

Pesticide Newsletter

Oregon Department of Agriculture ● ISSUE 61 | FALL 2023



INSIDE: PARC resources and upcoming collection event 4

Avoid headaches, use these tips for continuing education courses

As renewal season rounds the corner, recertification credits are more important than ever. Here are some tips to avoid missing out on those credits and avoid delays in getting them added to your credit history.

- » Have your license number ready. If you are unsure what your license number is, you can find it at <https://oda.direct/PestLicenseStatus>
- » If you are attending an in-person class, make sure you are using your full legal name as it is printed on your pesticide license, your correct license number, and you are providing a signature when signing the signature page for credit. You will not receive credit if you don't sign the ODA Attendance Record for in-person events.
- » Review your credit history often for errors. Don't wait until the end of your license or certification period to check for missing credits. Sponsors of continuing education courses are required to submit attendance within 15 days of the event's end. If you do not see a course on your credit history, reach out to the sponsor for clarification. You can check your credit history at <https://oda.direct/PestCreditHours>

New law enhances equity, provides licensing pathway for Indian tribes

This past spring, House Bill 2687 was signed into law. It modifies the Oregon Pesticide Control Law to provide a pathway for employees of Oregon's federally recognized Indian tribes to obtain a public pesticide applicator license – the same license type that employees of other governmental bodies currently utilize. The scope of this bill, and resulting changes to pesticide licensing requirements, is limited to employees of federally recognized Indian tribes in Oregon who apply pesticides on lands other than "Indian country," as defined in 18 U.S.C. 1151, such as fee lands.

Per HB 2687, a public pesticide applicator license is required before employees of an Indian tribe:

- » apply restricted use pesticides (RUPs);
- » apply any pesticide using power-driven equipment; or
- » apply any pesticide to the campus of a school (as defined in ORS 634.700).

ONLINE

See the full text of House Bill 2687 at <https://oda.fyi/HB2687>

Additional requirements pertain to the application of pesticides to property that is not under the ownership, possession, control or jurisdiction of the Indian tribe.

The bill also requires ODA to enter into a mutually acceptable agreement with Indian tribes before ODA can issue a pesticide license to an

See HB 2687, **Page 3**



Howes



Krampien



Proffitt



Treviño

4 join Pesticides Program

The Pesticides Program at the Oregon Department of Agriculture welcomes new team members.

The program has hired Sam Treviño as a Product Registration Specialist.

Treviño worked with several Texas state agencies, most recently for the Texas Department of Agriculture (TDA) in the Legal Department's Enforcement Division as a Case Preparation Officer enforcing

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HOW CAN WE HELP YOU?

For general information about the Pesticides Program, contact 503.986.4635 or pesticide-expert@oda.oregon.gov. To reach the Fertilizer Program, contact 503.986.4637 or fertilizer-inquiry@oda.oregon.gov.

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ODA offers pair of School IPM video modules

A new resource for those involved with implementing a School Integrated Pest Management (IPM) program is now available on the Oregon Department of Agriculture's YouTube channel. There are two modules available, helping to describe portions of the school IPM law.

These are intended primarily for school IPM plan coordinators and school governing bodies. The videos are available on the QR code and at <https://oda.fyi/IPMSchoolsPlaylist> are designed to be concise and explain the requirements and responsibilities of coordinators and governing bodies. However, these may also be of interest to licensed applicators



employed by a school, and to contracted commercial pesticide applicators who provide service to schools. It is critical that contracted commercial pesticide operators and applicators communicate effectively with the school's IPM plan coordinator before any pesticide application takes place on the school campus.

These modules, along with other resources, may be accessed at ODA's IPM in Schools webpage, <https://oda.direct/IPMSchools>, under the header "Resources."

ODA works closely with two programs at Oregon State University that provide educational services.

For additional resources and trainings for IPM plan coordinators, see OSU School IPM Program's website: <https://blogs.oregonstate.edu/schoolipm/>

For questions regarding educational opportunities for licensed pesticide applicators, contact the OSU Pesticide Safety Education Program: <https://oda.fyi/PesticideSafety>

HB 2687, from Page 1

employee of an Indian tribe, a business entity of an Indian tribe, or an employee of a business entity of an Indian tribe. This agreement will enable the ODA to administer and enforce the provisions of the Oregon Pesticide Control Law. ODA is committed to working with each tribal nation individually on a mutually acceptable agreement that fits their specific needs.

What this means for all license applicants (new and renewal):

To comply with HB 2687, the ODA has added a question to the online license renewal system and license application forms to assess whether the applicant may be an employee or a business entity of a federally recognized Indian tribe. Using the online renewal system is recommended. However, if you apply for a new or renewed license using a paper application, please make sure you use up-to-date forms available on the ODA website (<https://oda.direct/PesticideForms>) and answer all questions. License application form versions prior to May of 2023 will not be processed or accepted on or after November 17, 2023.

Reminder to use Bulletins Live! Two

The Environmental Protection Agency (EPA) is currently working to fulfill its Endangered Species Act (ESA) obligations for pesticide decisions by implementing its ESA Workplan. The ESA Workplan identifies several pilot projects and strategies EPA plans to implement in an effort to provide earlier protections for listed species. Most recently, EPA released the “Vulnerable Species Pilot Project” and the “Draft Herbicide Strategy” for public comment, prior to implementation. Many of the details regarding the Pilot and the Strategy are yet to be determined, pending EPA’s review of the public comments, but an important component of implementing key parts of the Pilot Project and the Strategy is Bulletins Live! Two (BLT). As changes are implemented, it is important for Pesticide Applicators to become comfortable using BLT. For additional information regarding BLT, revisit the article, *EPA’s Bulletins Live! Two and what it means for you*, in our previous newsletter at <https://oda.direct/PesticideBulletinSpring>. ODA will be continuing outreach in the coming months to help pesticide users comply with these new requirements.

HELPFUL LINKS

Bulletins Live! Two: <https://oda.fyi/EPABulletinsLiveTwo>

Quick Start Guide: <https://oda.fyi/QuickGuide>

Bulletins Live! Two (BLT): Tutorial: <https://oda.fyi/Tutorial>

How to locate the EPA Registration number:

<https://oda.fyi/EndangeredSpeciesBulletins>

ADDITIONAL INFORMATION

Implementing EPA’s Workplan to Protect Endangered and Threatened Species from Pesticides: Pilot Projects:

<https://oda.fyi/WorkplanStrategy>

Staff Changes, from Page 1

Pesticide and Nursery Floral laws. His time at TDA also included working with Weights and Measures enforcement cases. Treviño also worked with the Texas Commission on Environmental Quality drafting municipal and industrial wastewater permits. He was also with the Texas Department of Transportation as an Outdoor Advertising Compliance Agent enforcing the Highway Beautification Act and regulating billboards along highways and rural roads.

Treviño graduated from Texas State University with a Bachelor of Science Degree in Geography Resource and Environmental Studies and a Minor in Anthropology along with a Certificate of Water Resources Policy.

He replaced Grant Jackson, who accepted a position in the ODA Noxious Weed Program.

Jeannette Krampien joined the Pesticides Program as a Registration Specialist as a limited duration employee in January 2021 and was promoted to a permanent employee in June 2023.

Krampien’s background is in agriculture and nursery production, and she has a Master’s Degree in Forest

Ecosystems and Society from Oregon State University, and Bachelor’s Degree in Biology from Marquette University. She has served in the Peace Corps in Niger and AmeriCorps in La Grande.

Krampien replaced David Priebe, who retired after more than three decades of service at ODA.

The program also hired Rebecca Howes as a Certification and Licensing Specialist on October 2, 2023.

Howes has a Master’s Degree in Entomology and Insect Science from the University of Arizona and a Bachelor’s Degree in Biology from Syracuse University in New York. She previously worked for the U.S. Department of Agriculture’s Agriculture Research Service and Cornell University labs researching organic and biological controls of agricultural insect pests. She has also been a commercial pesticide technician in the state of New York and has experience as a landscaper.

Erica Proffitt also joined the program as a Pesticide Licensing Support Specialist on October 2, 2023. Proffitt has an Associate Degree in Animal Science. She is also a small business owner who runs an embroidery and screen-printing company.

New fact sheets designed to assist pesticide applicators

Proper storage, transport and disposal of leftover pesticides is a key component of pesticide safety. As an applicator, you are responsible for managing pesticides through multiple stages of their lifecycle. If you have questions about how to store, transport, or dispose of specific pesticides, consult the label. Remember, the label is the law. To help, ODA's Pesticide Analytical and Response Center released three fact sheets to assist applicators.

Key points of the fact sheets:

Pesticide Storage: What makes a safe pesticide storage area, how to store different types of pesticides in the same area, and maintaining spill kits.

Pesticide Transport: Where to place transported pesticides, secondary containment of pesticides, and proper spill/emergency cleanup.

Pesticide Disposal: Reduction of accumulated pesticide mixes, what to do and not do when disposing of pesticides, and empty container disposal.

Each fact sheet also lists additional relevant resources in case of emergency or for more information.

PARC's webpage has a 'Resources and Information' section. All three fact sheets can be accessed <https://oda.direct/PARC>.

PARC CREATES MATERIALS FOR APPLICATORS NEAR APARTMENT COMPLEXES

"Customer service" and "Pesticide applicator" don't roll off the tongue together as well as peanut butter and jelly. But customer service is an essential skill for applicators who need to interact with the public. A good example is applicators using pesticides near apartment complexes. The applicators may interact with residents who were unaware of the planned pesticide treatment or worried about its safety. Applicators must be ready to answer the question, "Is it safe?" in a constructive and respectful way.

The Pesticide Analytical and Response Center has developed a suite of materials to help pesticide applicators treating near apartment complexes. Highlighted with the materials are the importance of proper pesticide use, risk communication, and good customer service. Included is general information about pesticide risks, integrated pest management (IPM), risk reduction steps, and risk conversation prompts for applicators. In addition, there are resources for applicators that help provide information about these topics and more. Included are videos, infographics, and webpages in English and Spanish.

Pesticide advisory:

<https://oda.direct/Advisory060223>

Risk Mitigation Brochure:

<https://oda.direct/RiskMitigationBrochure>

Study Materials:

<https://oda.direct/RiskManagementLinks>



COLLECTION EVENTS

Unused or unwanted pesticides, especially those in aging or damaged containers, can accidentally expose people to chemicals or cause pesticides to accidentally enter waterways. ODA offers free collection events for proper pesticide disposal from agricultural and commercial applicators. Inventory from pesticide retailers, up to 1,000lbs per company per year, is occasionally considered to fill smaller events. These events are partially funded by pesticide registration fees. Through these collection events, over 719,000 pounds of pesticides have been collected and removed from the environment since 2006.

Nov. 18, 2023: 9 a.m. to 2 p.m., Nutrien Ag Solutions, 32092 Highway 34, Tangent.
For information, go to <https://oda.direct/PSP>



Image by aleksandarlittlewolf on Freepik

When using pesticides indoors, use caution, follow label

With cold weather quickly approaching, many pests begin to move indoors as the temperatures start to drop. Because of this, applicators may receive more requests for treatment inside of homes, apartments, and businesses. Precautions can be taken to ensure risks to occupants are minimized when pesticides are used indoors.

When using any pesticide, reading and understanding the label is the best step to ensuring an effective application with minimal risk. Pesticide labels are very specific about where, how, and when to use the product. The sites and methods listed on a label have been shown to be effective in controlling pests and to not present an unreasonable level of risk to nearby people and animals.

The label for the product may also mention how long to keep people and animals out of the treated area. Once a product has dried or settled, there is less risk of exposure. Consider mentioning to occupants that the time listed on the label is only a minimum. They may decide to stay out of the area longer. Upon returning, opening windows and doors will help to ventilate the area and allow any remaining fumes to escape.

The label restrictions and directions must be followed for toys, pet food and water bowls, litter boxes, food items, and other personal items that are in or near the treatment area. This helps limit the chance of exposure for people and animals returning after the treatment.

Other tips to pass along to building occupants to limit indoor pest presence:

- » Keep counters and floors clean of food and crumbs.
- » Move wood piles, debris, and trash cans as far away from the home as possible.
- » Trim overhanging limbs and keep plants away from the home to limit accessibility for pests.
- » Keep food in airtight containers. Be aware that some pests can chew through cardboard and thin plastic.
- » Seal entry points into the home by sealing holes, adding new weather stripping, or installing door sweeps.
- » Monitor for pests in areas where they may be moving into and out of the home with traps.

Fertilizer Program questions & process reviews

WHAT HAPPENS WHEN ODA FINDS AN UNREGISTERED PRODUCT?

Each separately identifiable product that is defined as a fertilizer, agricultural mineral, agricultural amendment, or lime is required to be registered prior to any sale or distribution into or within Oregon. When an unregistered product is found being offered for sale or distribution, it may be placed under a Stop Sale, Use or Removal Order (SSURO). The SSURO is an Order that stops any movement or sale of the product until all actions against the order, including any contested case, are resolved OR until the Department gives written permission releasing the product for disposal, distribution, use, or removal. The Department shall give written permission releasing the product when ORS 633.311 to 633.479 and the rules adopted under ORS 633.311 to 633.479 are complied with.

SSURO written releases are issued when an unregistered product:

- » Has been registered and the label approved by ODA or,
- » Will be destroyed and destruction confirmed or,
- » Will be returned to an out-of-state manufacturer or distributor with receiving states' permission or,
- » Will be donated to an entity like master gardeners or a school garden program if the material poses no or low risk for use.

DO I NEED A LICENSE TO MANUFACTURE OR DISTRIBUTE FERTILIZER PRODUCTS?

The Fertilizer Program has a license requirement for any business (located in Oregon or out-of-state) that distributes fertilizer, agricultural amendment, agricultural mineral, or lime products in bulk in Oregon OR any business (located in Oregon) that manufactures any fertilizer, agricultural amendment, agricultural mineral, or lime products. This is referred to as the Fertilizer Manufacturer-Bulk Distributor (FMBD) and more information can be found at

<https://oda.direct/HowToRegisterFertilizer>

This license expires on December 31st of every calendar year and must be renewed. A late fee will be assessed for renewals received after the 30th day following the license expiration. There are other requirements for the license holder, including the addition of any location operating for more than 90 days during a license period and a requirement to alert the Fertilizer Program within 30 days of the addition, removal, or change of a location. Under OAR 603-059-

ONLINE

For more information about Oregon fertilizer fees, rules, and enforcement authority, go to:

https://oregon.public.law/statutes/ors_633.318

https://oregon.public.law/statutes/ors_633.445

https://oregon.public.law/statutes/ors_633.465

https://oregon.public.law/statutes/ors_633.366

https://oregon.public.law/rules/oar_603-059-0080

0080(1)(c)(D) and OAR 603-059-0080(1)(c)(E), these are Category III (Minor) violations and the Fertilizer Program has the authority to enforce the reporting and deadlines of these requirements.

AFTER I REGISTER A PRODUCT, ARE THERE ANY OTHER FEES I NEED TO PAY?

The Fertilizer Program has a requirement for reporting the amounts of products sold into or in Oregon by weight on a semi-annual basis. The reporting periods for each year are January 1 through June 30 and July 1 through December 31. This is referred to as Tonnage Reporting, as the reporting by weight is to be tracked and reported by the tons of each material sold. Under ORS 633.462, a person shall file a semiannual tonnage report with the Department if the person distributes ingredients for a fertilizer, agricultural mineral, agricultural amendment, or lime product, or another end use product of these types. If there are no sales or distributions during a reporting period, a report must be submitted to declare that no sale occurred. There is also a minimum reporting fee for each period. These semiannual reports and associated fees are due within 30 days after the end of a reporting period. The Department may assess a collection fee of 10 percent of the amount due, or \$25, whichever is greater, and the Fertilizer Program may suspend or deny the registrations of products until the report is filed and the fees are paid.

ORS 633.465 defines the fees for each type of material. If a report is not received within the 6 months following the end of the reporting period, it is a violation of ORS 633.366(1)(m), and if the required minimum fees are not paid, it is a violation of ORS 633.366(1)(n) and the responsible party may be subject to enforcement. Under OAR 603-059-0080(1)(c)(F) and OAR 603-059-0080(1)(c)(G), these are Category III (Minor) violations and the Fertilizer Program has the authority to enforce the reporting and deadlines of these requirements.

FERTILIZER VIOLATIONS

Notices of Violation, issued January through June 2023

Party Cited	# of violations	Violation*
Aquatrols Corporation of America	5	ORS 633.366(1)(e)
Allied Nutrients	1	ORS 633.366(1)(d)
Allied Nutrients	2	ORS 633.366(1)(m)
Art Wilson Co.	1	ORS 633.366(1)(e)
Athena Ag, Inc. (AKA Athena Products, Inc.)	3	ORS 633.366(1)(e)
Bio365	3	ORS 633.366(1)(e)
BioBizz NA, LLC	9	ORS 633.366(1)(e)
BioOrganics, LLC	3	ORS 633.366(1)(a)
Biorem, Inc.	1	ORS 633.366(1)(e)
Biorem, Inc.	2	ORS 633.366(1)(a)
California Organic Fertilizers, Inc.	1	ORS 633.366(1)(a)
Central Coast Garden Products, Inc.	1	ORS 633.366(1)(e)
Claytons Calcium, Inc.	3	ORS 633.366(1)(a)
Cog Marketers, Inc. (AKA Agroliquid)	1	ORS 633.366(1)(e)
Cog Marketers, Inc. (AKA Agroliquid)	1	ORS 633.366(1)(a)
Columbia River Carbonates	1	ORS 633.366(1)(e)
Creative Asset Solutions, LLC (AKA Spade to Fork)	2	ORS 633.366(1)(e)
Creative Asset Solutions, LLC (AKA Spade to Fork)	3	ORS 633.366(1)(a)
Easy Gardener Products, Inc.	1	ORS 633.366(1)(e)
Easy Gardener Products, Inc.	1	ORS 633.366(1)(a)
Ecological Laboratories, Inc.	1	ORS 633.366(1)(e)
Ecological Laboratories, Inc.	2	ORS 633.366(1)(a)
Floraflex Corp.	1	ORS 633.366(1)(a)
Happy Tree Microbes, LLC	1	ORS 633.366(1)(a)
Hello Nature USA, Inc.	3	ORS 633.366(1)(e)
Hello Nature USA, Inc.	2	ORS 633.366(1)(a)
Ignimbrite Minerals, Inc.	1	ORS 633.366(1)(a)
Intrepid Potash, Inc.	3	ORS 633.366(1)(a)
Joyful Dirt Organics	1	ORS 633.366(1)(e)
Joyful Dirt Organics	7	ORS 633.366(1)(a)
Liquidirt	1	ORS 633.366(1)(e)
Liquidirt	8	ORS 633.366(1)(a)
Modern Sprout, LLC	1	ORS 633.366(1)(e)
Modern Sprout, LLC	2	ORS 633.366(1)(a)
Oregon's Only	1	ORS 633.366(1)(a)
Plant Revolution, Inc.	1	ORS 633.366(1)(e)
Rentokil North America, Inc. (AKA Target Specialty Products)	7	ORS 633.366(1)(e)

Party Cited	# of violations	Violation*
Rentokil North America, Inc. (AKA Target Specialty Products)	6	ORS 633.366(1)(a)
SQM North America Corporation	1	ORS 633.366(1)(m)
TeraGanix Holdings, Inc. (AKA Teraganix Holdings, LLC)	2	ORS 633.366(1)(a)
The Good Earth Organics	5	ORS 633.366(1)(a)
The Good Earth Organics	3	ORS 633.366(1)(e)
The Seed Supply	1	ORS 633.366(1)(e)
The Seed Supply	3	ORS 633.366(1)(a)

Civil Penalties, issued January through June 2023

Party Cited	# of violations	Violation*	Amount
Allied Nutrients	1	ORS 633.366(1)(e)	\$125
BioBizz NA, LLC	1	ORS 633.366(1)(a)	\$375
Dr. Earth, Inc.	4	ORS 633.366(1)(e)	\$500
Dr. Earth, Inc.	3	ORS 633.366(1)(a)	\$1,125
Imagine Custom Landscape, Inc. (OG Biowar)	2	ORS 633.366(1)(e)	\$250
Imagine Custom Landscape, Inc. (OG Biowar)	1	ORS 633.366(1)(a)	\$125
Impello Biosciences, Inc.	1	ORS 633.366(1)(g)	\$125
P B Ohrstrom & Sons, Inc.	1	ORS 633.366(1)(g)	\$500
Plan "B" Organics	1	ORS 633.366(1)(a)	\$125
Plant Revolution, Inc.	1	ORS 633.366(1)(e)	\$125

*Note: The Notices of Violation and Civil Penalties listed above have been confirmed as, or followed by, Final Orders.

Fertilizer violations key

- **ORS 633.366(1)(a):** Distribute mislabeled products
- **ORS 633.366(1)(d):** Fail, refuse or neglect to deliver to a user or purchaser of a bulk fertilizer, agricultural amendment, agricultural mineral or lime product a printed label that complies with ORS 633.321.
- **ORS 633.366(1)(e):** Distribute a fertilizer, agricultural amendment, agricultural mineral or lime product that is not registered with the State Department of Agriculture under ORS 633.362 (Registration of fertilizer, agricultural amendment, agricultural mineral and lime products)
- **ORS 633.366(1)(g):** Make false or fraudulent applications, records, invoices or reports
- **ORS 633.366(1)(m):** Fail, refuse or neglect to file a semiannual tonnage report with the department as required under ORS 633.462

Times change and products change, but the importance of staying informed never changes


Housecleaning Helps

Sponges, 15c up; Chamois, 15c up; Borax 20c lb; Carbolic Acid, 10c oz; Chl. Lime, 15c lb; Extra-strong Ammonia water, 25c per pint.

MAGNETIC BED-BUG KILLER
A Liquid that is sure death to the troublesome pest
25c Bottle

L. P. ORR, DEPOT DRUGGIST, Ph 441

A Few "Woodlark" Drug Specials



Of great interest to many people at all times. If you consider quality and price you can not make a mistake by patronizing our drug counter.

SQUIRREL POISON—"Woodlark" brand has stood the test for years. Read our guarantee on every box. Price **10¢** and**30¢**

RATS AND MICE—Take warning. "Russian Ratto" has been indorsed by the city board of health. It's a sure killer. Try a box; price, each**20¢**

INSECT POWDER—"Woodlark" brand California Insect Powder is one of the best and most effective insect exterminators on the market today. Price, per can.....**10¢** and **25¢**

BED BUG BANISHER—The world's wonder for cleaning out the miserable bed bugs. Don't fail to give it a trial. Price, **25¢, 35¢, 60¢** bottle; one half gallon, **\$1.00**; one gallon.....**\$1.75**

AWAY WITH THE PEST
and
TRADE WITH THE BEST

Just What Kind of a Bug Killer Do You Want?

We have on display in our window this week a large variety of preparations for destroying all kinds of insects and pests, as rose sprays, fumigators and disinfectants, rat and roach poisons of various kinds.

Instant Louse Killer

The preparation no poultry raiser can afford to be without. Hens will not lay if kept constantly busy fighting lice.

Extra Special
65c Rubber Gloves, every house wife should have them, special 35c.

Free Phonograph
Hold your May tickets, another Phonograph given away June 1.

The St. Johns Pharmacy

These are actual pesticides advertisements found in Oregon newspapers between 1890-1910. One can only imagine what the label (if any) for these products might have looked like.

Following the passage of the Federal Insecticide Act of 1910 and Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947, plus the establishment of the Environmental Protection Agency (EPA) in 1970, pesticide regulations quickly changed in the United States.

With the passage of these acts and the establishment of the EPA, pesticide regulations have transitioned away from trusting newspaper ads to a more rigorous approval process. Unfortunately, some of these changes came following pesticide exposure to humans, animals, or the environment. New scientific information helped show that for some pesticides, there were unreasonable levels of risk associated with their use.

Pesticide products, labels, and advertisements have

developed significantly over time. Many products commonly used in the late 1800s to early 1900s are now illegal. Paris Green (illegal), lead arsenate (illegal), rotenone (few legal uses), and other compounds were used heavily throughout the United States during this time. Current pesticide labels are enforceable documents and using the product in a way that is inconsistent with the label is a violation of federal law. Similarly, pesticide advertisements cannot contain false or misleading information.

Federal and state pesticide regulations continue to change over time. It is your responsibility to stay up to date with Oregon and federal pesticide law. The best way

See Labels, Page 9

We have just received another car load of
Wagons and the celebrated

CLARK'S LIGHTNING WEED KILLER

This is the only successful weed killer ever
brought to Umatilla county.

Labels, from Page 8

to follow current regulations is to read the labels for any products you are using. If you do not understand your label, contact the manufacturer, a pesticide consultant, your county extension office, or ODA for assistance.

As changes happen, it is vital that applicators know, understand, and apply changes to their work. There are several ways to stay current with changes to pesticide regulations, such as:

- » Reading ODA's pesticide newsletter:
<https://oda.direct/CurrentIssues>.
- » Contacting ODA at pesticide-expert@oda.oregon.gov
or 503.986.4635
- » Keeping up with upcoming and proposed federal
changes for pesticides by visiting:
<https://oda.fyi/ProposedOrNewChanges>.

All pesticides contain some level of risk. Applicators often have a different potential risk than others nearby. To find ways to reduce the risk to yourself and those nearby before, during, and after an application, contact the National Pesticide Information Center (NPIC). NPIC can also help applicators find resources appropriate for their situation. Contact NPIC at npic@ace.orst.edu or 800.858.7378.

Are you troubled with Bed
Bugs, Ants or Flees, if so
get a bottle of our

Skinnum's Bugine

It will destroy all of these
insects

BED BUGS?

Ever notice one on the wall?
They're plainer than the
handwriting on some.

**OUR BED BUG KILLER WILL
KILL THEM**

One Large Bottle 25c


Model Drug Store

Prescription Pharmacy

FRY'S - SQUIRREL - POISON

IMPROVED—CONCENTRATED
AND MOST SATISFACTORY.

—THE ORIGINAL SQUIRREL KILLER.—



It Is Made In Oregon.

In 1-pound cans. Guaranteed. Thousands of farmers from all over this state have learned that FRY'S SQUIRREL POISON is as good or better than more expensive foreign brands of uncertain strength. Fry's is the genuine and most reliable poison. Use no other. For sale by E. A. Sherwin, Ashland, Oregon.

Manf. by D. J. Fry, Salem, Ore.

FIFRA SECTION 24(C) SPECIAL LOCAL NEED (SLN) PESTICIDE REGISTRATIONS

Activities from March 10, 2023 to Sept. 15, 2023

NEW SLNs							
OR SLN #	Product	EPA Reg. No.	Ingredient	Crop	Pest	Registrant	Notes
OR-230009	Acephate 97UP Insecticide	70506-8	acephate	alfalfa grown for seed	Lygus bugs	UPL NA Inc.	Issued to authorize use of UPL NA-branded Acephate 97UP. Similar to OR-230009.
OR-070017	Assail 70 WP Insecticide	8033-23-70506	acetamiprid	alfalfa grown for seed	Lygus bugs	UPL NA Inc.	New distributor label to allow use of UPL NA-branded Assail 70 WP.
OR-230010	Tiafenacil 70WG Herbicide	71512-36	tiafenacil	non-bearing hazelnuts	suckers & weeds	ISK Biosciences Corporation	New use. Non-bearing only. DO NOT harvest hazelnuts for at least 1 year (365 days) after the last date this product was applied.
OR-230010	GAMMA	71512-36-74530	tiafenacil	non-bearing hazelnuts	suckers & weeds	HELM Agro US, Inc.	New use. Non-bearing only. DO NOT harvest hazelnuts for at least 1 year (365 days) after the last date this product was applied.
OR-230011	Kerb SC	62719-578	pronamide	non-bearing hazelnuts	weeds	Corteva Agriscience LLC	Issued to authorize use of Corteva-branded Kerb SC. DO NOT harvest hazelnuts for at least 1 year (365 days) after the last date this product was applied. Similar to OR-210004.
OR-230012	Stinger	62719-73	clopyralid	strawberry	broadleaf weeds	Corteva Agriscience LLC	Issued to authorize use of Corteva-branded Stinger. Added reference to main label for composting requirements. Similar to OR-030031.
OR-230013	Stinger	62719-73	clopyralid	hops	certain noxious and broadleaf weeds	Corteva Agriscience LLC	Issued to authorize use of Corteva-branded Stinger. Added reference to main label for composting requirements. Similar to OR-040038.
OR-230014	Stinger	62719-73	clopyralid	Listed crops grown for seed: Brassica leafy greens, Brassica head and stem vegetables, kohlrabi & Swiss chard)	broadleaf weeds	Corteva Agriscience LLC	Issued to authorize use of Corteva-branded Stinger. Deleted Special Crop Use Restrictions because all labeled crops are now covered by established tolerances. Added reference to main label for composting requirements. Similar to OR-090018.

REVISED SLNs							
OR SLN #	Product	EPA Reg. No.	Ingredient	Crop	Pest	Registrant	Notes
OR-170002	Acephate 97UP Insecticide	70506-8	acephate	alfalfa grown for seed	Lygus bugs	United Phosphorus, Inc.	Extended expiration date to 12/31/27. Allows use of United Phosphorus-branded Acephate 97UP. Similar to OR-230009.
OR-070017	Assail 70 WP Insecticide	8033-23-70506	acetamiprid	alfalfa grown for seed	Lygus bugs	United Phosphorus, Inc.	Extended expiration date to 12/31/27.
OR-070017	Assail 70 WP Insecticide	8033-23	acetamiprid	alfalfa grown for seed	Lygus bugs	Nippon Soda Co., Ltd	Extended expiration date to 12/31/27.
OR-170009	Onager Optek Miticide	10163-337	hexythiazox	mint	two-spotted spider mites	Gowan Company, LLC	Extended expiration date to 12/31/27. Add minimum GPA spray solution for ground and aerial application.
OR-120017	Glufosinate 280 Herbicide	88685-2	glufosinate-ammonium	grass seed	weeds	Orion GFS, LLC	Extended expiration date to 12/31/27.
OR-120017	Reckon 280SL Herbicide	88685-2-84237	glufosinate-ammonium	grass seed	weeds	Solera ATO, LLC	Extended expiration date to 12/31/27.
OR-040006	Fusilade DX Herbicide	100-1070	fluazifop-p-butyl	alfalfa grown for seed	quackgrass	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27.

REVISED SLNs							
OR SLN #	Product	EPA Reg. No.	Ingredient	Crop	Pest	Registrant	Notes
OR-130011	Gowan Malathion 8F	10163-21	malathion	caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries)	spotted wind drosophila (SWD)	Gowan Company, LLC	Extended expiration date to 12/31/27. Added aerial buffer & minimum GPA from main label. SLN allows additional application on caneberries compared to main label.
OR-130013	Malathion 8 Aquamul	34704-474	malathion	blueberries & caneberries	spotted wind drosophila (SWD)	Loveland Products, Inc.	Extended expiration date to 12/31/27. Added aerial and ground buffers from main label. SLN allows additional application on caneberries compared to main label.
OR-120003	GWN-1715	81880-4	pyridaben	pears	pear psylla nymphs	Canyon Group LLC	Extended expiration date to 12/31/27. Add registration review restrictions: 2 day REI for treated pears when hand thinning, additional PPE for airblast application.
OR-120003	Nexter Miticide/ Insecticide	81880-4-10163	pyridaben	pears	pear psylla nymphs	Gowan Company, LLC	Extended expiration date to 12/31/27. Add registration review restrictions: 2 day REI for treated pears when hand thinning, additional PPE for airblast application.
OR-130010	Gowan Malathion 8F	10163-21	malathion	blueberries	spotted wind drosophila (SWD)	Gowan Company, LLC	Extended expiration date to 12/31/27. Add aerial application buffer & minimum GPA from main label. SLN allows for higher rate compared to main label, but with 7 day retreatment interval and a max of 2 applications per year.
OR-170010	Sonalan HFP	10163-356	ethalfuralin	alfalfa grown for seed	nightshade & dodder		Extended expiration date to 12/31/27. Clarify maximum number of applications.
OR-990009	Prozap Zinc Phosphide Oat Bait	61282-12	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	HACCO, Inc.	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-990034	ZP Rodent Oat Bait AG	12455-17	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	Bell Laboratories, Inc.	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-990034	ZP AG Pellets	12455-17-3240	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	Motomco	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-050009	Prozap Zinc Phosphide Pellets	61282-49	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	HACCO, Inc.	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-200008	Prozap Zinc Phosphide Pellets	61282-49	zinc phosphide	clover grown for seed	voles, mice & ground squirrels	HACCO, Inc.	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-210005	ZP Rodent Oat Bait AG	12455-102	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	Bell Laboratories, Inc.	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.

REVISED SLNs							
OR SLN #	Product	EPA Reg. No.	Ingredient	Crop	Pest	Registrant	Notes
OR-210005	ZP AG Oats	12455-102-3240	zinc phosphide	grasses grown for seed	voles, mice & ground squirrels	Motomco	Above-ground applications may begin on 5/2/23 and may continue through 9/30/23 or until Canada geese and cackling geese have been observed in your field, whichever comes first. See Application Timing section. Application end date is extended compared to 2022 labels, which had an end date of 9/15/23.
OR-120021	Agri-Mek SC Miticide/Insecticide	100-1351	abamectin	alfalfa grown for seed	spider mites	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27.
OR-040009	Dual Magnum Herbicide	100-816	S-metolachlor	dry bulb onion	weeds	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27. Explicitly state annual maximum rate for S-metolachlor.
OR-040007	Dual Magnum Herbicide	100-816	S-metolachlor	alfalfa grown for seed	weeds	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27. Explicitly state annual maximum rate for S-metolachlor.
OR-040011	Dual Magnum Herbicide	100-816	S-metolachlor	meadowfoam grown for seed	weeds	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27. Explicitly state annual maximum rate for S-metolachlor.
OR-170012	Tundra EC	1381-196	bifenthrin	clover grown for seed	aphids, Lygus bugs, spider mites & weevils	Winfield Solutions, LLC	Extended expiration date to 12/31/27. Update Vegetative Filter Strip and Buffer Zones section.
OR-100014	Mertect 340-F	100-889	thiabendazole	seed treatment of listed crops grown for seed: crimson clover, Brassica, Raphanus (daikon, radish), Sinapis (white mustard, yellow mustard)	seed-borne northern anthracnose (crimson clover seed), Phoma lingam (Brassica seed, Raphanus seed, Sinapis seed)	Syngenta Crop Protection, LLC	Extended expiration date to 12/31/27. Deleted Special Crop Use Restrictions because all labeled crops are now covered by established tolerances.
OR-210004	Kerb SC	62719-578	pronamide	non-bearing hazelnuts	weeds	Dow Agro-Sciences, LLC	Authorizes use of Dow-branded Kerb SC. DO NOT harvest hazelnuts for at least 1 year (365 days) after the last date this product was applied. Similar to OR-210004.
OR-030031	Stinger	62719-73	clopyralid	strawberry	broadleaf weeds	Dow Agro-Sciences, LLC	Authorizes use of Dow-branded Stinger. Added reference to main label for composting requirements. Similar to OR-230012
OR-040038	Stinger	62719-73	clopyralid	hops	certain noxious and broadleaf weeds	Dow Agro-Sciences, LLC	Authorizes use of Dow-branded Stinger. Added reference to main label for composting requirements. Similar to OR-230013.
OR-170006	Glufosinate 280 Herbicide	88685-2	glufosinate-ammonium	irrigation canals and drainage ditches	glyphosate-resistant bentgrass	Orion GFS, LLC	Extended expiration date to 12/31/27.
OR-170006	Reckon 280SL Herbicide	88685-2-84237	glufosinate-ammonium	irrigation canals and drainage ditches	glyphosate-resistant bentgrass	Solera ATO, LLC	Extended expiration date to 12/31/27.
OR-090018	Stinger	62719-73	clopyralid	Listed crops grown for seed: Brassica leafy greens, Brassica head and stem vegetables, kohlrabi & Swiss chard)	broadleaf weeds	Dow Agro-Sciences, LLC	Issued to authorize use of Dow-branded Stinger. Added reference to main label for composting requirements. Similar to OR-230014.

SLN APPLICATIONS UNDER REVIEW						
OR SLN #	Product	EPA Reg. No.	Ingredient	Crop	Pest	Registrant
NA	Diazinon 500AG	66222-9	diazinon	listed vegetable crops grown for seed	cutworms & wireworms	"Makhteshim Agan of North America, Inc. (d/b/a ADAMA)"
NA	Magister SC	10163-322	fenazaquin	carrots grown for seed	mites & powdery mildew	Gowan Company, LLC
NA	METH-O-GAS 100	5785-11	methyl bromide	cherries (export ONLY)	post-harvest fumigation	LANXESS Corporation
NA	Ramik Green AG	61282-63	diphacinone	grasses grown for seed and surrounding non-crop border areas	voles	HACCO, Inc.

PESTICIDE VIOLATIONS

Notices of Violation, issued January through June 2023

Party Cited	Case No.	# of violations	Violation*
Ackerman, Andrew	220403	1	ORS 634.372(4)
Ackerman, Andrew	220403	1	ORS 634.372(8)
Aspen Creek Landscaping, Inc.	230266	1	ORS 634.372(9)
AWI Salishan Holdings, LLC operating as Salishan Spa and Golf Resort	230288	2	ORS 634.372(4)
Baird, Kay S.	220405	1	ORS 634.372(4)
Barnes, William O.	230288	1	ORS 634.372(5)
Barnes, William O.	230288	1	ORS 634.372(4)
Bayley, Helen	220106	1	ORS 634.372(4)
Beebe, Jacob	230015	1	ORS 634.372(8)
Blue Lake Improvement Association, Inc.	230022	2	ORS 634.372(9)
Brink Brothers Inc	230011	1	ORS 634.372(2)
Brink, Jeffery	230011	1	ORS 634.372(2)
Brink, Mark	230011	1	ORS 634.372(2)
Brooks Pest Control Inc.	230015	5	ORS 634.372(9)
Brooks Pest Control Inc.	230015	5	ORS 634.372(2)
Buyas, Lucas	230077	2	ORS 634.372(4)
Caretakers Pest Control LLC	230016	2	ORS 634.372(9)
Caretakers Pest Control LLC	230016	1	ORS 634.372(2)
City of Umatilla	230239	2	ORS 634.372(4)
Clark, Ron L.	230080	1	ORS 634.372(8)
Clark, Ron L.	230080	3	ORS 634.372(4)
DeBolt, Monty	210428	1	ORS 634.372(4)
Empire Landscapes LLC	230072	2	ORS 634.372(5)
Eradicon Pest Management LLC	230218	1	ORS 634.372(5)
Foreman, Christopher S.	230239	1	ORS 634.372(5)
Foreman, Christopher S.	230239	1	ORS 634.372(8)
Frazier, Christopher D.	230080	1	ORS 634.372(8)

Party Cited	Case No.	# of violations	Violation*
Grimes, Bonnie	230059	1	ORS 634.372(4)
Hancock, Morgan	230015	1	ORS 634.372(8)
Harrington, Derek J.	230239	1	ORS 634.372(5)
Hayden, Michael	230201	1	ORS 634.372(2)
Herrera, Mary	230128	1	ORS 634.372(4)
Holston, Jason	230005	1	ORS 634.372(4)
House, Travis	230015	1	ORS 634.372(8)
Johnson, Pashalle	220172	21	ORS 634.372(2)
Kreft, Brian C.	220172	6	ORS 634.372(2)
Lines, Robert Jay	230267	1	ORS 634.372(8)
Lines, Robert Jay, doing business as Blue Ribbon Concrete & Excavation	230267	2	ORS 634.372(9)
Lopez, Octavio	230112	1	ORS 634.372(4)
Marquez, Felipe	230137	1	ORS 634.372(8)
Marquez, Felipe	230137	1	ORS 634.372(4)
McDonald, Brian W.	220172	1	ORS 634.372(2)
Miesner, Samuel	230080	1	ORS 634.372(10)
Mill Creek Growers LLC	230316	1	ORS 634.372(2)
Mill Creek Growers LLC	230316	1	ORS 634.372(4)
Monarch Landscaping dba Northwest Landscape Services	230080	1	ORS 634.372(5)
North Wasco County School District	230251	2	ORS 634.372(4)
North Wasco County School District	230251	1	ORS 634.372(5)
Oregon State University	220172	28	ORS 634.372(4)
Pacific Lawn Service LLC	230137	2	ORS 634.372(9)
Pacific Lawn Service LLC	230137	1	ORS 634.372(4)
Pacific Pines RV Park and Storage, Inc.	210428	1	ORS 634.372(4)
Parsley, Michael	230015	12	ORS 634.372(4)
Parsley, Michael	230015	3	ORS 634.372(2)
Rainbow Orchards VIII, LLC	210371	1	ORS 634.372(4)
Rainford, Kody	230212	4	ORS 634.372(2)

Pesticides violations key

- **ORS 634.372(2):** As a pesticide applicator or operator, intentionally or willfully apply or use a worthless pesticide or any pesticide inconsistent with its labeling, or as a pesticide consultant or dealer, recommend or distribute such pesticides.
- **ORS 634.372(4):** Perform pesticide application activities in a faulty, careless or negligent manner.
- **ORS 634.372(5):** Refuse or neglect to prepare and maintain records required to be kept by the provisions of this chapter.
- **ORS 634.372(8):** As a pesticide applicator, work or engage in the application of any classes of pesticides without first obtaining and maintaining a pesticide applicator's license, or apply pesticides that are not specifically authorized by such license.
- **ORS 634.372(9):** As a pesticide operator, engage in the business

of, or represent or advertise as being in the business of, applying pesticides upon the land or property of another, without first obtaining and maintaining a pesticide operator's license. The operator also may not engage in a class of pesticide application business that is not specifically authorized by license issued by the State Department of Agriculture. The operator also may not employ or use any person to apply or spray pesticides who is not a licensed pesticide applicator or pesticide trainee.

- **ORS 634.372(10):** As a pesticide trainee, work or engage in the application of any class of pesticides without first obtaining and maintaining a pesticide trainee's certificate and is otherwise in compliance with the provisions of this chapter.
- **ORS 634.372(17):** Formulate, deliver, sell or offer for sale any pesticide that has not been registered as required by ORS 634.016.
- **ORS 634.372(19):** Distribute, sell or offer for sale any pesticide except in the manufacturer's original unbroken package.

Notices of Violation, issued January through June 2023

Party Cited	Case No.	# of violations	Violation*
Redman, Cameron	230288	1	ORS 634.372(10)
Riverbrook Farms, Inc.	230112	1	ORS 634.372(4)
Rookstool-Moden Realty LLC	230005	1	ORS 634.372(4)
Rooting for you Plant Nursery LLC	230234	3	ORS 634.372(17)
Ruddell, Charles A.	210433	1	ORS 634.372(4)
Ruddell, Charles A.	210433	1	ORS 634.372(8)
Santana, Roberto	230080	1	ORS 634.372(10)
Silver Falls Yard Care, LLC	230097	1	ORS 634.372(9)
Simplot AB Retail, Inc.	230043	1	ORS 634.372(5)
Southland Organics Company	220174	1	ORS 634.372(17)
Specialty Spray, Inc.	230136	1	ORS 634.372(5)
Stanley, Michael	230016	1	ORS 634.372(8)
Stanley, Michael	230016	1	ORS 634.372(2)

Thompson, Michael	220040	1	ORS 634.372(4)
Tillamook Farmers' Cooperative, Inc.	230139	5	ORS 634.372(17)
Valley Agronomics, LLC	230211	1	ORS 634.372(5)
Valley Agronomics, LLC	230212	4	ORS 634.372(2)
Valley Agronomics, LLC	230212	1	ORS 634.372(5)
Valley Agronomics, LLC	230213	4	ORS 634.372(17)
Warnecke, Alec	230015	1	ORS 634.372(8)
Webster, Michael	230015	4	ORS 634.372(8)
Wier, Brandon	230015	3	ORS 634.372(8)
Wier, Brandon	230015	2	ORS 634.372(2)
Wilbur-Ellis Company LLC	230229	1	ORS 634.372(5)
Wilderland, LLC dba Wilderland Roof and Window Cleaning	230201	1	ORS 634.372(9)
Wilderland, LLC dba Wilderland Roof and Window Cleaning	230201	1	ORS 634.372(2)

Party Cited	Case No.	# of violations	Violation*
Winterholler, David	230022	1	ORS 634.372(8)
Zauner Jr., James H.	230080	1	ORS 634.372(8)
Ziegler, Chris	230128	1	ORS 634.372(4)

Pesticide Civil Penalties, issued January through June 2023

Party Cited	Case No.	# of viol.	Violation*	Amount
Bain Aviation, Inc.	220390	1	ORS 634.372(4)	\$814
Bain, James T.	220390	1	ORS 634.372(4)	\$814
BG3 Productions, LLC	220338	1	ORS 634.372(4)	\$592
Brooks Pest Control Inc.	230015	4	ORS 634.372(9)	\$3,256
Empire Landscapes LLC	230072	3	ORS 634.372(9)	\$2,664
Fareway Farms Corporation	230322	1	ORS 634.372(4)	\$2,072
Full Sun Landscape Management LLC.	220362	1	ORS 634.372(9)	\$814
Good Flower, LLC	220339	1	ORS 634.372(4)	\$1,628
Helena Agri Enterprises LLC	230132	1	ORS 634.372(2)	\$814
Legacy Pest Control LLC	230232	1	ORS 634.372(9)	\$880
Limpy Creek Cannabis LLC	220356	1	ORS 634.372(4)	\$814
Monarch Landscaping dba Northwest Landscape Services	230080	7	ORS 634.372(9)	\$5,698
Ramos, Stephen	230072	1	ORS 634.372(8)	\$814
Simplot AB Retail, Inc.	230043	5	ORS 634.372(2)	\$5,550
SiteOne Landscape Supply LLC	230291	1	ORS 634.372(19)	\$220
Thompson, Michael	220040	1	ORS 634.372(4)	\$814
Walking Point Farms LLC	230289	1	ORS 634.372(2)	\$814

*Note: The Notices of Violation and Civil Penalties listed above have been confirmed as, or followed by, Final Orders.

'TIS THE SEASON FOR LICENSE RENEWAL; ONLINE PORTAL OPENS NOV. 17

The approaching cold weather might make others think of holiday parties and warm sweaters. But pesticide applicators know the season brings something more, license renewals! The online portal for renewals opens Nov. 17. Remember, to apply pesticides in 2024 you must have an active license. Be sure to check that you have enough continuing education credits. The number of required credits depends on your license type, and there

are limits to how many credits you can earn in a year. Don't get left out in the cold – renew your license!

Check your license status and credit hours:
<https://oda.direct/PestCreditHours>

Find information about renewal and recertification:
<https://oda.direct/RenewalRecertification>

Find ODA-accredited recertification courses:
<https://oda.direct/RecertCourses>

EPA has new fumigation restrictions for sulfuryl fluoride

On June 28, 2023, EPA published the “Sulfuryl Fluoride Revised Mitigation and Response to Comments on the Draft Interim Re-Entry Mitigation Measures Memorandum” in the Federal Register. This notice announced new label requirements for sulfuryl fluoride products registered for fumigation of residential structures. These new requirements were developed in response to the 2016 EPA Office of Inspector General (OIG) report Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries From Residential Fumigations (No. 17-P-0053).

Sulfuryl fluoride is a restricted-use structural and commodity fumigant registered for use in both residential and non-residential structures (e.g., storage structures, stationary transportation vehicles, and food handling establishments). The label requirements announced in June only apply to the use of sulfuryl fluoride on a residential use site. For the purposes of sulfuryl fluoride, a “residential use site” is any structure “where people typically live (temporarily or permanently) and sleep, such as single-family residences, mobile homes, apartments, townhouses, condominiums, hotels, motels, assisted care facilities, nursing homes, hospitals, barracks, and dormitories.”

Sulfuryl fluoride controls many pests of public health and economic significance, such as bed bugs and termites. It works relatively quickly and with excellent penetration of the structure. Sulfuryl fluoride is currently the only structural fumigant registered in the U.S. for use in residential sites.

Sulfuryl fluoride is only applied to residential structures that have been covered by a tarp or tent. This ensures that the pesticide stays trapped within the structure for the duration of the fumigation. Before sulfuryl fluoride can even be applied, EPA requires that chloropicrin (a warning agent) be released into the tented structure, because sulfuryl fluoride by itself is colorless and odorless. Once fumigation ends, the structure is aerated, and clearance devices are used to measure the concentration of sulfuryl fluoride. Once sulfuryl fluoride levels do not exceed 1 ppm, the structure may be re-entered.

Building upon these existing precautions and restrictions, EPA is now requiring the following changes in how sulfuryl fluoride may be applied to a residential use site:

Improved warning signs: Warning signs must be placed at or near all doors and entrances and must remain posted for the entire duration of the fumigation.

Site-Specific Structural Fumigation Log: Applicators must prepare a “Site-Specific Structural Fumigation Log” for all residential structural fumigations. The certified applicator in charge of fumigation will be responsible for verifying that the log is complete. The updated product labels will identify what must be recorded and when

(before the application begins, during, etc.)

Annual training: Registrants must develop a training program that applicators must complete before they may administer, oversee, or apply sulfuryl fluoride to a residential structure. For example, fumigation employees must complete the training before they can introduce chloropicrin or sulfuryl fluoride to the structure, initiate aeration, and/or conduct the final clearance testing. Training will be required annually, and it will be the responsibility of the fumigation company to ensure training requirements are met.

Stewardship plan development: Sulfuryl fluoride registrants must develop stewardship plans and submit them to EPA for approval. Once approved, EPA will post the plan(s) on their new Sulfuryl Fluoride website, <https://oda.fyi/SulfurylFluoride>.

Removal of specific clearance devices from labels: Sulfuryl fluoride labels will no longer list the clearance devices that may be used. Instead, labels will direct users to a website which lists the devices EPA has determined to be effective. This is similar to how EPA handles tarps used in soil fumigation.

Expanded aeration times: Compared to current labels, the required active aeration time will be one hour longer, and the required passive aeration time will be at least 12 hours longer.

Sulfuryl fluoride registrants have submitted amended labels to EPA for review and approval. Once EPA approves them, registrants will then submit the updated marketplace labeling to ODA for review and approval. It may take some time for updated labels to enter the Oregon marketplace. As always, read, understand, and follow the pesticide label attached to the main container in your possession.

There are currently two sulfuryl fluoride products registered in Oregon. Both are sold and distributed by Douglas Products and Packaging: Vikane (EPA Reg. No. 1015-78), which is labeled for use in residential structures, and ProFume (EPA Reg. No. 1015-79), which is not labeled for use in residential structures. Non-residential fumigation will be evaluated as part of EPA’s ongoing registration review case for sulfuryl fluoride. It is possible that EPA will require additional label changes in the future.

For more information about this guidance or sulfuryl fluoride label changes, please contact pesticide-expert@oda.oregon.gov or call 503.986.4635. If you need help interpreting a specific label, please provide both the product name and EPA Reg. No. There are also many documents available in EPA’s Sulfuryl Fluoride Registration Review Docket, available at <https://oda.fyi/SulfurylFluorideDocket>.



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ODA adopts rules for new license type and RUP enforcement authority

The Oregon Department of Agriculture (ODA) has adopted new and amended rules to implement House Bill 4062 (2022) and House Bill 2031 (2021). HB 4062 created a new “noncommercial” applicator license type and HB 2031 granted new authority to ODA related to Restricted Use Pesticides. These adopted rules go into effect on November 17, 2023.

NONCOMMERCIAL PESTICIDE APPLICATOR LICENSE

As defined in HB 4062, the new “Noncommercial” license type will cover:

- » individuals (except government employees) who apply restricted use pesticides (RUPs) on property they or their employer owns or leases for a purpose other than the production of an agricultural commodity or forest crop (examples: employees of golf courses, wood treatment facilities, businesses that treat purchased agricultural commodities); and
- » private school employees or owners who apply any pesticide to their own private school campus, as defined in ORS 634.700.

One benefit is that the employer of a Noncommercial Pesticide Applicator does not need to be licensed as a Commercial Pesticide Operator. This represents a cost savings on licensing fees. The adopted rules implement the new “Noncommercial” license types in a manner that does

not weaken protections for people and the environment by not reducing competency or renewal standards.

When the new rules go into effect, individuals seeking to perform pesticide activities covered by the noncommercial applicator license can apply for a license using forms at <https://oda.direct/PesticideForms>. To qualify for a noncommercial applicator license you must pass the Laws and safety exam and at least one appropriate* category exam. Certified commercial and public pesticide applicators with an appropriate* license category, and certified and licensed pesticide consultants with the demonstration and research license category, qualify to apply for the noncommercial pesticide applicator license without further examination. **Only certain license categories are permitted for the noncommercial pesticide applicator license.*

ENFORCEMENT AUTHORITY

In part, HB 2031 helps align ODA’s authority to impose a civil penalty for violation of the State Pesticide Control Act or associated administrative rules related to RUPs with changes to federal regulations (40 CFR 171). The rules adopted to implement this authority are necessary to help bring ODA into compliance with changes to the same federal regulations.

Additional information is available at <https://oda.direct/PesticideRulemaking>