

2017 Oregon State Legislature

2017 Including Harm to Human Health in Oregon's "Right to Farm and Forest" Act

Statement of the problem

Currently, an individual must prove death or serious physical injury (e.g., "loss of limb") to seek damages from pesticide exposure harm. Furthermore, a person harmed by pesticides must pay the opponent's attorney and court costs should they fail to win their case in court. This constitutes a momentous barrier for individual citizens when confronted with death, injury, harm or loss of property or drinking water quality. As Oregon law is currently written, it gives "immunity" to a pesticide applicator, even in cases of serious harm to human health or loss of domestic drinking water.

Either party should be responsible for their own court costs to prevent the other party from the running up exorbitant legal fees to scare off a court case.

SOLUTION

This proposed rule is necessary because the immunity given to pesticide applicators under the Right to Farm and Forest laws presents a barrier than cannot be overcome for an average Oregon resident harmed by pesticide exposure or incurring loss or the use of their property or domestic drinking water.

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