

Agenda Item Summary

BACKGROUND

The Oregon Fish and Wildlife Commission (Commission) was briefed on the *Hunter Orange Report to the Commission* (Attachment 4) at its June 4, 2010 meeting. At that meeting the Commission was also given copies of all public comments that had been received by the Oregon Department of Fish and Wildlife (Department) on the report and heard testimony on the issue. Currently, the wearing of hunter orange while hunting in Oregon is voluntary. The report outlined issues relevant to the potential of making the wearing of hunter orange mandatory during some hunting activities and outlined five options for potential rulemaking.

In summary, the report found that hunting in Oregon is safe, even when compared to states that require hunter orange. However, opportunity exists for hunting in Oregon to be even safer.

In Oregon, fifty percent of all hunting-related incidents and sixty-six percent of all hunting-related fatalities can be classified as vision-related. Vision-related incidents are those where a shooter mistakes another person for game, shoots a person who is either in front of or behind the intended target, or shoots a person while swinging on game. Hunter orange requirements are geared towards reducing vision-related incidents, and have been shown to be effective in the states that have adopted them. Forty out of 50 other states have adopted hunter orange regulations specifically seeking to reduce vision-related incidents.

Hunter orange requirements would not reduce non-vision-related hunting incidents and fatalities. Similarly, not all hunting situations warrant the consideration of mandatory hunter orange requirements. The Department's review of Oregon's hunting incident reports over the past 20 years concludes that the majority of vision-related hunting incidents and fatalities occur while hunting big game and upland game birds (excluding turkey) with centerfire rifles and shotguns.

Review of the literature also shows that with the exception of turkey and waterfowl hunting, wearing hunter orange would not be expected to reduce hunter success.

After reviewing the report and hearing public testimony at its June meeting, the Commission narrowed the range of options under consideration for final rulemaking from five to three.

PUBLIC INVOLVEMENT

These proposed rules are being considered through a permanent rulemaking process, which includes public notice, public comment period, and a hearing before the Commission.

In addition, public input has been sought through:

- Communication with local sports groups and other interested parties
- Correspondence, both mail and email

- Discussion and comments recorded at twenty-two public ODFW big game meetings throughout the state during May of this year. These recorded comments were presented at the June Commission meeting.

ISSUE 1

MANDATORY WEARING OF HUNTER ORANGE DURING CERTAIN HUNTING ACTIVITIES

ANALYSIS

After reviewing the report and hearing public testimony at their June meeting, the Commission requested the Department bring three of the five recommendations back for further consideration and potential rulemaking.

The three options under consideration for potential rulemaking related to the wearing of hunter orange while hunting include:

Option 1 – No action. The wearing of hunter orange while hunting would remain voluntary in Oregon.

The Department would continue to strongly advocate for and encourage the use of hunter orange garments by the hunting public. Methods would include instruction in the juvenile hunter education program, public service announcements, and through its publications, such as the big game and upland bird annual regulations synopsis.

Option 2 – Require the wearing of a hunter orange upper garment **and** hat for hunters younger than 18 years of age while hunting game mammals and upland birds (except turkey) with any firearm.

For Option 2 and Option 3:

- “Upper garment” means a shirt, jacket, coat, vest or sweater.
- “Hat” means any head covering.
- Upper garment and hat must be visible from all directions.
- Hunter orange camouflage patterns are acceptable.

Option 2 would be similar to that of already existing juvenile safety regulations that have been adopted by the Oregon State Legislature (ORS 814.485; bike helmets mandatory for juveniles 16 and under), and the Oregon State Marine Board (OAR 250-010-0154; life jackets (Personal Floatation Devices aka PFD’s) mandatory for boaters 12 years and under while a boat or vessel is underway).

This option provides for maximum safety visibility for juvenile hunters and may also result in the additional use of hunter orange clothing by accompanying adults. Over time, hunter orange acceptance and use by more of the adult hunting public may increase.

Option 3 – Require the wearing of a hunter orange upper garment **or** hat by all hunters while hunting game mammals and upland birds (except turkey) with a centerfire firearm or shotgun.

Option 3 provides increased visibility for all centerfire and shotgun

oriented big game and upland bird hunters. It does, however, provide for less visibility for juvenile hunters as compared to Option 2.

Should rules be adopted requiring the wearing of hunter orange while hunting, they would be implemented beginning August 1, 2011.

OPTIONS

1. No action/status quo.
2. Adopt administrative rules related to option #2 as outlined in Attachment 3.
3. Adopt administrative rules related to option #3 as outlined in Attachment 3.

STAFF RECOMMENDATION

1. There is no staff recommendation at this time.

DRAFT MOTION	I move to adopt OAR 635-065-0012 as it relates to option __ as shown in Attachment 3.
EFFECTIVE DATE	August 1, 2011.