Experimental Use Permit (EUP) Requirements for Greenhouses in Oregon

Commonly Asked Questions

Oregon Department of Agriculture

Can I experiment with pesticides in a greenhouse?
With restrictions, it may be possible to experiment with certain pesticides in a greenhouse. The first step is to contact the Oregon Department of Agriculture (ODA) and inquire whether an Experimental Use Permit (EUP) is required and the conditions of such permit.

Are there licensing requirements?
Any person conducting pesticide use for experimental or research purposes must be appropriately licensed by ODA as a Commercial Pesticide Applicator, a Public Pesticide Applicator or a Pesticide Consultant with the category Demonstration and Research.

What are ODA's main concerns?
The main concerns are that: (1) a pesticide will be applied to a food or feed crop at a rate that could result in pesticide residues that exceed established tolerance levels; (2) a pesticide will be applied to a food or feed crop for which there is not an established pesticide residue tolerance for that crop; (3) pesticide residues on treated foliage or other sites may pose a risk to humans or the environment; (4) undocumented off-label applications will be made which may pose a health or safety hazard, or jeopardize Oregon agricultural markets.

When is an EUP required?
An EUP is required for the use of any substance or combination of substances when used as a pesticide, and the intended use site, including food and feed crops, corresponds to any of the following:

- The application site/crop is not listed on the pesticide label
- The pesticide use pattern exceeds the use rate or frequency of application from the approved pesticide label directions, or methods of application
- The pesticide to be applied is not registered by United States Environmental Protection Agency (EPA) and ODA

The intent of the EUP process is to provide a mechanism for entities to generate data needed to satisfy pesticide registration requirements of the EPA, and/or the ODA.

Exemption from an EUP requirement
Federal regulation 40 CFR 172.3 and Oregon Revised Statute (ORS) 634.022 exempt persons conducting experiments and research in greenhouses from having to obtain an EUP. However, if the pesticide is used on a food or feed crop, certain restrictions apply (note: cannabis is considered a food crop). Contact ODA for more information.

Minimum requirements of all experiments and research
Regardless of whether research is being conducted in the field or in a greenhouse or other enclosed structure, EPA requires that any food or feed item to which a pesticide used for experimental or research purposes has been applied must be rendered unusable for food or feed. This is referred to as the "crop destruct" provision.

The exceptions are if: (1) a pesticide residue tolerance has been established for the crop at a level greater than the residues resulting from the experimental use, or (2) if allowed by law, there is a mechanism to prevent any use of the treated crop/site for food or feed for a period no less than 365 days.

There are no EPA established pesticide residue tolerances (allowable amount) on cannabis. Therefore, any pesticide used experimentally on cannabis would be subject to the crop destruct provision, unless the pesticide is exempt from requirement of a tolerance. Note that there are very few pesticides that are exempt from a tolerance requirement. Please contact ODA if you have questions.

What about warehouses and other structures in which crops are grown?
Structures utilized in the production of agricultural plants indoors that are enclosed in whole or in part by any nonporous covering and that are large enough to permit a person to enter are considered greenhouses. Therefore, warehouses and other such structures used for growing crops are considered greenhouses for the purposes of EUP requirements.

Questions?
Email pestx@oda.state.or.us, or call (541) 617-6097 or (503) 986-4635.