

Pesticides Program

» 2021 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). The mission of the department's Pesticides Compliance 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 and 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

During fiscal years (FY) 2020 and 2021, the Pesticides Program met the challenges of conducting routine compliance monitoring inspections, investigating complaints, and reducing the enforcement case backlog while navigating issues around the Covid-19 pandemic.

In FY 2020, ODA conducted fewer routine record and marketplace inspections than average, due to COVID-19 challenges associated with indoor inspections (see Figure 1). During FY 2021, staff were able to expand routine record inspections utilizing electronic tools to maintain a safe environment for all involved. All in-person investigations throughout the pandemic have and continue to be conducted in accordance with the best available safety guidance and protocols.

A highlight of FY 2021 was the continued reduction of the enforcement case backlog (i.e. cases not in the investigation phase, but are in the review/enforcement phase). The shrinking backlog reduced overall workload thereby narrowing the time window to review new cases. During FYs 2020 and 2021, Pesticides Program staff prioritized issuing final enforcement actions for violative cases that were initiated in previous fiscal years. By the end of FY 2021, the Program closed over 250 more cases than it initiated, demonstrating progress in reducing the backlog (Figure 2 vs. Figure 1).

Figure 1: Number of complaint and non-complaint initiated cases by fiscal year

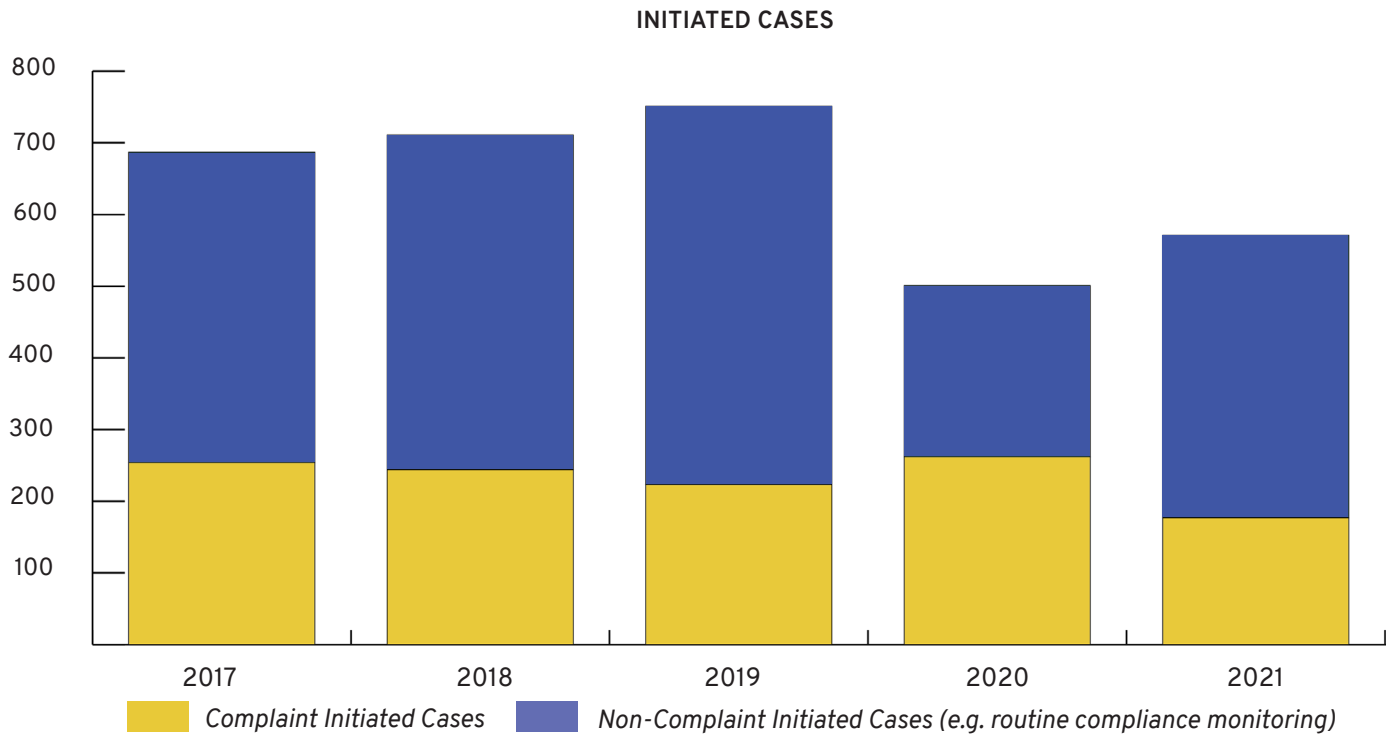


Figure 2: Number of complaint and non-complaint cases closed by fiscal year

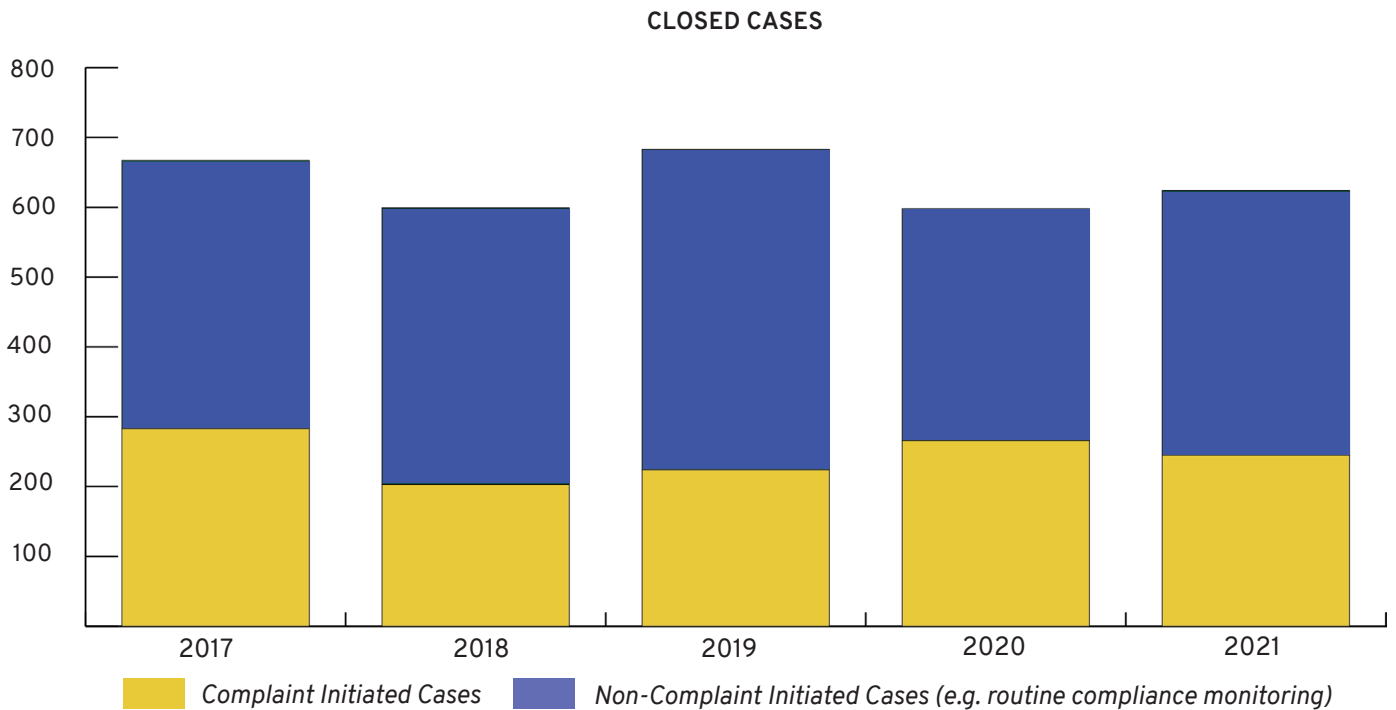
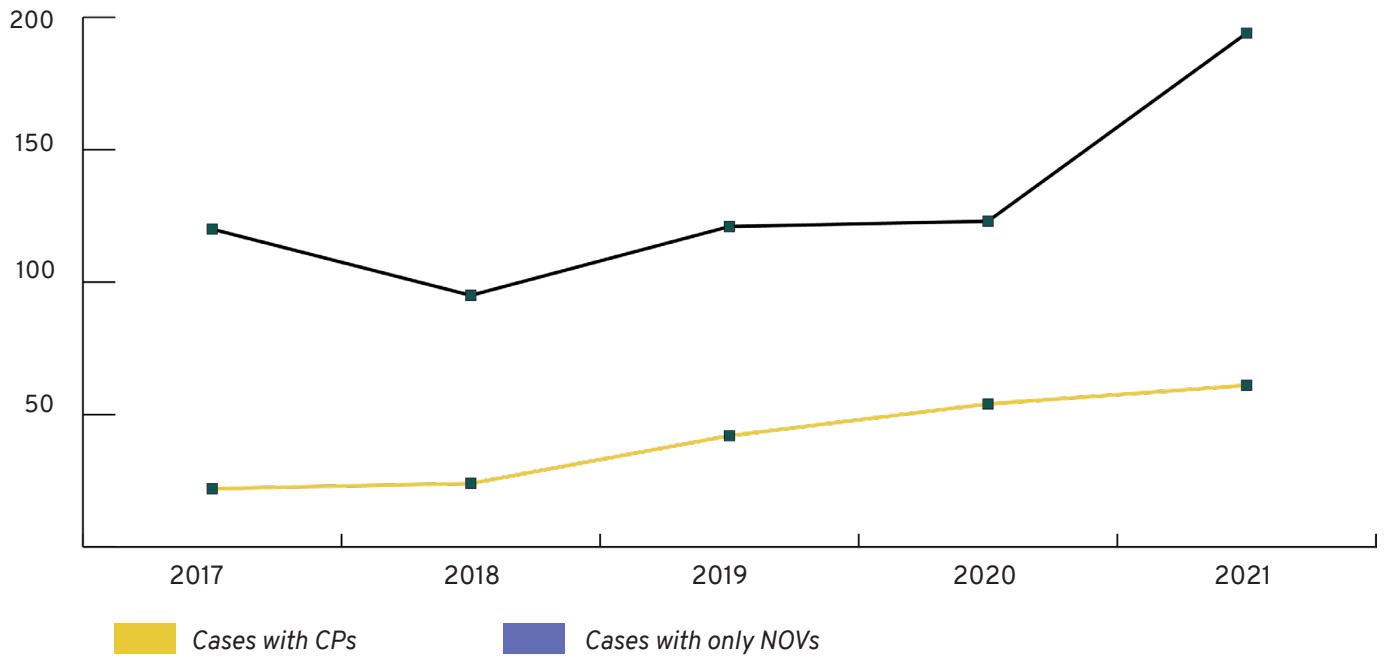


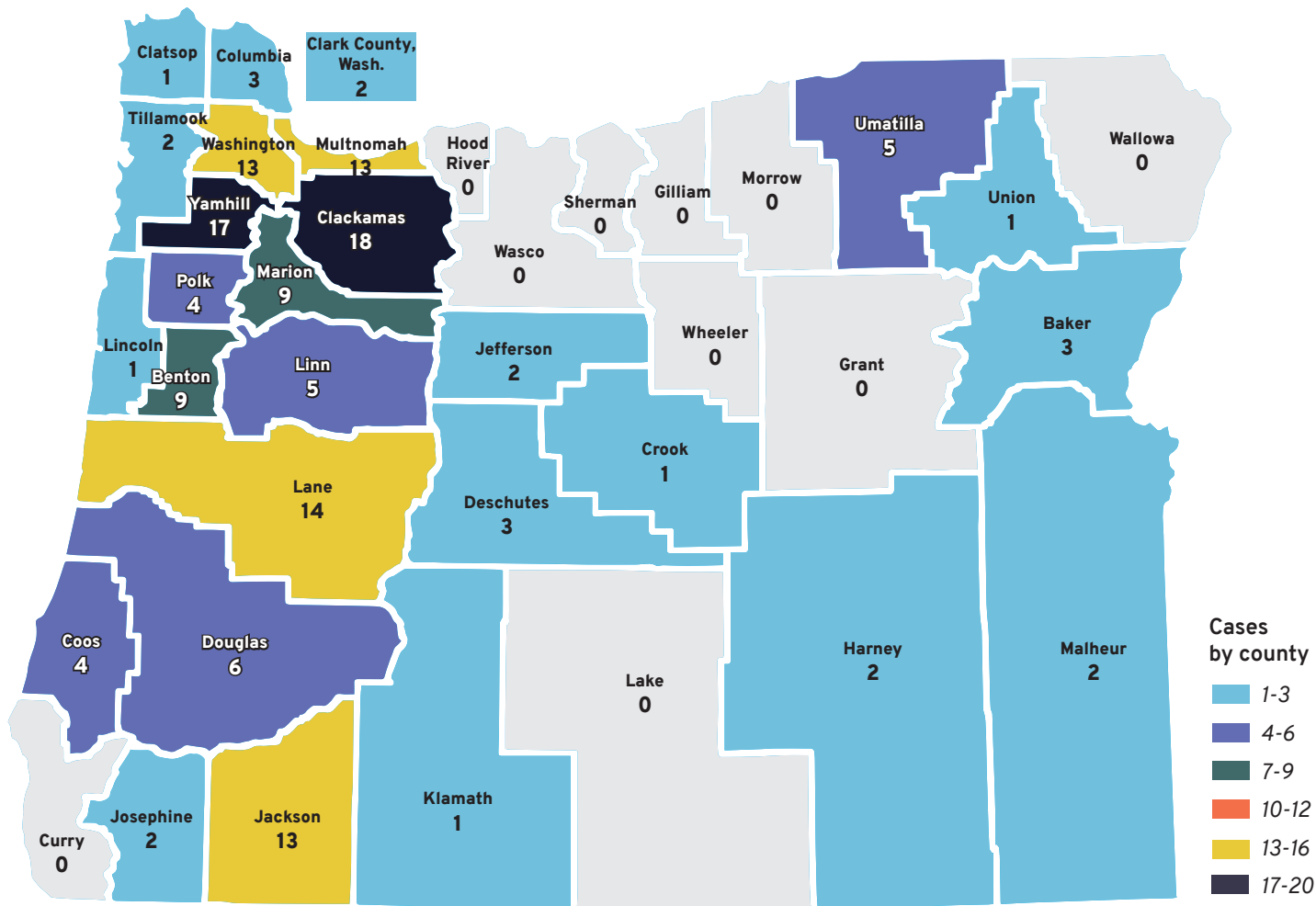
Figure 3 shows the number of cases that resulted in an enforcement action over time. NOV is a Notice of Violation (with no civil penalty), and CP is a Notice with a civil penalty. As previously noted, one reason for the 2021 increase in violations is the result of action to reduce the backlog from previous years. The Pesticides Program has been able to fill vacant positions and strives to minimize future backlogs by maintaining a full complement of trained staff to address the workload in a timely manner along with taking advantage of new processes.

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



When the Department receives a complaint from the public or a referral from another agency regarding concerns related to pesticide use, ODA may conduct a “pesticides use follow-up investigation (UF).” These investigations are characterized as either agricultural use follow-up investigations (AUF) if the site is either an agricultural or forestry site or addressed as a non-agricultural use follow-up investigation (NUF) for all other sites such as a homeowner, right of way, or rural residential applications. Figure 4 shows the number of pesticide use follow-up (total AUF and NUF) investigations initiated in FY 2021 by county.

Figure 4: Use Follow-up Investigations Initiated in Fiscal Year 2021 by county



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 calendar year

Pesticide Products	
Year	Number of products registered
2019	13,929
2020	14,401
2021	15,142

Table 2: Changes in pesticide registrations during pandemic (calendar years 2020 and 2021)

Pesticide Registrations at a glance			
	2020	2021	Net change
Pesticide Product Registration (PPR) *	1,505	1,607	+102
Products registered, including...	14,401	15,142	+741
Special Local Needs (SLN) registrations	250	267	+17
Minimum risk pesticides	924	924	0
Restricted-use pesticides	559	550	-9
Pesticides for use on cannabis	513	534	+21
Dual-registered pesticide/fertilizer products	304	308	+4

**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:

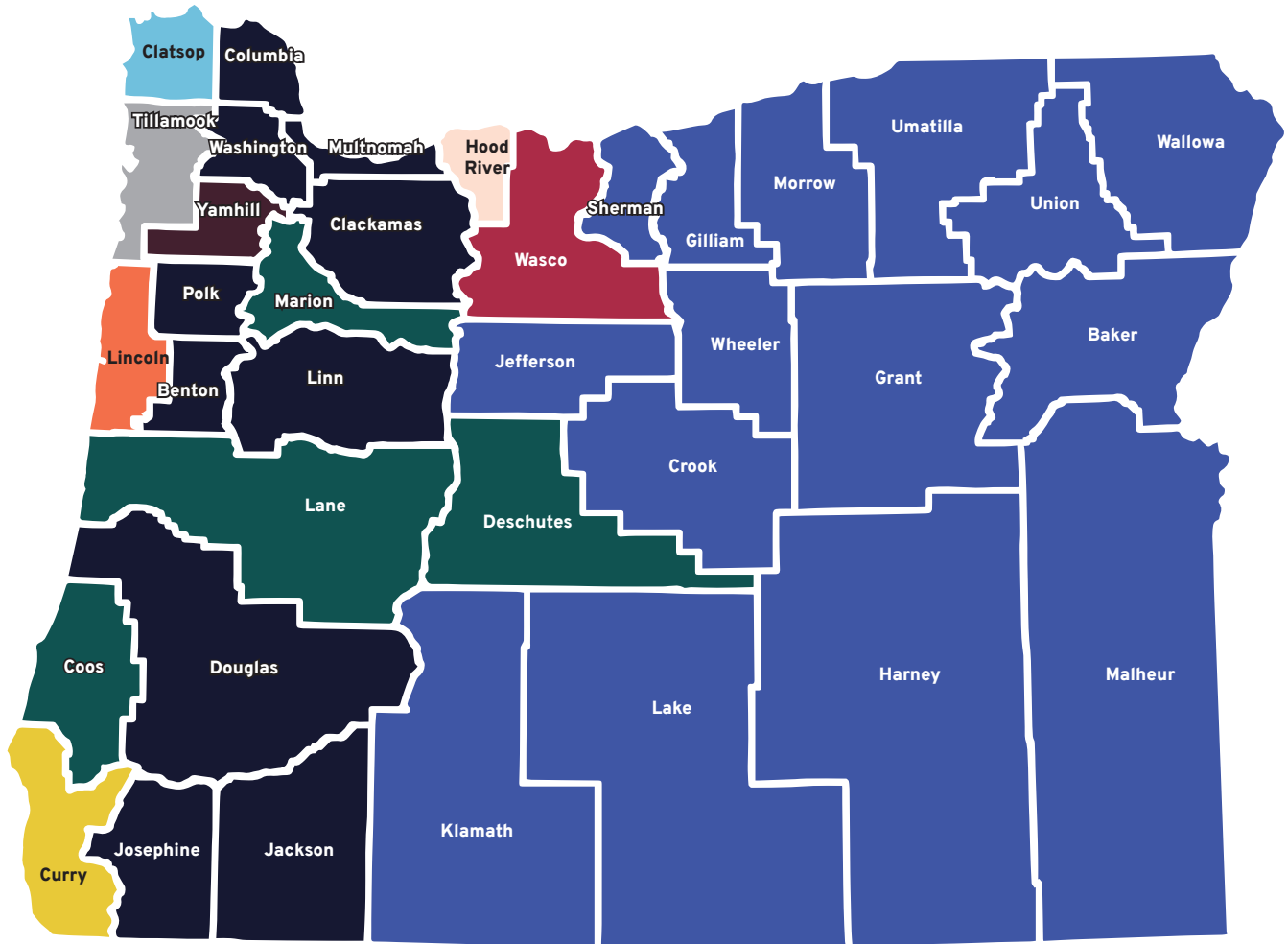
- » Buying, using, or supervising the use of Restricted Use Pesticides (RUPs). There are certain exceptions regarding supervision.
- » Applying or supervising the application of any pesticide to someone else’s property (private or public land), except when part of very limited landscape maintenance work 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 2021 is displayed in Figure 5.

Table 3: Number of Active Licenses in 2021

License type	Number
Private applicators	3,962
Commercial applicators	3,767
Public applicators	1,973
Immediately Supervised Trainees	1,730
Apprentice	853
Commercial operators	826
Consultants	679
Dealers	243
Aerial applicators	92

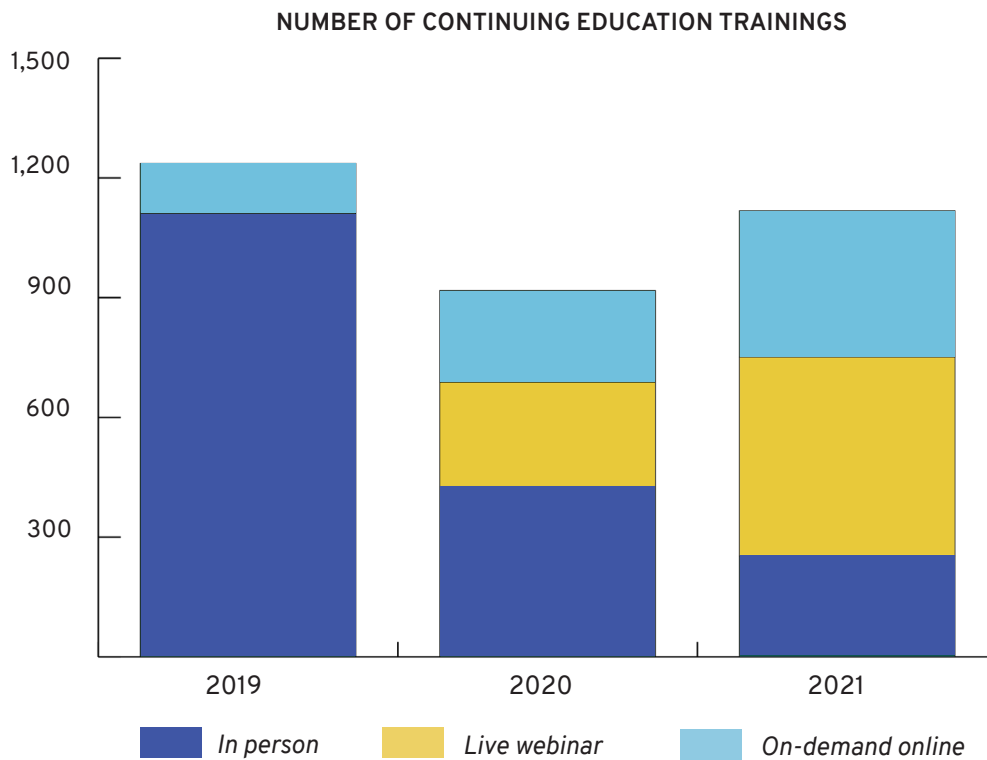
Figure 5: Most common commercial applicator license category in each county in 2021



- IIHS Structural Pest
- Ag. Herbicide
- Turf & Ornamental: Herbicide
- Turf & Ornamental: Insecticide/Fungicide
- IIHS Structural Pest and Right-of-Way
- IIHS General Pest
- Turf & Ornamental: Herbicide and Ag. Herbicide
- IIHS Wood Treatment
- Ag. Insecticide/Fungicide
- Right-of-Way

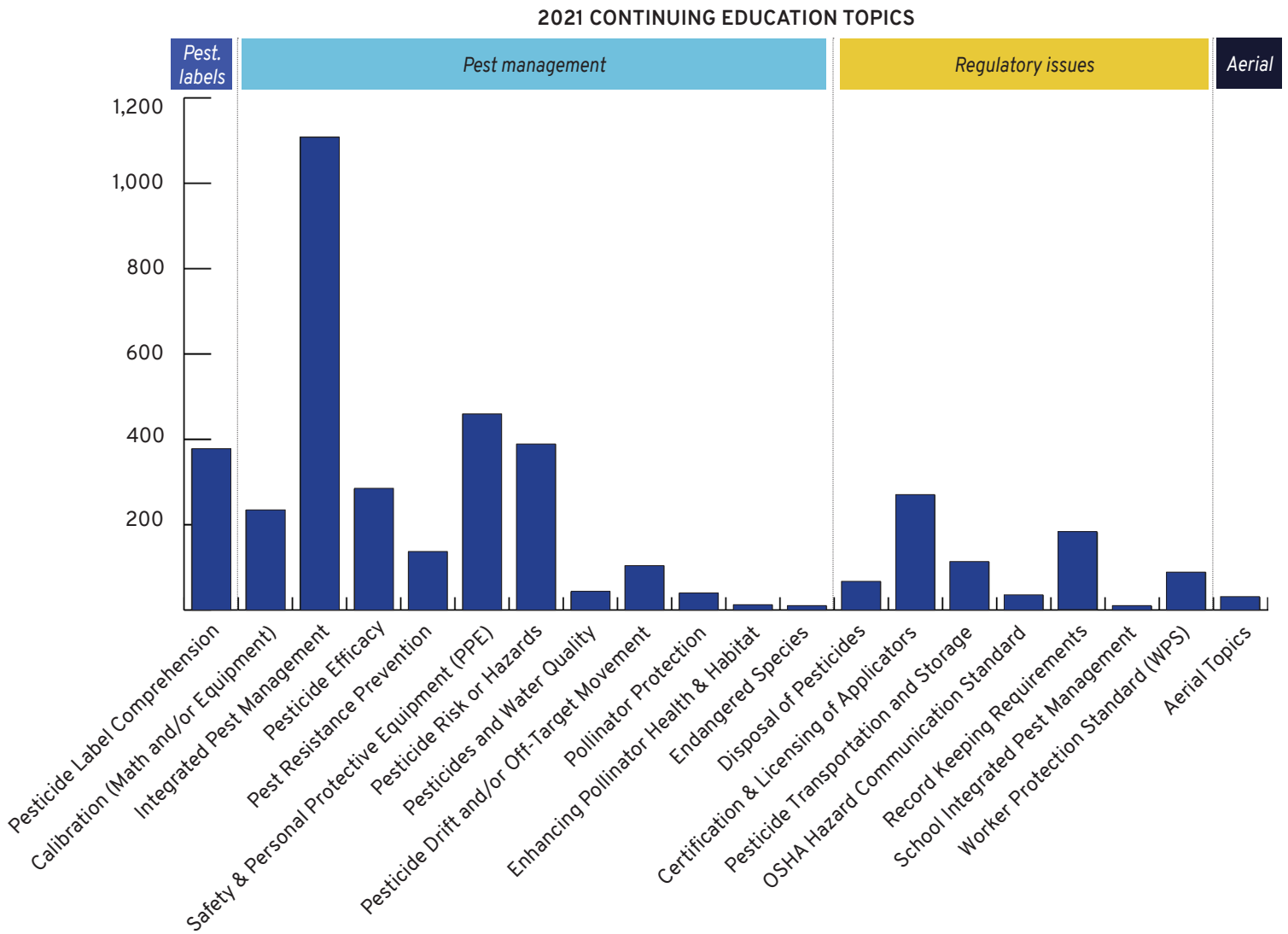
In addition, the Certification and Licensing staff accredits continuing education trainings. The Pesticides Program accredits continuing education trainings offered by universities, industry, and others. Licensed pesticide applicators and consultants attend ODA-accredited trainings to maintain and expand 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 2021, over 1,000 accredited trainings were offered. This is a 22 percent increase compared to 2020 and a near rebound back to the number of trainings offered prior to the pandemic.

Figure 6: Changes in delivery method of continuing education trainings



Since 2019, there has been a significant increase in the number of trainings offered online, such as live webinars and on-demand trainings. 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 also provided funding to the Oregon State University Pesticide Safety Education Program (PSEP) which offered over 30, 2-hour webinars during 2021. OSU PSEP is currently developing a dozen pre-licensing online trainings, designed to help prospective applicators study for the laws and safety exam (the base exam required for many licenses). It is anticipated that these pre-licensing trainings will be available by the end of 2022. Pre-license training topics include Pesticides, Pollinators, and the Plant: Your Role as an Applicator; Personal Protective Equipment: PPE is Your BFF; and Pesticide Emergency Response Plans: Make Them Before You Need Them.

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>