



In this issue

9

Treatment areas increased for Japanese beetle

5

Pesticide products registered annually

10-11

Fertilizer violations

11

Pesticide licenses: Did you know?

12

Be mindful of zinc phosphide use

12-13

Pesticide violations

13

OSU adding three courses for pesticide licensees

15

Chlorpyrifos update

Temporary rule prohibits use of aminocyclopyrachlor on rights-of-way

The Oregon Department of Agriculture enacted a Temporary Administrative Rule on Sept. 28, 2018, prohibiting the application of any product containing aminocyclopyrachlor on rights-of-way (ROW) sites, OAR 603-057-0391. The Temporary Administrative Rule will be in effect for 180 days, Sept. 28, 2018 to March 26, 2019. Additional regulatory action may take place before or after the expiration date of the temporary rule.

What does this mean to you?

This means that even if you have a pesticide product containing aminocyclopyrachlor, and its label provides directions for use on rights-of-way (ROW), you can not apply the product to any ROW site. ROW sites affected by this rule include, but may not be limited to: the areas on and strips of land adjacent to highways/roadsides, railroads, airports, and utilities (such as pipelines and electric powerlines).

Why is ODA taking this action?

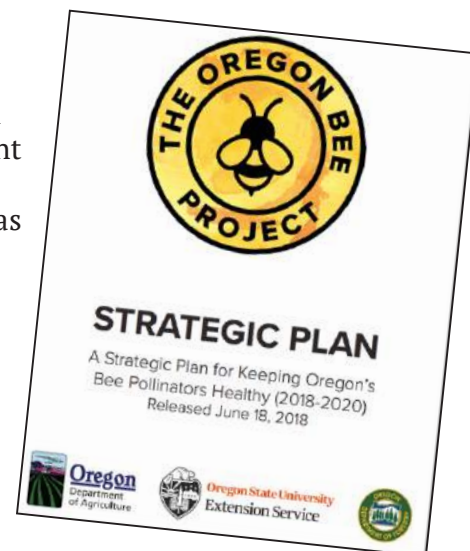
Based on current information, there are at least four locations in Central Oregon where ponderosa pine, lodgepole pine, and possibly other valuable tree species appear to have been negatively impacted by the herbicide

See Temporary Rule, Page 3

Oregon Bee Project releases plan to promote health of bees

The Oregon Bee Project, with input from its advisory committee, has now released a strategic plan. The plan will guide the Project's efforts to implement a statewide strategy to promote the health of our managed and wild bees, as well as the livelihoods of the people who depend on them – both directly, such as beekeepers and growers of crops that depend on bee pollination, and indirectly, such as the consumers of pollinated crops and other plants

See Bee Project, Page 3



Two join ODA's pesticide investigator team based in Salem

Heather Rickenbach is the newest pesticide investigator for District 1, based out of Salem. She has been with the ODA Natural Resources Program Area since February 2005. Most recently, she was the Ag Water Quality Program Analyst, performing case reviews, compliance investigations, Strategic Implementation Area tracking and database management. Before joining the Ag Water Quality Program, she was the Grants Administrator for the Soil and Water Conservation District Program. Heather is an Oregon State University graduate in Environmental Sciences with a focus in Natural Resource and Environmental Law and Policy.

Keawe Molifua is a new pesticide investigator, also based in Salem. Keawe joined ODA in January and brings 17 years of experience in the green industry.



He specialized in integrated pest management and has worked in agriculture, nursery, and landscape. Keawe has been a licensed pesticide applicator since 2005 and is well versed in airblast, boom, and handheld spray systems.

CONTACT US

Michael Babbitt Pesticide enforcement case review	(503) 986-4698 mbabbitt@oda.state.or.us
Ben Beeles Pesticide investigator ~ Salem	(503) 986-5140 bbeeles@oda.state.or.us
Colton Bond Pesticide registration & certification specialist	(503) 986-6485 cbond@oda.state.or.us
Theodore Bunch Jr. PARC coordinator	(503) 986-6470 PARC@oda.state.or.us
Judith Callens Policy analyst	(503) 986-4638 jcallens@oda.state.or.us
Kirk Cook Pesticide stewardship specialist	(541) 841-0074 kcook@oda.state.or.us
Cory Cooley Pesticide investigator ~ Hermiston	(541) 564-5962 ccooley@oda.state.or.us
Matt Dowless Pesticide investigator ~ Ontario	(541) 255-8968 mdowless@oda.state.or.us
Erin Fitch Pesticide support, user certification/licensing	(503) 986-4563 efitch@oda.state.or.us
Marta Frias Bedolla Registration program assistant	(503) 986-4637 mfriasbedolla@oda.state.or.us
Laurie Gordon Certification and licensing specialist ~ Bend	(541) 617-6097 lgordon@oda.state.or.us
Matt Haynes Fertilizer specialist	(503) 986-6471 mhaynes@oda.state.or.us
Michael Hertel Fertilizer specialist	(503) 986-4587 mhertel@oda.state.or.us
Christina Higby Citizen advocate liaison	(503) 986-5105 chigby@oda.state.or.us
Jeff Isler Pesticide investigator ~ Central Point	(541) 840-8229 jisler@oda.state.or.us
Grant Jackson Pesticide registration & outreach specialist	(503) 986-4553 gjackson@oda.state.or.us
Rose Kachadoorian Registration/Recertification program manager	(503) 986-4651 rkachadoorian@oda.state.or.us
Ann Ketter Pesticide enforcement case review	(503) 986-6466 aketter@oda.state.or.us

Paul Khokhar Pesticide investigator ~ Eugene	(503) 508-3391 jkhokhar@oda.state.or.us
Jenny Marin Pesticide investigator ~ Salem	(503) 986-4653 jmarin@oda.state.or.us
Wym Matthews Fertilizer program manager	(503) 986-4792 wmatthews@oda.state.or.us
Dale Mitchell Compliance program manager	(503) 986-4646 dmitchell@oda.state.or.us
Keawe Molifua Pesticide investigator ~ Salem	(503) 986-4676 bmolifua@oda.state.or.us
Brent Nicolas Pesticide investigator ~ Bend	(541) 617-6073 bnicolas@oda.state.or.us
Mike Odenthal Lead pesticide investigator ~ Salem	(503) 986-4655 modenthal@oda.state.or.us
Stephanie Page Director, Natural Resources & Pesticides	(503) 986-4727 spage@oda.state.or.us
Heidi Penrod Office manager	(503) 986-4642 hpenrod@oda.state.or.us
David Priebe Pesticide registration specialist	(503) 986-4656 dpriebe@oda.state.or.us
Toby Primbs Fertilizer specialist	(503) 986-4648 tprimbs@oda.state.or.us
Nolan Quinn Pesticide support, user certification/licensing	(503) 986-4639 cquinn@oda.state.or.us
Heather Rickenbach Pesticide investigator ~ Salem	(503) 986-4650 hrickenbach@oda.state.or.us
Andrea Sonnen Pesticide enforcement case review	(503) 986-4635 asonnen@oda.state.or.us
Gilbert Uribe Pesticide registration & certification specialist	(503) 986-4752 guribevaldez@oda.state.or.us
Tash Wilson Pesticide investigator ~ Eugene	(503) 406-9616 dwilson@oda.state.or.us
Andy Zimmerman Publications & web specialist	(503) 986-4697 azimmerman@oda.state.or.us

Temporary Rule, from Page 1

aminocyclopyrachlor. This herbicide was applied to certain ROW sites for weed control. Trees in some previously treated areas continue to decline, and the U.S. Forest Service has identified 1,454 dead or dying trees along Highway 20 near Sisters. Some of these trees are old-growth ponderosa pines that are 150-300 years old. These measures are being taken in an abundance of caution to protect Oregon's natural resources.

This temporary rule will protect desirable trees along and near ROW sites within Oregon while the Department completes its evaluation of aminocyclopyrachlor and determines potential future regulatory action.

What happens if you apply aminocyclopyrachlor on rights-of-way?

Failure to comply with Temporary Administrative

Herbicide products registered in Oregon that contain Aminocyclopyrachlor

DuPont/Perspective Herb., EPA Reg. No. 352-846
Bayer/Perspective Herb., EPA Reg. No. 432-1569

DuPont /Method 240SL Herb., EPA Reg. No. 352-786
Bayer/Method 240SL Herb., EPA Reg. No. 432-1565

DuPont/Method 50SG Herb. , EPA Reg. No. 352-787
Bayer/Method 50SG Herb., EPA Reg. No. 432-1566

DuPont/Viewpoint Herb., EPA Reg. No. 352-847
Bayer/Viewpoint Herb., EPA Reg. No. 432-1580

DuPont/Streamline Herb., EPA Reg. No. 352-848
Bayer/Streamline Herb., EPA Reg. No. 432-1570

Rule OAR 603-057-0391 may result in a number of enforcement actions, including, but not limited to: license suspension or revocation, or imposition of a civil penalty.

Bee Project, from Page 1

and habitats that depend on pollinators — in essence, all Oregonians.

The strategic plan includes the Oregon Bee Project's mission statement, which was developed to ensure that the activities and work carried out by the Project are focused. The Project's mission statement is to bring together Oregonians around a science-based strategy for protecting and promoting wild and managed bees through education, pollinator-friendly practices, and research. The Strategic Plan identifies four major goals with specific, measurable objectives that will provide the detailed guidance in the Project's work toward its mission.

The Oregon Bee Project's four main goals are:

- protect bees from pesticide exposure,
- increase pollinator habitat,
- reduce the impacts of diseases and pests on bees, and
- expand our understanding of the bees of Oregon.

To accomplish these goals, the Project will focus

on coordinating the following activities:

- Train and engage interested audiences (e.g., pesticide applicators, urban and rural land managers, commercial and backyard beekeepers, the general public, etc.) on the different topics that work toward the four goals.
- Develop decision-making support and diagnostic tools for pollinator stewardship.
- Recognize and learn from innovators, including farmers, foresters, land managers, and homeowners, who are implementing practices that promote bee health.
- Identify and promote applicable research that will address knowledge gaps that align with the Project's goals and mission statement.

During 2018, the Project and its collaborators have participated in 63 outreach events in 31 cities, covering 18 counties, and reaching over 6,000 people across the state.

For additional resources and more detailed information about the Oregon Bee Project and its Strategic Plan, visit OregonBeeProject.org.

HOW ARE WE DOING? LET US KNOW

Have you worked with an Oregon Department of Agriculture program recently? Been on the receiving end of enforcement activities? Or have a vested interest in ODA's work? Tell us your story online, in just a few minutes. Go to <https://oda.fyi/Survey2018>

STAY INFORMED AT ODA

Get email and text alerts at <https://oda.fyi/PesticideNews> or go to <https://oda.direct/AboutPesticides>

FIFRA SECTION 24(C) SPECIAL LOCAL NEED (SLN) PESTICIDE REGISTRATIONS

Activities from March 24, 2018 to Oct. 1, 2018

NEW SLNs							
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #	Note
Diazinon AG 500	Diazinon	Parsnip	Carrot Rust Fly	Makhteshim/ADAMA	66222-9	OR-180003	Replaces OR-070018
ABBA Ultra Miticide/ Insecticide	Abamectin	Alfalfa grown for seed	Mites	AMVAC Chemical Corp.	5481-621	OR-180004	Replaces OR-150011
Parazone 3SL Herbicide	Paraquat dichloride	Alfalfa grown for seed	Harvest aid desiccation	AMVAC Chemical Corp.	5481-615	OR-180005	Replaces OR-140009
Stinger	Clopyralid	Meadowfoam grown for seed	Weeds	Dow AgroSciences	62719-73	OR-180006	Replaces OR-970024
Kumulus DF	Sulfur	Hazelnuts (Filberts)	Bud mites	BASF Corporation	51036-352	OR-180007a	New use
Kumulus DF	Sulfur	Hazelnuts (Filberts)	Bud mites	Wilbur-Ellis Company	51036-352-2935	OR-180007b	New use
Bravo Weather Stik	Chlorothalonil	Sugar beets grown for seed	Downy mildew	Makhteshim/ADAMA	66222-276	OR-180008	Replaces OR-990040
Bravo Ultrex	Chlorothalonil	Sugar beets grown for seed	Downy mildew	Makhteshim/ADAMA	66222-277	OR-180009	Replaces OR-990039
Dual Magnum	S-metolachlor	Strawberry	Weeds	Syngenta Crop Protection	100-816	OR-180010	New use
Quintec	Quinoxifen	Hops	Powdery mildew	Dow AgroSciences	62719-375	OR-180011	Reduce spray interval
Fulfill	Pymetrozine	Alfalfa grown for seed	Aphids	Makhteshim/ADAMA	66222-274	OR-180012	Replaces OR-040005
Fulfill	Pymetrozine	Root vegetables grown for seed	Aphids	Makhteshim/ADAMA	66222-274	OR-180013	Replaces OR-040004
Sonolan HFP	Ethalfuralin	Clover grown for seed	Dodder, Nightshade	Gowan Company	10163-356	OR-180014	New use
Microthiol Disperss	Sulfur	Hazelnuts (Filberts)	Bud mites	United Phosphorus Inc.	70506-187	OR-180015	New use
Eptam 7E	EPTC	Meadowfoam grown for seed	Weeds	Gowan Company	10163-283	OR-180016	New use
Vida Herbicide	Pyraflufen ethyl	Grasses grown for seed	Weeds	Gowan Company	10163-314	OR-180017	New use

REVISED SLNs							
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #	Note
Stinger	Clopyralid	Strawberry	Weeds	Dow AgroSciences	62719-73	OR-030031	Expires 12/31/2020
Poast Herbicide	Sethoxydim	Dry irrigation canals and drainage ditches	Glyphosate-tolerant creeping bentgrass	BASF Corporation	7969-58	OR-110004	Expires 12/31/2021
Zinc Phosphide Concentrate	Zinc Phosphide	Alfalfa and grass hay and pasture	Belding's ground squirrel	USDA-APHIS	56228-6	OR-130002	Expires 12/31/2020
Callisto Herbicide	Mesotrione	Bluegrass, ryegrass, fescue grown for seed — aerial	Weeds	Syngenta Crop Protection	100-1131	OR-170005	Expires 12/31/2023

PENDING SLNs							
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	Note	
Apron XL	Mefenoxam	Annual ryegrass grown for seed		Syngenta Crop Protection	100-799	Pending (new use)	
Eptam 7E	EPTC	Grasses grown for seed	Weeds	Gowan Company	10163-283	Pending (new use)	

Pesticide products are registered annually with ODA

The Oregon pesticide law requires that every pesticide product delivered, distributed, sold, offered, or exposed for sale in Oregon must be registered annually with Oregon Department of Agriculture. More than 1,300 companies have pesticide products registered with ODA, and there are more than 13,000 active pesticide registrations. This number includes not only individual product registrations, but also more than 225 active FIFRA Section 24(c) Special Local Need registrations. New registrations are approved continuously throughout the year, and it is anticipated that the total pesticide registrations in Oregon will approach 13,500 by the end of 2018.

All Oregon pesticide registrations are effective on a calendar-year basis and must be renewed each year. The ODA pesticide registrations team works closely with the Licensing Office to process the annual renewals, with the majority of this work occurring during the months of November-March each year. The ODA Licensing Office sends out annual registration renewal notices each year in mid-November, and within days after the notice goes out, begins receiving renewal applications from our 1,300-plus registrant companies. The majority of renewal applications are received by the end of the year, but some continue to trickle in early in the new year.

Many pesticide registration renewal applications ODA receives each year contain no changes to the number of products to be registered, and these applications are approved in a streamlined process directly after being received in our Licensing Office. Accordingly, in many renewal periods, nearly half of all pesticide registrations are already approved for renewed registration for the

next year in advance of their current-year expiration.

On the other hand, many other registrants' renewal applications include product cancellations, revised labels for products to be renewed, and new registrations for the upcoming year. Applications such as these can be very time consuming to process, because all revised labels and applications/labels for new product registrations that are submitted must be reviewed and processed by the registrations team before the overall renewal application can be approved. Processing of these applications can extend well into the new year.

Pesticide registrants, dealers, consultants, users, and others can always check registration status for pesticide products registered in Oregon on ODA's website, <https://oda.direct/SearchRegisteredPesticides>. When using this website to guide your decisions on buying or selling a particular product, please be aware that many products will be listed as "Renewal Pending" during the early months of each year while we are processing annual renewal applications.

"Renewal Pending" for a product status simply reflects the fact that ODA has not yet completed the processing of that company's annual renewal application. In most cases, "Renewal Pending" will revert to full "Registered" status, when we finalize that company's renewals. However, sometimes those product registrations will be cancelled. Don't hesitate to contact the ODA pesticide registrations team if you have a question or concern about registration status of a product listed as "Renewal Pending" in our database (<https://oda.direct/SearchRegisteredPesticides>).

CANCELLED SLNs							
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	OR SLN #	Cancel Reason
Fusilade DX Herbicide	Fluazifop-p-butyl	Fine fescues grown for seed	Weeds	Syngenta Crop Protection	100-1070	OR-950013	Use now on Sec. 3 label
Onager Miticide	Hexythiazox	Mint	Mites	Gowan Company	10163-277	OR-040033	Use now on OR-170009
Onager Miticide	Hexythiazox	Alfalfa grown for seed	Mites	Gowan Company	10163-277	OR-070008	Cancelled by Registrant
Diazinon AG 500	Diazinon	Parsnip	Carrot Rust Fly	Makhteshim Agan	66222-9	OR-070018	Use now on OR-180003
Chateau Herbicide SW	Flumioxazin	Raspberries - nonbearing	Weeds	Valent USA Corporation	59639-99	OR-120018	Use now on Sec. 3 label
SPLAT LBAM HD-O	Light brown apple moth pheromone	ODA Invasive Species Eradication	Light brown apple moth	ISCA Technologies Inc.	80286-13	OR-170013	Eradication completed

WITHDRAWN SLNs						
Product	Ingredient	Crop	Pest	Registrant	EPA Reg #	Withdraw reason
Onager Optek	Hexythiazox	Alfalfa grown for seed	Mites	Gowan Company	10163-337	Use not supported

Know responsibilities for supervising pesticide applications

Several pesticide applicator license types allow an applicator the option to legally supervise pesticide applications by noncertified applicators.

Licensed Commercial and Public Pesticide Applicators may supervise licensed Apprentices and Immediately Supervised Trainees. Apprentices and Immediately Supervised Trainees are noncertified applicators. Private Pesticide Applicators may supervise noncertified, unlicensed persons on land in agricultural or forestry production that the applicator, or the applicator's employer, owns, rents or leases.

Those supervising Apprentices and Immediately Supervised Trainees have specific responsibilities in their roles as supervisors. For Apprentices, the supervisor is responsible for the training of the applicator and the Apprentice must be able to communicate with the supervisor at any time during the application. Those supervising Immediately Supervised Trainees are also responsible for the training of the applicator and must be on-site and able to reach the applicator within five minutes, during

applications made by the trainee.

In an agricultural setting, there is more flexibility for noncertified individuals to help make pesticide applications. Therefore, it is especially important that the applicators receive adequate training and information about the applications they will be conducting to prevent unreasonable adverse effects to themselves, their coworkers, and the environment.

The new Worker Protection Standard (WPS) rule requires annual training of noncertified pesticide handlers. In addition to WPS training, other relevant information should still be conveyed before every application, including information about personal protective equipment, first aid, environmental hazards, and any other special precautions that the applicators and workers in the surrounding areas should be aware of.

If workers have concerns about applications taking place nearby, taking the time to explain details about the products being applied and addressing worker concerns will help promote communication among workers, pesticide applicators, and owners.

Be aware of no-spray buffer for public system wells, springs

Much of Oregon's drinking water is obtained through public water systems that serve multiple homes or entire communities using groundwater wells/springs or surface water intakes (pipes drawing from streams and rivers). If a well, spring or intake serves more than three homes or connections, or serves more than 10 people per day for more than 60 days per year, it is regulated as a public water system in Oregon. Landowners, including agricultural producers, should work with public water systems to minimize environmental risks to drinking water.

The area within 100 feet of a public water supply well or springbox is called the sanitary setback. Several "sanitary hazards" are not allowed within the sanitary setback area, including "chemical (including solvents, pesticides, and fertilizers) storage, usage or application" per Public Health Division Rules, OAR 333-061-0050(2) and OAR 333-061-0076(4).

Public water supply owners are ultimately responsible for ensuring sanitary hazards are not present within the 100-foot setback area.

Landowners near wells or springs should identify

ONLINE: <https://oda.fyi/DrinkingWaterMap>

where public water supply sources are located on their property and share that information with pesticide applicators. In addition, pesticides and other potentially hazardous materials should not be stored within this 100-foot setback area.

Public drinking water source areas can be found using DEQ's Drinking Water Program Interactive Map Viewer, available at <https://oda.fyi/DrinkingWaterMap>. Although well and spring locations are not shown on the map (due to security reasons), the public water system names are shown when activating the "Groundwater Labels" layer; and more information on individual public water systems, including contact information, can be found at <https://yourwater.oregon.gov>.

If you have questions or need assistance in locating the information, call Tom Pattee at Oregon Health Authority Drinking Water Services at 541-726-2587.

How and where to dispose of unwanted pesticide products

The simplest and least costly approach to managing pesticide waste is to avoid generating it in the first place. For example, if you purchase and mix only what you need and add the container rinsates to your spray tank, then you can avoid creating waste.

However, not all situations are ideal. If you do produce a pesticide-related waste, you must handle and dispose of it according to Oregon and federal regulations. Any pesticide residue or pesticide-containing material which will not be beneficially used or reused (such as unused or unusable product or container rinsate) is considered a waste pesticide by Oregon Administrative Rule Chapter 340, Division 109. These rules allow waste pesticides to be managed in accordance with the universal waste management standards. These standards establish a streamlined process for managing wastes and are less onerous than federal and state hazardous waste regulations. The relevant management standards for growers and commercial applicators are outlined below, along with additional recommendations.

Steps to safely manage and dispose of pesticide-related wastes

1. Secure the waste in a properly labeled, non-leaking container:
 - Label it with the words “waste pesticide.”
 - Include the date that the waste was created.
 - Store waste for no more than 1 year.
 - Consider placing waste containers in a tub or tray in case a leak occurs.
 - Consider a storage location that is well ventilated and that limits access to authorized individuals only.

2. Ensure transport to an approved waste collection event or facility (see below). Consider the following to protect yourself and/or your employees if you transport waste pesticides:

- Secure waste containers in secondary containers in an area of the vehicle that does not share airspace with the vehicle occupants.
- Have the pesticide label(s) and safety data sheets in the vehicle.
- Have the correct personal protective equipment and a spill kit readily available.



Help ensure recertification credits are assigned correctly

As licensing renewal season approaches, especially for those of you with expiring certification periods, it is important that you accrue the necessary number of recertification credits, and that those credits are accurately reflected in your record. When it comes to signing the ODA Recertification Attendance Record, the following is a list of tips which can help avoid delaying credit entry or inaccurate credit assignments:

- You must provide your signature on the Attendance Record. Without your signature, you cannot receive credit, even if all your other information is available.
- Include your license number, and make sure it is accurate. If you have lost your pesticide applicator license card or the numbers have rubbed off, you can look up your license number on the following webpage: <https://oda.direct/PestLicenseStatus>
- Include your first name, last name, and middle initial **as they appear on your license**. If you are not sure how your name appears on your license,

OREGON						SESSION # 18000000
DEPARTMENT OF AGRICULTURE						CREDITS: 2
RECERTIFICATION ATTENDANCE RECORD						
SESSION NAME: <i>Filling out ODA's Recertification Attendance Record</i>						
LOCATION: <i>Salem OR</i>				DATE: <i>12/31/2018</i>		
MODERATOR: <i>Gilbert Uribe</i>				SPONSOR: <i>Oregon Department of Ag</i>		
PLEASE PRINT CLEARLY						
APPLICATOR/CONSULTANT LICENSE NUMBER	LAST NAME	FIRST	MI	SIGNATURE	EMAIL ADDRESS	
ADL 01770	<i>Smith</i>	<i>Ray</i>	<i>D</i>	<i>[Signature]</i>		
ADL 01770	<i>Smith</i>	<i>Jimmy</i>		<i>[Signature]</i>		
ADL	<i>DOE</i>	<i>John</i>		<i>[Signature]</i>		
ADL	<i>DOE</i>	<i>John</i>		<i>[Signature]</i>		
ADL 164553	<i>Jacks on</i>	<i>John</i>		<i>[Signature]</i>		
ADL 103853	<i>Reed</i>	<i>Conny</i>		<i>[Signature]</i>		
ADL 103853	<i>Uribe</i>	<i>Gilbert</i>		<i>[Signature]</i>		
ADL 16310	<i>ATENCIO</i>	<i>CRISTINA</i>		<i>[Signature]</i>	<i>cris@atencio.com</i>	
ADL 131	<i>Cedeno</i>	<i>M</i>		<i>[Signature]</i>		
ADL	<i>Arde</i>	<i>David</i>		<i>[Signature]</i>		
ADL						
ADL						
ADL						
ADL						

Please return here by email or mail only.
Email: attendance-recertification@oda.or.gov
Mail: Oregon Dept. of Agriculture, Attn: Eric Fick, 633 Capitol St. NE, Salem, OR 97301

check beforehand on the following webpage:
<https://oda.direct/PestLicenseStatus>

Missing and inaccurate license numbers, name variations, and illegible handwriting can all result in unassigned credits or delays in assigning the credits. Remember, the attendance sheets have to be read and manually entered into ODA databases by ODA staff.

SERIES OF TRAINING EVENTS BRING AWARENESS TO NEW WPS RULES

Submitted information

In July, Oregon Occupational Safety and Health Division (OR-OSHA) published final rules that expand certain protections above and beyond the federal Worker Protection Standard (WPS). For example, federal rules require employers to keep anyone away from pesticide applications in progress, with distances varying 0 to 25 to 100 feet. In Oregon, the distance has been extended by 50 feet when the pesticide label requires handlers to use respirators. In another contrast to the federal WPS, Oregon's rules do more to inform and protect workers and their families who live on agricultural establishments, where the possible risk of pesticide exposure may be higher.

Oregon State University and the Oregon Association of Nurseries teamed up this summer to hold eight training events around the state to raise awareness of the new rules. Training efforts were also made possible by businesses that offered training sites at no cost. More than 200 employers and pesticide handlers were trained in person. Dozens of Spanish-speaking people also were trained, thanks to ODA's Gilbert Uribe and Grant Jackson.



Test your WPS Knowledge!

Can you answer these questions?

1. Where does the WPS apply?
2. Are family farms exempt?
3. How does it work with a labor contractor?
4. Does the WPS apply on organic farms?
5. What are the rules for indoor fumigations?
6. Does this regulation apply to cannabis producers?
7. Who is supposed to buy and maintain personal protective equipment (PPE)?
8. Who can perform annual WPS training, besides certified pesticide applicators?

Look for the answers in the new, short handbook from Pesticide Educational Resources Collaborative (PERC)! Or... check out **Page 16!**

WPS HANDBOOK FOR AGRICULTURAL EMPLOYERS:
<https://oda.fyi/WPSHandbook>

ODA completes latest round of Japanese beetle treatment

In July, the Oregon Department of Agriculture completed its main treatment operations for Japanese beetle for 2018. From April 2 to June 1, ODA and General Tree Service, a contracted pesticide applicator, treated approximately 5,800 residences, five schools, four parks, two shopping centers, and one golf course for Japanese beetle in Washington County. This number was increased from the 2,100 homes treated in 2017. In addition, an area of Portland International Airport and about 30 properties in Oakland, Ore., also were treated due to beetle detections in 2017.

Community support for the project has been positive. ODA received consent from more than 5,100 residents to treat their properties. The success of this project depends on this kind of support from the community. We also served around 400 administrative warrants to residences from which we had not received a response. Residents have been sending in reports of beetle sightings. Thankfully, almost all of the reports of “serious infestations” of Japanese beetle have been determined to be box elder bug or other pests.

The project has entered the trapping and detection phase for 2018. Seasonal survey staff are in the process of deploying 5,900 traps to detect Japanese beetle throughout the greater Portland metro area and the northern Willamette Valley. In addition to placing traps to detect Japanese beetles, ODA also is deploying traps for Gypsy moth, Oriental beetle, and other pests that could be harmful to agriculture in the state.

It’s still too early to make conclusions about success of the project from this season’s data, but early numbers are encouraging. Our first detection of Japanese beetle in Washington County this year was June 17.

As of September 14, 2018, we have captured 798 beetles total in the nine traps. In 2017, we had captured 4,531 by this time of the year, which is a difference of 82 percent. Again, these results are only preliminary, as there are many more traps to check. But a reduction is good

news, especially in the most active beetle areas. Final trap catch numbers will tell the whole story and will be available in October (or as soon as our trapping crew can complete the enormous task of checking, collecting, and getting a final tally from the nearly 6,000 traps mentioned earlier — no small feat!).

While plans for 2019 have not been finalized, eradication treatments are likely to begin around April or May. Acelepryn G will be the primary product used, as it’s historically the most effective and has the least risk to human health or effects on wildlife. GrubGone G is being used for those that requested and were granted medical exemptions. Some research indicates that GrubGone G is effective against Japanese beetle, but it’s still too new of a product for us to see how well it performs in the field.

Our containment operations also are in full swing. Curbside yard debris bin contents are being redirected to Hillsboro landfill, as they were in 2017.

Landscapers working in the quarantine area are being reminded and encouraged to take debris to

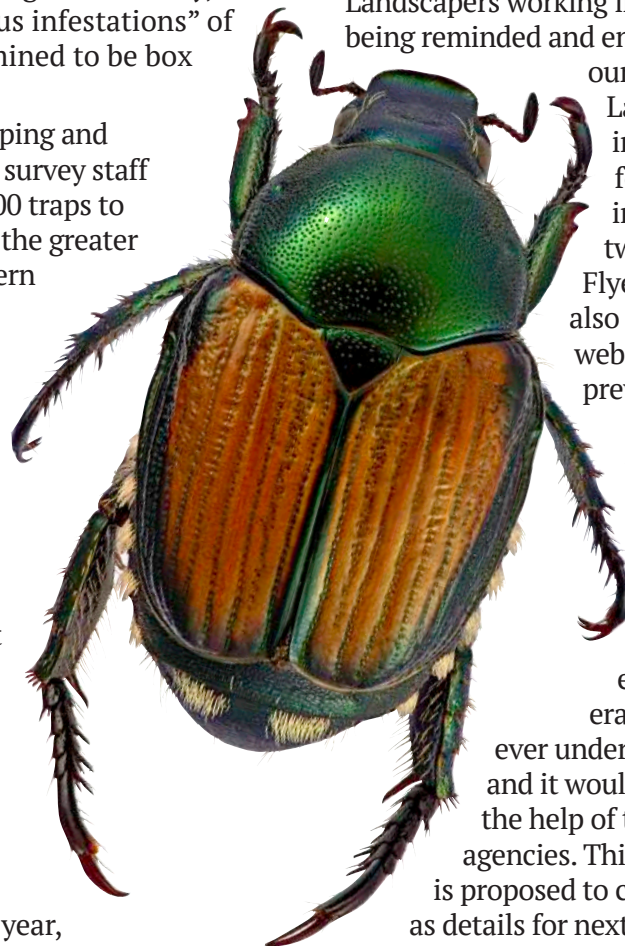
our drop-off site at Northwest Landscape services. Residents in the area and landscapers for whom we have contact information have been sent two reminders this season.

Flyers in English and Spanish also are available on our project website, JapaneseBeetlePDX.info/prevention.

ODA sincerely appreciates the cooperation of residents in the Japanese Beetle treatment area, as well as all of the partner agencies that have offered support, advice, time, and energy to the project.

This eradication is one of the largest ever undertaken by the department, and it would not be possible without the help of the community and partner agencies. This is a multi-year project, and is proposed to continue until 2021. As soon as details for next year’s operations are known, we will begin reaching out to everyone with information.

In the meantime, please check for updates on www.JapaneseBeetlePDX.info.



FERTILIZER VIOLATIONS

Notices of Violation Issued

January through June 2018

Party Cited	# of violations	Violation
3G Green Garden Group LLC (Emerald Harvest)	3	ORS 633.366(1)(a)
Bertels B.V.	1	ORS 633.366(1)(a)
Bio Huma Netics, Inc.	2	ORS 633.366(1)(e)
Biodiversity Products	1	ORS 633.366(1)(a)
CHS Inc.	3	ORS 633.366(1)(e)
CHS Inc.	4	ORS 633.366(1)(a)
CNI Agriminerals, LLC	1	ORS 633.366(1)(a)
Easy Gardener Products, Inc.	1	ORS 633.366(1)(e)
Faust Bio-Agricultural Service, Inc.	1	ORS 633.366(1)(a)
Greengro, LLC	2	ORS 633.366(1)(a)
Imagine Custom Landscape, Inc. (OG BLOWAR)	2	ORS 633.366(1)(e)
Land View, Inc.	7	ORS 633.366(1)(e)
Land View, Inc.	4	ORS 633.366(1)(a)
Olivia's Solutions, Inc.	1	ORS 633.366(1)(a)
Organic Laboratories, Inc.	1	ORS 633.366(1)(a)
Plant Revolution, Inc.	1	ORS 633.366(1)(a)
Sensational Solutions LLC	1	ORS 633.366(1)(e)
Soil Basics Corporation	1	ORS 633.366(1)(a)
Soil Basics Corporation	1	ORS 633.366(1)(e)
Soil Works, LLC	1	ORS 633.366(1)(a)
Stover Seed Co.	1	ORS 633.366(1)(e)
Supreme Growers LLC	3	ORS 633.366(1)(a)
Supreme Growers LLC	1	ORS 633.366(1)(e)
Wilbur-Ellis Company LLC	27	ORS 633.366(1)(e)
Wilbur-Ellis Company LLC	20	ORS 633.366(1)(a)

Note: The Notices of Violation and Civil Penalties have been confirmed as, or followed by, Final Orders.

Fertilizer violations key

- ORS 633.366(1)(a) Distribute mislabeled products
- ORS 633.366(1)(c) Distribute adulterated products
- ORS 633.366(1)(e) Distribute a fertilizer, agricultural amendment, agricultural mineral or lime product that is not registered with the State Department of Agriculture under ORS 633.362
- ORS 633.366(1)(j) Distribute, use or remove any product subjected to a stop sale, use or removal order until the product has been released in accordance with ORS 633.445

Civil Penalties Issued

January through June 2018

Party Cited	# of violations	Violation	Amount
Advanced Nutrients	1	ORS 633.366(1)(c)	\$250
Advanced Nutrients	4	ORS 633.366(1)(a)	\$1,500
Bertels B.V.	1	ORS 633.366(1)(c)	\$250
Bloom Brothers Garden Supply, Inc.	1	ORS 633.366(1)(c)	\$250
Bloom Brothers Garden Supply, Inc.	1	ORS 633.366(1)(a)	\$125
Conscious Earthworks, L.L.C.	1	ORS 633.366(1)(a)	\$375
DL Wholesale Inc.	10	ORS 633.366(1)(e)	\$1,250
Down to Earth Distributors, Inc.	4	ORS 633.366(1)(a)	\$1,500
Dr. Earth, Inc.	10	ORS 633.366(1)(a)	\$25,000
Earthfort, LLC	1	ORS 633.366(1)(a)	\$375
Easy Gardener Products, Inc.	2	ORS 633.366(1)(a)	\$250
Ecological Laboratories Inc.	1	ORS 633.366(1)(a)	\$125
Emerald Harvest	3	ORS 633.366(1)(c)	\$750
Florikan-E.S.A., LLC	5	ORS 633.366(1)(e)	\$625
Florikan-E.S.A., LLC	9	ORS 633.366(1)(a)	\$3,375
Graymont Western Canada Inc.	2	ORS 633.366(1)(a)	\$250
Graymont Western Canada Inc.	2	ORS 633.366(1)(j)	\$1,000
Green Planet Wholesale Ltd. (H.I.T. Manufacturing)	1	ORS 633.366(1)(c)	\$250
Green Planet Wholesale Ltd. (H.I.T. Manufacturing)	1	ORS 633.366(1)(a)	\$375
Green Planet Wholesale Ltd. (H.I.T. Manufacturing)	2	ORS 633.366(1)(e)	\$250
Growth Products Ltd.	2	ORS 633.366(1)(e)	\$250
Helena Chemical Company	3	ORS 633.366(1)(e)	\$375
Helena Chemical Company	4	ORS 633.366(1)(a)	\$500
Hydrofarm, Inc.	3	ORS 633.366(1)(e)	\$1,125
Marco Industries, Inc.	1	ORS 633.366(1)(c)	\$250
Marco Industries, Inc.	1	ORS 633.366(1)(e)	\$125
Marco Industries, Inc.	1	ORS 633.366(1)(a)	\$125
Marion Ag Service, Inc.	1	ORS 633.366(1)(a)	\$125
Mycorrhizal Applications, LLC	2	ORS 633.366(1)(a)	\$250
OG Tea Company	1	ORS 633.366(1)(a)	\$125
Olivia's Solutions, Inc.	1	ORS 633.366(1)(c)	\$250
Paradise Supply Inc.	1	ORS 633.366(1)(j)	\$500

Did You Know?

HELPFUL LICENSING INFORMATION FROM THE PESTICIDE PROGRAM

For Pesticide Applicators, Operators and Consultants, Paper Applications Are Needed When:

- Applying for a license for the first time.
- Renewing your license after letting it lapse for a year or longer.
- You missed the online renewal period from Nov. 17 to mid-March.
- You don't use a computer and need an application mailed to you.

Contact the ODA Pesticides Program by email: pestx@oda.state.or.us or phone: 503-986-4635, and we will be send you an application.

You Just Passed Your Pesticide Exam, So Where Is Your License Application?

- An application printed with your specific details and fees will be automatically emailed to you within 24 hours of passing your exam.
- If you test on a Friday, you may expect an application on the following Monday.
- The application will be sent to the email used when you signed up with Metro Institute.
- If you don't see the email from us, check your spam/junk folder.

If you still don't find the email with your license application, contact the ODA Pesticides Program by email: pestx@oda.state.or.us or phone: 503-986-4635 and we will re-send you an application.

Tips

- Submitting a pesticide license application found on our website will considerably slow down the process for becoming licensed. Why? Each person (and there are quite a few) who handles the application will need to look up the exam information/calculate retake fees/find date of eligibility, etc.
- Make sure the email address used when signing up with Metro Institute is one that can be accessed directly by you, or if it is an office email, make sure several people can access the email to print off your application.
- Check your spam/junk folder. Your server may regard our email as spam or junk.

If all else fails, contact the ODA Pesticides Program by email: pestx@oda.state.or.us or phone: 503-986-4635, and we will re-send you an application.

Fertilizer Civil Penalties Issued

Continued from Page 10

Party Cited	# of violations	Violation	Amount
RX Green Solutions, LLC	1	ORS 633.366(1)(a)	\$375
Sensational Solutions LLC	1	ORS 633.366(1)(a)	\$125
Technalfora Plant Products Ltd.	1	ORS 633.366(1)(c)	\$250
Technalfora Plant Products Ltd.	1	ORS 633.366(1)(a)	\$2,500
The Espoma Company	5	ORS 633.366(1)(a)	\$625
The Espoma Company	1	ORS 633.366(1)(c)	\$250
Tiger-Sul Products LLC	1	ORS 633.366(1)(e)	\$125
Two Rivers Terminal, LLC	3	ORS 633.366(1)(e)	\$7,500
Two Rivers Terminal, LLC	16	ORS 633.366(1)(a)	\$6,000
Wal-Mart Stores, Inc.	2	ORS 633.366(1)(j)	\$1,000

NPIC IS ANOTHER SOURCE FOR PESTICIDE ANSWERS

The National Pesticide Information Center (NPIC), located at Oregon State University in Corvallis, is another place to get questions about pesticides answered.

NPIC provides objective, science-based information about pesticides, and offers to help with questions about pesticide ingredients, risks, health impacts, and environmental fate.

NPIC welcomes questions from the public and professionals. You can refer customers to NPIC, call with your own questions, or include our information on labels, invoices, and other materials.

For information, call 800-858-7378, or go online to npic.orst.edu.

PESTICIDE VIOLATIONS

Notices of Violation Issued

January through June 2018

Party Cited	Case No.	# of violations	Violation*
3G Green Garden Group, LLC dba Emerald Harvest	180117	3	ORS 634.372(15)
3G Green Garden Group, LLC dba Emerald Harvest	180117	3	ORS 634.372(17)
Advanced Nutrients	180114	1	ORS 634.372(15)
Advanced Nutrients	180114	1	ORS 634.372(17)
Associated Fruit Co.	160540	1	ORS 634.372(4)
Bertels B.V.	180553	1	ORS 634.372(15)
Bertels B.V.	180553	1	ORS 634.372(17)
Bi-Mart Corporation	160675	2	ORS 634.372(19)
Blakely, Jeremy Brandon	160657	2	ORS 634.372(2)
Bloom Brothers Garden Supply, Inc.	170426	1	ORS 634.372(15)
Bloom Brothers Garden Supply, Inc.	170426	1	ORS 634.372(17)
Carlson, Nicholas A.	180155	2	ORS 634.372(2)
Carriere, John	160589	1	ORS 634.372(4)
Chase, R. Donald	150291	1	ORS 634.372(4)
Columbia Pest Control, Inc.	170645	2	ORS 634.372(9)
Creative Outdoor Landscape LLC	160547	2	ORS 634.372(9)
Dan the Bug Man	170436	1	ORS 634.372(5)
Day and Night Extermination LLC	170253	1	ORS 634.372(5)
Ego, Gregory D.	180155	2	ORS 634.372(2)
George Woolfolk	170645	1	ORS 634.372(8)
Green Planet Wholesale Ltd. dba H.I.T. Manufacturing	180113	1	ORS 634.372(15)
Green Planet Wholesale Ltd. dba H.I.T. Manufacturing	180113	1	ORS 634.372(17)
Hay, Matthew D.	160501	1	ORS 634.372(8)
Holiday Tree Farms, Inc.	160614	2	ORS 634.372(4)
Live Earth, Inc. dba Alive Arboriculture	170064	1	ORS 634.372(5)

Pesticide violations key

- *ORS 634.372(2): As a pesticide applicator or operator, intentionally or willfully apply or use a worthless pesticide or any pesticide inconsistent with its labeling, or as a pesticide consultant or dealer, recommend or distribute such pesticides.*
- *ORS 634.372(4): Perform pesticide application activities in a faulty, careless or negligent manner.*
- *ORS 634.372(5): Refuse or neglect to prepare and maintain records required to be kept by the provisions of this chapter.*
- *ORS 634.372(8): As a pesticide applicator, work or engage in the application of any classes of pesticides without first obtaining and maintaining a pesticide applicator's license, or apply pesticides that are not specifically authorized by such license.*
- *ORS 634.372(9): As a pesticide operator, engage in the business of, or represent or advertise as being in the business of, applying pesticides upon the land or property of another, without first obtaining and maintaining a pesticide operator's license. The operator also may not engage in a class of pesticide application business that is not specifically authorized by license issued by the State Department of Agriculture. The operator also may not employ or use any person to apply or spray pesticides who is not a licensed pesticide applicator or pesticide trainee.*
- *ORS 634.372(15): Deliver, distribute, sell or offer for sale any pesticide that is misbranded.*
- *ORS 634.372(16): Formulate, deliver, distribute, sell or offer for sale any pesticide that is adulterated*
- *ORS 634.372(17): Formulate, deliver, sell or offer for sale any pesticide that has not been registered or required by ORS 634.016.*
- *ORS 634.372(19): Distribute, sell or offer for sale any pesticide except in the manufacturer's original unbroken package.*
- *ORS 634.372(22): Sell, use or remove any pesticide or device subjected to a "stop sale, use or removal" order until the pesticide or device has been released therefrom as provided in ORS 634.322 (Enforcement powers of department) (3)*

Marco Industries, Inc. dba American Agriculture	170011	1	ORS 634.372(15)
Marco Industries, Inc. dba American Agriculture	170011	1	ORS 634.372(17)
Olivia's Solutions Inc.	170007	1	ORS 634.372(15)
Olivia's Solutions Inc.	170007	1	ORS 634.372(17)
Oregon Harvesting, Inc.	170198	1	ORS 634.372(5)
Sheldon, Michael	170645	1	ORS 634.372(8)

To protect migrating geese, be aware of zinc phosphide use

In accordance with the SLN labels, also called Section 24(c)s, above-ground use of zinc phosphide in grass grown for seed ended Aug. 31.

The main container labels for many zinc phosphide products allow early season, above-ground use on different crops. However, late winter through early spring is prime time for geese to migrate north through the Willamette Valley, and geese might suddenly appear in fields. Grass seed fields are particularly attractive to geese, and therefore the above-ground

use period is highly restricted.

In contrast, below-ground use of zinc phosphide bait is allowed year-round in grass seed fields.

When instructing workers on how to conduct below-ground applications, or when making them yourself, precision must be stressed. All the bait must go down the hole. Do not allow bait to spill onto the soil surface — this would be a label violation and could lead to geese having access to bait.

Pesticide Notices of Violation Issued

Continued from Page 12

TCB Companies, Inc. dba Evergreen Pest Management	170144	1	ORS 634.372(5)
Technaflora Plant Products Ltd.	170009	1	ORS 634.372(15)
Technaflora Plant Products Ltd.	170009	1	ORS 634.372(17)
Van Dyke, Samuel J.	160528	1	ORS 634.372(4)
Wallowa County Grain Growers	160657	4	ORS 634.372(2)
Wilhelm, Clay C.	160657	2	ORS 634.372(2)
Willamette Ag Inc	160632	1	ORS 634.372(17)

Pesticide Civil Penalties Issued

January through June 2018

Party Cited	Case No.	# of viol.	Violation*	Amt.
3G Green Garden Group, LLC dba Emerald Harvest	180117	3	ORS 634.372(16)	\$2,442
Advanced Nutrients	180114	1	ORS 634.372(16)	\$814
Bertels B.V.	180553	1	ORS 634.372(16)	\$592
Blakely, Jeremy Brandon	160657	1	ORS 634.372(2)	\$814
Bloom Brothers Garden Supply, Inc.	170426	1	ORS 634.372(16)	\$814
Certis U.S.A. L.L.C.	170691	1	ORS 634.372(16)	\$814
Green Planet Wholesale Ltd. dba H.I.T. Manufacturing	180113	1	ORS 634.372(16)	\$814
Industrial Aviation Services, Inc.	170072	1	ORS 634.372(2)	\$1,036
Kunze, Eevin	170055	1	ORS 634.372(4)	\$814
Kunze, Kurt G.	170055	1	ORS 634.372(4)	\$814
Marco Industries, Inc. dba American Agriculture	170011	1	ORS 634.372(16)	\$814
Myers, Sam A.	170083	1	ORS 634.372(4)	\$814
OHP, Inc.	170687	1	ORS 634.372(16)	\$814
Olivia's Solutions Inc.	170007	1	ORS 634.372(16)	\$814
Paul, Gregory Jon	170072	1	ORS 634.372(2)	\$814
PBI-Gordon Corporation	170629	2	ORS 634.372(16)	\$1,628
PBI-Gordon Corporation	170629	2	ORS 634.372(22)	\$1,628
Technaflora Plant Products Ltd.	170009	1	ORS 634.372(16)	\$814
Wallowa County Grain Growers	160657	1	ORS 634.372(2)	\$814

*Note: The Notices of Violation and Civil Penalties listed above have been confirmed as, or followed by, Final Orders.

OSU adding three courses for pesticide licensees to fall/winter training series

Submitted information

As the end of the year approaches, many of you licensed pesticide applicators are starting to think about those last-minute recertification credits you need before the end of the calendar year.

In addition to popular courses such as the Chemical Applicators' Short Course and the Non-Crop Vegetation Management Course, Oregon State University's Pesticide Safety Education Program (PSEP) is adding three new courses to its fall/winter training series. They will focus on CORE, agriculture, forestry, and natural resources. The PSEP also has increased the seating capacity at its existing course venues to help more pesticide applicators across the state get their credits. Under the new leadership of Kaci Buhl and Kimberly Brown during the past two years, PSEP has increased the number of available training seats from 800 in 2016-17 to more than 3,100 for the 2018-19 recertification season.

Streamlining from classroom to credits

Sometimes, it can take several weeks for recertification credits to be reflected on an attendee's license. To help expedite the process, PSEP is launching a new sign-up system. When you register for any of PSEP's 10 courses, you will be asked to submit your ODA pesticide license number. Then, when you arrive to check in at registration for the course, you will be given a barcode sticker that is linked to your ODA license number. When you sign your name at the end of each training session, you'll place your sticker in the same row. After the course, the sheets will be scanned into the OSU system and sent directly to ODA for credits to be applied. Our goal is that credits will be posted to license accounts within 14 days after the course is completed. This is a pilot program subject to refinement.

Get your credits online

In addition to traditional courses, PSEP has seven online courses available and three new courses in production for this winter. The newest course, added this summer, is called "Getting Tough with Pests and Going Soft on Pollinators." To find in-person or online courses to take this fall and winter, go to emt.oregonstate.edu/PSEP.

Recent cases highlight need for users to read the label

ODA's pesticide enforcement team has had recent cases in which a pesticide product was applied to a crop not listed on the pesticide container label. In both cases, a consultant recommended the product use, and the grower applied it.

In the first case, the product had just received a new registration for the crop; however, container labels hadn't been updated and the crop was not listed on the label of the container used on the farm. The crop processor rejected the entire crop at harvest because of an off-label use that could not be certified in accordance with the contract. As ODA investigated the incident, it found that the consultant thought if there was a label on the Internet that listed the newly approved crop, then the product could be used on the crop. The grower didn't look at the label on his container, and made the application based on the recommendation of the consultant.

A second case involved a hay field. The consultant made a quick recommendation off the top of his head and only realized he had made a mistake after the grower had made the recommended application. The grower didn't read the label on his container, because

if he had, he would have seen that the container labeling did not list hay. Now this grower has several hundred tons of hay that can't be used because of the illegal pesticide application.

If the pesticide label in your possession doesn't have your crop on it, don't apply the product. Ask about it. Double check with your consultant, salesman, or whomever made the recommendation — even if the recommendation comes from a computer checked system. You need to make sure the product container you have is the one that is labeled for the crop to which applications have been recommended.

Remember: You must follow the label instructions and apply only to the crops listed on the container you have. The only exceptions are if there is an emergency exemption (FIFRA Section 18) label or a special local need (FIFRA Section 24(c)) label, or an approved federal supplemental label. Each of these is a legal label document that allows use on crops or sites not listed on the main container label. Even then, you must have a copy of that special label in your possession at the time of the application.

NEWS IN BRIEF

New guidance about aerial buffers: Since 2016, Oregon law has required a 60-foot, no-direct-spray buffer adjacent to schools and inhabited dwellings when a herbicide is applied via aircraft in a forestry operation. It is the responsibility of the "operator" to comply with these buffers.

The Oregon Department of Forestry recently published a guidance document that clarifies issues such as:

- What is an "inhabited dwelling" or "school"?
- Where does the 60 feet begin?
- What qualifies as an "unsprayed strip"?

To view this guidance, go to: <https://oda.fyi/AerialSprayBuffers>

Reminder about PARC: Have you ever received a complaint from a customer or a neighbor about a pesticide application that you conducted? At best, these situations can be uncomfortable.

The Pesticide Analytical and Response Center (PARC) was created by the Oregon Legislative Assembly to respond to pesticide-related complaints.

PARC is available 24 hours a day, 7 days a week by calling 211.

Consider providing PARC's contact information to your customers, or including it on invoices or other materials that you provide.

ODA works with stakeholders toward new school-specific license category: Licensed applicators that apply pesticides on school campuses sometimes need several license categories to do their job. For example, a school staff member who occasionally applies ant bait stations indoors, does spot herbicide applications in turf areas, and applies moss treatments on sidewalks or roofs would need three license categories. However, none of the required study materials or exams specifically cover the school Integrated Pest Management (IPM) law or the potential increased risks to children from pesticides when compared to healthy adults.

To enhance compliance with the school IPM law and be more protective of children, a stakeholder group has been convened to find a solution. This group, composed of representatives of public and private schools, Oregon State University, advocacy groups, and others, is working on establishing a license category that would apply only to pesticide applications made on school campuses. That way, specific study material and exams can be created to cover the law and best practices to protect school children.

ODA anticipates formally proposing a new school IPM license category within the next few months. To sign up to receive updates on this or other school IPM-related topics, go to: <https://oda.direct/IPMSchoolsInfo>

Revised biological opinion issued for three insecticides

In December 2017, the National Marine Fisheries Service (NMFS) issued a revised Biological Opinion (BiOp) to the US Environmental Protection Agency (EPA) for the insecticides chlorpyrifos, diazinon, and malathion. The revised BiOp, mandated by the courts, modified the original opinion issued in November 2008. The revised BiOp covers an expanded number of species throughout the U.S., including threatened and endangered salmon species in the Pacific Northwest.

The revised BiOp includes modified Reasonable and Prudent Measures (RPMs) and Reasonable and Prudent Alternatives (RPAs) to ensure that continued existence of listed species is not “jeopardized” and ensure that designated critical habitats are not destroyed or modified. The modified RPAs and RPMs contain five required elements.

- **Element one** contains recommendations to:
 - » Remove label authorization for high risk uses specified in the BiOp.
 - » Implement waterbody buffers of approximately 500 feet for ground applications, approximately 1000 feet for aerial applications, and a 20-foot filter strip buffer added for all applications.
 - » Implement a point system consisting of numerous management measures, including drift control, riparian plantings, irrigation practices, and water retention facilities. Each management measure identified has a number of points associated with it. If a total of 80 points is obtained, buffer requirements may be reduced or eliminated.

- **Element two** proposes a reduction of application frequency for high risk pesticides (e.g., chlorpyrifos) to only once a year.
- **Element three** proposes limiting the area of application for the BiOp pesticides when used for mosquito control.
- **Element four** proposes limiting the area of application for residential and developed areas to spot treatment only.
- **Element five** requires EPA, in close coordination with NMFS Office of Protected Resources, to develop and implement an effectiveness monitoring plan to ensure that the RPAs selected are feasible, effective, and implemented.

As part of the federal process, EPA opened a comment period during which all parties potentially affected by the BiOp could register comments regarding any or all parts of the BiOp. The comment period closed in July 2018. Numerous states and stakeholders provided comments to EPA regarding the recommendations contained in the BiOp and have raised significant questions, especially in regard to implementation of the points system. During the next few months, EPA will evaluate the comments received and develop a proposed implementation plan with the NMFS regarding the five elements contained in the BiOp.

Until specific mitigations for chlorpyrifos, diazinon, and malathion are agreed upon by EPA and NMFS, the current mandatory no-spray buffer zones for specific salmon or steelhead-bearing streams, of 60 feet for ground applications and 300 feet for aerial applications, remain in effect.

REHEARING DELAYS COURT’S CHLORPYRIFOS CANCELLATION ORDER

ODA has been receiving phone calls inquiring about the future of chlorpyrifos (Lorsban) after a decision on Aug. 9, 2018, by the U.S. Court of Appeals for the Ninth Circuit. Below is information provided by the Court.

A panel of judges “vacated the Environmental Protection Agency’s (EPA) 2017 order maintaining a tolerance for the pesticide chlorpyrifos, and remanded to the EPA with directions to revoke all tolerances and cancel all registrations for chlorpyrifos within 60 days.”

“The panel held that there was no justification for the EPA’s decision in its 2017 order to maintain a tolerance for chlorpyrifos in the face of scientific evidence that its residue on food causes neurodevelopmental damage to children. The panel further held that the EPA cannot refuse to act

because of possible contradiction in the future by evidence. The panel held that the EPA was in direct contravention of the FFDCA and FIFRA”.

On Sept. 24, the U.S. Department of Justice requested a rehearing of the chlorpyrifos case before the Ninth Circuit Court of Appeals. At a minimum, a rehearing will delay the court order. However, if granted, a rehearing has the potential of significantly influencing the outcomes.

If the Court’s August decision stands, all chlorpyrifos registrations will be cancelled by EPA. It is anticipated that most state regulatory agencies will take their lead from EPA. It is unknown at this time how existing stocks in the channels of trade will be addressed by the Court or by the EPA.

For information, go to: <https://oda.fyi/chlorpyrifos>.



Oregon
Department
of Agriculture

ODA Pesticide Bulletin
Pesticide Program
635 Capitol St. NE
Salem, OR 97301-2532

Web: Oregon.gov/ODA
Phone: (503) 986-4635
FAX: (503) 986-4735

WPS answers, from Page 8

1) Where does the WPS apply?

It applies to all agricultural establishments that grow plants and use WPS-labeled pesticides. Use this interactive tool to learn how the WPS applies to you: <https://oda.fyi/WPSDoesItApply>

2) Are family farms exempt?

No. Some of the rules apply to establishment owners and their immediate families. There are some exemptions, but it's not a complete exemption. Learn more: <https://oda.fyi/FamExempt>

3) How does it work with a labor contractor?

That's a complicated question! Ultimately, the agricultural employer (not the labor contractor) is responsible for ensuring compliance with the WPS. Dig into this topic: <https://oda.fyi/Contractor>

4) Does the WPS apply on organic farms?

Yes. Even organic pesticides like sulfur and Bt are labeled with WPS requirements: <https://oda.fyi/Organic>

5) What are the rules for indoor fumigations?

Employers must monitor the applicator(s), keep unprotected workers away, and ventilate the structure

for a certain period of time. You'll need to read up on this one:

<https://oda.fyi/Fumigants>

6) Does this regulation apply to cannabis producers?

Yes. Cannabis is an agricultural crop. Check your pesticide labels for WPS requirements. If you see an "Agricultural Use Requirements" box, the regulation applies to you.

7) Who is supposed to buy and maintain PPE?

With the exception of pants, shoes, socks, and shirts, the employer is required to purchase, maintain and replace PPE as needed:

<https://oda.fyi/PPE>

8) Who can perform annual WPS training, besides certified pesticide applicators?

Anyone who has completed an EPA-approved Train-the-Trainer course. For example, the following web-based course was recently released.

PURCHASE ONLINE: WPS Train-the-Trainer Course.

Cost is \$35.

Go to: <https://oda.fyi/WPSTraining>