

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

Department of Agriculture, Pesticides Division	603-057
Agency and Division	Administrative Rules Chapter Number

Sue Gooch	Oregon Department of Agriculture, 635 Capitol St NE, Salem, OR 97301	503-986-4583
Rules Coordinator	Address	Telephone

**RULE CAPTION**

Consolidates two Immediately Supervised Trainee licenses into one and adds recordkeeping requirements, clarifies supervision.

April 24, 2012	9:00 a.m.	635 Capitol St NE, Salem, OR 97301	Clark Cooney
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

AMEND: OAR 603-057-0106

Stat. Auth. : ORS 634

Other Auth.:

Stats. Implemented: ORS 634

**RULE SUMMARY**

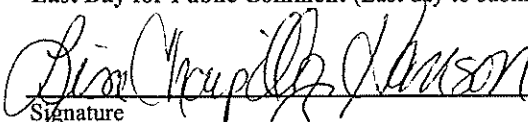
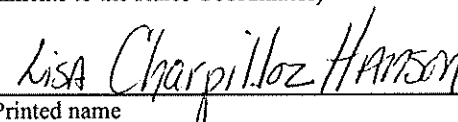
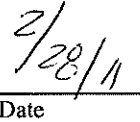
The rules consolidate the Commercial Immediately Supervised Pesticide Trainee License and the Public Immediately Supervised Pesticide Trainee License in to one license designated the Immediately Supervised Pesticide Trainee License. This consolidation will eliminate the need for a person to pay the fees for two licenses to work in the commercial and public sectors when there is no difference in the requirements. This streamlining of licenses will benefit affected small businesses and individuals. The rules restrict pesticide immediately supervised trainees from applying pesticides by helicopter or fixed wing aircraft. Finally, the supervisor of an immediately supervised trainee must be named in each pesticide application record.

These changes are intended to allow flexibility for employers to hire, train, and supervise trainees. The rules will clarify several trainee-related topics, ensure documentation of the supervisor-trainee relationship and reduce confusion over what level of supervision is required and emphasizes the trainee's responsibilities.

The Agency requests public comment on whether additional options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

May 4, 2012 5:00 pm

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

		
Signature	Printed name	Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Agriculture, Pesticides Division  
Agency and Division

603-057  
Administrative Rules Chapter Number

In the Matter of: Amendment of OAR 603-057-0106

Rule Caption: Immediately Supervised Pesticide Trainee  
Statutory Authority: ORS 634  
Other Authority:  
Stats. Implemented: ORS 634  
Need for the Rule(s):

This rule streamlines the Immediately Supervised Trainee License by providing one license to replace two separate licenses for Public Immediately Supervised Pesticide Trainees and Commercial Immediately Supervised Pesticide Trainees. In addition, the supervisor of an Immediately Supervised Pesticide Trainee must be named in each pesticide application record. These changes are intended to allow flexibility for employers to hire, train, and supervise trainees. It also provides clarification on several trainee-related topics.

Documents Relied Upon, and where they are available:  
Oregon Revised Statutes. <http://www.leg.state.or.us/ors/>

Fiscal and Economic Impact, including Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): The Oregon Department of Agriculture may see a slight decrease or minimal impact to revenue since there may be certain persons who will be able to maintain employment as a Immediately Supervised Pesticide Trainee with one license instead of two.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: In 2011, Oregon Department of Agriculture records indicate 864 Commercial Pesticide Operators (pesticide application businesses) exist in the state. In addition, 1072 public entities and 339 companies (that are not Commercial Pesticide Operators) exist that currently employ at least one Commercial Pesticide Applicator. There are 1,157 Commercial Immediately Supervised Pesticide Trainees and 134 Public Immediately Supervised Pesticide Trainees.

The fee for the Immediately Supervised Pesticide Trainee license will be identical to the existing fee for the Commercial and Public versions of this license. This fee is set at \$50.00 plus \$7.50 for each additional category or \$12.50 for each additional category after license is issued.

b. Projected reporting, recordkeeping, and other administrative activities required for compliance, including costs of professional services: Pesticide application records are required for all Commercial Pesticide Operators. Cost of compliance will not significantly change due to the time it would take an Immediately Supervised Trainee to complete record information. Commercial Pesticide Operators may develop their own method of recording required pesticide application information. This rule expands the recordkeeping requirement to include the name and license number of the supervisor and the trainee for each application made by an Immediately Supervised Pesticide Trainee. The method of incorporating this requirement will vary by Commercial Operator based on how many trainees they employ, how many applications are made by trainees, what technology is used to create and maintain records, and other factors.

Pesticide compliance monitoring and inspection activities conducted by the department will be incorporated into the existing pesticide enforcement activities. The department will incur a one-time cost to change licensing software to combine license types and licensees.

How were small businesses involved in the development of this rule?

The Certification and Licensing Workgroup that contributed to the development of this draft rule is composed primarily of small business owners and other interested parties.

Administrative Rule Advisory Committee consulted?: YES

  
Signature

Lisa Charpitte Hanson  
Printed name

2/28/11  
Date