

Small Agricultural Employer Advisory Committee (SAEAC)

Meeting Minutes

May 12, 2017

Present:

Name – affiliation

Dale Mitchell – Oregon Department of Agriculture (ODA)
Nargess Shadbeh-Oregon Law Center
Mike Doke – Columbia Gorge Fruit Growers
Colton Bond – ODA
Grant Jackson – ODA
Rick Nishimoto – Nishimoto Orchards
Erin Roby – Red Barn Orchards
Caleb Rice - Orchardist
Jennifer Euwer – Valley Crest Orchards
Mike McCarthy – Trout Creek Orchard
Lisa Arkin – Beyond Toxics
Grady Leiblein – Diamond Fruit
Jim Donnelly – Donnelly Orchards
Paul Lavoie – Orchardist
Ramon Ramirez - PCUN
Stacy Cooper – Cooper Orchards
Brian Nakamura
Kathy Nishimoto – Duckwall Fruit

Rick Nishimoto – Nishimoto Orchards
Kate Suisman – NWJP
Sarah Mitchell – OFB
Scott Dahlman – OFS
Craig Mallon – Grower
Chuck Thomsen – Oregon Senate
Lisa Perry - Farmer
David Tallman – Tallman Farms Inc
Emilio Rodriguez – Tallman Farms Inc

Oregon OSHA staff present:

Michael Wood
Renee Stapleton-Facilitator
Sherry Marks
Kathleen Kincade
Trena VanDeHey
Sarah Rew (Recorder)

Welcome and Introductions

Those in person introduced themselves. Renée Stapleton gave an overview of the history and purpose of this committee. She invited discussion on the following topics: possible tiered system for AEZ depending on toxicity, signal words, or the re-entry interval.

Advisory committee role and responsibilities

The committee is open to the public. Our goal is to involve stakeholders in the development of our administrative rules, which includes providing information about the fiscal impacts of potential rule requirements.

Background

Prior to the first meeting, everyone on the SAEAC email list was provided with links to the adopted rules and to the text of the three rules being considered as a starting point for this rulemaking.

- [Changes to the Worker Protection Standard](#) (rules adopted February 14, 2017 and effective January 1, 2018)
- Rule language currently under consideration (not yet adopted):
 - 40 CFR 170.405(a)
 - 437-004-6405 Compliance Alternative for Protected Spaces
 - 437-004-6406 Spray Drift

Group Discussion:

- EPA and Oregon Department of Agriculture (ODA) defined pesticide for the group. It has to have an EPA registration # (and State registration)
- Application Exclusion Zone: tiered approach while still considering sheltering in place
- OHSU study
 - Looking at dust inside the homes of growers and workers
 - Involved Organo Phosphates
- Want to include science in the decision process
- Concerns about cost/sustainability
- Reentry interval
- REI/Caution label/how to differentiate
- Is droplet size important for minimizing drift?
 - Yes, but it might be necessary to spray more (because it drops and doesn't cover as much area—therefore, you've just used twice as much pesticide)
- Reduce the AEZ with certain innovations:
 - Patternator
 - Electrostatics
 - Tower sprayers
 - Sonic
 - Laser version
- Formation of smaller advisory groups:
 - Tiered AEZ
 - Innovation
- Discussed University research on pesticide toxicity

Timeline

Our goal is to file proposed rules with the Secretary of State during the summer of 2017. We will subsequently hold public hearings, accept public comment, and adopt the final rules with an effective date of January 1, 2018 – the same effective date as the previously adopted modifications to the Worker Protection Standard rules.

Action

Create smaller advisory groups before proceeding.

Next meeting:

May 25, 2017 is cancelled

Contact:

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