

Oregon wrestles with pesticide spray zone regulations

Oregon regulators are working to finalize a proposal designed to protect farmworkers from drifting pesticides by allowing them to take shelter indoors.

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Published on December 14, 2017 9:29AM



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An aerial applicator sprays a field. Oregon grower groups argue an Environmental Protection Agency rule does not account for worker housing on the farm when it came up with the exclusion zones.

Oregon regulators are working to finalize a proposal that would protect farmworkers from drifting pesticides by allowing them to take shelter indoors.

The rule, developed by the Oregon Occupational Health and Safety Administration, or OSHA, seeks to address “application exclusion zones” introduced by the Environmental Protection Agency in its 2015 update of the Agricultural Worker Protection Standard.

Application exclusion zones require farms to evacuate workers within 100 feet of where trucks or planes are spraying pesticides, returning only after the equipment passes. The measure is intended to add another layer of protection against drift, which itself is illegal though it does sometimes occur.

Grower groups, however, argue the EPA did not account for worker housing on the farm when it came up with the exclusion zones, and called for a compliance alternative rather than having to rouse workers from their homes.

Michael Wood, Oregon OSHA administrator, said the issue is especially problematic for tree fruit growers in the Columbia River Gorge, where orchards may spray pesticides at 2 or 3 in the morning when the air is most calm.

“The growers came to us and said, you know, this is going to be something that’s a problem in our labor camps,” Wood said. “The challenge for us is to come up with an alternative that would protect the workers, but not be as disruptive to them and the growers.”

Statewide, Oregon has 309 labor camps registered under OSHA, including 1,262 buildings and 9,283 residents. Nearly two-thirds of those camps are in Wasco and Hood River counties.

For the last two years, Oregon OSHA has worked with growers and farmworker advocates to come up with a workable solution. The current proposal would allow workers to remain indoors while pesticides are sprayed, unless the chemicals pose a respiratory hazard. If the label requires use of a respirator, Oregon OSHA would enforce a 150-foot exclusion zone — stricter than what is required by the EPA — and would not allow workers to return home for 15 minutes.

“Obviously, the exposure potential is real,” Wood said.

Public comment on the rule was scheduled to end Dec. 15, but has been extended through the end of January. Wood said he expects a decision sometime in February.

The rule is being criticized on both ends of the spectrum of opinion, with some groups saying it does not do enough to protect workers and others saying it goes too far.

Mike Doke, executive director of the Columbia Gorge Fruit Growers, said remaining indoors is more safe for workers compared to moving everyone outside in the early morning hours. He said housing in the area is subject to high building standards, capable of withstanding harsh winters and plenty of rain.

Doke said the 150-foot exclusion zone, however, is not based on any scientific evidence, and may result in growers pulling trees, which will result in lost production and lost wages.

“I think it just makes people feel good, but there’s no data to support that,” Doke said. “The whole process hasn’t shown us any data that this (requirement) is going to make anybody safer.”

Lisa Arkin, executive director of the environmental justice group Beyond Toxics based in Eugene, said the exclusion zones do not do enough to protect workers and do not consider pesticide residue left over after spraying. She is advocating for a no-spray buffer zone to safeguard labor camps.

“Science tells us over and over again, when pesticides are sprayed, there is a drop-off the farther you get away from the spray operation,” Arkin said. “The need to increase the distance from humans to spray is critical for minimizing exposure.”

Concerns about disturbing workers at night misses the point that, without a buffer, workers will potentially be exposed to pesticides where they eat, sleep and play, Arkin said.

Doke reiterated that a buffer zone would force growers to pull out acres of trees, which may actually hurt workers more in the long-term.

Jenny Dresler, director of state public policy for the Oregon Farm Bureau, said the organization is “very concerned” about the Oregon OSHA proposal.

Furthermore, Dresler said, the Trump administration has signaled it may pull back or withdraw parts of the federal Worker Protection Standard. If that happens, Oregon would be the only state to have such stringent rules, and would make farms in the state less competitive.

A spokesman for the EPA in Washington, D.C., said much of the regulation is already in effect, and the rest will be phased in by Jan. 2. He did not indicate whether the administration is planning any changes in the standard.

Wood said the potential risk to workers from pesticides is real, regardless of what the EPA is doing.

“We’re certainly not bound to wait and see what decision the EPA makes on it before deciding whether or not to adopt a rule that applies in Oregon,” he said.