

To: Oregon Department of Agriculture

From: Chlorpyrifos Stakeholder Group Members Lisa Arkin, Beyond Toxics and Martha Sonato, PCUN

Date: 4/09/2020

Subject: **A Set of Clarifications regarding Protecting Oregonians and the Environment from Chlorpyrifos Exposures**

This memo provides clarifications regarding the recommendations we sent to the Agency on 3/16/2020. We continue to urge the Oregon Department of Agriculture to adopt rules that sequentially phase-out all chlorpyrifos uses along with instituting immediate regulations to end the most ultra-hazardous application methods and uses as recommended below. Our recommendations submitted early remain our position, along with the following points highlighted in yellow:

Chlorpyrifos Risk Mitigation Measures

Phase-Out of all applications

- by 1/01/2021–greenhouses, shading nets/tubes, turf and golf courses
- by 1/01/2022–for all food crops, nursery products (ornamental plants), Christmas trees, grass seed fields
- by 1/01/2024–for trunk/bark applications, soil treatments and granular applications for in-furrow seed grown for seed crops
- by 1/01/2025–for seed treatments for pre-planting

Restrict Application Methods until Phase-Out

- by 3/01/2021 - no aerial spray applications*
- by 1/01/2022–no airblast or foliar sprays applications
- by 1/01/2023–no chemigation applications

* Recent science demonstrates that long-range transport is an issue with certain pesticides. Balmer et al. (2018) report that since 2010, at least seven new current use pesticides, including chlorpyrifos, have been measured in Arctic air, snow, water and/or biota.

Enforce Buffer Zones until Phase-Out – to protect vulnerable populations

- 1000 ft from property line of sensitive sites include homes, occupied farmworker housing or labor housing that will be occupied in the next 14 days (including outdoor kitchens, toilets and sinks), schools, daycare centers, nursing homes, and hospitals

- 500 ft from all surface water and domestic drinking water intakes that are registered with the Oregon Water Master and can be identified by location on the Oregon Water Rights Information System (WRIS) *

*See Report “Chlorpyrifos Monitoring Results In Oregon’s (PSP) Watersheds: 2013-2019.” Water quality reports confirm that chlorpyrifos is detected in Oregon waterways. Reducing frequency of detections or concentration levels is not enough; we must ensure that chlorpyrifos is not entering surface waters to protect drinking water quality for people and wildlife.

REI Intervals until Phase-Out – to protect workers and by-standers*

- 4 days for all crops
- 4 days for golf courses and turf
- 4 days for nursery crops and Christmas trees
- 4 days for greenhouses, shading nets/tubes

*Modeled after the Lorsban Advanced Label for apples, figs, pears, cherry, peach, plum

Pre-Harvest Interval until Phase-Out - established to ensure that the total amount of pesticide residues absorbed through food consumption or dermal absorption will not exceed the acceptable daily intake

- Christmas trees until the 1/01/2022 phase out - 7 days
- On food crops until the 1/01/2022 phase out – 14 days

Restricted Use Pesticide (RUP) Designation until Phase-Out

- RUP designation on all products regardless of size and quantity of packaging
- Applications made by a certified and licensed applicator only; No supervision of non-certified individuals allowed.

Notification

- Pesticide applicators making an application of chlorpyrifos must notify residents and businesses on properties with adjoining boundaries no less than 8-hours prior to the application of the pesticide.
- Farm workers working on the property that will have an application of chlorpyrifos will be notified no less than 8-hours prior to the application.
- Notification is the responsibility of the applicator and can be in writing, by text or by phone.

Worker Protections/Precautions

- No uses when the temperature is 80 degrees Fahrenheit or above.
- Require the use of a thermal wind meter for checking local weather conditions at the site of the application (temperature, wind and humidity).
- Applicator must have cell phone contact during the application and check-in with a responsible person such as the property owner or business owner every 30 minutes

Record Keeping Requirements until Phased-Out

- Records must be filled out within 12 hrs of application
- Records must be kept for 7 years
- Records must be turned into ODA by 12/31 of every year for accountability

Personal Protective Equipment (PPE)

- The most stringent requirements for PPE must be adopted for all workers who come in contact with chlorpyrifos at any stage of mixing, loading, handling or application. All mixers, loaders, applicators and handlers must be provided by the employer and must wear at all times: • Coveralls • Chemical-resistant gloves • Chemical-resistant apron when mixing or loading or exposed to the concentrate • Chemical-resistant footwear plus socks • Chemical-resistant headgear for overhead exposure • A NIOSH-approved particulate, dust and mist filtering respirator with powered air purifying respirator or Elastomeric particulate respirator with any N, R, or P filter.
- Ear Tags – Workers attaching ear tags to livestock are highly likely to have skin contact and be exposed to dermal absorption of chlorpyrifos residue. We recommend that Cattle Ear Tag products be packaged in a biodegradable wax or paper casing that can fall off after the worker has inserted the ear tag and is no longer in contact with the ear tag.