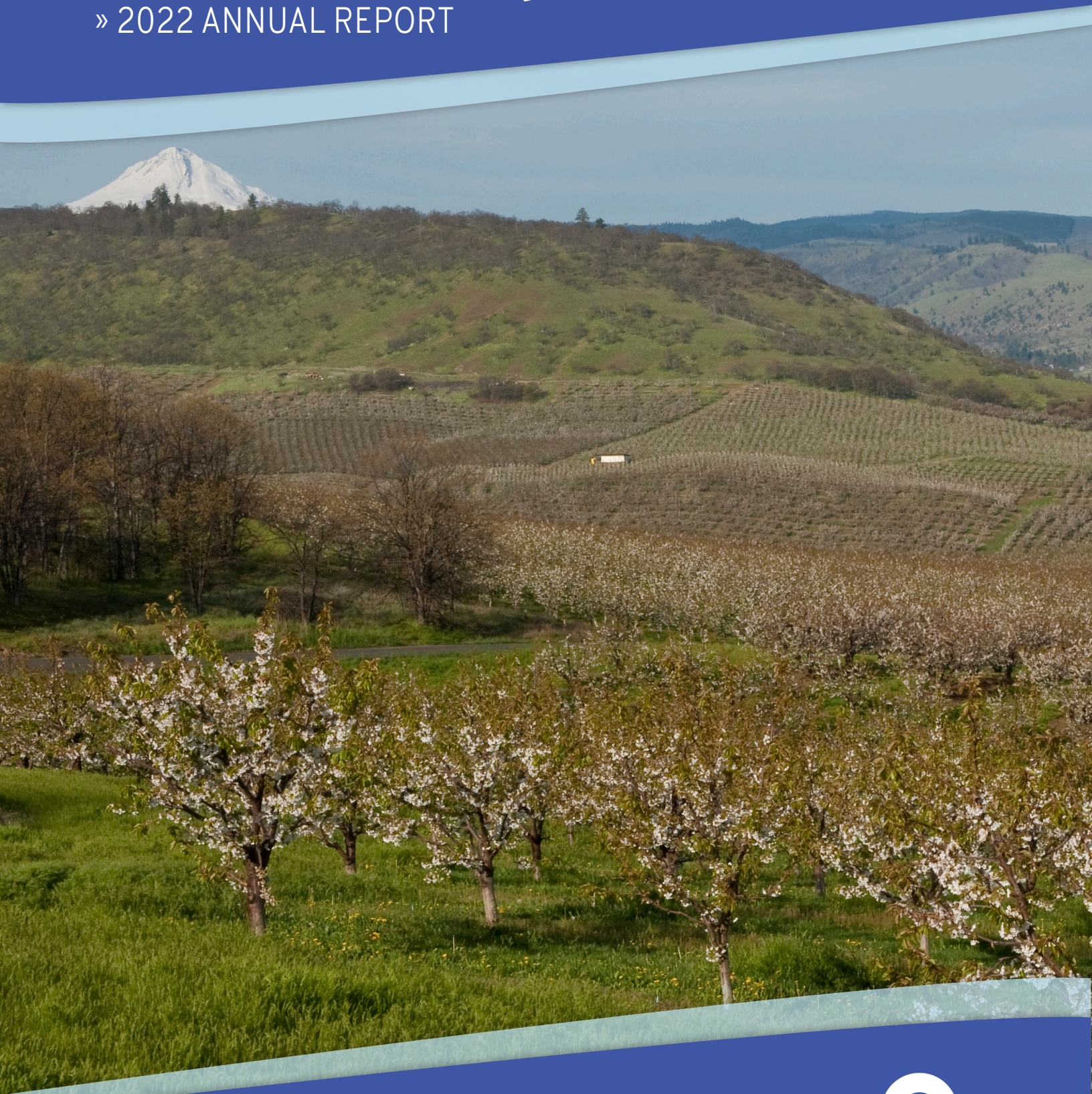


Pesticides Program

» 2022 ANNUAL REPORT



OREGON
DEPARTMENT OF
AGRICULTURE

INTRODUCTION

Pesticides are regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The U.S. Environmental Protection Agency (EPA) has delegated regulatory responsibilities under FIFRA in the State to the Oregon Department of Agriculture (ODA). The Department's statutory authorities for pesticide regulation are described in the Oregon Pesticide Control Act, under Oregon Revised Statutes (ORS) Chapter 634 and Oregon Administrative Rules (OAR) Chapter 603, Division 57. A pesticide is defined in ORS 634.006(8) (2021 Edition). The mission of the Department's Pesticides Program is to protect people and the environment from potential adverse effects of pesticide use, while maintaining the availability of pesticides for beneficial uses.

The ODA Pesticides Program is composed of a number of programs. These include: Enforcement, Product Registrations, Certification and Licensing of Applicators and Dealers, the Pesticide Stewardship Partnership, the Pesticide Analytical and Response Center, and WPS Outreach and Education. The Program regulates pesticides through a number of mechanisms, including inspections, investigating complaints, and compliance assistance. Staff also provide trainings on the proper use of pesticides and answer questions from pesticide users and the public. The program further has an emphasis on worker protection, water protection and pollinator protection (refer to Links to Related Resources at end of report). In addition, ODA is a key member of the Pesticide Analytical and Response Center or PARC (see Links to Related Resources). The ODA Pesticides Program may be reached by email at pesticide-expert@oda.oregon.gov or by calling (503) 986-4635. For more information, visit <https://oda.direct/AboutPesticides>.

ENFORCEMENT (Inspections/Investigations/Enforcement)

During fiscal year 2022, the Pesticide Enforcement Program continued to navigate change on a couple of levels. Basically, shifting to a "new normal."

One example of change during this year was the state reopening its office doors to the public. This added some new agency policies, such as a new building practice of checking in visitors. In addition, during this year conditions allowed for more in-person routine record and marketplace inspections. During the pandemic many record inspections were conducted via remote inspection platforms (e.g. remote meetings, phone, and mail) to ensure a safe environment for all.

Another example of change during the 2022 fiscal year was an increase in hiring and onboarding of new team members. The program had retirements of some long-term staff and simultaneously welcomed two new limited duration positions (one investigator and one case reviewer) to help offset the increased workload from cannabis cases. Moving into the next fiscal year, the hiring and onboarding will continue as the program looks to fill the remaining open positions. For an update on the current enforcement program staff see (<https://oda.direct/InvestigatorsMap>).

Even with the change, the program continued to conduct a large number of inspections, investigations, and enforcement responses. In addition to that work, Pesticide Investigators also partnered with OSU and attended and presented at all school integrated pest management (IPM) Plan Coordinator in person trainings in the state during the year. This allowed ODA staff to present information about the requirements of the law and in coordination with OSU provide technical assistance to school IPM Coordinators on the implementation of the school IPM law.

What did the Enforcement Program Workload look like in Fiscal Year 2022?

In terms of the initiated case workload during this time (i.e. cases started), the number of complaint cases was similar to previous years, while the number of non-complaint-initiated cases (e.g. routine compliance monitoring) was similar to other counts during pandemic years. Figure 1 shows the number of complaint and non-complaint-initiated cases by fiscal year.

Also, during the 2022 fiscal year, ODA continued its increased focus and emphasis on addressing older violative cases that were started in previous fiscal years but had not had their final enforcement actions issued. The program referred to these older violative cases as “backlog” cases. The effort to reduce the backlog was started in the 2020 fiscal year and continued through the 2022 fiscal year. Significant progress was made during these years on the enforcement backlog. Figure 2 shows the number of closed cases by fiscal year. When looking at the work during the pandemic (fiscal years 2020-2022), the program closed over 300 more cases than it initiated (Figure 2 vs. Figure 1). The result of that increased focus and effort is that entering the next fiscal year, cases being submitted by investigators (after an investigation was completed) were receiving reviews within a short time frame (e.g. the turnaround time for the case review step of the process is now less than 60 days).

Figure 1: Number of complaint and non-complaint initiated cases by fiscal year (July 1-June 30)

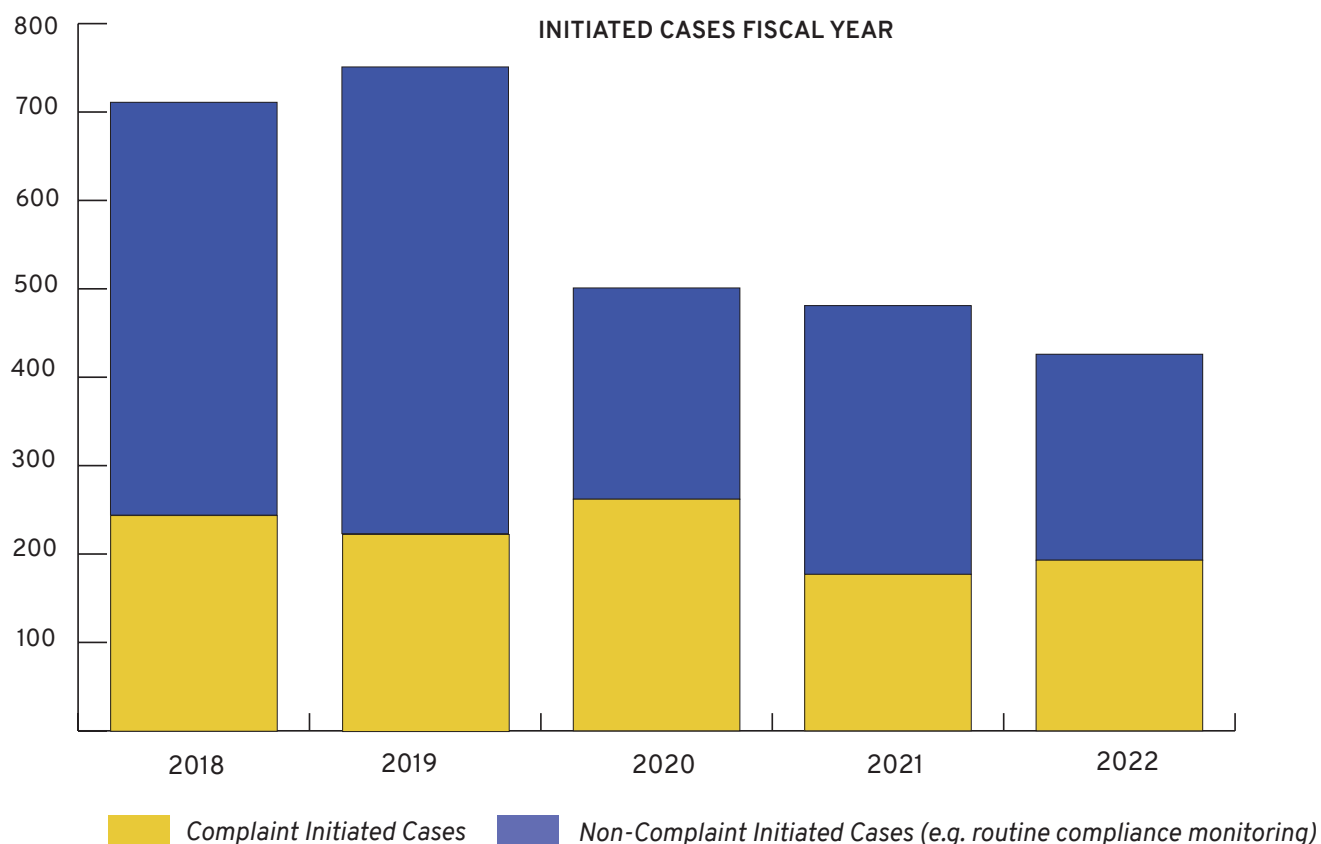


Figure 2: Number of closed cases by fiscal year (July 1-June 30)

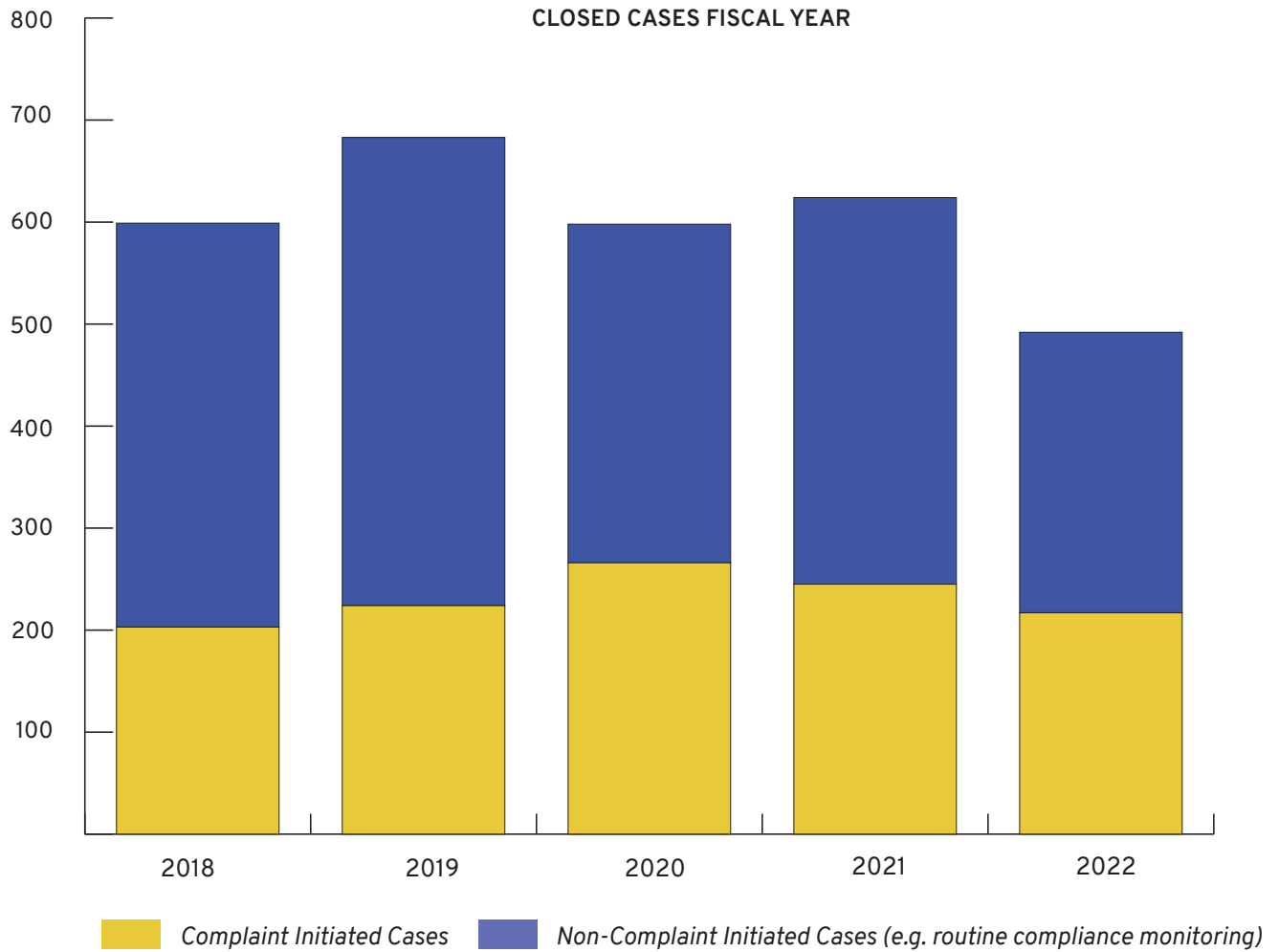
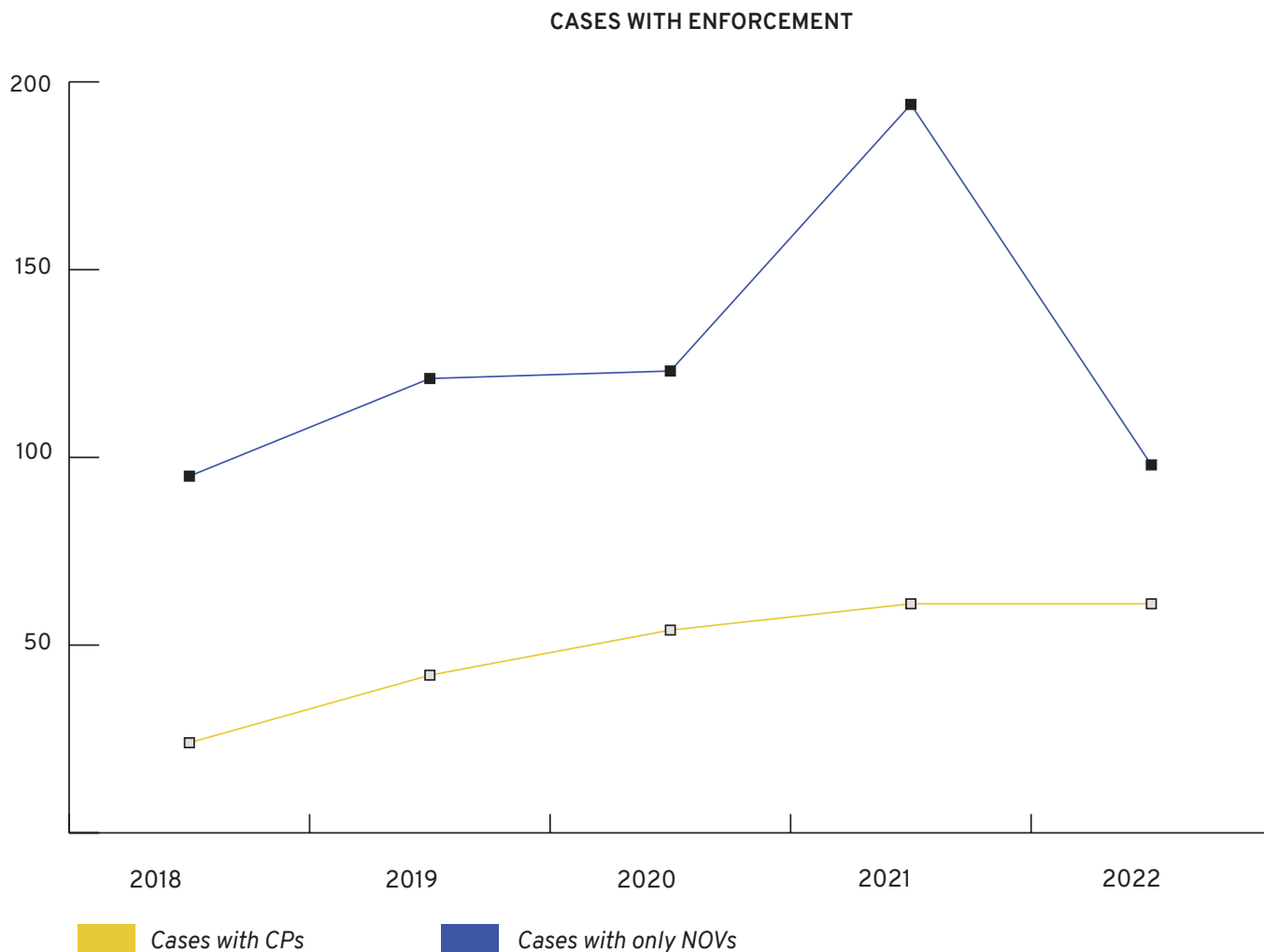


Figure 3 shows the number of cases that had an enforcement action related to a case. One result of the backlog case work was an increase in the number of violative cases as displayed in Figure 3. More enforcement actions were issued from addressing the backlog cases as many of those cases were started in previous fiscal years but had not had the enforcement action issued. During fiscal year 2022 the number of Notices issued also started to decline as the program was on the tail end of the huge effort to address the enforcement backlog. Efficiency improvement work is ongoing to help prevent the program from facing a large backlog into the future. In addition, the new case reviewer position added in this biennium has assisted in adding more capacity to the review step.

Figure 3: Number of cases with a violation by fiscal year

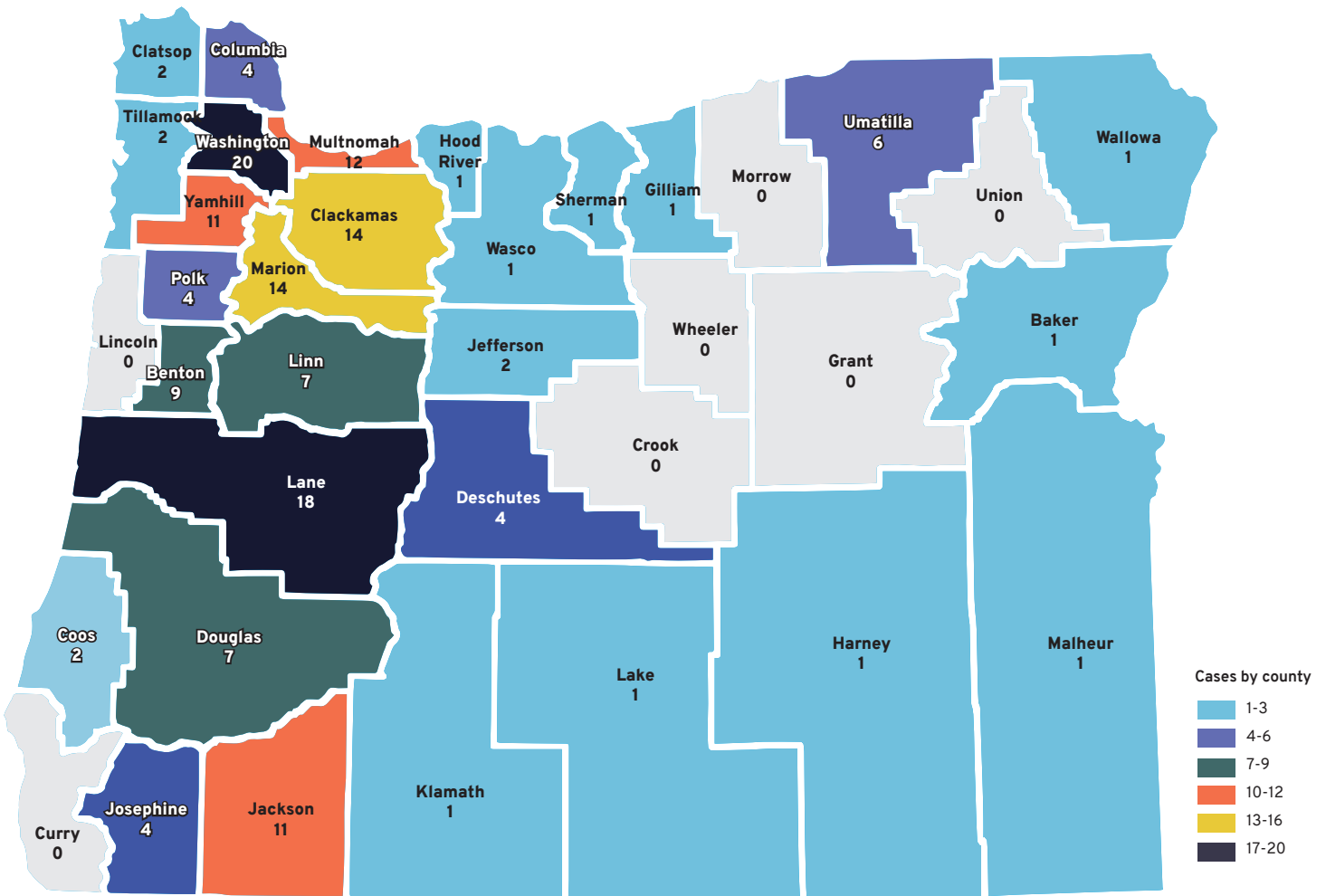


A CP is a Civil Penalty, and a NOV is a Notice of Violation with no monetary penalty

Where were the Pesticide Enforcement Program's Use Investigations occurring in Fiscal Year 2022?

When the Department receives a complaint or a referral from another agency regarding pesticide use, the Department may conduct a use follow-up investigation. Figure 4 shows which counties had use follow-up investigations initiated in fiscal year 2022.

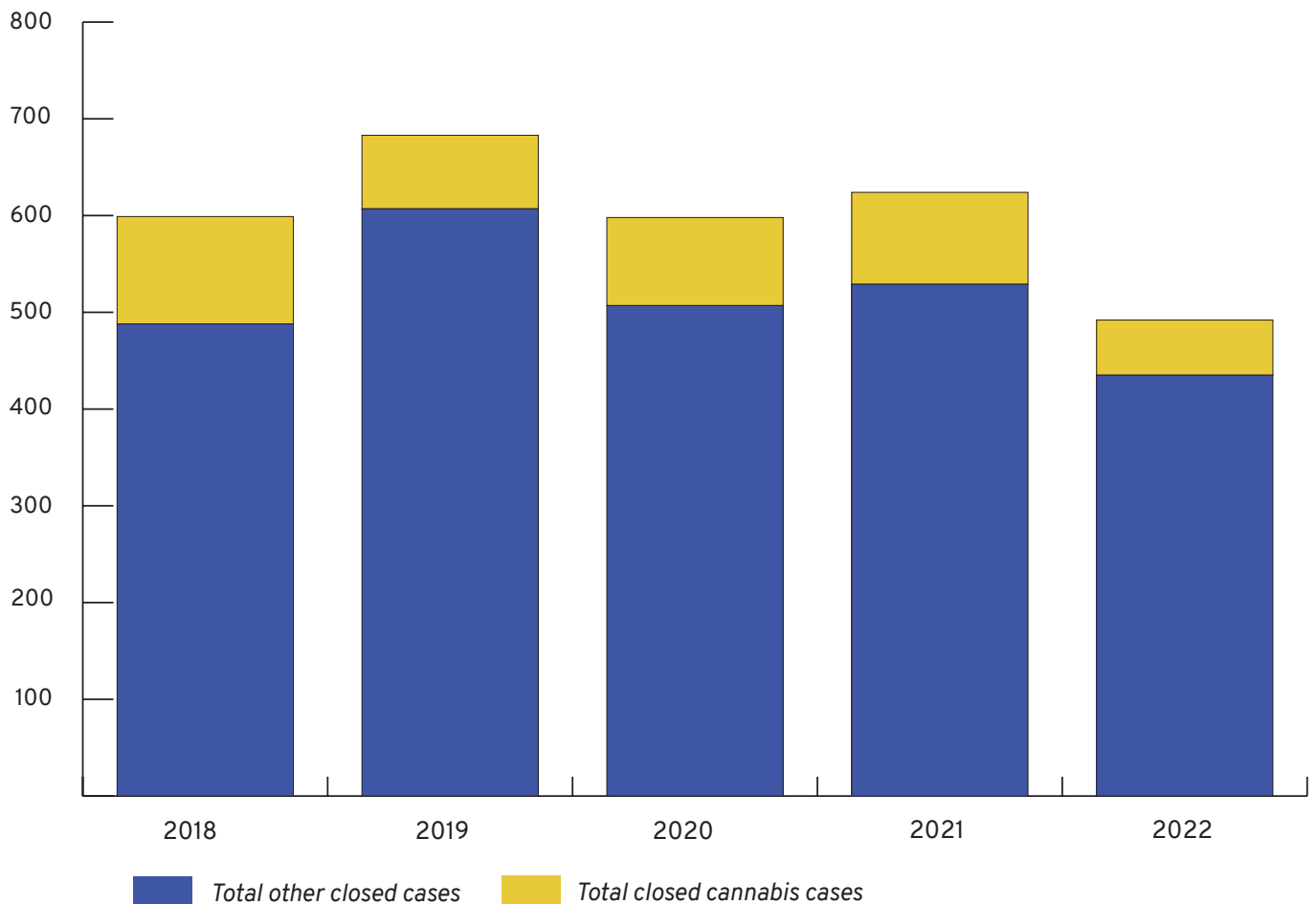
Figure 4: Use Follow-up Investigations Initiated in Fiscal Year 2022 by county



How many of ODA's Pesticide Enforcement Program cases involve cannabis?

Figure 5 shows the number of cannabis cases per year as a portion of the total case load. The numbers vary from year to year from over 50 to around 100 per year. Most of these cases are initiated from referrals from the Oregon Liquor and Cannabis Commission (OLCC).

Figure 5: Cannabis workload: Fraction of closed cases relating to cannabis (hemp and marijuana).



REGISTRATIONS

Pesticides are registered as either general-use or restricted-use (RUP). A pesticide is typically classified as an RUP because it poses a higher risk to people, animals, or the environment than general-use pesticides. Under Federal law, a state may also issue a Special Local Need (SLN) registration if there are no available products to control a pest on a particular crop. SLNs are crucial for specialty crop growers who typically have access to fewer products than growers of larger-acreage commodities. With over 200 crops grown in our state, it is no wonder that ODA has so many SLN registrations. These registrations have allowed Oregon’s diverse agriculture to survive numerous pest pressures and have also allowed ODA to customize risk mitigation measures to protect human health and our unique environment.

As part of ODA’s commitment to public health, the Pesticides Program prioritized reviewing applications for new disinfectant registrations during the COVID-19 Pandemic. This resulted in a significant increase in the number of pesticide products registered in Oregon (Table 1). There are now roughly 3,000 disinfectants registered in Oregon for use against the COVID-19 virus or a harder-to-kill pathogen. Table 2 shows changes in pesticide product registrations over the last two calendar years.

Table 1: Total number of pesticide products registered at the conclusion of each registration year (Nov. 15-Nov. 15)*

Pesticide Products		
Year	Number of products registered	Net change
2019	13,929	
2020	14,401	+472
2021	15,142	+741
2022	15,599	+457

*The new registration year always begins in mid-November, usually around the 15th. The exact date may change from year to year to account for weekends.

Table 2: Changes in pesticide registrations

Pesticide Registrations at a glance			
	2020	2021	2022
Pesticide Product Registration (PPR) *	1,505	1,607	1,589
Products registered, including...	14,401	15,142	15,599
Special Local Needs (SLN) registrations	250	267	267
Minimum risk pesticides	924	924	955
Restricted-use pesticides	559	550	585
Pesticides for use on cannabis	513	534	551
Dual-registered pesticide/fertilizer products	304	308	308

*To sell or distribute pesticide products in Oregon, a company must obtain a PPR. Generally, the number of PPRs can be thought of as the number of companies selling and distributing pesticides in Oregon.

CERTIFICATION AND LICENSING

ODA administers applicator certification, and applicator and dealer licensing as part of a cooperative agreement with EPA to ensure pesticide applicators and consultants are knowledgeable about state and federal laws, safety and environmental protection measures, and pest management best practices by administering examinations. An individual may become “certified” when they demonstrate that they know how to use pesticides safely and legally by passing the required examinations. They may then qualify to apply for a pesticide applicator or consultant license, which allows them to perform pesticide-related tasks that would otherwise be prohibited by law. Examples of tasks that required a pesticide license include, but are not limited to:

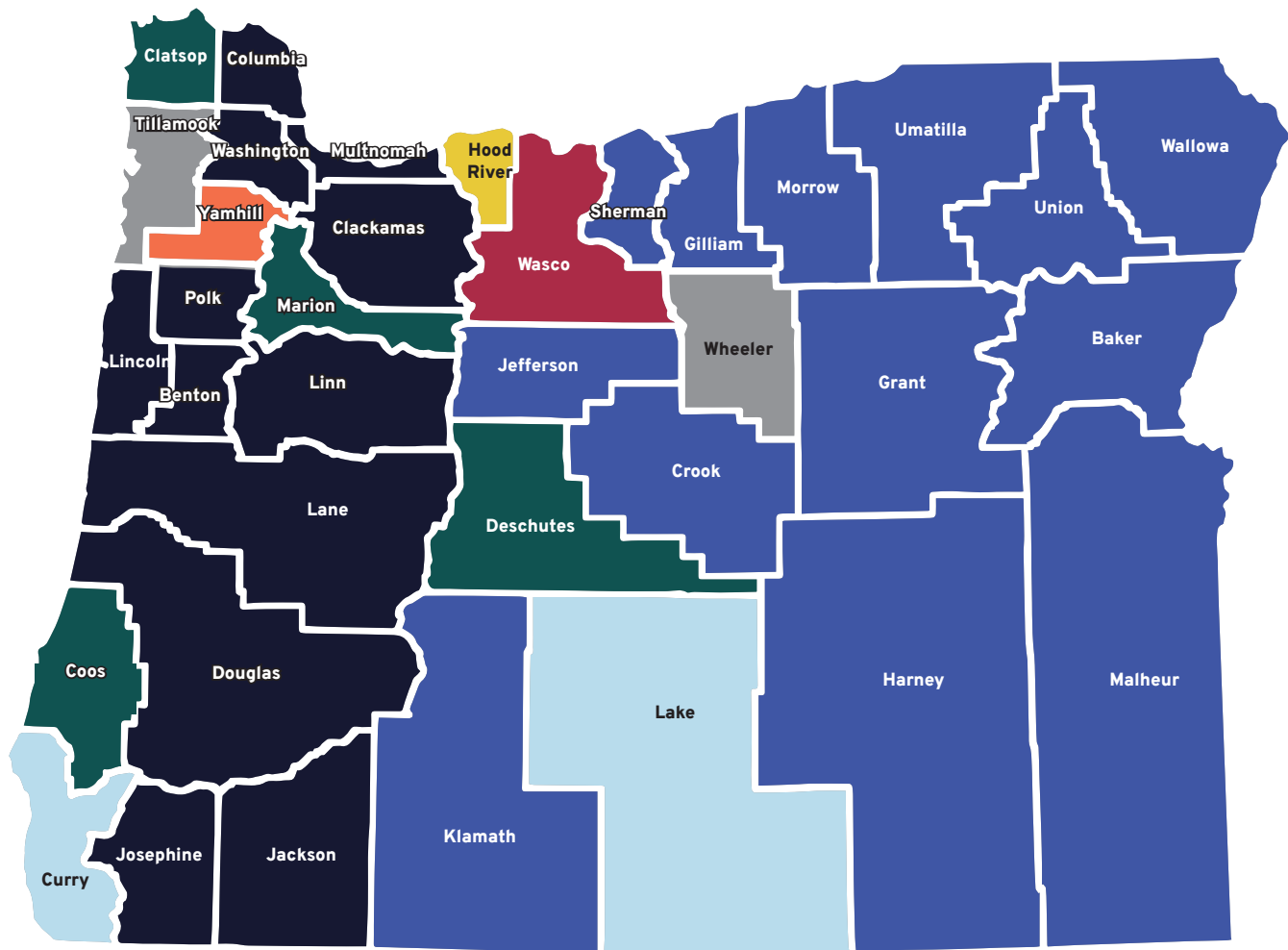
- » Buying, using, or supervising the use of Restricted Use Pesticides (RUPs). There are certain exceptions regarding supervision.
- » Applying or supervising the application of any pesticide to someone else’s property (private or public land), except when part of very limited landscape maintenance work that meets specific conditions.
- » Applying or supervising the application of any pesticide on a school campus.
- » Applying or supervising the application of any pesticide as a public employee using power-driven application equipment.
- » Advising others on the use of RUPs.

ODA currently administers nine license types and 22 license categories, each requiring one or more examinations, as shown in Table 3. The license categories held by licensed applicators dictate the scope of work that they are authorized to perform, such as the types of property they may treat with pesticides (e.g., agricultural crops, turf and ornamental areas, commercial and residential buildings) and the types of pesticides they may use (e.g., herbicides, insecticides, fumigants). The most common license categories held by commercial applicators in each Oregon county in 2022 is displayed in Figure 5.

Table 3: Number of Active Licenses in 2022

License type	Number
Private Applicators	3,884
Commercial Applicators	3,714
Public Applicators	1,956
Immediately Supervised Trainees	1,908
Commercial Operators	974
Apprentice	907
Consultants	661
Dealers	245
Aerial Applicators	108

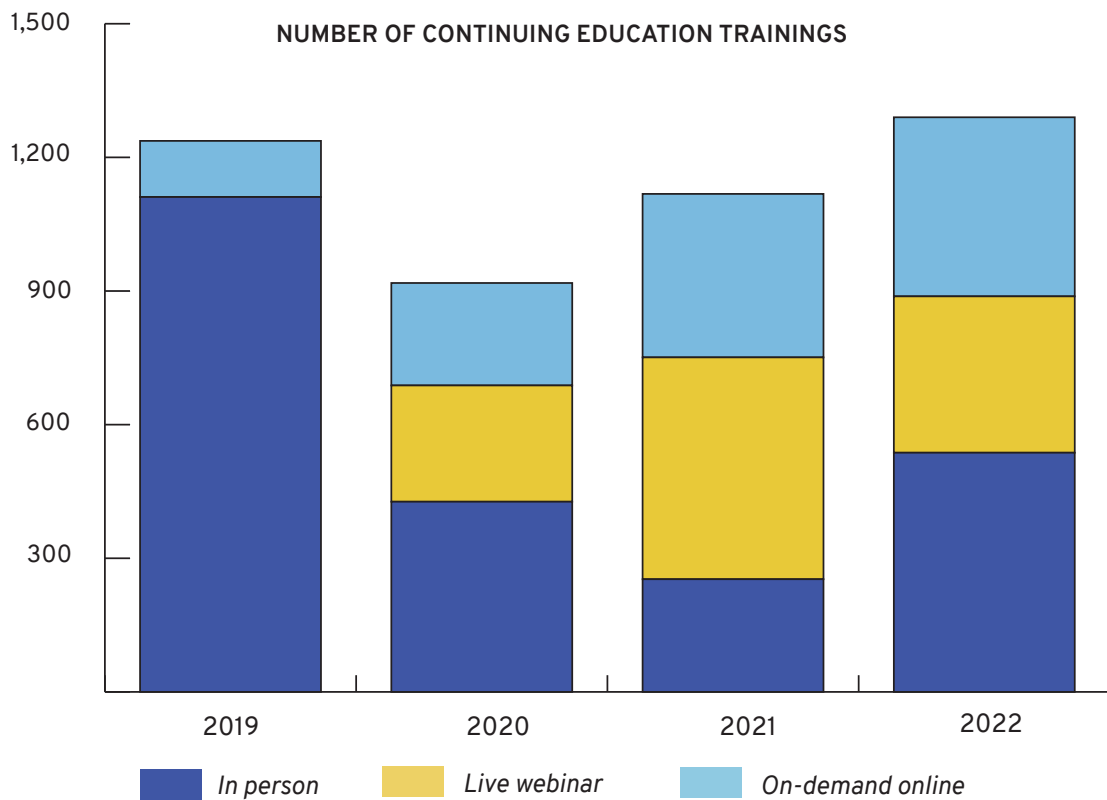
Figure 5: Most common commercial applicator license in each county in 2022



- Right-of-Way
- Ag. Herbicide
- Turf & Ornamental: Herbicide
- Ag. Insecticide/Fungicide
- IIHS: Moss Control and Right-of-Way
- IIHS General Pest
- No CPAs
- IIHS Wood Treatment

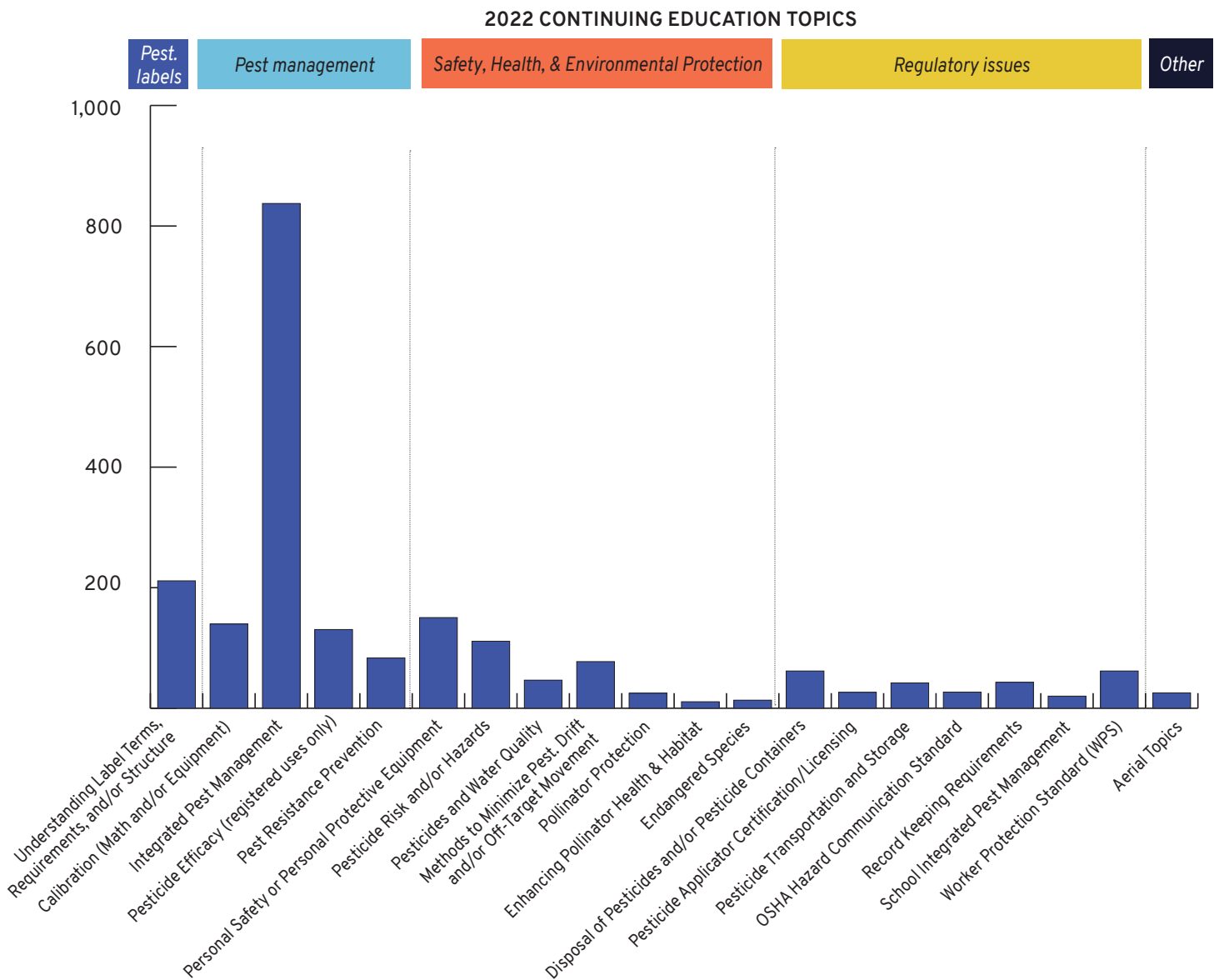
In addition, the Certification and Licensing staff accredits continuing education trainings offered by universities, industry, and others. Licensed pesticide applicators and consultants attend ODA-accredited trainings to maintain and expand their knowledge. To maintain their license, applicators and consultants must attend a certain amount of ODA-accredited trainings over a specific time period that depends on their license type. If they do not meet the continuing education requirements, then they must retake and pass the required exams. In 2022, over 1,200 accredited trainings were offered. This is a 15 percent increase compared to 2021 and an approximately four percent increase over the number of trainings offered in 2019, just prior to the pandemic.

Figure 6: Changes in delivery method of continuing education trainings



In 2022, there was a significant increase in the number of trainings offered in-person, such as in classroom and conference settings. ODA-accredited continuing education trainings covered a wide-range of topics such as applicator safety, pollinator protection, water quality, and Integrated Pest Management (IPM). The collective quantity of time spent on specific topics at ODA-accredited continuing education trainings are displayed in Figure 7.

Figure 7: Hours of training offered by topic



ODA supported the Pesticide Safety Education Program (PSEP) at Oregon State University. PSEP provides a wide range of educational materials and events that keep pesticide applicators up to date on the latest science and regulations, in person and online. In 2022, PSEP offered 27 webinars and one in-person recertification training, serving over 1000 applicators.

ODA support was essential over a four-year period to build a set of web-based, self-paced modules to help learners get familiar with pesticide laws and safety requirements. Estimated at 16 hours, a new employee could complete the training in a few days or a few chapters at a time at no cost. PSEP developed, translated, and tested the training modules in 2022. They were posted in English in January 2023, and in Spanish (anticipated) February 2023. Licensed applicators will also benefit from the courses, one at a time, for a fee. For information, go to <https://beav.es/5zJ>

OUTREACH

The Pesticides Program continually strives to enhance communication and customer service. Recent improvements include creation of informational materials in multiple languages, testing center expansion, improved exam questions and information sharing, and development of pre-licensing materials for pollinator protection. You may subscribe to receive ODA Pesticide Bulletins and pesticide advisories at <https://oda.direct/AdvisorySignUp> and find more information at <https://oda.direct/PesticidesCurrentIssues>.

LINKS TO RELATED RESOURCES

Pesticide Information Center OnLine (PICOL)

<https://picol.cahnrs.wsu.edu/>

Pesticide Stewardship Partnership (PSP)

<https://oda.direct/PSP>

Integrated Pest Management (IPM)

<https://oda.direct/IPM>

<https://oda.direct/IPMSchools>

Pollinator Protection

<https://blogs.oregonstate.edu/beeproject/>

<https://oda.direct/PollinatorInfo>

Find more information about the Pesticides Analytical and Response Center (PARC), including an annual report:

<https://oda.direct/PARC>

Learn more about ODA's Agricultural Water Quality Management Program:

<https://oda.direct/AgWQPlans>

Find more information about Worker Protection Standards:

<https://oda.direct/WPS>

<http://www2.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard>

CONTACT INFORMATION

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More information may be found at <https://oda.direct/AboutPesticides>