



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 603

DEPARTMENT OF AGRICULTURE

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& LEGISLATIVE COUNSEL

FILING CAPTION: Amend to align definition of school with statute (ORS 634.700)

EFFECTIVE DATE: 01/23/2019

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AMEND: 603-057-0500

RULE TITLE: Definitions

NOTICE FILED DATE: 11/21/2018

RULE SUMMARY: Aligns definition of school in OAR 603-057-0500(14) with statute (ORS 634.700)

RULE TEXT:

In addition to the definitions set forth in ORS 634.006 and OAR 603-057-0001, the following shall apply:

- (1) "Director" means the Director of the Department of Agriculture or the Director's authorized deputies or officers.
- (2) "Enforcement" means any documented action taken by the Department to address a violation.
- (3) "Flagrant" means any violation where the Department has documented evidence that the respondent had actual knowledge of the law and knowingly committed the violation.
- (4) "Gravity of Effect" is the ranking of a violation with respect to its effect, or potential effect, on the public interests reflected in ORS 634. A violation is ranked as high, medium, or low.
- (5) "Gross negligence" means an act or omission that does not reflect an exercise of reasonable care under the circumstances and that is characterized by conscious indifference to or reckless disregard of any purpose of the State Pesticide Control Act.
- (6) "Injury" includes, but is not limited to, adulteration.
- (7) "Intentionally" means the person acts, or fails to act, with a deliberate or an express purpose. For instance, a person acts intentionally when the person either consciously chooses not to determine whether a pesticide label authorizes use of a pesticide on a particular crop, or when the person knows that a pesticide label does not authorize use of the pesticide on a particular crop but still chooses to apply the pesticide to the crop.
- (8) "Knowingly" means the person acts, or fails to act, with a practical understanding of, or a distinct skill in, the general activity that was obtained through such means as instruction, study, practice, or experience.
- (9) "Magnitude of Violation" is the categorization of a violation in relation to other types of violations after considering its potential to affect the public interests reflected in ORS 634. A violation is categorized as major, moderate, or minor.
- (10) "Person" includes individuals, corporations, associations, firms, joint stock companies, public and municipal corporations, political subdivisions of the state and any agencies thereof, and the Federal Government and any agency thereof.

(11) "Violation" is an act or omission that does not comply with a provision of ORS 634 that relates to pesticide application, sale, or labeling.

(12) "Willfully" means the person acted, or failed to act, after calculating and considering the potential effects and consequences.

(13) "Willful misconduct" means an act or omission that is characterized by or resulting from calculation and consideration of effects and consequences, and with awareness that the act or omission will be incompatible with any purpose of the State Pesticide Control Act.

(14) "School" has the meaning defined in ORS 634.700

STATUTORY/OTHER AUTHORITY: ORS 561, 634, 183.335

STATUTES/OTHER IMPLEMENTED: ORS 183.745, 634.006, 634.306, 634.322, 634.372, 634.900 - 634.915