

2017 Oregon State Legislature

2017 Oregon Forest Practices Act Modernization

PESTICIDE REPORT of LOSS & STATUTE OF LIMITATIONS

Statement of the problem

Currently, persons experiencing harm, loss or damage from another person's use of a pesticide have only 60 days to file a Report of Loss form to submit to the Oregon Department of Agriculture. If the form is not filed within 60 days, an Oregon resident loses their right to take their property damage case to court. The form requires specific information about the spray incident including details pertaining to the pesticide applicator and the chemicals that were used. Oftentimes a person experiencing harm or loss from pesticide exposure may not have the necessary information to file the Report of Loss within the brief 60-day time frame, or may not immediately understand the nature of the harm. As is often the case, they must wait for the completion of ag state agency report – the Oregon Department of Agriculture or an Oregon Department of Forestry or an Oregon Department of Environmental Quality – investigation report, which can take as long as six or eight months.

SOLUTION

Other states such as Idaho and Washington do not require a Report of Loss form to be filed within a 60-day deadline. Our Legislature should modernize Oregon law to match other Northwest states by removing this onerous burden of a short statute of limitations for pesticide loss. Oregonians should not be prevented from seeking relief from harm in a court of law while waiting for the completion of an agency's investigation report. Oregonians should not be subject to onerous limitations and barriers they would not face if they lived in Washington or Idaho.

What the bill does

The proposed bill language, verbatim from the Washington statutory code on the Report of Loss, would state:

The filing of a report, or the failure to file a report, need not be alleged in any complaint, filed in a court of law. The failure to file the report shall not be considered a bar to the maintenance of any criminal or civil action.

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