

MEMORANDUM OF AGREEMENT
Between
The Oregon Pesticide Analytical and Response System
And
The Oregon Department of Consumer and Business Services

This Memorandum of Agreement is entered into between the Oregon Pesticide Analytical and Response Center, hereinafter referred to as "PARC", and the Oregon Department of Consumer and Business Services – Occupational Safety and Health Division, hereinafter referred to as "OR-OSHA", and acknowledges the relationships between PARC and OR-OSHA.

PARC

PARC exists under Oregon Revised Statutes – Chapter 634, Section 550 (ORS 634.550). According to ORS 634.550 (1), the governing board of PARC consists of the following:

- The Director of the Oregon Department of Agriculture, or designee.
- The State Forester, or designee.
- The Director of the Oregon Department of Fish and Wildlife, or designee.
- The Director of the Oregon Department of Environmental Quality, or designee.
- The Director of the Oregon Department of Human Services, or designee.
- The Administrator of the Occupational Safety and Health Division within the Oregon Department of Consumer and Business Services, or designee.
- The State Fire Marshal, or designee.
- The Medical Director of the Oregon Poison Center, or designee.
- One citizen from the state at large appointed jointly by the Director of the Oregon Department of Agriculture and the Director the Oregon Department of Human Services.

The duties of PARC are stated in ORS 634.550 (5), and are summarized as follows:

- Centralize receiving of information relating to actual or alleged health and environmental incidents involving pesticides.
- Mobilize expertise necessary for timely and accurate investigation of pesticide incidents and analyses of associated samples.
- Identify trends and patterns of problems related to pesticide use.
- On the basis of identification of a trend or pattern of problems, make recommendations for action to a state agency. Recommended actions may include, but not be limited to, regulatory action, modification of administrative rules, proposal of new legislation, public education and consultation to industry.
- Report in a standardized format the results of the investigations of pesticide incidents.
- Establish procedures for carrying out the responsibilities of PARC within the limits of available resources.
- Prepare and submit to each session of the Legislative Assembly a report of the activities of PARC, including a record of recommendations made to state agencies and the actions resulting from PARC's work.

According to ORS 634.550 (2), an administrator for PARC will be appointed by the Director of the Oregon Department of Agriculture. The PARC administrator will be responsible for performance of the duties of PARC.

OR-OSHA

OR-OSHA acknowledges the following:

- The statutory basis of PARC, contained in ORS 634.550.
- The Administrator of the Occupational Safety and Health Division or designee, is named to serve on the governing board of PARC.
- The duties of PARC are as set forth in ORS 634.550, and as summarized above.
- The PARC administrator is responsible for the performance of the duties of PARC.

OR-OSHA will be an active member in PARC. Specifically, OR-OSHA will:

- Regularly have the Administrator of the OR-OSHA, within the Oregon Department of consumer and Business Services, or designee, attend meetings of the PARC governing board, and participate in the activities of PARC. Such participation may include the review and evaluation of information gathered through PARC, with particular emphasis on identifying trends and patterns of problems related to pesticide use, formulating recommendations to address these problems, and reporting.
- Provide to PARC information received by OR-OSHA relating to actual or alleged health and environmental incidents involving pesticides. Such information may include complaints received about intended, alleged or actual pesticide use, and investigations associated with such complaints. Information will be provided to PARC in a timely manner.
- Receive information from PARC relating to actual or alleged health and environmental incidents involving pesticide use, consider this information as a referral, and conduct associated investigations within existing OR-OSHA authority. Such investigations will be conducted in a timely and accurate manner in accordance with procedures established by OR-OSHA.
- Receive, review and evaluate recommendations from PARC for action by OR-OSHA associated with pesticide use. OR-OSHA will report to PARC regarding its review and evaluation of the individual recommendations, and the intended action in response to each recommendation.
- Provide information to OR-OSHA employees, and to members of the industries regulated by OR-OSHA, regarding the activities conducted by PARC.

OR-OSHA further acknowledges and agrees to the following:

- Any medical information received by OR-OSHA as a result of participating in PARC will be held confidential as provided in Oregon Administrative Rules – Chapter 437, Division 2 and Code of Federal Regulations – Title 29, Part 1910, Section 1020 (29CFR1910.1020) (copy attached).
- The duties and activities of PARC do not supersede the authority of OR-OSHA, and are not in lieu of the authority of OR-OSHA.
- No funding will be transferred from PARC to OR-OSHA for the conduct of any activities unless a specific amendment to this agreement is adopted.

PARC as Resource for OR-OSHA

In addition to the duties of PARC stated in ORS 634.550 (5) and summarized above, PARC may serve as a resource to OR-OSHA on pesticide issues. PARC may act in such a capacity by:

- Bringing issues of interest or concern to OR-OSHA to the attention of the other agencies participating in PARC.
- Facilitating the exchange of information on pesticide issues between and among OR-OSHA and other agencies involved with PARC.
- Obtaining human or environmental toxicological information about pesticides of interest to OR-OSHA, and providing that information to OR-OSHA.
- Coordinating other activities between and among OR-OSHA and other agencies involved with PARC regarding pesticide issues. Such activities may include the identification and requesting of potential funding, the development and delivery of educational materials, and the review and evaluation of research, reports or other documents.

Agreement Administration

This Memorandum of Agreement will remain in effect unless another Memorandum of Agreement replaces it, or it is terminated by mutual consent of the parties, or by thirty days notice of cancellation from one party to the other party. Such termination shall be in writing.

This Memorandum of Agreement may be amended by mutual consent of the parties. Such amendment(s) shall be in writing and shall be attached to and made part of this agreement. Amendment(s) may be for a specific purpose and specific time period. Amendment shall be subject to specific conditions therein stated.

This Memorandum of Agreement does not supersede any other agreement between OR-OSHA and any other agency, and is not in lieu of any other agreement between OR-OSHA and any other agency.

Nothing in this Memorandum of Agreement shall be construed as obligating PARC, OR-OSHA, the Oregon Department of Agriculture or any other participant in PARC to expend funds or involve any party in any contract or other obligation for the future payment of money in excess of appropriations authorized by law and administratively available for work.

AGREED

OREGON PESTICIDE ANALYTICAL AND RESPONSE CENTER

By: Christopher R. Kelly

Title: Administrator

Date: 12/02/2005

OREGON DEPARTMENT OF AGRICULTURE

By: *Aras Chapelle Hansen*

Title: *Deputy Director*

Date: *April 11, 2006*

OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

By: *M. D. [unclear]*

Title: *Administrator, OSHA*

Date: *2/1/06*

