# PESTICIDES ANNUAL REPORT

## ODA ⇛2024

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(11) (2023 Edition). The mission of the Department's Pesticides 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 Worker Protection Standard (WPS) Outreach and Education. The Program regulates pesticides through a number of mechanisms, including inspections, 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
(Inspections/Investigations/Enforcement)

During fiscal year 2024, the Pesticide Enforcement Program continued to welcome and onboard new staff, focus on its core work conducting inspections and investigations, and conducted multiple compliance assistance activities utilizing a variety of media. The compliance assistance activities included giving presentations to applicators during recertification training events, providing technical assistance at meetings, reviewing and updating brochures/flyers, plus continuing to produce short, recorded modules on the school Integrated Pest Management (IPM) law. Moving into the next fiscal year, the onboarding will continue as the program welcomes newer staff. The most current enforcement program staff can be found here: https://oda.direct/investigatorsmap. Even with the hiring and training of newer team members, the program continued to conduct a large number of inspections, investigations, and enforcement responses.

Similar to the 2023 fiscal year, the Pesticide Enforcement Program continued to have an extra focus on increasing awareness around the school IPM law by partnering with Oregon State University (OSU). In 2024, ODA staff attended and presented at all OSU School IPM Coordinator in-person trainings in the state. This allowed ODA staff, in coordination with OSU, to present information about the requirements of the law and provide technical assistance to school IPM Coordinators on its' implementation. Furthermore, ODA staff continued to work on a new compliance assistance resource for those involved with implementing a school IPM program that is free and available on the ODA's YouTube channel. Currently, there are four modules in both English and Spanish available on this channel, helping to describe portions of the school IPM law. Additional modules will be created and added in both English and Spanish as they are produced. These modules are intended primarily for school IPM plan coordinators and school governing bodies but can also be of interest to licensed applicators employed by a school or contracted commercial pesticide applicators who provide service to schools. The modules may be viewed at: https://oda.fyi/ipmschoolsplaylist

*Figure 1: Number of initiated cases by fiscal year (July 1 to June 30)*

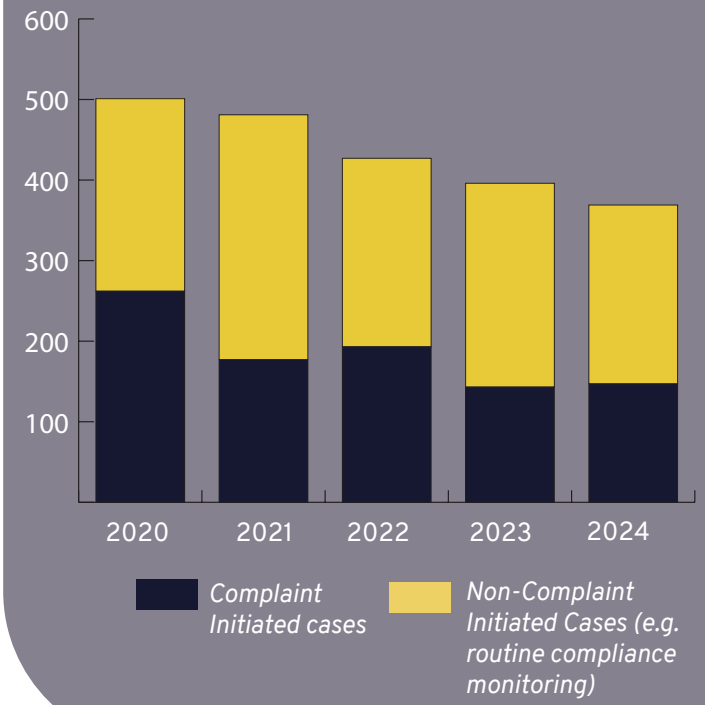
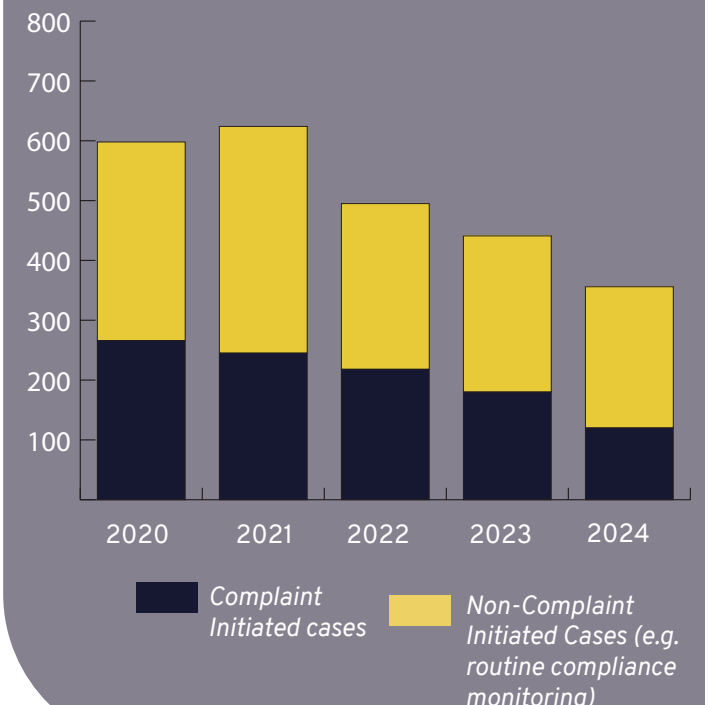



*Figure 2: Number of cases closed by fiscal year (July 1 to June 30)*



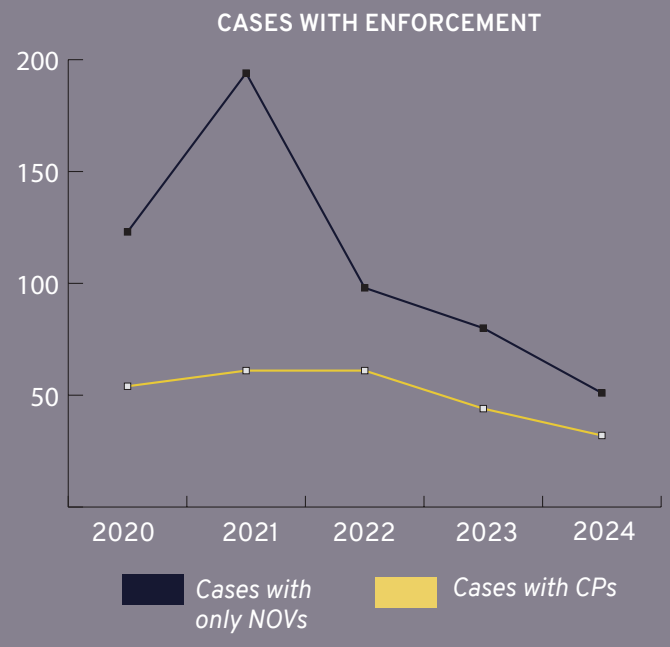

### *What did the Enforcement Program Workload look like in fiscal year 2024?*

In terms of the initiated case workload during this time (i.e. cases started), the number of complaint cases was similar to previous years, while the number of routine cases was also similar to the past couple of years. Figure 1 shows the number of complaint and non-complaint-initiated cases by fiscal year.

After addressing an enforcement backlog, ODA continued a focus and emphasis in ensuring a timely response of issuance of enforcement responses. In previous years the program referred to older, violative cases as "enforcement backlog" cases. The increased effort and focus started in the 2020 fiscal year and continued to the beginning of the 2023 fiscal year. Significant progress was made on the enforcement backlog during that time. Figure 2 shows the number of closed cases by fiscal year. If looking at the work during fiscal years 2020-2022 the program closed over 300 more cases than it initiated (Figure 2 vs. Figure 1). In the first part of fiscal year 2023, the program saw the end of the enforcement backlog. The result shows that during fiscal year 2023, cases being submitted by investigators (after an investigation was completed) were receiving reviews within a short time frame. To assess this time frame, a new metric was created in early 2021 that looked at the turnaround time from when an investigator completes a case and the time the case is either closed or all enforcement actions are issued. With a goal of 90 days, the program saw an average percent of around 68% of the cases meeting that goal during the 2022 fiscal year. The metric jumped to 87% meeting that goal in the 2023 fiscal year. In the 2024 fiscal year the program reached 94% on this metric!

During the 2024 fiscal year, the number of enforcement actions issued continued to decline as the program was on the tail end of a huge effort to address the enforcement backlog that carried into the beginning of the 2023 fiscal year. Figure 3 shows the number of cases that had an enforcement action related to the case. The result of that backlog case work was an increase in the number of violative cases seen in Figure 3; resulting in more enforcement actions issued from backlog cases that were started from previous fiscal years but had not had the enforcement action issued. Efficiency improvement work is ongoing to help prevent the program from facing a large backlog in the future. In addition, the new position made permanent in this biennium (an Enforcement Case Reviewer) has assisted in adding more bandwidth to the review step to help prevent future backlogs.

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




*A CP is a Civil Penalty, and a NOV is a Notice of Violation with no monetary penalty*

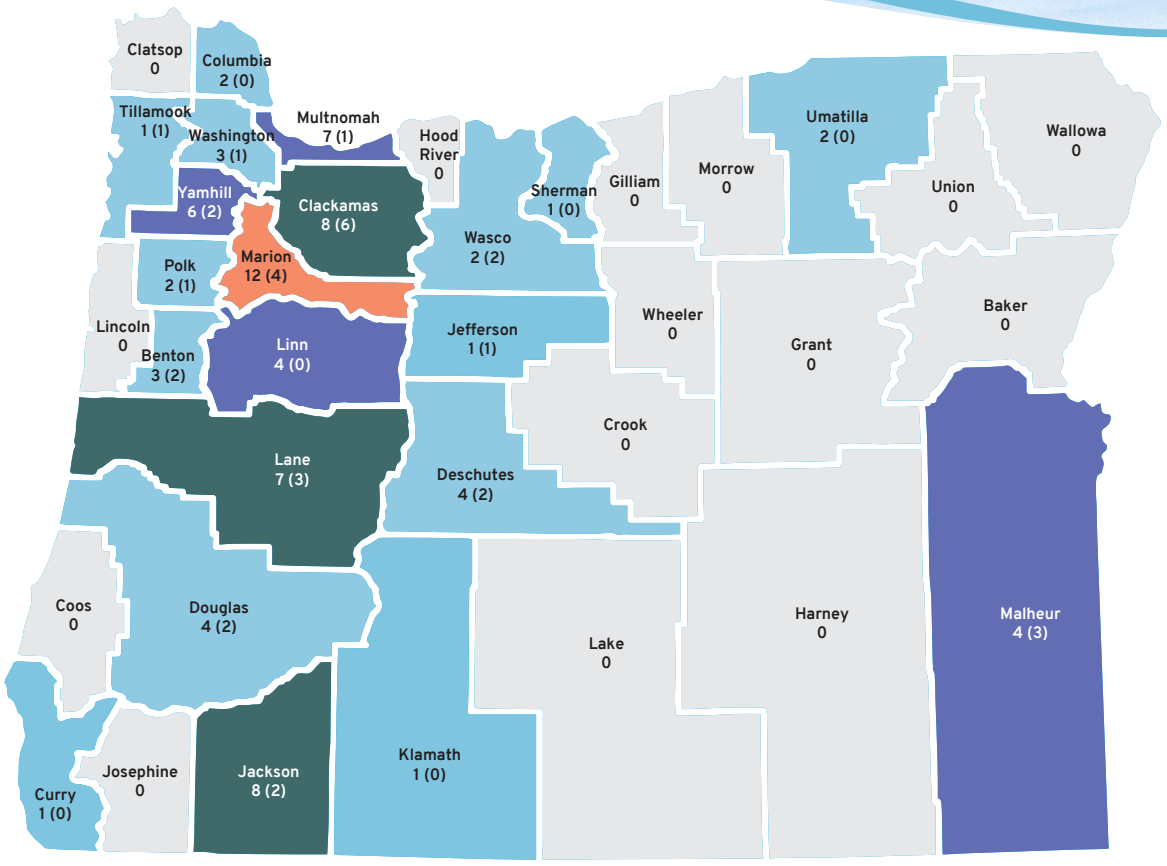



*Figure 4: Use Follow-up Investigations Initiated in Fiscal Year 2024 by county*

**Cases by county**

- 1-3
- 4-6
- 7-9
- 10-12

*First number is total number of investigations for the county, and number in parenthesis is the number of investigations that had a violation.*

### *Where were the Pesticide Enforcement Program's Use Investigations occurring in fiscal year 2024?*

When the Department receives a complaint or a referral from another agency regarding pesticide use, the Department may conduct a use follow-up investigation. Figure 4 shows which counties had use follow-up investigations initiated in fiscal year 2024. The total number of investigations is reported in the figure, plus the subset of the total that ended with an enforcement action is shown in parenthesis. Not every investigation leads to an enforcement action.

### *How many of ODA's Pesticide Enforcement Program cases involve cannabis?*

Some of the Pesticide Enforcement Program cases related to cannabis. Figure 5 shows the number of cannabis-closed cases per year as a portion of the total closed case load. The numbers vary from year to year from over 50 to around a 100 per year, with the 2024 fiscal years being lower than other previous years at 15 cases. Most of these cases are initiated from referrals from Oregon Liquor and Cannabis Commission (OLCC).

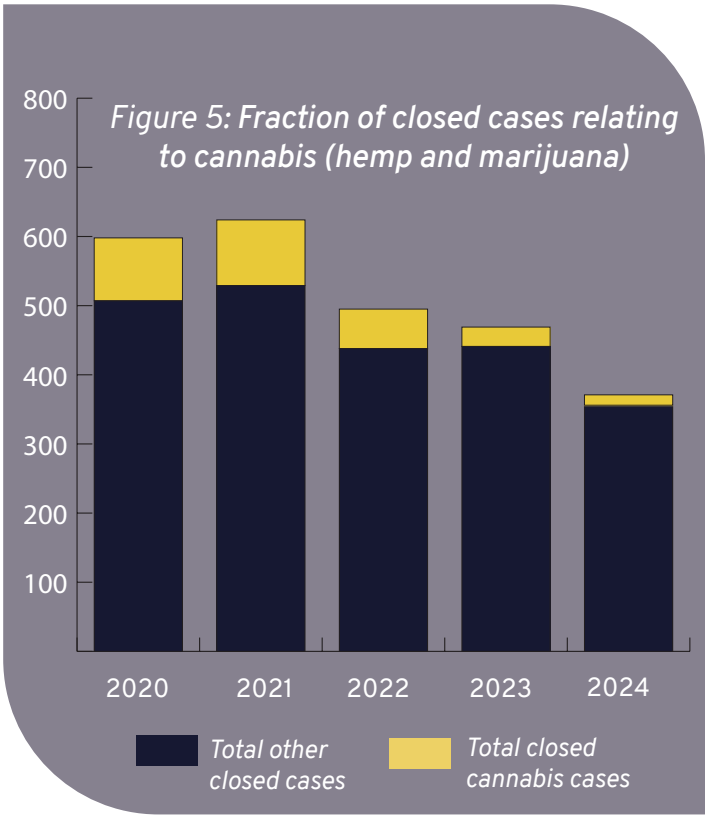



*Figure 5: Fraction of closed cases relating to cannabis (hemp and marijuana)*

## REGISTRATIONS

### General-use vs. restricted-use pesticides

Before a pesticide product may be distributed, sold, or offered for sale in Oregon, it must be registered with ODA. Most pesticides in Oregon are available to the general consumer for sale and use ("general use pesticides"). However, some pesticides are classified as restricted-use pesticides (RUPs). Generally, an RUP may only be sold to and used by a certified applicator with an active license for the uses covered by their certification. Some RUPs may be applied by a noncertified person if the application is made under the direct supervision of a certified applicator.

A pesticide is generally classified as RUP if it poses a higher risk to human health or the environment relative to general-use pesticides. Classifying a pesticide as an RUP is a way to mitigate the risks the product poses by ensuring that those using the product have received the appropriate training to apply it in a safe and effective manner.

Most RUPs registered in Oregon are classified as RUPs by the U.S. Environmental Protection Agency (EPA). However, a product may also be classified as a "state restricted-use pesticide" by ODA.

### What is an SLN label?

Under FIFRA Section 24(c), ODA may issue a "Special Local Need" (SLN) registration if there is a pest problem in our state and there are not any registered products available to address it. An SLN label allows a specific product to be used on a specific crop or crops not found on the main container label. 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 there are so many SLN registrations in Oregon. 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.

### Impact of the COVID-19 Pandemic

As part of ODA's commitment to public health, the Pesticides Program prioritized reviewing applications for new disinfectant registrations during the COVID-19 Pandemic (Table 1). The number of pesticide products registered in Oregon increased so significantly from 2020-2022 in large part due to the number of newly registered disinfectants (Table 2). While the number of pesticide products registered has decreased since 2022, there are still over 1,000 more pesticide products registered for sale and distribution in Oregon than there were before the Pandemic.

*Table 1: Total number of pesticide products registered at the conclusion of each registration year (Nov. 15-Nov. 15)**

| Pesticide Products | | |
|---|---|---|
| **Year** | **Number of products registered (including SLN labels)** | **Net change** |
| **2018** | 13,815 | |
| **2019** | 13,929 | +114 |
| **2020** | 14,401 | +472 |
| **2021** | 15,142 | +741 |
| **2022** | 15,599 | +457 |
| **2023** | 15,530 | -69 |
| **2024** | 15,319 | -211 |

**The new registration year always begins in mid-November, usually around the 15th. The exact date may change from year to year to account for weekends.*

### Chlorpyrifos Update

Per Oregon Administrative Rule (OAR) 603-057-0545, the only chlorpyrifos-containing products that may be sold, used, and distributed in Oregon are granular products, commercial pre-plant seed treatments, and chlorpyrifos-impregnated cattle ear tags. As of the date of this report, there are only two chlorpyrifos-containing products still registered in Oregon, and they are both granular products. Both products are classified as state restricted-use pesticides as required by OAR 603-057-0545.

### What is a "minimum risk pesticide?"

While most pesticides must first be registered with EPA before obtaining registration at the state level, certain pesticides are exempt from federal registration under FIFRA Section 25(b). Also called "minimum risk pesticides," EPA has exempted these pesticides from federal registration because they pose lower risks to human health and the environment than non-exempt, federally registered pesticides. However, they still require registration with ODA under the Oregon Pesticide Control Act. These products are limited to certain ingredients (e.g., certain essential oils) and cannot claim to control pests of public-health significance.

*Table 2: Changes in pesticide registrations*

| Changes in Pesticide Registrations | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** | **2024** |
| **Pesticide Product Registration (PPR) Registrants**** | 1,375 | 1,385 | 1,505 | 1,607 | 1,589 | 1,528 | 1,514 |
| **Products registered, including...** | **13,815** | **13,929** | **14,401** | **15,142** | **15,599** | **15,530** | **15,319** |
| **Special Local Need (SLN) labels** | 239 | 241 | 250 | 267 | 267 | 271 | 282 |
| **Minimum risk pesticides** | 743 | 818 | 924 | 924 | 955 | 990 | 989 |
| **Restricted-use pesticides (including SLN labels)** | 551 | 540 | 559 | 550 | 643*** | 652*** | 641 |
| **Pesticides on Cannabis Guide List** | 418 | 434 | 513 | 534 | 551 | 388**** | 393 |
| **Products dual-registered with Fertilizer Program** | 367 | 339 | 304 | 308 | 308 | 322 | 324 |

***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 whose pesticide products are being sold and distributed in Oregon.*

****The number of restricted-use pesticides for registration years 2022 and 2023 are higher than what was reported in past annual reports. This is because SLN labels and state restricted-use pesticides had not been counted appropriately. The Registrations Section sincerely apologizes for this oversight.*

*****This decrease is in part due to the removal of products whose registrations had been voluntarily canceled. Between 2016 and 2022, 177 products had been canceled and should have been removed from this list. The Registrations Section sincerely apologizes for this oversight.*

*Table 3: Registration actions completed per registration year*

| | **Calendar Year** | | |
|---|---|---|---|
| **Action Type** | **2022** | **2023** | **2024** |
| **New Products Registered (including SLNs)** | 1,458 | 1,343 | 1,110 |
| **Registrations Canceled (including SLNs)** | 1,285 | 1,062 | 1,410 |
| **Revised Labels Approved (including SLNs)** | 3,129 | 3,018 | 2,534 |
| **Federal Supplemental Labels Approved** | 58 | 37 | 23 |
| **2(ee) Recommendations Approved** | 52 | 52 | 74 |

## 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 and accrediting continuing education events.

In addition to these routine functions, the ODA certification and training program section is currently working to implement new federal requirements adopted by the EPA in 2017. The revised Certification of Pesticide Applicators rule (40 CFR 171) requires broad changes in Oregon, including:

» Increased standards for certifying and training users of restricted-use pesticides (RUPs);

» Increased protection for noncertified applicators using RUPs, who are under the direct supervision of a certified applicator, through enhanced pesticide safety training and standards;

» Broadened scope of applicability of new and existing requirements to include pesticide use activities, such as mixing and loading and applications; and

» Modified recordkeeping requirements for pesticide application and sale.

ODA has made substantial progress toward implementation. In October 2022, the EPA approved ODA's revised certification and training plan, which includes a timeline for coming into compliance with these federal rules. Additionally, in late 2023 ODA adopted rule amendments to implement the enforcement authorities granted by House Bill 2031 (2021) and required by the federal Certification of Pesticide Applicators rule.

To fully come into compliance with these federal regulations, ODA must work to amend and adopt new rules through the rulemaking process. Two new, and 14 amended rules are anticipated. Additionally, ODA must:

» Revise approximately 19 manuals and associated exams;

» Develop a new annual training for non-certified applicators; and

*Table 4: Number of Active Licenses in 2024*

| License type | Number |
|---|---|
| **Commercial Applicators** | 3,749 |
| **Private Applicators** | 3,561 |
| **Public Applicators** | 2,005 |
| **Immediately Supervised Trainees** | 1,805 |
| **Commercial Operators** | 986 |
| **Apprentice** | 883 |
| **Consultants** | 619 |
| **Dealers** | 235 |
| **Aerial Applicators** | 140 |
| **Noncommercial Applicators** | 38 |

» Develop a special continuing education training program to provide a pathway for currently certified and licensed individuals to meet new federal knowledge standards without retaking the updated exams.

Educational materials are being developed in partnership with the Pesticide Safety Education Program (PSEP) at Oregon State University. As ODA engages in this work, we are strongly committed to increasing access to Spanish-language educational materials and training, which are currently very limited in availability.

## LICENSING

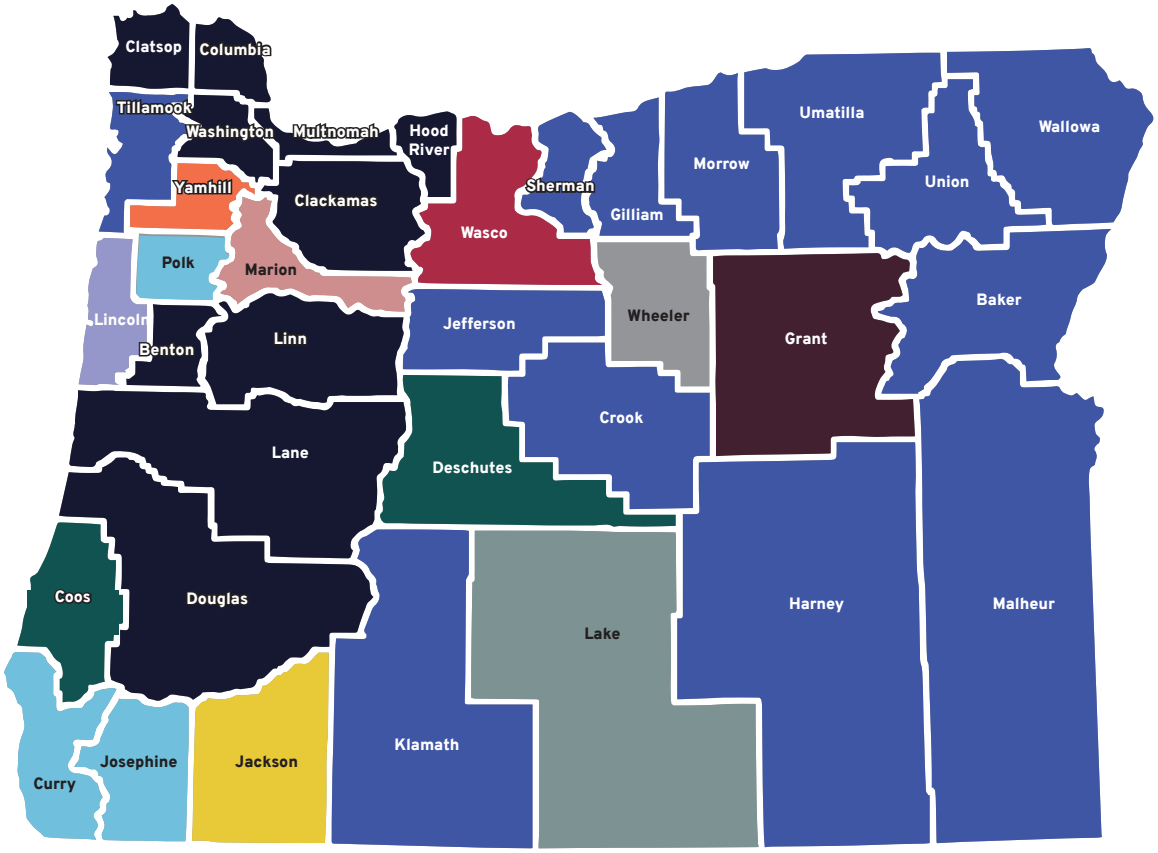
An individual may become "certified" when they demonstrate that they know how to use pesticides safely and legally by passing the required examinations. They may then qualify to apply for a pesticide applicator or consultant license, which allows them to perform pesticide-related tasks that would otherwise 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 10 license types, including a new license adopted in late 2023, 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 2024 is displayed in Figure 5.

*Figure 5: Most common commercial applicator license category in each county in 2024*




*Note: For Oregon commercial applicator license holders with addresses in Idaho and Washington states, the most common license category in 2024 was IIHS General Pest.*

- *Right-of-Way*
- *Ag. Herbicide*
- *Turf & Ornamental: Herbicide*
- *Ag. Herbicide and Ag: Insecticide/Fungicide*
- *Ag. Insecticide/Fungicide*
- *IIHS General Pest*
- *Ag. Herbicide, Aquatic, Forestry and Turf & Ornamental: Herbicide*
- *IIHS: General Pest and Right-of-Way*
- *IIHS Wood Treatment*
- *IIHS Structural and IIHS General Pest*
- *No CPAs in this county*
- *Ag Herbicide and Right-of-Way*
- *IIHS: General Pest and Turf & Ornamental: Herbicide*

*Figure 6: Changes in delivery method of continuing education trainings*

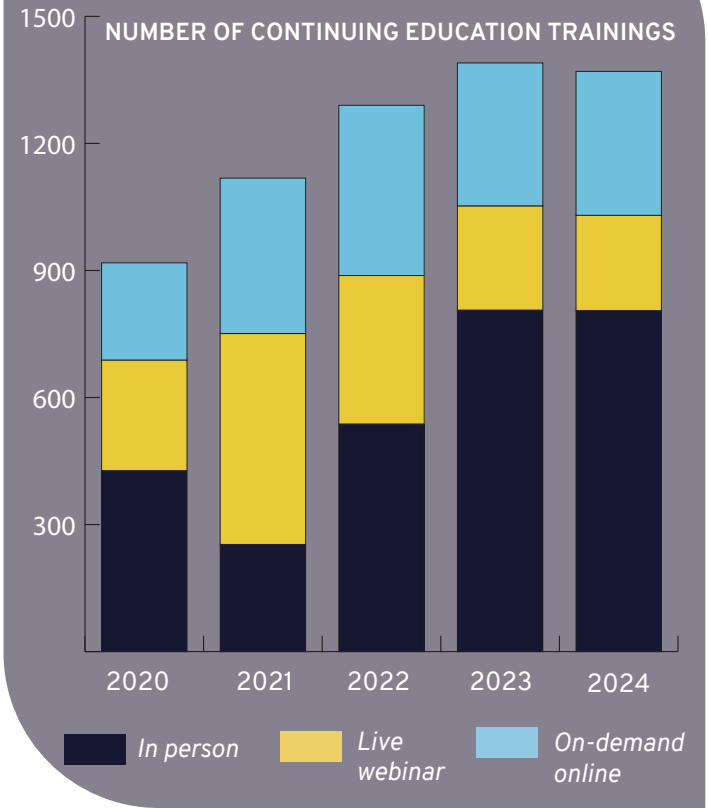
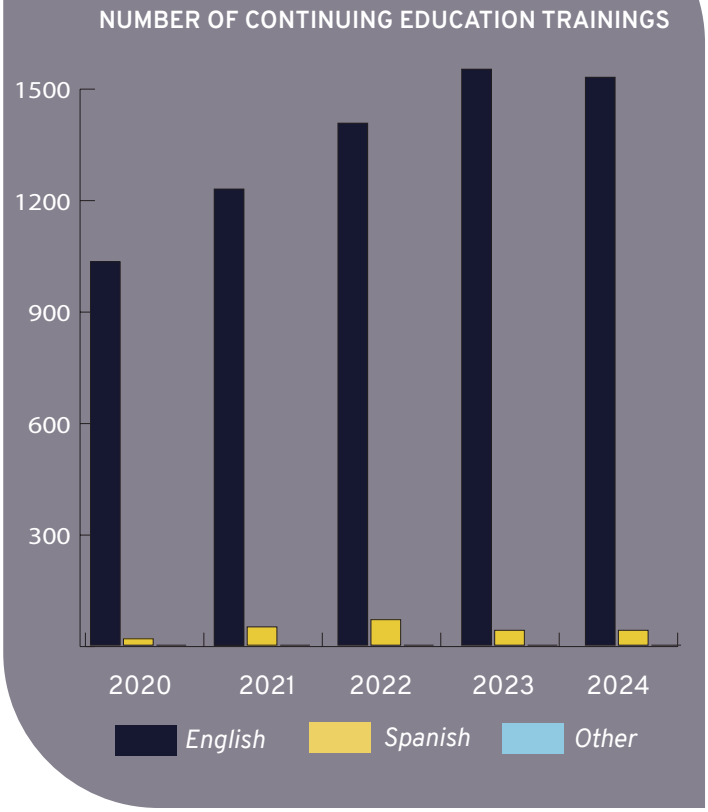



*Figure 7: Continuing education trainings by language of instruction*



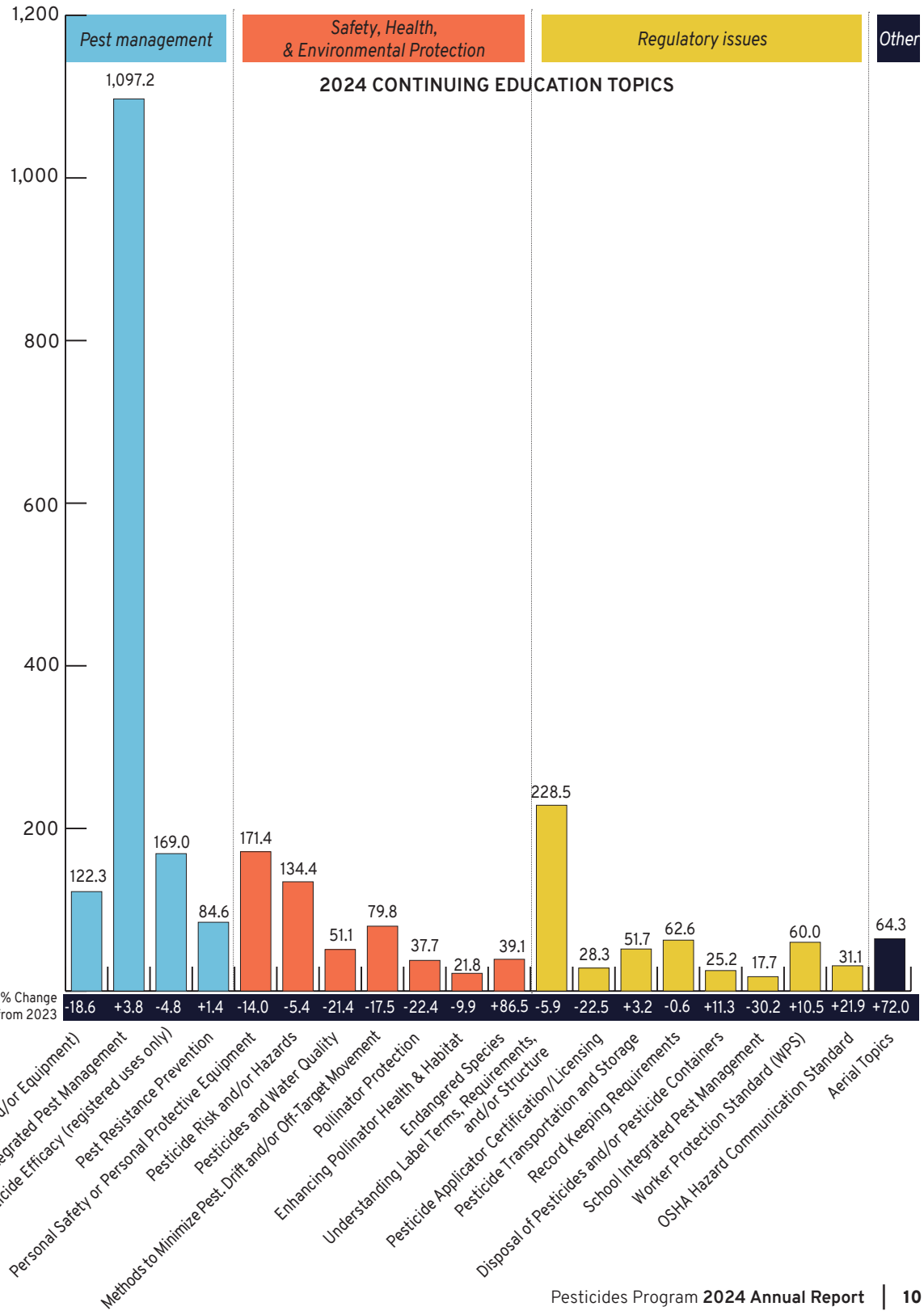

## CONTINUING EDUCATION

In addition, Certification and Licensing staff accredit continuing education events 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 2024, over 1,300 accredited trainings were offered. The total number of accredited trainings and relative proportion of trainings offered in various formats (i.e., in-person, live webinar, on-demand online) in 2024 was similar to 2023 (Figure 6). In 2024, less than three percent of continuing education trainings were offered in a language other than English (Figure 7). This is broadly consistent with the availability of such training over the previous four years.

In 2024, 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. When compared to 2023, the largest increases in training time were for endangered species and aerial application-related topics. Less training time was offered on topics like school IPM, pesticide applicator certification and licensing, pollinator protection, and water quality, when compared with 2023.

*Figure 8: Hours of event training offered by topic*

ODA supported the Pesticide Safety Education Program (PSEP) at Oregon State University. PSEP provides educational materials and events that keep pesticide applicators up to date on the latest science and regulations. In 2024, PSEP offered 12 webinars, 4 in-person, and 14 on-demand web-based recertification trainings, serving over 2,000 applicators.
OSU PSEP also offered three exam-preparation trainings (Pesticide Laws & Safety) in the Willamette Valley, Baker City and the Columbia Gorge. This year, they offered a webinar in Spanish for the first time, and the PSEP team worked on updated content for several study manuals used by pesticide applicators to prepare for (license) category exams. Thanks to ODA support, PSEP offers on-demand web-based modules to prepare workers for the "Laws & Safety" exam. Estimated at 16 hours, a new employee could complete the online training in a few days at no cost. For information, go to https://beav.es/iSX.



## 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

**EPA-Approved Certification and Training Plan**

https://oda.fyi/CPARD-Menu

**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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