



The US EPA Application Exclusion Zone (AEZ) rule applies where workers or other people are adjacent to pesticides being applied in outdoor areas. No person can be closer than 100 ft. (the AEZ) during an active pesticide spray. Oregon OSHA is declining to adopt this rule. OSHA's rules do not require the AEZ (the no-spray area). OSHA is adopting a "Compliance Alternative" whereby workers or family members must "shelter in place." Beyond Toxics and our allies do not support "shelter in place" which essentially is the requirement that workers and family stay inside the bungalows during adjacent pesticide sprays delivered by aerial plane/helicopter or air blast. We believe that workforce housing must have a minimum 300 ft. pesticide no-spray zone to protect occupants in their housing, cook areas and shower facilities. We recognize a 300 ft. no-spray buffer because that is the size of the court-ordered pesticide buffer to protect native salmon from four of the common pesticides used in Oregon's agriculture (carbaryl; chlorpyrifos; diazinon; malathion; methomyl).

1. **Moral Standard:** Oregon OSHA should uphold the intent and the standards established by the Worker Protection Standard for Agricultural Workers adopted by the US EPA in 2016 to protect farmworkers from pesticides where they work and live. The current "Compliance Alternative" by OR OSHA goes against the purpose and science that was established by the EPA. Fear that the Trump Administration will remove these federal worker protection laws should not prevent Oregon OSHA from doing what it can to protect farmworkers. It is the right thing to do. The Agency should be guided by its own mission - *To advance and improve workplace safety and health for all workers in Oregon.*
2. **Advocating for a 300 ft. no-spray buffer:** There should be a 300 ft. minimum no-spray buffer constituting the Application Exclusion Zone. The US EPA requires a 300 ft. no-spray buffer for aerial application is required for nine commonly used pesticides to protect Salmon and other endangered fish from pesticide drift. The 300 ft. no-spray

buffer is based on the science of pesticide drift and has been upheld by court order. If the federal law can recognize that fish need protections from drift, then Oregon should recognize that farmworkers who are already constantly exposed to pesticides need the same or stronger protections.

3. **Environmental Justice:** Farm Workers already face a disproportionate exposure to pesticides when working. The nature of agricultural labor demanded of farm workers creates a higher level of risk from multiple exposures to pesticides. Oregon OSHA is proposing two pesticide exposure options that do not reduce the high health and safety risk. Option 1: Require farm workers and their families to “shelter in place” without the protection of a no-spray buffer around the on-site housing. Option 2: If the pesticide application is a respiratory hazard, require farm workers and their families to evacuate and walk 150 ft. away from the pesticide equipment. In both scenarios, farm workers and their families will continue to be exposed because they will come into contact with pesticides that contaminate farmworker housing, the kitchen areas, and bathroom and laundry areas. A minimum 300 ft. no spray buffer in place would decrease the concentration of pesticide landing on things that farmworkers and their families come into contact with.
  
4. **Restricted Entry Interval:** Currently Oregon OSHA has workers walk 150 ft. away from the spray, with a “15-minute waiting period” before workers return to the communal living area. Fifteen minutes is arbitrary, having no relationship to the Re-Entry Intervals requirements for protection from highly toxic pesticides. Re-Entry Intervals can last anywhere between 4 hours and 30 days, depending on the toxicity of the pesticide. The minimum standard must be that we are as protective as the label. This is a scientific argument based on data that collected by EPA and other federal agencies. We argue on the basis for health protections on the label and not cost.

[www.BeyondToxics.org](http://www.BeyondToxics.org)

541-465-8860

[info@BeyondToxics.org](mailto:info@BeyondToxics.org)

P.O. Box 1106 | Eugene, OR 97440