

OVERVIEW OF RULEMAKING NEEDED TO IMPLEMENT HOUSE BILL 4062 AND HOUSE BILL 2031

WHY IS RULEMAKING NECESSARY? CAN YOU PLEASE PROVIDE SOME HISTORICAL CONTEXT?

In brief, changes in federal regulations and feedback from pesticide applicators led the Oregon Department of Agriculture (ODA) to develop two legislative concepts for consideration by the Oregon Legislature in 2021 and 2022 and resulted in the enactment of two bills into state law:

- House Bill 4062 (2022), which creates two new applicator license types; and
- House Bill 2031 (2021), which was required to maintain compliance with recent changes in federal regulations.

To fully implement the new license types, as well as the authorities granted by these bills, the ODA must adopt rules. A more detailed history for each bill is listed below.

NEEDS - BACKGROUND SUMMARIES

House Bill 4062 (2022)

- Over many years, pesticide applicators employed by private schools, wood treatment plants, wineries, private golf courses, businesses that treat purchased agricultural commodities, and others provided feedback to the ODA that the statutory mandate requiring these pesticide applicators to meet the same pesticide licensing requirements as contracted commercial pesticide applicators, including the requirement of being employed by a Pesticide Operator (pest control business). This is burdensome because it is not reflective of their work and business structure.
- In 2021, the ODA proposed a legislative concept for consideration by the Oregon Legislature that would grant the ODA the authority to create new license types through rulemaking to help address feedback from these applicators.
- In Spring of 2022, the amended bill was enacted into law.

House Bill 2031 (2021)

- In 2017, the EPA adopted significant changes to the Certification of Pesticide Applicators rule (40 CFR 171).
- In 2020, the ODA developed a legislative concept that identified the minimum number of statutory changes necessary to comply with these federal regulations for consideration by the Oregon Legislature. More detailed information here: <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/22630>
- In June 2021, the amended bill was enacted into law.

WHAT DOES HOUSE BILL 4062 (2022) DO AND WHERE CAN I GET A COPY?

In 2022, the Oregon Legislature enacted HB 4062, which creates two new license types: “Noncommercial pesticide applicator” and “Noncommercial pesticide trainee”. These new license types cover:

- 1) individuals (except government employees) that apply restricted use pesticides (RUP) on property they or their employer owns or leases for purposes other than the production of an

agricultural commodity or forest crop (examples: employees of golf courses, wood treatment facilities, wineries); and

2) private school employees or owners that apply any pesticide to their own private school campus.

One benefit is that noncommercial pesticide applicators and noncommercial pesticide trainees do not need to be employed by a licensed pesticide operator. This represents a cost savings on licensing fees and, potentially, insurance costs.

For a description of Oregon's current license types (excluding Noncommercial), see <https://www.oregon.gov/oda/programs/Pesticides/Licensing/Pages/LicenseRequirements.aspx>

The full text of this bill is available online at: <https://oda.fyi/HB4062>.

WHAT DOES HOUSE BILL 2031 (2021) DO AND WHERE CAN I GET A COPY?

The Oregon Legislature enacted HB 2031 in 2021, which in part, grants the Oregon Department of Agriculture the authority to:

- 1) Revoke, suspend, or refuse to issue or renew any license or certificate when a license holder or applicant violates the State Pesticide Control Act, associated administrative rules, the Federal Insecticide Fungicide Rodenticide Act, or associated federal regulations; and
- 2) Impose a civil penalty for violation of the State Pesticide Control Act or associated administrative rules related to restricted-use pesticides.

HB 2031 was necessary to help bring ODA into compliance with federal regulations (40 CFR 171).

The full text of this bill is available online at: <http://oda.fyi/HB2031>.

WHERE CAN I GET MORE INFORMATION

When available, updates and additional information related to rulemaking will be posted to the ODA website: <https://oda.direct/PesticideRulemaking>.

RESOURCES

- HB 4062 (2022)
<https://oda.fyi/HB4062>
- HB 2031 (2021)
<https://oda.fyi/HB2031>
- Oregon Revised Statutes (ORS), Chapter 634
https://www.oregonlegislature.gov/bills_laws/ors/ors634.html
- Oregon Administrative Rule, Chapter 603, Division 057
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2734>