

ODA Proposed Chlorpyrifos Rule

OAR 603-057-0545

Environmental Justice Task Force Meeting - Session 2
Emerging Issues: August 21, 2020

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Background Issues- Chlorpyrifos

The primarily agricultural insecticide chlorpyrifos has been in use since 1965. Labeled for use on a wide variety of crops. Effective and inexpensive foliar and soil insecticide.

- For decades, health concerns have been expressed and various label changes, including restrictions on use (esp. residential), have been implemented at the federal level.
- **Oregon Legislature** - Multiple bills over the last several years have been introduced and heard. However, none of the bills have completed the process and were enacted into law.
- **Oregon Attorney General** - joined a lawsuit in 2019 “... against the Environmental Protection Agency (EPA) for allowing chlorpyrifos, a pesticide that can harm infant and child neurological development”.



For Federal Regulatory History – see EPA’s Website



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There is an extensive regulatory history at the federal level.

Many types of assessments, and regulatory changes.

Numerous lawsuits, and ongoing legal issues.

Chlorpyrifos

Chlorpyrifos is an organophosphate insecticide, acaricide and miticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops.

On this page:

- [Basic information](#)
- [Using chlorpyrifos products safely](#)
- [EPA actions and regulatory history](#)
- [Registration review schedule](#)
- [Additional information](#)

On another page:

- [Letters in support of September 2018 Department of Justice action on chlorpyrifos](#)

Related Information

- [Learn about EPA's quest for Columbia's raw data on chlorpyrifos](#)
- [Read the Federal Register notice announcing our denial of a petition to revoke chlorpyrifos tolerances](#)
- [Revised chlorpyrifos human health risk assessment](#)

Basic Information

<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>



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Process

In December 2019, ODA launched a workgroup to help ODA evaluate uses and potential future restrictions on chlorpyrifos in the state of Oregon.

- Three meetings between December 2019 and May 2020, the workgroup learned about:
 - Pesticide exposure pathways
 - Existing requirements to protect workers, the public, and the environment from exposure, and
 - Conclusions from various chlorpyrifos risk assessments.
- The workgroup reviewed and provided feedback on several possible additional protection measures.
- ODA considered this feedback together with information available from chlorpyrifos risk assessments. Additional meeting August 31.



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Process – Workgroup Members

- Lisa Arkin, Beyond Toxics
- Martha Sonato, Pineros y Campesinos Unidos del Noroeste
- Karen Lewotsky, Oregon Environmental Council
- David Farrer, Oregon Health Authority
- Jeff Jenkins, Oregon State University
- Fred Berman, Oregon Health and Science University and Oregon State University
- Chal Landgren, Oregon State Univ.
- Pete Brentano, Farmer, Oregon Board of Agriculture member
- Scott Dahlman, Oregonians for Food and Shelter
- Jenny Dresler, Oregon Farm Bureau, Associated Oregon Hazelnut Industries
- Bryan Ostlund, Oregon Seed League, and numerous commissions
- Dave Phipps, Golf Course Superintendents Association of America
- Jeff Stone, Oregon Association of Nurseries



ODA has proposed a rule (OAR) to significantly limit or restrict the use of the chlorpyrifos.

Why is ODA proposing to limit the use of chlorpyrifos?

ODA regulates the safe application of pesticides in Oregon. These regulatory changes to the insecticide chlorpyrifos reduces risks, and increases safety to applicators, farm workers, bystanders, consumers and the environment.

Primarily Human Health Concerns

- Neurodevelopmental concerns
- Concerns that with chronic occupational exposure, chlorpyrifos could be neurotoxic

Note – There have been inconsistent outcomes of the various health assessments and studies conducted



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ODA Focus – Reducing Possible Exposure

- Occupational exposure
 - Applicators and other pesticide handlers
 - Workers and residues on treated plants
- Bystander exposure
- Drift and post-application volatilization
- Drinking water
- Aquatic life



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How does this proposed rule reduce exposure?

- Classifies all products as restricted-use, and requires that only certified and licensed applicators are able to purchase and apply chlorpyrifos.
- Prohibits certain uses starting in fall 2020, such as: on golf courses, for mosquito control and most greenhouses uses.
- Limited its use on Christmas trees to only between April 1 and June 15.
- Farm workers will now have to wait a minimum of 4 days instead of only 24 hours, to enter treated fields without wearing personal protective equipment.
- Respirator protections for applicators are increased.
- Large buffers are required between treatment sites and sensitive areas (includes farm worker housing) and permanent waterways.
- As of December 31, 2023, it will be prohibited to use or sell chlorpyrifos, with a few exceptions.



For purposes of this rule, “sensitive sites” means:

Areas frequented by non-occupational bystanders (especially children).

- These include, without limitation, homes and other residential buildings, farmworker housing, residential lawns, schools, daycare centers, nursing homes, hospitals, pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, and parks,
 - and all property associated with buildings occupied by humans for residential or commercial purposes.
- Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses are not included in this definition. In addition, public and private roadways, including rights of way are not included in this definition.



What crops is chlorpyrifos used on?

- It is used on a wide variety of crops, including: Christmas Trees, cole crops, crops grown for seed (including many specialty seeds), alfalfa, beans, sweet corn, sugar beets, and nursery crops.

What are some of the trade names of products that contain chlorpyrifos?

- There are many products that contain the active ingredient chlorpyrifos. Some of the more common products are: Lorsban, Dursban, Warhawk, Vulcan, Yuma, Stallion and Hatchet.



As of December 31, 2023, it will be prohibited to use or sell chlorpyrifos, with a few exceptions.

- Eventually all chlorpyrifos uses will be phased out except:
 - Those uses already allowed on pesticide labels for granular formulations and seed treatments.
 - A pest emergency is declared by order of the Director of the Oregon Department of Agriculture.
 - Cattle Ear Tags

Additional information is on ODA's website, including workgroup presentations and meeting notes

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Pesticide Drift

Soil Fumigation

Experimental Use Permits

Endangered Species

Pesticide Analytical and Response

Chlorpyrifos and related rulemaking

Limitations on Pesticide Products Containing Chlorpyrifos

- [Notice and justification to adopt a chlorpyrifos rule](#) 
- [Aviso de Presentación de Reglamentación Propuesta Incluyendo la Declaración de Necesidad e Impacto Fiscal](#) 
- [Proposed Chlorpyrifos rule OAR 603-057-0545](#) 
- [Regla Propuesta OAR 603-057-0545](#) 

Listing of Restricted Use Pesticides (RUP)

- [Notice and justification to amend the RUP rule](#) 
- [Aviso de Presentación de Reglamentación Propuesta Incluyendo la Declaración de Necesidad e Impacto Fiscal](#) 
- [Proposed RUP rule OAR 603-057-0205](#) 
- [Regla Propuesta OAR 603-057-0205](#) 

Public comment information

Important: The Department will only consider comments on the proposed rules that the Department receives from 12:01 a.m. Aug. 3, 2020, to 5 p.m. Sept. 1, 2020. All times are in Pacific Daylight Time.

- [Instructions on how to comment](#) 
- [Cómo proporcionar comentario sobre esta propuesta de reglamentación](#) 

Contact

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How to Comment

- Attend one of ODA's three public hearings, or provide written comment prior to the close of the comment period. Full instruction on ODA's website.
- The current comment period closes October 1, 2020.
- Mail Comments to:
Amy Bingham
Chlorpyrifos 2020 Rulemaking Comment Directors Office
Oregon Department of Agriculture
635 Capitol St. NE
Salem, OR 97301-2532
- Email to: chlorpyrifos-comments@oda.state.or.us
 - Use Subject Line: Chlorpyrifos 2020 Rulemaking Comment



Oregon Department of Agriculture Pesticides Program

Thank you
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