

Oregon Department of Agriculture - Chlorpyrifos Work Group Meeting

Second Meeting
Thursday, January 23, 2020
12:30 – 4 PM
Willow Lake Water Pollution Control Facility
5915 Windsor Island Rd N
Keizer, OR 97303

Abbreviations

ODA = Oregon Department of Agriculture
OSU = Oregon State University
OEC = Oregon Environmental Council
OHSU = Oregon Health and Science University
OAN = Oregon Association of Nurseries
OLC = Oregon Law Center
OHS = Oregon Occupational Health and Safety Administration
OPB = Oregon Public Broadcasting
WSDA = Washington State Department of Agriculture
OFB = Oregon Farm Bureau
OFS = Oregonians for Food and Shelter
AOHI = Associated Oregon Hazelnut Industries
OGCSA = Oregon Golf Course Superintendents Association
PCUN = Pineros y Campesinos Unidos del Noroeste
CalDPR = California Department of Pesticide Regulation
EPA = Environmental Protection Agency

Attendance (Affiliation)

In-person: Chal Landgren (OSU), Jeff Jenkins (OSU), Fred Berman (OSU/OHSU), Stephanie Page (ODA), Karen Lewotsky (OEC), Lisa Arkin (Beyond Toxics), Jeff Stone (OAN), Garnet Cooke (OR OSHA), Ted Bunch (ODA), Monica Samayoa (OPB), Nargess Shadbeh (OLC), Matthew Bucy (ODA), Rose Kachadoorian (ODA), Joel Kangiser (WSDA), Jenny Dresler (OFB/AOHI), Dani Lightle (OSU), Scott Dahlman (OFS), David Phipps (OFS/OGCSA), Nicole Crane (Far West Agribusiness), Gilbert Uribe (ODA), Colton Bond (ODA), Toby Primbs (ODA), Andrea Cantu-Schomus (ODA), Jennifer Eisele (Beyond Toxics), Ann P Ketter (ODA), Martha Sonato (PCUN)

By phone: Kirk Cook (ODA)

Introductions – Stephanie Page (ODA)

Stephanie called the meeting to order at 12:36 PM. Work Group members introduced themselves, the organization they represent and their roles within that

organization, as well as their involvement with and constituencies' interests in chlorpyrifos.

Stephanie reiterated the purpose of the committee, which is to identify means of reducing human exposure to chlorpyrifos. Many of the potential measures that the committee may discuss would also address issues of drift and runoff to water.

As a follow-up to questions from last meeting, Stephanie distributed a draft hand-out that compared ODA's Pesticide Program staff, budget, resources, capacity, and authority to those of the California Department of Pesticide Regulation (CalDPR) and the Washington State Department of Agriculture (WSDA).

ODA has the authority to put limitations on pesticides and their use. ODA's Pesticide Program biennial budget (2-year state budgeting period) is approximately \$11.3 million, compared to WSDA's approximately \$14.1 million and CalDPR's approximately \$190 million. ODA Pesticide Program has approximately 30 FTE employees, compared to CalDPR's approximately 366 and WSDA's approximately 50.

One significant difference in function between ODA's Pesticide Program and CalDPR is that ODA does not have in-house capacity for toxicological evaluations and would likely contract with OSU for this type of work, while CalDPR has the capacity to do in-house human health and environmental assessments. ODA's Pesticide Program also utilizes toxicological evaluations completed by the Environmental Protection Agency (EPA; e.g., those conducted during product registration and re-registration). A difference between ODA's Pesticide Program and WSDA is that, in Oregon, WPS implementation is handled by OSHA, while in Washington it is handled by WSDA.

Regulatory Foundation – Gilbert Uribe and Colton Bond (ODA)

Gilbert and Colton delivered a presentation on the Worker Protection Standard (WPS), covering its history and the new requirements for compliance as a result of the 2015 revision; as well as federal certification, licensing, and recordkeeping requirements that apply to certain pesticide users.

WPS Overview – Gilbert Uribe

The primary goal of the WPS is to prevent unreasonable adverse effects from pesticide exposure to agricultural workers, pesticide handlers, vulnerable groups, and nearby people. The first version of the WPS came into effect in 1974. It has been amended several times, in part to make it more enforceable, and was revised in 2015 to strengthen its existing elements.

The WPS applies on agricultural establishments where agricultural pesticides are used in the production of plants. This includes farms, production forestry, sod farms, orchards, Christmas tree farms, cannabis production, nurseries, and greenhouses. The label of a product whose use is subject to the WPS will indicate this through an "Agricultural Use Requirements" section within the Directions for Use.

More specifically, the WPS applies to workers (including those who are self-employed) and handlers engaging in activities directly related to the production of

agricultural plants on agricultural establishments. The WPS also applies to workers who are working in an area that has been treated with a WPS-labeled pesticide within the last 30 days or in an area on which a restricted-entry interval (REI) has been in effect within the last 30 days. Activities “directly related” to the production of agricultural plants include harvesting, thinning, hand-weeding, pest-scouting, pruning, planting, preparing sites or media for planting, carrying nursery stock, or watering. Example activities *not* considered to be directly related to production are delivering or purchasing pesticides, moving unopened pesticide containers, using herbicides in non-agricultural areas (e.g., parking lots) or beekeeping activities.

A handler is one who (1) mixes, loads, applies (or helps to apply), or disposes of pesticides, (2) handles open pesticide containers, (3) cleans, adjusts, handles, or repairs equipment that may contain pesticide residues, or (4) acts as a flagger. Handlers have a higher risk of coming into contact with concentrated pesticides and also residues on equipment than workers.

The 3 principles of the WPS, and the requirements and activities associated with each principle are listed below. Changes resulting from the 2015 revision are noted.

1. **Inform** about pesticide safety

- a. Annual pesticide safety training requirements have been revised. Workers and handlers now must receive training on WPS compliance every year. An emphasis of this training is on the hazards to pregnant women and children. There is no longer a grace period with regard to when training must happen (i.e., training must be completed before the employee can begin their work activities).
- b. Trainer requirements and training materials have been updated. Trainers must meet certain requirements in order to train others about the WPS.
- c. There are additional requirements for posting pesticide safety information. The information that must be made available to workers, and for how long this information must be available, is now stated more explicitly. The rule specifies that this information must be provided in a way that workers can understand, and different groups are currently working on WPS translation.
- d. Access to pesticide application records (for employees and medical personnel) has been improved.
- e. There are requirements regarding pesticide application notification.
 - i. An attendee asked whether, if Property A is adjacent to Property B, Property A had to notify those on the adjacent property of the pesticide application. The conclusion was that Property A would only have to meet the notification requirements on Property A.

2. **Protect** from potential pesticide exposure

- a. Pesticide handlers and early-entry workers must be at least 18 years old.
- b. Employers must keep workers out of the application exclusion zone (AEZ), and handlers must not apply pesticides when non-handlers are within the AEZ. Oregon has expanded beyond what EPA adopted for AEZs, on which OSHA has resources.

- c. Instruction is provided for early-entry workers
 - d. Respiratory protection rules have been strengthened. Oregon kept some of OSHA's respirator rules because they were more restrictive than the federal rules.
3. **Mitigate pesticide exposures when they do occur**
- a. Decontamination supplies are provided
 - b. Emergency assistance is provided
 - c. Necessary information is provided to medical personnel

On-property WPS enforcement is the responsibility of OSHA, while off-property enforcement is the responsibility of ODA. Off-property enforcements falls onto ODA because issues off-property would be considered pesticide drift.

The WPS does have an anti-retaliation provision for workers and handlers who report non-compliance with the WPS.

Oregon Certification and Licensing Requirements – Colton Bond

The purpose of pesticide applicator certification is to demonstrate that an applicator has the knowledge and skills to apply pesticides legally without causing harm or damage to themselves, the environment, or others. To become certified, one typically has to take an exam, and will then be certified for up to 5 years. A pesticide applicator license permits one to perform certain pesticide-related tasks that would otherwise be prohibited by law. There are also license categories, which are specific to the type of work one wants to do (e.g., "Industrial, Institutional, Health & Structural" if one wishes to spray around the premise of an industrial or manufacturing facility). Obtaining a license category requires one to meet additional competency standards specific to that category. To obtain a commercial or public applicator license, one must also obtain at least one license category.

Four example situations in which a pesticide license is necessary, and the corresponding Oregon license required, are illustrated below:

- Buying, applying, or supervising use of Restricted Use Pesticides (RUPs) on one's own or their employer's agricultural land → Private Applicator License
- Applying, as a public employee, any pesticide using power-driven equipment or applying an RUP OR supervising a public employee who is applying any pesticide using power-driven equipment or applying an RUP → Public Applicator License
- Applying RUPs or supervising the application of any pesticides to someone else's property (with some exceptions) → Commercial Applicator License
- Applying any pesticide by aircraft → Aerial Applicator License

Commercial and public applicators can supervise licensed pesticide apprentices and licensed immediately supervised trainees. When doing so, they must be within a certain distance of the person supervised and must be reasonably available (e.g., by mobile phone). Private applicators can supervise unlicensed applicators. There is not a statute or rule regarding what this supervision must look like.

There is a Federal Certification and Training Rule which contains measures that ODA must adopt over the next 1-7 years and which will affect RUP users. The Federal

Certification and Training Rule, firstly, expands the definition of what is considered an applicator. Secondly, it raises the minimum age one must be to apply pesticides to 18. The exception to this is if the applicator is 16 or older, and supervised by a licensed private applicator who is an immediate family member. Thirdly, it introduces new competency standards for commercial and public applicators. Finally, it requires new trainings, supervision requirements, and supervisor responsibilities when certifying non-certified applicators (e.g., apprentices and trainees). Supervisors must provide annual safety training for the non-certified applicator. This training will be more product-specific and equipment-specific, so that it is more relevant for the applicator. The Rule includes provisions for immediate communication between the supervisor and the supervised person. The supervisor does not have to be physically present; they can be available through phone, radio, etc. The supervisor must provide label-required Personal Protective Equipment (PPE) and a copy of the label to the non-certified applicator.

ODA's plan to comply with this rule will be submitted to EPA in March, and ODA should receive a response within 2 years.

Several questions were raised for the Work Group regarding labor housing - could labor housing be considered a sensitive area? Should the supervisor and not the supervisee be the one applying the pesticide there? Is being available by phone sufficient supervision? In response to these questions, it was clarified that Oregon does have the authority to say that a pesticide can only be applied by the supervisor and not the supervisee. This decision can apply to active ingredients and not just specific products. An attendee from OSHA stated that a little over 300 farms have registered labor camps, and that they are not necessarily adjacent to farms.

Record Keeping Requirements for the WPS – Gilbert Uribe and Colton Bond

Different state and federal agencies and also different regulations (WPS vs C/T) have different record keeping requirements.

The WPS requires training, application, and PPE records. Certification and training requires training records, dealer records, and RUP application records. USDA Private Applicator Recordkeeping requires RUP application records. ODA requires application records to be kept by Operators (pest control businesses) and Public Applicators. Pesticide dealers keep sales records of RUPs, purchaser information, and the quantity of each sale.

ODA often requests records as part of an investigation. If there is not an investigation, the agency does not typically request application records, as this would constitute a pesticide use reporting system, which is not currently funded. With Oregon's old Pesticide Use Reporting System (PURS), submittal of dealer records were not required. Reports of pesticide application information were received and categorized.

When a product label requires the use of a respirator, the WPS requires that employers provide fit testing, respirator use training, and a medical evaluation by a licensed professional to ensure that the handler can tolerate the added stress of the

respirator. The employer must maintain records on how they met these requirements for 2 years.

If a label dictates that a respirator must be worn when applying the pesticide, one cannot refuse to wear the respirator. The non-retaliation provision of the WPS does not apply to an employee refusing to wear respirator, as this would be a job duty requirement.

A question was asked regarding whether data was available on how many applicators are licensed to operate fixed-wing aircraft compared to how many are licensed to operate a helicopter. ODA does record this data, and some applicators are licensed for both. [Addendum to notes - This information was emailed to the workgroup members after the meeting.]

Label Foundation – Rose Kachadoorian (ODA)

Rose walked through the risk mitigation measures currently on the label of an example chlorpyrifos-based product, Lorsban Advanced (62719-591). Lorsban Advanced is a widely-used and well-known product, and is frequently documented as the trade name of the product identified in ODA chlorpyrifos investigations.

Lorsban Advanced is an RUP, and as such has the RUP “box” on its front panel. Most chlorpyrifos-based products registered in Oregon are RUPs, but there are some general-use products. Lorsban Advanced's signal word is WARNING and not CAUTION, due to its higher toxicity. The label indicates that it is a violation of the law to apply this product in such a way that will contact workers or other persons, either directly or through drift.

The Personal Protective Equipment (PPE) section states the protective clothing that must be worn as well as the respirator requirements.

The Environmental Hazards statement alerts the user to the non-target organisms to which this product is toxic (including fish, small mammals, and birds). There are many “Do not” statements, prohibiting the applicator from doing certain things that would pose an unreasonable risk to the environment. “Do not” statements are considered enforceable, and failing to follow them would be a violation. Pollinator protection information is mostly concentrated in the Environmental Hazards, although some labels do additionally distribute this information throughout the Directions for Use.

The Engineering Controls section specifies the application equipment that an applicator must use. If an applicator does not wear the appropriate PPE, a civil penalty could be issued, and ODA often collaborates with OSHA to identify appropriate action.

The Directions for Use contains crop-specific requirements and information, in addition to general use directions. Instead of having one single re-entry or restricted entry interval (REI), Lorsban Advanced has specific REIs for specific crops. PPE requirements for early-entry are listed in the Agricultural Use Requirements box. Application rates and application methods are provided for specific pests. Integrated

Pest Management (IPM) information (e.g., when to scout for a pest, which pests can be controlled with lower rates, etc.). Preharvest intervals, which are the period of time one must wait after applying a pesticide before they may harvest their crop, are also stated. If one were to not wait this amount of time, the tolerance (maximum allowed pesticide residue) may likely be exceeded.

The label contains a Spray Drift Management section, which states the required setbacks and buffer zones. A buffer is a distance that must exist between a sensitive site and an application site. Sensitive sites include aquatic habitat and areas frequented by non-occupation bystanders (especially children). Buffer distances are measured from edge to edge, unlike application exclusion zones (AEZs), which are measured as a moving halo around the application equipment. Only handlers are allowed in the setback area during the product's application. They cannot apply the product if anyone other than a mixer, loader or applicator is in the setback area. However, vehicles and people riding bicycles are allowed to pass through the setback area during application. This section specifically states the sensitive sites onto which this product is not allowed to drift, and states that avoiding spray drift is the responsibility of applicator. It is worth noting that, beyond whichever buffers are specified on a label, there is a court-ordered buffer for salmonids, which neither ODA nor EPA have the authority to enforce.

The buffer distances for airblast and ground applications of Lorsban Advanced are consistent regardless of application rate or Nozzle Droplet Type. However, the buffer distances for aerial application are dependent on droplet size (coarse droplets travel a shorter distance than fine mist). and application rate. Some labels recommend or mandate the use of medium to coarse droplet sizes, or mandate the use of an adjuvant to prevent drift. Managing drift helps to mitigate possible exposure, and especially the risk of inhalation exposure. This section specifically states the sensitive sites onto which this product is not allowed to drift, and states that avoiding spray drift is the responsibility of applicator.

Under the WPS, AEZ is currently enforced both on-establishment and off-establishment. EPA has put out a proposal to eliminate off-establishment AEZ. It is difficult to enforce an AEZ off-establishment, and drift onto people is already illegal, which have motivated calls for no off-establishment enforcement of the AEZ.

- ACTION: Rose to add to PowerPoint- 150 ft. AEZ rule

Chlorpyrifos Special Local Need (SLN) Labels – Rose Kachadoorian (ODA)

Rose delivered a presentation explaining the basics of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 24(c) Special Local Need (SLN) registrations in Oregon.

There are several types of pesticide registrations under FIFRA. Section 24(c) (Special Local Need; SLN) products are federally registered products for which the state has registered an additional use.

When there is sufficient data or information to indicate an existing or imminent pest problem for which an appropriate federally registered pesticide is not sufficiently available, the definition of special local need is met. FIFRA criteria states that an SLN cannot be issued if another product with that active ingredient has been federally

registered by the EPA. For a food or feed crop, a tolerance for the proposed use must exist or be established, or there must be an exemption from a tolerance. A registrant (the company trying to register the pesticide) submits data to support SLN requests. These data are usually university-generated rather than collected by the company itself.

SLN documentation is sent to EPA, who has 90 days to review the SLN. After 90 days, it becomes a federal registration (albeit, authorized only for use in that particular state). EPA may disapprove the registration at any time if it is believed that the use constitutes an imminent hazard or may result in excessive residue levels. The year on which an SLN was granted can be identified by the first two digits in its identification number.

There are several reasons why ODA would grant an SLN registration, but they are overwhelmingly to add a crop or site to the label. SLNs can also be granted to (1) allow alternative application methods (one chlorpyrifos SLN was issued for this reason), (2) change the timing or number of applications, (3) encourage the use of reduced risk pesticides or pesticides which facilitate resistance management or (4) address an environmental concern (for example, ODA issued an SLN to deal with escaped GMO bentgrass).

Oregon has roughly 239 active SLNs, although this number changes when SLNs are canceled and when new SLNs are registered. Almost half (45%) of SLNs are for use on seed crops, reflecting the importance of seed crops to Oregon agriculture.

All SLNs granted for chlorpyrifos (with one exception) were originally granted in the mid-1990s. One chlorpyrifos SLN was issued in order to add aerial applications for Christmas trees back to a pesticide label. Aerial applications had been removed from the section 3 label (the label one would see on the container). This posed a challenge for Oregon Christmas tree growers, because many areas were not flat enough to safely use ground application equipment. This SLN brought back this application method for use in Oregon. In addition, it required a 300-foot buffer next to waterways, while the section 3 label only required 150 ft. This was done in order to make the court-ordered salmonid buffer (mentioned earlier) enforceable.

Brainstorm and Discuss Risk Mitigation Options – Work Group Members

The Work Group members discussed measures that could be employed to mitigate the risks of chlorpyrifos (hereafter, mitigation measures). To aid in this discussion, Rose provided a list of example pesticide risk mitigation measures. This discussion was between Work Group members only; comments from other attendees were restricted to the public comment period.

Before the discussion began, it was reiterated that this Work Group will focus on identifying mitigation measures instead of identifying critical uses. It took CalDPR years to attempt to identify critical uses for chlorpyrifos, despite having more resources than the ODA Pesticide Program. Even after this work, CalDPR ended up banning the active ingredient. Furthermore, identifying risk mitigation measures will allow the Work Group to avoid going back-and-forth over the scientific data on chlorpyrifos, and instead focus on mitigating exposure. Finally, requiring additional risk mitigation measures will reduce possible exposure and is an alternative to prohibiting chlorpyrifos.

Stephanie began the discussion by giving Work Group members the opportunity to make opening comments or pose opening questions, which are summarized below.

Potential upcoming bill: The initial comment period began with the OFB expressing concern over a bill discussed during Legislative Days that would ban chlorpyrifos by 2023 and implement some immediate restrictions on its use. OFB had received calls regarding the role some Work Group members played in the development of this bill. Concern was expressed that the Work Group identifying risk mitigation measures may not be enough to prevent a ban.

Christmas trees: Christmas trees were a topic of early discussion, specifically whether substitutes for chlorpyrifos were available and whether limited access to chlorpyrifos would result in trade sensitivities. The availability of substitutes is different for different pests. For example, there are several substitutes that may control aphids, but few that may control needle midge. Pest presence and pesticide residues are both a concern for Christmas tree exports. However, pest presence is the primary concern for exports to Mexico, because residue tests are not done for those exports.

WPS: A member raised the point that there could be overlap between risk mitigation measures for chlorpyrifos and risk mitigation measures required by the WPS. This would allow chlorpyrifos outreach to synergize with WPS outreach. An OSHA representative present in the audience identified at least four measures on the list of examples that could overlap with mitigation measures required under the WPS.

Frequency of use: A question was raised regarding how frequently chlorpyrifos is used. OFB stated that for hazelnut and specialty seeds, chlorpyrifos is applied as infrequently as possible. This could be every 4-5 years, depending on pest pressure.

After initial comments were made, members went around the table and shared their thoughts. Their comments and concerns, and any discussion they had, are summarized below:

Substitutes: Substitutes for chlorpyrifos may not be available for some crops or pests, and they could pose greater risk than chlorpyrifos. California had developed a list of available alternatives to chlorpyrifos. Developing this list was costly, and some of the alternatives they identified may not be registered for use in Oregon. Investments have been made in outreach and specialty crop grants, but it has been difficult to identify promising alternatives.

Work Group efforts in relation to EPA Risk Assessment Process: When EPA evaluates a new active ingredient or completes a periodic reassessment of an

active ingredient, it decides whether the active ingredient should be registered (or re-registered). If it decides to register the product, mitigation measures are selected based on ecological and human health risk assessments. An Obama-era risk assessment identified higher risks than what the data previously indicated, which the Trump administration is disputing. The question was raised to the Work Group as to whether, as they consider risk mitigation measures, they should select measures based on the old data or the new, disputed data. Current risk mitigation measures may be satisfactory based on the old data. Chlorpyrifos is currently under its period registration review, and EPA should make its decision regarding registration and risk mitigation measures by 2022.

Decisions not made in association with data: Concern was expressed that decisions regarding risk mitigation measures will be made without consulting data. Previous residue studies (in farmworker houses, urine, etc.) detected chlorpyrifos in low levels, which makes it difficult to quantify its impact.

Mitigation of risk associated with dietary exposure: An Oregon ban on chlorpyrifos would not eliminate the risk associated with dietary exposure to chlorpyrifos, since Oregonians eat food grown in places where it could still be used. A response to this concern was that the states which did ban chlorpyrifos did so because they thought it would protect human health, not because it would completely eliminate the risk associated with every exposure route.

Vulnerable groups: Chlorpyrifos is an urgent issue for farmworkers. There are farmworkers who have worked in the fields for long periods of time (e.g., up to 30 years). PCUN has worked with people who have experienced miscarriages, whose kids have neurological issues, etc. Scientific studies on the impact of chlorpyrifos residues may not fully account for the impact on people who have been exposed to it for so many years.

Furthermore, identifying risk mitigation measures to protect vulnerable communities (i.e., those exposed to chlorpyrifos the most consistently) while the toxicological data are disputed would be the wise thing to do. The Work Group should identify the mitigation measures that are most protective of vulnerable communities and that keep chlorpyrifos out of the water and the environment.

Known impact on human health: The known health impacts of chlorpyrifos ought to be considered. The literature supports that chlorpyrifos poses a risk to human health. Some of the consequences to human health in which chlorpyrifos has been implicated may be lifelong. The scientific evidence, and the inability of EPA's risk assessment to identify a safe level of chlorpyrifos in drinking water ought to be sufficient evidence that action is needed.

Relationship to existing mitigation measures: There was concern expressed over the ability of currently existing mitigation measures to achieve their purpose. For

example, a member questioned the efficacy of designating some formulations of chlorpyrifos as RUPs based on container size as a means of keeping the product out of residential users' hands. Another member was concerned that the Work Group may identify "new" mitigation measures that are already being employed by growers.

Actions of other states: Other states have acted to mitigate the risk of chlorpyrifos, which is further evidence that Oregon should act quickly.

New technologies: Interest was expressed in the role that new application technologies (e.g., smart spraying) could play in mitigating the risk of chlorpyrifos.

Concern over potential ban: The concern that chlorpyrifos would be banned despite the Work Group's efforts, and that identifying mitigation measures would not be worth the time if chlorpyrifos ends up being banned regardless, was reiterated.

After every member had a chance to speak, the discussion on measures to mitigate exposure to chlorpyrifos continued until 3:35 PM.

Definition of a bystander: There were questions about how the definition of bystander incorporates farmworkers and their families, and how these could be better incorporated into the definition. California's definition of bystander goes beyond what EPA has defined. A member raised the idea of having a more specific Oregon-only definition of bystander.

Sensitive sites: There was also discussion of how to identify sensitive sites. Pesticide labels do identify sensitive sites, but there were questions about how these were defined. In particular, questions were raised about what is considered to be the boundary of housing (the door? The end of the lawn? Etc.). Concern was also expressed that there is currently no setback requirement for labor housing. A work group on labor housing is meeting in February, but it is unclear if setback requirements will be discussed. It was clarified that the pesticide label provides a 10 ft buffer for airblast/ground applications next to "farmworker housing".

AEZs and Buffers: The difference between buffers and AEZs was discussed. A member asked if a buffer would still apply to a school during the summer, which it would be because one cannot guarantee that there is no one there. Circumstances under which a buffer may still exist if an AEZ does not were also discussed.

Exposure in the home: The WPS requires label language on how to reduce home exposure to pesticides (e.g., don't wear work clothes home). A potential mitigation measure would be to require specific language like this on the state market labels of chlorpyrifos products. An issue with home exposure mitigation measures is that farm workers may not have access to the appropriate facilities, or the facilities may be located within the spray zone.

Preexisting rules: A member expressed reluctance to rely on preexisting rules (e.g., AEZ) to mitigate risks associated with chlorpyrifos, because those rules can change.

The goal for next meeting is to have a whittled-down list of potential mitigation measures for members to assess. **Members will provide their feedback or reactions to the list of potential mitigation measures, in writing or by phone, by March 16th.**

Public Comment Period

There was one public comment from Nargess Shadbeh of the Oregon Law Center. She urged the Work Group to consider the health and wellness of farm workers, and that many may not have appropriate access to facilities (e.g., washrooms) that could mitigate the risks associated with chlorpyrifos. She reiterated that the lack of setback requirement for farmworker housing is an obstacle in mitigating exposure.

Next Meeting

The third meeting of the Chlorpyrifos Work Group will be on March 30th from 12:30 – 4 PM at the Oregon Department of Fish & Wildlife building (4034 Fairview Industrial Drive SE Salem, OR 97302). (NOTE: the location has been changed due to ODFW needing the room; will now be at ODA) One agenda item will be to look at information on the Lower Deschutes River, which has been listed for chlorpyrifos in the new list of impaired water bodies.

Meeting Adjourned: The meeting was adjourned at 3:54 PM

Action Items for Next Meeting

- **Rose** will send out PowerPoint presentation on 150 ft. AEZ rule
- **Rose** will distribute (1) a summary of the key mitigation measures currently in place for chlorpyrifos products (e.g., buffers, REIs, etc.) and (2) an example label of a chlorpyrifos product.
- **All Work Group members:** The goal for next meeting is to have a whittled-down list of potential mitigation measures for members to assess. Members will provide their feedback or reactions to the list of potential mitigation measures, in writing or by phone, by March 16th.