. SB 290, which passed in the Senate on May 26, also removes the 2009 sunset clause from the original bill.

Contradicting the industry line that pesticide tracking hurts farmers, eight Oregon growers, including Bailey, stated their support for PURS at a May 31 press conference. They said that Oregon growers can gain an advantage in the marketplace by increasing their credibility with pesticide-conscious consumers. Tracking will lead to a better understanding of pesticide use in the state, they explained, which could shield growers from overly stiff regulations due to overestimates of pesticide use.

In California, a statewide pesticide use reporting system has been operating since 1990. All commercial pesticide applicators report their pesticide use to the Department of Pesticide Regulation, a division of the California EPA. The data allow researchers to identify trends in pesticide use, pinpoint sources of groundwater contamination and track toxic emissions associated with pesticide applications.

Oregon Environmental Council spokeswoman Laura Weiss doubts that pesticide manufacturers will support PURS even if SB 290 becomes law. "Bottom line is, they are better off when nobody knows what's out there," she says.

But, adds Weiss, SB 290 is a test of the pesticide industry and its friends in the Legislature. "If the real issue is the privacy concern, then this should pass," she says. "If it doesn't, then what's their real agenda?"

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