OREGON DEPARTMENT OF AGRICULTURE
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Pesticides Program
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COMPREHENSIVE UPDATES TO PESTICIDE APPLICATION RECORDS, DEALER RECORDS/DISTRIBUTION, PESTICIDE "USE" DEFINITION, AND SUPERVISION STANDARDS

TOPIC NAVIGATION DIRECTORY:

- **Pesticide Application Recordkeeping**
  - Pesticide Application Records (for commercial operators, public applicators, noncommercial applicators, and pesticide consultants) (pg. 18-19)
    - Associated: Oregon Pesticide Application Record Requirements (Interpretive Guidance)
  - Employee Training Records (Limited licensing exemption for public applicators) (pg. 19-20)
    - Associated: Oregon Senate Bill 360 (2025)
  - Definitions: Supervising Applicator; Land or Property of Another (pgs. 3, 6-7)
- **Restricted-Use Pesticide Sale & Distribution**
  - Recordkeeping Requirements (pgs. 20-21)
  - Licensing Clarity (pg. 23)
  - Definitions: Custom Blend; Designated Agent; Distribute; Highly Toxic Pesticide; Land or Property of Another; Pesticide Producer; Pesticide Product; Pesticide Use; Restricted-Use Pesticide (pgs. 3-6)
- **Supervision Standards**
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  - Definitions: Certified; Highly Toxic Pesticide; Pesticide Use; Restricted-Use Pesticide; Supervising Applicator; Supervisee (pgs. 3-7)
- **Inactive Predator Control Categories (Revocation)**
  - Sodium Cyanide (OAR 603-057-0115; OAR 603-057-0125; OAR 603-057-0145;

OAR 603-057-0325 to -0350) (pgs. 12-16, 22-25)

- Associated: Oregon Senate Bill 580 (2019)

- Sodium Fluoroacetate (OAR 603-057-0115; OAR 603-057-0125; OAR 603-057-0145;
  OAR 603-057-0355 to -0375) (pgs. 12-16, 25-28)

RESOURCES

- Oregon Administrative Rule Chapter 603, Division 057: https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2734
- Oregon Revised Statutes (ORS), Chapter 634: https://www.oregonlegislature.gov/bills_laws/ors/ors634.html
- Oregon Senate Bill 360 (2025): https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB360/Enrolled
- Oregon Senate Bill 580 (2019): https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB580/Enrolled
- Federal Certification of Pesticide Applicators Regulations (40 CFR 171): https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171
- Oregon Pesticide Application Record Requirements (Interpretive Guidance) https://www.oregon.gov/oda/Documents/Publications/PesticidesPARC/PesticideApplicationRecordKeepingRequirements.pdf

DRAFT, PRE-PROPOSAL RULE AMENDMENTS

*Note: Initial draft, pre-proposal amendments to rule are in black text and indicated with bold (addition) and strikethrough (deletion) below. Updates after the third rules advisory committee meeting are in **red text.** Additions are indicated with regular, bold text (e.g., **addition**) and deletions are indicated with strikethrough text (e.g., ~~deletion~~ or ~~**deletion**~~) below.*

603-057-0001
Definitions

In addition to the definitions set forth in ORS 634.006, the following **terms**~~shall~~ apply **unless the context requires otherwise**:

(1) "Accident" means an undesirable and unintended event, caused by the use or application of pesticides, that adversely affects the environment.

(2) “Aerial pesticide applicator” or “aerial applicator” means an aerial pesticide applicator as defined in ORS 634.128.

(3) “Certified” means an individual who has met the specific examination or educational requirements, as applicable, to qualify to be issued or renew a commercial, noncommercial, public, aerial, or private applicator license, or a pesticide consultant license. Certification is:

(a) Valid for a time period of up to five calendar years, expiring on December 31 of the fifth calendar year; and

(b) Specific to the license and, as applicable, the license category.

(~~4~~3) “Commercial pesticide applicator” or “commercial applicator” means a pesticide applicator as defined in ORS 634.006.

(~~5~~4) “Commercial pesticide operator” or “pesticide operator” means a pesticide operator as defined in ORS 634.006.

(~~6~~5) "Common Exposure Route" means a likely way (oral, dermal, respiratory) by which a pesticide may enter an organism.

(~~7~~6) "Compatibility" means the properties of a pesticide that permit its use with other chemicals without undesirable results being caused by such combination.

(~~8~~7) "Competence" means the proficiency in the performance of activities related to pesticide application, the degree of which is directly related to the nature of such activities.

(9) “Custom blend” means the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when all of the following criteria are met:

(a) The blend must be prepared to the order of the customer and not held in inventory by the blender;

(b) The blend must only be used on the customer's property (including leased or rented property);

(c) Each pesticide used in the blend must bear end-use labeling directions which do not prohibit use of the pesticide product in such a blend;

(d) The blend must be prepared from pesticides registered by the Department;

(e) All of the following must be delivered to the pesticide user:

(A) The blend in accordance with OAR 603-057-0200, as applicable;

(B) A copy of the pesticide labeling of each pesticide used in the blend; and

(C) A statement specifying the composition of mixture; and

(f) No other pesticide production activity is performed at the facility or location where the blend is prepared.

(10) "Designated agent" means an individual, other than a commercial common or contract carrier transporting a restricted-use or highly toxic pesticide in its original unbroken pesticide container under shipping documentation, who:

(a) Has been identified as the designated agent to the pesticide dealer by the appropriately certified and licensed person to whom the restricted-use or highly toxic pesticide is sold or distributed; and

(b) Takes possession of an original unbroken container of a restricted-use or highly toxic pesticide from a licensed pesticide dealer for the sole purpose of transporting it to the appropriately certified and licensed person to whom the pesticide is sold or distributed; and

(c) Does not open or otherwise use the restricted-use pesticide; and

(d) Performs the activities in subsection (10)(b) of this rule under the authorization of the appropriately certified and licensed person to whom the pesticide is sold or distributed.

(11) "Distribute" means to import, consign, sell, offer for sale, barter, exchange or otherwise facilitate the supplying of a pesticide, pesticide product, or device for sale or use in the State through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

(12~~8~~) "Environment" means water, air, land and plants, humans, or other animals living therein or thereon, and the interrelationships existing among them.

(13) "Highly toxic pesticide" means a pesticide classified by the Department as highly toxic as defined in ORS 634.006(5).

(14~~9~~) "Immediately Supervised Trainee" is a type of trainee as defined in ORS 634.006(26).

~~(10) "Immediate Supervision" means supervision by an appropriately licensed commercial, noncommercial, or public applicator who is:~~

~~(a) Located on the pesticide application site at all times during the application; and~~

~~(b) Available at the specific point of pesticide use within a time period of no more than five minutes.~~

(15) "Land or property of another" means land or property:

Commented [CB1]:
1. Adds "highly toxic" pesticides to align with statute.

2. Clarifies that freight carriers are excluded from this definition. See associated clarification in OAR 603-057-0200(3)(b).

3. Explicitly references closed containers and not opening, to more clearly distinguish from pesticide "use" activities.

(a) That is not owned or leased by the person applying pesticides; and

(b) That is not owned or leased by the employer of the person applying the pesticides.

(16~~11~~) “Noncommercial pesticide applicator” or “noncommercial applicator” means a noncommercial pesticide applicator as defined in ORS 634.006.

(17~~12~~) "Non-Target Organism" means plant or animal life other than to which the pesticide is applied or is intended to be applied.

(18~~13~~) “Pesticide Apprentice” is a type of trainee, as defined in ORS 634.006(26) that engages in pesticide application activities under the supervision of a licensed commercial, noncommercial, or public applicator as described in OAR 603-057-0127. A pesticide apprentice is limited to the categories of pesticide application authorized on the commercial, noncommercial, or public applicator license of the supervisor.

(19~~14~~) “Pesticide consultant” or “consultant” means a pesticide consultant as defined in ORS 634.006.

(20~~15~~) “Pesticide dealer” means a pesticide dealer as defined in ORS 634.006.

(21) “Pesticide producer” means the person who lawfully manufacturers, prepares, compounds, propagates, custom blends, repackages, refills, or processes any pesticide, device, or active ingredient used in producing a pesticide or pesticide product, excluding the dilution by individuals of formulated pesticides for their own use in accordance with the directions on the registered pesticide product label.

(22~~16~~) “Private applicator” means a private applicator as defined in ORS 634.006.

(23~~17~~) “Public pesticide applicator” or “public applicator” means a public applicator as defined in ORS 634.006.

(24) “Pesticide product” for the purpose of pesticide registration as specified in ORS 634.016, means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.

(25) “Pesticide use” means any of the following:

(a) Pre-application activities involving mixing and loading the pesticide;

(b) Carrying out an application, spraying, or otherwise applying pesticides;

(c) Other pesticide-related activities, including, but not limited to:~~,~~

(A) ~~t~~Transporting or storing pesticide containers that have been opened;~~,~~

Commented [CB2]: Explicitly reference lawful repack and refill work for clarity.

Commented [CB3]:
1. Added clarification on types of equipment in (25)(c) and reformatted as a list for clarity. Aligns with "handler" definition under WPS (40 CFR 170.305) and seeks to addresses incidental vehicle maintenance scenarios.

2. Separated use activities in (25)(c) and excluded activities in (25)(d) into lists for clarity.

3. Revised language in (25)(d)(A) to capture refillable containers. Language mirrors statutory language in ORS 634.372(3).

4. Revised language in (25)(d)(D) to align with "handler" definition under WPS (40 CFR 170.305)

(B) ~~c~~Cleaning parts of application, mixing, or loading equipment that may contain pesticide residues~~;~~ and

(C) ~~d~~Disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(d) This section shall not be construed to include:

(A) Transporting or storing of pesticide~~s~~ in their original unbroken containers ~~that have not been previously opened~~;

(B) Activities conducted by pesticide dealers or pesticide producers, acting solely in these capacities; or

(C) Lawful disposal-related transportation or storage:

(i) ~~t~~To waste pesticide collection events sponsored by the Department~~; or~~

(ii) ~~b~~By commercial waste haulers or disposal facilities~~; or~~:

(iii) Of original pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions.

(2~~618~~) "Regulated Pest" means a specific organism determined by the Department to be a pest requiring control, or eradication in order to protect the environment.

(27) "Restricted-use pesticide" means a pesticide classified by the Department as a restricted-use pesticide as defined in ORS 634.006(25).

(28) "Supervisee" means a noncertified or unlicensed person for the specific pesticide use who:

(a) Uses a pesticide classified by the Department as a restricted-use or highly toxic while under the supervision of a certified and licensed private applicator pursuant to OAR 603-057-XXXX; or

(b) Applies any pesticide, or uses a pesticide classified by the Department as a restricted-use or highly toxic, while under the supervision of a certified and licensed commercial applicator, noncommercial applicator, or public applicator pursuant to OAR 603-057-XXXX.

(29) "Supervising applicator" means:

(a) A certified and licensed private applicator who supervises the use of a pesticide classified by the Department as restricted-use or highly toxic pursuant to OAR 603-057-XXXX; or

(b) A certified and licensed commercial applicator, noncommercial applicator, or public applicator who supervises, directly supervises, or is in direct charge of the application of

any pesticide, or the use of a pesticide classified by the Department as restricted-use or highly toxic, pursuant to OAR 603-057-0106, OAR 603-057-0127 or OAR 603-057-XXXX.

~~(19) For the purpose of pesticide registration as specified in ORS 634.016, "pesticide product" means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.~~

~~(20) For the purposes of ORS 634.006(8), ORS 634.006(12)(c), ORS 634.106(7), ORS 634.126(1)(c), Oregon Laws 2022, chapter 53, Section 3(1)(b), OAR 603-057-0001(13), and OAR 603-057-0127, the terms "direct charge of," "supervises," "direct supervision," and "supervision" mean that:~~

~~(a) The supervisor of the person applying a pesticide has determined that the person applying a pesticide has sufficient knowledge and ability to safely apply the particular pesticide according to its label directions and any other additional directions;~~

~~(b) The person applying a pesticide is applying the particular pesticide under the instructions of their supervisor; and~~

~~(c) The person applying a pesticide is applying the pesticide in such proximity to their supervisor that such supervisor is reasonably available for any needed consultation or further direction, even though such supervisor is not physically present at the time or place of the pesticide application.~~

~~(21) For the purposes of section (20) of this rule, "supervisor" means a person that is responsible for the actions of a person applying a pesticide.~~

603-057-XXXX

Supervision Requirements; Supervisee Training Records

(1) A supervising applicator must be certified and have the appropriate license and license category applicable to the specific pesticide use at the time of the pesticide use.

(2) The Department may hold a supervising applicator, the commercial pesticide operator or other person employing the supervising applicator or supervisee, or the supervisee responsible, individually or in combination, for a violation of ORS chapter 634 or OAR chapter 603, division 057 involving supervised pesticide use.~~A supervising applicator and the supervisee are jointly responsible for the actions of a supervisee who engages in pesticide use under their supervision.~~

Commented [CB4]: Added certified for clarity and consistency.

Commented [CB5]: Revised to to better reflect the Program's existing "facts on the ground" approach.

(3) In addition to all other applicable requirements of this division 57, a supervising applicator must ensure ~~that each supervisee under their direct supervision meets~~ all of the following requirements are met prior to each~~the~~ pesticide use by a supervisee under their direct supervision:

(a) Supervisee is at least 18 years of age~~;~~.

(b) Supervisee must have demonstrated to the supervising applicator a basic knowledge of pesticide laws and safety by meeting one of the following criteria at the time of~~prior to the~~ pesticide use and the supervising applicator must have access to the applicable records described in section (6) of this rule:

(A) Supervisee successfully completed an examination within the past 60 months prior to pesticide use that meets the competency standards described in OAR 603-057-0120 and that was approved by the Department for this purpose;

(B) Supervisee is currently licensed as an Oregon pesticide apprentice, or as an Oregon private applicator, pesticide consultant, commercial applicator, noncommercial applicator, or public applicator without the appropriate license category;

(C) Supervisee has completed an agricultural handler training as described in 40 CFR § 170.501 (2024) within the last 12 months; or

(D) Supervisee has completed a training within the last 12 months that is approved by the Department for this purpose that meets or exceeds the criteria in 40 CFR § 171.201(d) (2017);

(c) A supervising applicator must ensure the supervisee has access to the applicable pesticide labeling at all times during its use and upon request following its use, and the supervisee is able to read and fully understand the labeling or have access to an individual who can explain the labeling to the supervisee in a language and manner that the supervisee understands;

(d) A supervising applicator must ensure the supervisee has been instructed within the ~~last~~ 12 months prior to pesticide use in the safe operation of any equipment used in the supervised pesticide use in a language and manner that the supervisee understands;

(e) A supervising applicator must ensure that the supervisee has clean, label required personal protective equipment in proper operating condition. The supervising applicator must also ensure that the supervisee wears and correctly uses the personal protective equipment required by the pesticide labeling during all pesticide use;

(f) Prior to pesticide use, the supervising applicator must provide to each supervisee use instructions specific to the site and pesticide used. The supervising applicator must ensure~~provide~~ this information is provided in a language and manner that the supervisee can understand. These instructions must include:

Commented [CB6]: Revised to better capture the broader suite of requirements in this list (which are requirements the supervising applicator must meet).

Commented [CB7]: Ensures applicator qualifications are valid during applicable pesticide use (e.g., the 12 month training window includes their pesticide use).

Commented [CB8]: Added additional license types that pass exams that meet or exceed the standards of those already listed.

Commented [CB9]:
1. Provides a pathway for a supervisee to gain access to pesticide labeling, should they need to consult with a health care provider.
Question: what time period is workable?
Application records need to be retained for three years.

2. Clarifies that communication must both be in language and manner that supervisee can understand but written broadly so that supervising applicator may use a combination of approaches and tools to meet the requirement.

Commented [CB10]:
1. Included additional examples for site characteristics and application conditions to call attention to their importance.

2. Clarifies that communication must both be in language and manner that supervisee can understand but written broadly so that supervising applicator may use a combination of approaches and tools to meet the requirement.

Commented [CB11]: This sentence was moved from the bottom of this paragraph to permit formatting (3)(f) as a list for clarity.

(A) ~~i~~Labeling directions, precautions, and requirements applicable to the specific use and site, and

(B) ~~h~~How the characteristics of the use site (e.g., surface and ground water, endangered species, local population, adjoining sensitive crops or organic production areas, and nearby human populations including occupied agricultural labor housing, nearby workers, schools, residences, children, elders, or known hunting or cultural plant-gathering areas) and the conditions of application (e.g., equipment, method of application, formulation, weather and temperature conditions, application in an enclosed space) might increase or decrease the risk of adverse effects~~.~~;

(g) Prior to each day of pesticide use, the supervising applicator must ensure that the equipment used for mixing, loading, transferring, or applying pesticides:

(A) ~~i~~Is inspected;~~,~~

(B) Is not faulty or unsafe;~~ and~~

(C) Is in proper operating condition as intended by the manufacturer or custom builder, as applicable; and

(D) ~~c~~Can be used without risk of reasonably foreseeable adverse effects to the supervisee, other persons, or the environment;

(h) A supervising applicator must ensure that there is a means to immediately and fully communicate with each supervisee under their direct supervision in a language and manner that the supervisee understands, and there is the ability to provide adequate supervision;~~ and~~

(i) The supervising applicator must be physically present at the site of the use being supervised when required by the product labeling; and~~.~~

(j) A supervising applicator must ensure the supervisee knows the identity of the supervising applicator.

(4) Prior to a pesticide application, a supervising commercial, noncommercial, or public applicator must ensure that the supervisee who~~that~~ conducts a pesticide application is licensed as a pesticide apprentice or licensed as an immediately supervised trainee.

(5) A supervising commercial, noncommercial, or public applicator who supervises an individual other than a licensed pesticide apprentice~~immediately supervised trainee~~ who applies any pesticide or conducts a pre-application activity involving mixing or loading of a restricted-use or highly toxic pesticide must be:

(a) Physically ~~l~~located on the pesticide application site at all times during the application; and

Commented [CB12]:
1. Formats (3)(g) into a list for clarity.

2. Adds reference language ("faulty or unsafe") from prohibited acts in statute (ORS 634.372(3) and preserves the federal standard in (3)(g)(C), while providing flexibility for custom hardware.

3. Clarifies that communication must both be in language and manner that supervisee can understand but written broadly so that supervising applicator may use a combination of approaches and tools to meet the requirement.

Commented [CB13]: Ensures clarity regarding the supervisor/supervisee relationship through required communication. This does not result in additional recordkeeping requirements.

Commented [CB14]: 1. Applies the on-site and within 5 minutes requirement to mixing/loading of RUPs (not just pesticide applications).

2. Clarifies required location and proximity of supervisor, as consistent with current Program practices.

(b) Available at the specific point of pesticide application within a time period of no more than five minutes by pedestrian travel (including use of a wheelchair or other mobility aid, but excluding other vehicles).

(6) Prior to supervising pesticide use, a supervising applicator must have access to records demonstrating that the supervisee has met one of the training criteria described in subsection (3)(b) of this rule. These records must be maintained by the commercial pesticide operator, noncommercial applicator, or public applicator for at least three years from the date of the pesticide use. Records must be available during business hours for review and inspection by the Department. The specific records required depend on the training criteria met and are as follows:

(a) If a supervisee's pesticide training requirements are met by examination, as described in subsection (3)(b)(A) of this rule, then following records are required:

(A) Supervisee's full printed name; and

(B) Date of successful~~ly~~ completion of the examination; and

(C) Name of examination.

(b) If supervisee's pesticide training requirements are met by maintaining a~~n appropriate~~ license, as described in subsection (3)(b)(B) of this rule, then the following records are required:

(A) Supervisee's full printed name; and

(B) License number and license expiration date; and

(C) Name of agency that issued the license.

(c) If supervisee's pesticide training requirements are met by completing agricultural handler training, as described in subsection (3)(b)(C) of this rule, then the following records are required:

(A) Supervisee's full printed name and signature; and

(B) Date of training; and

(C) Information identifying which training materials approved by the US Environmental Protection Agency were used; and

(D) The supervisee employer's name; and

(E) The trainer's name and documentation that the trainer is appropriately qualified.

(d) If supervisee's pesticide training requirements are met by completing another approved training, as described in subsection (3)(b)(D) of this rule, then the following records are required:

(A) Supervisee's full printed name and signature; and

(B) Date of training and name of trainer; and

(C) The title or description of the training provided.

603-057-0106
Immediately Supervised ~~Pesticide~~ Trainee

(1) There is herewith established a type of trainee license as defined in ORS 634.006(26) which shall bear the designation "Immediately Supervised Trainee."

(2) An immediately supervised trainee license may only be issued upon receipt by the department of:

(a) An appropriately completed license application form; and

(b) Payment of the appropriate fee.

(3) The fee for an immediately supervised trainee license shall be the same as the fee for a pesticide trainee license.

(4) An immediately supervised trainee license shall expire on December 31 of the year of issuance, or of the following year if issued a license for two consecutive years.

(5) An immediately supervised trainee license may be renewed.

(**6**~~5~~) An immediately supervised trainee license authorizes the holder to conduct pesticide **applications** ~~application activities~~ under the ~~immediate~~ supervision of an appropriately licensed **supervising applicator**~~supervisor~~ as detailed in OAR 603-057-0001 **and OAR 603-057-XXXX**. The immediately supervised trainee may apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** only in the categories listed under the **supervising applicator's**~~supervisor's~~ license. If the **supervising applicator**~~supervisor~~ is a licensed public applicator, the immediately supervised trainee may only apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** as described in ORS 634.116(12).

~~(6) An immediately supervised trainee license may be renewed.~~

~~(7) For each pesticide application made by an immediately supervised trainee, a pesticide application record, as required by ORS 634.146 and OAR 603-057-0130, must be made that also contains the names and pesticide license numbers of the immediately supervised trainee(s) and their supervisor(s). The employer of the immediately supervised trainee shall retain the record~~

~~for a period of three years and release them to the department for inspection as required or authorized by ORS chapters 561 or 634 or rules adopted thereunder.~~

(~~7~~8) An immediately supervised trainee license does not authorize the holder to conduct pesticide applications by ~~helicopter or fixed wing~~ aircraft.

~~(9) For purposes of this rule, "an appropriately licensed supervisor" is:~~

~~(a) A licensed commercial, noncommercial, or public applicator;~~

~~(b) Licensed in the category, or categories, in which the immediately supervised trainee is currently engaged.~~

(~~8~~10) ~~A supervised trainee conducting a pesticide application may not use or apply pesticides except under the supervision of an appropriately licensed supervising applicator who is at the site where the application is made as detailed in as detailed in OAR 603-057-0001 and OAR 603-057-XXXX.~~ **Prior to each pesticide application, the supervising applicator of the immediately supervised trainee must ensure the immediately supervised trainee knows the identity of their supervising applicator.** Any immediately supervised trainee conducting **a** pesticide application **without an appropriately licensed supervising applicator as detailed in OAR 603-057-XXXX will be considered unlicensed.** ~~activities without an appropriately licensed supervisor, without an appropriately licensed supervisor on the site where the application is being made, or~~ **Any immediately supervised trainee** who is unable to identify their **supervising applicator**~~supervisor~~**, and any supervising applicator or employer who allows such pesticide application without the required supervision,** is~~will be considered unlicensed and~~ subject to enforcement actions in accordance with ORS 634.900.

Commented [CB15]: 1. Revises language for consistency with pesticide apprentice rule (note: supervisor licensing requirement is already in Section (6) of this rule).

2. Ensures clarity regarding the supervisor/supervisee relationship through required communication.

3. Broadens language regarding responsibility consistent with current Program practices.

603-057-0115

Pesticide Operator, Applicator, and Trainee Subcategories

The following subcategories of pesticide operators and commercial, noncommercial, and public applicators are hereby established within the categories set forth in OAR 603-057-0110:

(1) Under "Agricultural Pest Control":

(a) Insecticide and Fungicide: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of insecticides, fungicides, and/or nematicides in the production of agricultural crops, or on agricultural lands, grasslands, and non-crop agricultural lands;

(b) Herbicides: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who

use or supervise the use of herbicides in the production of agricultural crops or on agricultural lands, grasslands, and non-crop agricultural lands;

(c) Soil Fumigation: This shall include pesticide operators, commercial applicators, and public applicators who use or supervise the use of soil applied fumigants in the production of agricultural crops or on agricultural lands, grasslands, or non-crop agricultural lands;

(d) Livestock Pest Control: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of pesticides in agricultural areas for control or eradication of such livestock pests as insects, mites and ticks;

(e) Vertebrate Pest Control: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of pesticides in agricultural areas for control of vertebrate pests other than livestock predators.

(2) Under "Industrial, Institutional, Health, and Structural Pest Control":

(a) Pest Control, General: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides, other than fumigants, in or around structures, institutions and establishments for the protection of stored, processed, and manufactured products or for the protection of human health;

(b) Structural Pest Control: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides, other than fumigants, in, on, or around structures for the control of wood-destroying pests (i.e., termites, carpenter ants, powder post beetles, etc.);

(c) Space Fumigation: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of fumigants in enclosed or confined areas or structures for the control of pests in structures, in stored food or feed, and in other agricultural products. Field treatment of utility poles, pilings, bridge supports, and similar elements of construction are excluded from this category;

(d) Moss Control: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides for the control of moss and algae on structures;

(e) Wood Treatment: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides to treat wood products (i.e., lumber, poles, ties, etc.) before the use of those products in construction, and to field treat utility poles, pilings, bridge supports, cross arms, and similar elements of construction with fumigants or other pesticides.

(3) Under "Ornamental and Turf Pest Control":

(a) Insecticide and Fungicide: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of insecticides and fungicides in the establishment and maintenance of ornamental plantings and turf;

(b) Herbicide: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides in the establishment and maintenance of ornamental plantings and turf.

(4) Under "Regulatory Pest Control":

~~(a) M-44 Device: This shall include only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators and who use the M-44 device containing sodium cyanide for the control of coyotes and certain other wild canids, which shall be in the manner as specified by the administrative rules of the Department;~~

~~(b) Livestock Protection Collar: This shall include only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators and who use the livestock protection collar containing sodium fluoroacetate (Compound 1080) for the control of coyotes, which shall be in the manner as specified by the administrative rules of the Department;~~

(~~a~~c) Weed Control: This shall include public applicators who use or supervise the use of pesticides for the control of plants designated by local weed control districts or the Department as noxious weeds as set forth in ORS 569.355.

~~603-057-0125~~
~~Special Standards of Pesticide Applicator Competence~~

~~In addition to the requirements of OAR 603-057-0120, the written examination shall include the following applicable special standards for the category or subcategory indicated:~~

~~(1) "Regulatory Pest Control – M-44 Device":~~

~~(a) Knowledge of the characteristics and habits of predatory animals, and particularly coyotes;~~

~~(b) Knowledge of the toxicity levels of sodium cyanide, the hazards in the use or application thereof, and the common exposure routes thereof;~~

~~(c) Knowledge of the common types of accidents associated with the use or application of sodium cyanide in the quantities and forms utilized;~~

(d) Knowledge of precautions to be undertaken to protect the applicator and the immediate environment and nontarget organisms in the vicinity;

(e) Knowledge of the effects of weather, terrain, soil, drainage, and other topographical or climatic conditions that are associated with the use or application of sodium cyanide in the prescribed manner for predator control;

(f) Knowledge of the operation, repair, and maintenance procedures for the device known as the "M-44 spring loaded sodium cyanide coyote control device," including placement and retrieval thereof;

(g) Knowledge of the departmental rules relating to the use of sodium cyanide and the above described device, including the placement of adequate warning signs, the keeping of records relating to pesticide device locations and numbers, and the inventorying of numbers and species of animals eradicated.

(2) "Regulatory Pest Control-Livestock Protection Collar":

(a) Ability to read and understand pesticide labels and labeling information, including all labeling and use restrictions for sodium fluoroacetate (Compound 1080) livestock protection collars;

(b) Ability to recognize the technical name, sodium fluoroacetate, and understand the basic properties of Compound 1080;

(c) Ability to recognize potential hazards posed to humans, domestic animals, and non-target wildlife by the use of the livestock protection collar;

(d) Ability to recognize general symptoms of poisoning by Compound 1080 in humans and domestic animals and take appropriate action;

(e) Knowledge that only an employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, certified and licensed as a public pesticide applicator in the category "Regulatory Pest Control," subcategory "Livestock Protection Collar," by the Oregon Department of Agriculture can handle or use Compound 1080 and the livestock protection collar;

(f) Ability to recognize situations where use of the livestock protection collar can be expected to be safe and effective, as well as those situations where alternative methods of control would be more suitable. These methods may include but would not be limited to use of the M-44 device, guard animals, fences, repellents, fright devices, snares, and traps;

(g) Knowledge of the use restrictions set forth in OAR 603-057-0360 and the record-keeping requirements set forth in 603-057-0375, which include a record of each animal (target or non-target) found poisoned or suspected of having been poisoned as a result of the use of Compound 1080;

~~(h) Knowledge of the requirement for immediate (within three days) reporting of suspected poisonings of non-target species and suspected poisonings of humans or domestic animals by Compound 1080 to the U.S. Environmental Protection Agency and the Department, as set forth in OAR 603-057-0375(3);~~

~~(i) Ability to distinguish between damaged livestock protection collars that can be repaired and those that must be disposed of properly;~~

~~(j) Knowledge of how to make appropriate repairs to damaged livestock protection collars prior to reuse and how to dispose of them properly if they cannot be repaired;~~

~~(k) Knowledge of how to properly dispose of dead animal remains, vegetation, or soil contaminated by a punctured livestock protection collar;~~

~~(l) Knowledge of safe handling and storage procedures for the livestock protection collar;~~

~~(m) Knowledge of the requirement to post and maintain bilingual (English/Spanish) warning signs at logical points of access to areas where livestock protection collars are in use; and~~

~~(n) Knowledge of the requirement to perform inspections of livestock protection collars in use twice weekly.~~

603-057-0127

Pesticide Apprentice Standards of Competence

(1) The department may issue a pesticide apprentice license for one licensing period, or portion thereof. The department may issue the license to an applicant that is at least 18 years of age upon receipt of:

(a) A license application form that contains all of the information requested by the department;

(b) Payment of the appropriate fee; and

(c) Documentation that the applicant successfully completed, within two years of the date of initial application, a written examination developed and administered by the department for the purpose of assuring that the applicant is competent in the use of pesticides as a pesticide apprentice. The content of this examination shall include the topics listed in OAR 603-057-0120. Successful completion of the examination shall require answering at least 70 percent of the examination questions correctly.

(d) A pesticide apprentice license shall expire on December 31 of the year of issuance, or the following year if issued a license for two consecutive years.

(2) The department may renew a pesticide apprentice license for consecutive licensing periods upon receipt of:

(a) A license renewal application form containing all of the information requested by the department;

(b) Payment of the appropriate fee; and

(c) Documentation that the applicant successfully completed the required credit hours of pesticide instructional sessions during the previous licensing period. The department must accredit the instructional sessions. Eight (8) credit hours are required for each year of a licensing period. Four (4) of the eight (8) credit hours must be core credits as described in OAR 603-057-0135. All training requirements may be waived for the first year of the initial licensing period only.

(3) If a person licensed as a pesticide apprentice does not deliver the form, fee, and documentation described in section (2) of this rule to consecutively renew their license, the person will not be eligible to renew their pesticide apprentice license. The person must retake the qualifying examination as described in (1)(c) of this rule.

(4) A pesticide apprentice license authorizes the holder to conduct pesticide **applications**~~application activities~~ under the supervision of an appropriately licensed **supervising applicator**~~supervisor~~ **as detailed in OAR 603-057-0001 and OAR 603-057-XXXX**. The licensed **pesticide** apprentice may apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** only in the categories listed on the supervisor's license. If the supervisor is a licensed public applicator, the licensed **pesticide** apprentice may only apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** as described in ORS 634.116(12).

~~(5) For each pesticide application made by a pesticide apprentice, a pesticide application record, as required by ORS 634.146 and OAR 603-057-0130, must be made that also contains the names and pesticide license numbers of the appropriately licensed pesticide apprentice(s) and the supervisor(s). The employer of the licensed pesticide apprentice shall retain the record for a period of three years and release them to the department for inspection as required or authorized by ORS chapters 561 or 634 or rules adopted thereunder.~~

(~~5~~**6**) A pesticide apprentice license does not authorize the holder to conduct pesticide applications by ~~helicopter or fixed wing~~ aircraft.

~~(7) For purposes of this rule "an appropriately licensed supervisor" is:~~

~~(a) A licensed commercial, noncommercial, or public applicator;~~

~~(b) Licensed in the category, or categories, in which the pesticide apprentice is currently engaged.~~

(~~68~~) **Prior to each pesticide application, the supervising applicator of the pesticide apprentice must ensure the pesticide apprentice knows the identity of their supervising applicator.** Any pesticide apprentice conducting **a** pesticide application ~~activities~~ without **an~~a valid~~** appropriately licensed **supervising applicator as detailed in OAR 603-057-XXXX~~supervisor~~ will be considered unlicensed.~~, or~~ Any pesticide apprentice** who is unable to identify their **supervising applicator~~supervisor~~, and any supervising applicator or employer who allows such pesticide application without the required supervision, is~~will be considered unlicensed and~~** subject to enforcement actions in accordance with ORS 634.900.

Commented [CB16]: 1. Ensures clarity regarding the supervisor/supervisee relationship through required communication.

2. Broadens language regarding responsibility consistent with current Program practices.

603-057-0130

Pesticide~~Applicator's~~ Records **~~and Reports~~**

(1) **A pesticide operator, public pesticide applicator, and a noncommercial pesticide applicator shall prepare and maintain records of each~~all~~ pesticide application~~s~~ for at least three years from the date of application. Records must include each element described in section (2) of this rule.**

(a) These records must be legible and made available during business hours for review and inspection by the Department upon request. Required record elements may be maintained across one or more physical or electronic records, including customer databases, supplier invoices, or written standard operating policies, provided all required elements can be compiled and correlated for each specific application in an organized and readily verifiable manner.

Commented [CB17]: Clarifies existing Program policies regarding flexibility in record creation and maintenance, while still requiring organized records be provided to ODA upon request.

(b) Upon receiving a request from an owner of field crops on which pesticides were applied, a pesticide operator must, within 40 days after making the application, provide to the owner a written statement containing the information in subsections (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), (2)(h), (2)(i), and (2)(j) of this rule.

(2) At a minimum, the records required in section (1) of this rule must include the following:

(a) The full name and address of the business, firm, or individual who owns or controls the agricultural crop, property or site treated;

(b) The address of the application site, or a specific geographic description of the application site (such as circle or field number or name or GPS coordinates);

(c) The size of the area treated including the unit of measure (such as ~~in~~ acres, square feet, cubic feet or linear feet);

(d) The month, day, and year of the application, and the beginning and ending time of the application;

(e) The full name of the individual or business that supplied the product;

(f) The EPA registration number of the product applied, if applicable;

(g) The trade or product name of the product applied and name of the product manufacturer or registrant;

(h) Amount of product applied per acre or unit of measure~~area~~ applied (such as quarts per acre, ounces per linear foot);

(i) The carrier or diluent, dilution rate, and total amount of solution applied per acre or unit measure~~area~~ (such as gallons per acre, fluid ounces per square foot, ounces per linear feet);

(j) The crop type, commodity, stored product, or site to which the product was applied;

(k) The type of application equipment used (such as "backpack," "boom sprayer," "aerosol can"), and if applied aerially, the aircraft registration number assigned by the United States Federal Aviation Administration;

(l) The full name, and license number issued by the department, of each commercial pesticide applicator, noncommercial applicator or public applicator who made or supervised the application, and if applicable, the appropriately licensed pesticide consultant who made the application;

(m) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, the names, and pesticide license numbers issued by the Department, of the pesticide apprentice or an immediately supervised trainee; and

(n) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, each record must clearly identify the supervising applicator for each pesticide apprentice and immediately supervised trainee.

(3) Prior to applicable pesticide applications, an~~An~~ employer of an employee exempt from public applicator licensing as described in ORS 634.118(2) shall create records for each exempt employee that has completed the training described in ORS 634.118(3) and shall maintain such records for the duration of the employee's employment by employer and thereafter for three years. The employer shall make the records available during business hours for review and inspection by the Department upon request. At a minimum, such records must be legible and include each of the following:

(a) The full name of the employee who completed the training;

(b) The month, day, and year the training was completed; ~~and~~

(c) A copy of the training materials that were provided in the training; and~~.~~

(d) The full name of the trainer or training facilitator, as applicable.

(4) This rule shall become effective March 31, 2027.

Commented [CB18]: Adds "of applicable" to cover "25(b) minimum risk pesticides," which are not assigned an EPA registration number.

Commented [CB19]: Broadens language for consistency with federal rule (40 CFR 171) and to reflect products labeled by supplemental distributors (but who are not the manufacturers).

Commented [CB20]: Broadens language to reflect a broader diversity of pesticide application scenarios, such as applications rates based upon volume.

Commented [CB21]: 1. Clarifies when training must be completed for clarity and consistency with statute.

2. Adds trainer (or training facilitator) per RAC member request. This information could be helpful for Program enforcement processes.

Commented [CB22]: Provides time for updates to databases and for related-outreach/education.

~~(1) Pursuant to subsection (13) of ORS 634.116, a public applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by 634.146.~~

~~(2) A noncommercial pesticide applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by ORS 634.146.~~

~~(3) A commercial applicator and public applicator shall include their full name and pesticide applicator license number legibly on the records required by ORS 634.116 and 634.146.~~

~~(4) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, then the names and pesticide license numbers of both the pesticide apprentice or immediately supervised trainee and their supervising applicator must be included legibly on the record.~~

603-057-0140
Pesticide Dealer Records

(1) As provided in **sections**~~subsections~~ (6) and (7) of ORS 634.322, a pesticide dealer shall prepare and maintain records of **each**~~his sales~~**sale or distribution** of restricted-use and highly toxic pesticides for a period of three years **from the date of the transaction. These records must be maintained at each individual dealership, legible and available during business hours for review and inspection by the Department upon request. Required record elements may be maintained across one or more physical or electronic records at or accessible from the dealership, provided all required elements can be compiled and correlated for each specific transaction in an organized and readily verifiable manner. At minimum**, **such**~~Such~~ records **must**~~shall~~ include **each of the following**:

(a) The names,~~and~~ addresses of **the residence or principal place of business, and delivery address of** the **appropriately certified and licensed person to whom the pesticide was sold or distributed** ~~purchasers of such pesticides, and the license or certificate numbers of the purchasers~~;

(b) If applicable, the following information for the designated agent of the appropriately certified and licensed person to whom the pesticide was sold or distributed:

(A) The name of each designated agent; ~~**and**~~

(B) The address of the residence or principal place of business for each ~~**licensed applicator or of each**~~ **designated agent; and**

(C) Documentation or a record of the authorization by the appropriately certified and licensed person identifying the designated agent (such as a signed standing

Commented [CB23]: Clarifies existing Program policies regarding flexibility in record creation and maintenance, while still requiring organized records be provided to ODA upon request.

Commented [CB24]: 1. Adds "certified" for clarity.

2. Removes a previous drafting mistake. Licensee information is already captured in (1)(a).

3. Requires a record element documenting the authorization of a designated agent, while allowing flexibility in approach.

authorization list on file, electronic confirmation, or documented authorization at the time of transaction);

(c) The applicable license or certificate numbers, license expiration date, applicable license categories (if applicable to the license type), and state, tribal, or federal agency that issued the license of the appropriately certified and licensed person to whom the pesticide was sold or distributed;

(~~d~~**b**) The **month, day, and year**~~date~~ of **the transaction**~~sale~~;

(~~e~~**c**) The **product**~~trade~~ name**, registration number assigned by the United States Environmental Protection Agency, and any applicable emergency exemption file symbol code or state special local need registration number**~~(and the formulation if applicable)~~ of such pesticides; **and**

(~~f~~**d**) The quantity of each **distribution or** sale of such pesticides **in the transaction including the number of containers and the net weight or volume per container, or the total net weight or volume**.

Commented [CB25]: Clarifies quantity, while permitting flexibility for dealers.

~~(2) In addition to the requirements of a pesticide dealer otherwise specified in (1) of this section, a pesticide dealer shall prepare and maintain records of sales of products containing the active ingredient carbofuran as follows:~~

~~(a) The name and address of the person who received the product when the product was not delivered directly to the purchaser;~~

~~(b) The crop(s) to which the product will be applied;~~

~~(c) The acreage of each crop to which the product will be applied;~~

~~(d) The amount of product that will be applied to each acre of each crop;~~

~~(e) The intended date of application to each crop.~~

~~(3) The information required by (2) above shall be obtained by the pesticide dealer from the person receiving the product at the time of distribution or sale.~~

~~(4) All information prepared for every distribution or sale of a pesticide product containing the active ingredient carbofuran shall be submitted by the pesticide dealer to the Oregon Department of Agriculture within five business days of the distribution or sale.~~

(~~25~~) Failure to comply with the conditions set forth in OAR 603-057-0140 may be considered as **a violation**~~violations of~~ **as described in** ORS 634.372, and may be subject to any enforcement action available to the department under ORS 634.

603-057-0145
Pesticide Consultant Standards of Competence

(1) As provided in ORS 634.132, competence of a pesticide consultant to advise or make recommendations concerning the use, handling, or selection of restricted-use pesticides shall be determined on the basis of a written examination. As a supplement to the subject matters set forth in section (2) of ORS 634.132, the examination shall also include the subject matters set forth in OAR 603-057-0120(1) relating to the General Standards of Commercial Applicator, Public Applicator and Noncommercial Applicator Competence.

~~(2) A pesticide consultant licensed pursuant to this section may not advise or make recommendations in subcategories (a) or (b) of 603-057-0115(4), Regulatory Pest Control, regarding the use, handling, or selection of the M-44 Device containing sodium cyanide or the livestock protection collar containing sodium fluoroacetate (Compound 1080).~~

(~~2~~3) A pesticide consultant licensed pursuant to this section may add the category Demonstration and Research, as defined in OAR 603-057-0110 (3), to their license following successful completion of the written examination for the Demonstration and Research category.

(~~3~~4) A pesticide consultant licensed pursuant to this section in the category Demonstration and Research is eligible to be licensed as a commercial applicator, public applicator and noncommercial applicator in the category of Demonstration and Research without further examination. An application for such commercial, noncommercial, or public applicator's license, or for the addition of the category to an existing license, and the appropriate fee payment must be made separately from the application for, or the addition to, a pesticide consultant's license.

(~~4~~5) If an applicant for a pesticide consultant's license has passed a current written examination accredited by another state with which the Department has a reciprocal agreement on certification or licensing, and submits evidence of the same to the department at the time of submitting his license application with applicable fee, the license examination may be waived.

(~~5~~6) An applicant for a pesticide consultant's license renewal shall be required to take and successfully complete a reexamination each fifth year after taking the original examination, and be subject to the provisions of this section in regard thereto. However, if the Department's records indicate the applicant for license renewal has complied with the provisions of OAR 603-057-0150, the written reexamination shall be waived.

(~~6~~7) In the event an applicant for a pesticide consultant's license fails the written examination or reexamination, the applicant shall be eligible to take the examination again upon submitting a new application for the same.

(~~7~~8) A pesticide consultant licensed pursuant to this section shall also be eligible to be licensed as a private applicator for the purpose of purchasing, using or supervising the use of any restricted-use or highly toxic pesticides for the purpose of producing agricultural commodities or forest crops on land owned or leased by the person. An application and fee payment for a

private applicator's license must be made separately from the application and fee payment for the pesticide consultant license. The certification date of the private applicator license will be consistent with that of the consultant license.

603-057-0200
Limitations on Restricted-Use Pesticides

As provided in ORS 634.306 and ORS 634.322 and in addition to other provisions of ORS Chapter 634, the following limitations and procedures shall apply to the distribution and use of **restricted-use** pesticides identified in OAR 603-057-0205 **and highly toxic pesticides classified pursuant to ORS 634.306**:

(1) A **person may only distribute or sell** a **restricted-use or highly toxic** pesticide **to an appropriately certified and licensed pesticide user, an appropriately licensed pesticide dealer, or a pesticide producer**~~shall only be:~~

(2) A person may not distribute or sell a restricted-use pesticide to a pesticide user unless:

(a) **The pesticide user is**~~Distributed for use by and used by~~ an appropriately licensed commercial, noncommercial, public or private applicator**, or an appropriately licensed pesticide consultant**; and

(b) **The person distributing or selling the pesticide is**~~Distributed or sold to users by~~ an appropriately licensed pesticide dealer.

(3) Notwithstanding section (1) and subsection (2)(a) of this rule~~:~~**,**

(a) ~~**t**~~**The appropriately certified and licensed user may authorize a designated agent to take possession of a restricted-use or highly toxic pesticide from a licensed pesticide dealer for the sole purpose of transporting it to the appropriately certified and licensed person to whom the pesticide was sold.**

(b) A commercial common or contract carrier may be utilized by an appropriately licensed pesticide dealer or a pesticide producer to facilitate transport of a restricted-use or highly toxic pesticide in its original unbroken pesticide container under shipping documentation.

(~~4~~2) A private applicator, a pesticide operator, a commercial applicator, a noncommercial applicator, a public applicator, or **a pesticide consultant**~~their designated agent~~ shall **provide**~~display~~ their appropriate certificate or license to the pesticide dealer at the time of purchase of a restricted-use pesticide, so that the number thereof may be recorded by the pesticide dealer pursuant to OAR 603-057-0140.

Commented [CB26]: Adds "highly toxic" and "certified" for clarity and/or consistency with statute.

Commented [CB27]: Maintains previous license requirements, while explicitly permitting use of freight carriers to facilitate transport of RUPs, and does not require freight carriers to be licensed.

~~603-057-0325~~
~~Sodium Cyanide and M-44 Device~~

~~Sodium cyanide and the M-44 device shall be subject to the restrictions and conditions set forth in OAR 603-057-0335 to 603-057-0350.~~

~~603-057-0335~~
~~Sodium Cyanide and M-44 Device; Restrictions on Use~~

~~Only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators in the category specified in OAR 603-057-0115(4)(a), shall be entitled to use sodium cyanide and the M-44 device for the control of coyotes and certain other wild canids.~~

~~603-057-0350~~
~~Sodium Cyanide and the M-44 Device; Records and Reports~~

~~(1) Public pesticide applicators using sodium cyanide and the M-44 device shall not be required to keep records as specified in ORS 634.146 or OAR 603-057-0130, but instead shall make and maintain records which contain but are not limited to the following:~~

~~(a) Species and numbers of animals eradicated, whether target or non-target, and the dates and locations thereof;~~

~~(b) Numbers and locations of devices emplaced, with dates of installations and retrievals;~~

~~(c) Numbers and locations of warning signs posted;~~

(d) The name and address of the person on whose property sodium cyanide and the M-44 device was used; and

(e) The name and address of the pesticide applicator.

(2) The records required by section (1) of this rule shall be made available to the Department for inspection and verification. Upon request of the Department, such record information shall be submitted to the Department in the form of periodic reports. Such records shall be maintained by the user for at least three years after the cessation of the user use activity.

603-057-0355
Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar

(1) Sodium fluoroacetate (Compound 1080) and the livestock protection collar shall be subject to the restrictions and conditions set forth in OAR 603-057-0360 to 603-057-0375.

(2) Failure to comply with the restrictions and conditions set forth in OAR 603-057-0360 to 603-057-0375, as determined by the Oregon Department of Agriculture, may be used as a basis for one or more of the following actions:

(a) To revoke, suspend or refuse to issue or renew the license or certification of an applicant, licensee or certificate holder in accordance with ORS 634.322(4);

(b) To amend, suspend or revoke the registration(s) pertaining to the livestock protection collar in accordance with ORS 634.322(5);

(c) To impose a civil penalty, in accordance with ORS 634.900;

(d) To initiate and pursue any other action of an enforcement nature available through ORS 634.

603-057-0360
Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Restrictions on Use

(1) Coyotes shall be the only species that may be considered to be a regulated pest, as defined in OAR 603-057-0001(8), and therefore considered to be a target organism, upon which sodium fluoroacetate (Compound 1080) and the livestock protection collar may be used.

~~(2) Only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, licensed as public pesticide applicators in the subcategory specified in OAR 603-057-0115(4)(b) shall use the livestock protection collar containing sodium fluoroacetate (Compound 1080).~~

~~(3) The following shall apply to use of the livestock protection collar containing sodium fluoroacetate (Compound 1080):~~

~~(a) Use of collars shall conform to all applicable federal, state and local regulations;~~

~~(b) Use of collars shall be limited to appropriate sites within the geographic boundaries of Curry County, Oregon;~~

~~(c) Collars shall only be in the possession of the registrant and its employees, except when in use;~~

~~(d) Collars shall only be filled with Compound 1080 solution by the manufacturer;~~

~~(e) Collars shall be used only to take coyotes that prey upon domestic livestock within fenced pastures no larger than 2,560 acres;~~

~~(f) Collars may be used only after a finding by United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control personnel that appropriate non-lethal methods of coyote control, by method, have failed to reduce losses to an acceptable level, and all other available lethal or non-lethal methods have been found to be ineffective or inappropriate;~~

~~(g) Prior to use of the livestock protection collar at a particular site, a preapplication inspection report will be completed by the applicator which identifies the following:~~

~~(A) Non-lethal techniques utilized at the site, and the reason each one was found to be impractical or unsatisfactory;~~

~~(B) Non-lethal techniques considered for the site, and the reason each one was considered impractical or unsatisfactory;~~

~~(C) Lethal techniques utilized at the site, and the reason each one was found to be impractical or unsatisfactory;~~

~~(D) Lethal techniques considered for the site, and the reason each one was considered impractical or unsatisfactory.~~

~~(h) Where collars are in use, each logical point of access shall be conspicuously posted with a bilingual (English/Spanish) warning sign not less than 8" x 10" in size. Such signs shall be inspected weekly to insure their continued presence and legibility, and will be removed when all collars are removed and accounted for;~~

~~(i) Each collar in use shall be inspected by the applicator at least twice a week to insure that it is properly positioned and unbroken;~~

~~(j) Damaged or broken collars shall be removed from the field and either returned to the manufacturer for repair or disposed of properly;~~

~~(k) If a collar is lost, an intensive search for the missing collar shall be conducted within twelve hours from the time the loss is noted. Use of all other collars at the particular site shall be terminated after twelve hours if a search is not conducted for the lost collar and a cause for the loss identified. If the collar is lost due to a deficiency which can be corrected, appropriate corrections will be enacted prior to the continued use of collars on that site;~~

~~(l) If a collar is found to have been punctured by a predator attacking a collared animal, an intensive search shall be conducted for the animal which punctured the collar;~~

~~(m) Disposal of punctured or unserviceable collars and contaminated animal remains, vegetation and soil shall be accomplished by deep burial or burning at a safe location, preferably on the property of the landowner;~~

~~(n) Storage of livestock protection collars containing Compound 1080 shall only be under lock and key in a dry place away from food, feed, domestic animals and corrosive chemicals. Collars shall not be stored in any structure occupied by humans.~~

~~603-057-0365~~
~~Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Registrant of Livestock Protection Collars~~

~~Only the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control may be the registrant of the livestock protection collar containing the active ingredient sodium fluoroacetate (Compound 1080).~~

~~603-057-0375~~
~~Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Records and Reports~~

~~(1) Public pesticide applicators using the livestock protection collar shall not be required to keep records as specified in ORS 634.146 or OAR-603-057-0130, but instead shall make and maintain records which contain but are not limited to the following:~~

~~(a) The name and address of the person on whose property the livestock protection collar was used and the name and address of the public pesticide applicator;~~

~~(b) The location and size of agricultural or rangeland areas (fields) in which the livestock protection collars containing sodium fluoroacetate (Compound 1080) were used;~~

~~(c) The date each individual collar was obtained by the applicator, placed on livestock, punctured or ruptured (along with apparent cause), lost or unrecovered, or removed and put in storage;~~

~~(d) The species, date, and location of each animal found poisoned or suspected of having been poisoned as a result of the use of Compound 1080 in livestock protection collars;~~

~~(e) A written description of any intensive search for missing collars or poisoned animals conducted as specified in OAR 603-057-0360(3)(j) and (k).~~

~~(2) The registrant shall keep records of all collars distributed. Records shall include the name and address of each recipient along with dates and numbers of collars received.~~

~~(3) The records required by sections (1) and (2) of this rule shall be maintained by the applicator for a period of three years and shall be made available to the Department for inspection and verification upon request of the Department. This record information shall be submitted to the Department and the U.S. Environmental Protection Agency in the form of periodic reports. Any poisoning of non-target species shall be reported immediately (within three days) to the U. S. Environmental Protection Agency and the Department. Each accident or injury to humans or domestic animals shall likewise be reported.~~

OREGON DEPARTMENT OF AGRICULTURE
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ACTUALIZACIONES A LOS REGISTROS DE APLICACIÓN DE PESTICIDAS, REGISTROS DE VENDEDORES Y LIMITACIONES A DISTRIBUCION DE PESTICIDAS DE USO RESTRINGIDO, DEFINICIÓN DE "USO" DE PESTICIDAS Y ESTÁNDARES DE SUPERVISIÓN

DIRECTORIO DE NAVEGACIÓN DE TEMAS:

- **Mantenimiento de registros de aplicación de pesticidas**
  - Registros de aplicación de pesticidas [para Operadores Comerciales (en inglés: *Commercial Operator*), Aplicadores Públicos (en inglés: *Public Applicator*), Aplicadores No Comerciales (en inglés: *Noncommercial Applicator*) y Consultores (en inglés: *Consultant*)] (pág. 18-20)
    - Asociado: Requisitos de registros de aplicación de pesticidas de Oregon (Guía interpretativa)
  - Registros de capacitación de empleados (Exención limitada de licencias para Aplicadores Públicos) (pág. 20)
    - Asociado: Proyecto de Ley del Senado de Oregon número 360 (2025)
  - Definiciones: Aplicador supervisor (en inglés: *Supervising Applicator*); Terreno o propiedad de otra persona (en inglés: *Land or Property of Another*) (págs. 5, 7)
- **Venta y distribución de pesticidas de uso restringido (en inglés: *Restricted-Use Pesticide*)**
  - Requisitos de mantenimiento de registros (págs. 20-22)
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  - Definiciones: Mezcla a la medida (en inglés: *Custom Blend*); Agente designado (en inglés: *Designated Agent*); Distribución (en inglés: Distribute); Pesticida altamente tóxico (en inglés: *Highly Toxic Pesticide*); Terreno o propiedad de otra persona (en inglés: *Land or Property of Another*); "Productor" de pesticidas (en inglés: Pesticide Producer); Producto pesticida (en inglés: *Pesticide Product*); Uso de pesticidas (en inglés: *Pesticide Use*); Pesticida de uso restringido (en inglés: *Restricted-Use Pesticide*) (págs. 4-7)
- **Estándares de supervisión**
  - Estándares (págs. 8-10)
  - Mantenimiento de registros (pág. 10-11)

- Practicante Directamente Supervisado (en inglés: Immediately Supervised Trainee) (pág. 11-13)
- Aprendiz de Aplicador de Pesticidas (en inglés: *Pesticide Apprentice*) (págs. 17-18)
- Definiciones: Certificado (en inglés: *Certified*); Pesticida altamente tóxico (en inglés: *Highly Toxic Pesticide*); Uso de pesticidas (en inglés: *Pesticide Use*); Pesticida de uso restringido (en inglés: *Restricted-Use Pesticide*); Aplicador supervisor (en inglés: *Supervising Applicator*); Supervisado (en inglés: *Supervisee*) (págs. 3-7)

- **Categorías inactivas de control de depredadores (Revocación)**
  - Cianuro de sodio (en inglés: *Sodium Cyanide*) (OAR 603-057-0115; OAR 603-057-0125; OAR 603-057-0145; OAR 603-057-0325 to -0350) (págs. 13-16, 22-25)
    - Asociado: Proyecto de Ley del Senado de Oregon número 580 (2019)
  - Fluoroacetato de sodio (en inglés: *Sodium Fluoroacetate*) (OAR 603-057-0115; OAR 603-057-0125; OAR 603-057-0145; OAR 603-057-0355 to -0375) (págs. 13-16, 22, 25-28)

RECURSOS

- Regla Administrativa de Oregon (en inglés: *Oregon Administrative Rule*, OAR), capítulo 603, división 057 https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2734
- Estatutos Revisados de Oregon (en inglés: *Oregon Revised Statutes*, ORS), capítulo 634 https://www.oregonlegislature.gov/bills_laws/ors/ors634.html
- Proyecto de Ley del Senado de Oregon número 360 (en inglés: *Oregon Senate Bill 360*) (2025) https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB360/Enrolled
- Proyecto de Ley del Senado de Oregon número 580 (en inglés: *Oregon Senate Bill 580*) (2019) https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB580/Enrolled

- Regulaciones Federales para la Certificación de Aplicadores de Pesticidas (Título 40 del Código de Regulaciones Federales, en inglés: *Code of Federal Regulations*, 40 CFR 171)
  https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171
- Requisitos de registros de aplicación de pesticidas de Oregon (Guía interpretativa)
  https://www.oregon.gov/oda/Documents/Publications/PesticidesPARC/PesticideApplicationRecordKeepingRequirements.pdf

BORRADOR DE PRE-PROPUESTA DE MODIFICACIONES A LAS REGLAS

Nota: Las adiciones se indican en negrilla y las eliminaciones aparecen tachadas. Las actualizaciones posteriores a la tercera reunión del comité asesor de reglas están en ***texto rojo****. Las adiciones se indican con texto normal en negrilla (por ejemplo,* **adición)** *y las eliminaciones se indican con texto tachado (por ejemplo,* ~~eliminación~~ o ~~**eliminación**~~*) a continuación.*

603-057-0001
Definitions

In addition to the definitions set forth in ORS 634.006, the following **terms**~~shall~~ apply **unless the context requires otherwise**:

(1) "Accident" means an undesirable and unintended event, caused by the use or application of pesticides, that adversely affects the environment.

(2) “Aerial pesticide applicator” or “aerial applicator” means an aerial pesticide applicator as defined in ORS 634.128.

(3) “Certified” means an individual who has met the specific examination or educational requirements, as applicable, to qualify to be issued or renew a commercial, noncommercial, public, aerial, or private applicator license, or a pesticide consultant license. Certification is:

(a) Valid for a time period of up to five calendar years, expiring on December 31 of the fifth calendar year; and

(b) Specific to the license and, as applicable, the license category.

(~~43~~) “Commercial pesticide applicator” or “commercial applicator” means a pesticide applicator as defined in ORS 634.006.

(~~54~~) “Commercial pesticide operator” or “pesticide operator” means a pesticide operator as defined in ORS 634.006.

(~~6~~5) "Common Exposure Route" means a likely way (oral, dermal, respiratory) by which a pesticide may enter an organism.

(~~7~~6) "Compatibility" means the properties of a pesticide that permit its use with other chemicals without undesirable results being caused by such combination.

(~~8~~7) "Competence" means the proficiency in the performance of activities related to pesticide application, the degree of which is directly related to the nature of such activities.

(9) "Custom blend" means the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when all of the following criteria are met:

(a) The blend must be prepared to the order of the customer and not held in inventory by the blender;

(b) The blend must only be used on the customer's property (including leased or rented property);

(c) Each pesticide used in the blend must bear end-use labeling directions which do not prohibit use of the pesticide product in such a blend;

(d) The blend must be prepared from pesticides registered by the Department;

(e) All of the following must be delivered to the pesticide user:

(A) The blend in accordance with OAR 603-057-0200, as applicable;

(B) A copy of the pesticide labeling of each pesticide used in the blend; and

(C) A statement specifying the composition of mixture; and

(f) No other pesticide production activity is performed at the facility or location where the blend is prepared.

(10) "Designated agent" means an individual, other than a commercial common or contract carrier transporting a restricted-use or highly toxic pesticide in its original unbroken pesticide container under shipping documentation, who:

(a) Has been identified as the designated agent to the pesticide dealer by the appropriately certified and licensed person to whom the restricted-use or highly toxic pesticide is sold or distributed; and

(b) Takes possession of an original unbroken container of a restricted-use or highly toxic pesticide from a licensed pesticide dealer for the sole purpose of transporting it to the appropriately certified and licensed person to whom the pesticide is sold or distributed; and

(c) Does not open or otherwise use the restricted-use pesticide; and

Commented [CB1]:
1. Agrega pesticidas "altamente tóxicos" (en inglés: "highly toxic") para alinearse con el estatuto.

2. Aclara que los transportistas de carga están excluidos de esta definición. Consulte la aclaración asociada en OAR 603-057-0200(3)(b).

3. Hace referencia explícita a los envases cerrados y a no abrirlos, para distinguirlos más claramente de las actividades de "uso" de pesticidas.

(d) Performs the activities in subsection (10)(b) of this rule under the authorization of the appropriately certified and licensed person to whom the pesticide is sold or distributed.

(11) "Distribute" means to import, consign, sell, offer for sale, barter, exchange or otherwise facilitate the supplying of a pesticide, pesticide product, or device for sale or use in the State through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

(12~~8~~) "Environment" means water, air, land and plants, humans, or other animals living therein or thereon, and the interrelationships existing among them.

(13) "Highly toxic pesticide" means a pesticide classified by the Department as highly toxic as defined in ORS 634.006(5).

(14~~9~~) "Immediately Supervised Trainee" is a type of trainee as defined in ORS 634.006(26).

~~(10) "Immediate Supervision" means supervision by an appropriately licensed commercial, noncommercial, or public applicator who is:~~

~~(a) Located on the pesticide application site at all times during the application; and~~

~~(b) Available at the specific point of pesticide use within a time period of no more than five minutes.~~

(15) "Land or property of another" means land or property:

(a) That is not owned or leased by the person applying pesticides; and

(b) That is not owned or leased by the employer of the person applying the pesticides.

(16~~11~~) "Noncommercial pesticide applicator" or "noncommercial applicator" means a noncommercial pesticide applicator as defined in ORS 634.006.

(17~~12~~) "Non-Target Organism" means plant or animal life other than to which the pesticide is applied or is intended to be applied.

(18~~13~~) "Pesticide Apprentice" is a type of trainee, as defined in ORS 634.006(26) that engages in pesticide application activities under the supervision of a licensed commercial, noncommercial, or public applicator as described in OAR 603-057-0127. A pesticide apprentice is limited to the categories of pesticide application authorized on the commercial, noncommercial, or public applicator license of the supervisor.

(19~~14~~) "Pesticide consultant" or "consultant" means a pesticide consultant as defined in ORS 634.006.

(20~~15~~) "Pesticide dealer" means a pesticide dealer as defined in ORS 634.006.

(21) "Pesticide producer" means the person who lawfully manufacturers, prepares, compounds, propagates, custom blends, repackages, refills, or processes any pesticide,

Commented [CB2]: Hace referencia explícita al trabajo legal de reenvasado y rellenado para mayor claridad.

device, or active ingredient used in producing a pesticide or pesticide product, excluding the dilution by individuals of formulated pesticides for their own use in accordance with the directions on the registered pesticide product label.

(22~~16~~) "Private applicator" means a private applicator as defined in ORS 634.006.

(23~~17~~) "Public pesticide applicator" or "public applicator" means a public applicator as defined in ORS 634.006.

(24) "Pesticide product" for the purpose of pesticide registration as specified in ORS 634.016, means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.

(25) "Pesticide use" means any of the following:

(a) Pre-application activities involving mixing and loading the pesticide;

(b) Carrying out an application, spraying, or otherwise applying pesticides;

(c) Other pesticide-related activities, including, but not limited to~~:~~;

(A) ~~t~~Transporting or storing pesticide containers that have been opened~~:~~,

(B) ~~c~~Cleaning parts of application, mixing, or loading equipment that may contain pesticide residues~~;~~, and

(C) ~~d~~Disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(d) This section shall not be construed to include:

(A) Transporting or storing of pesticide~~s~~ in their original unbroken containers ~~that have not been previously opened~~;

(B) Activities conducted by pesticide dealers or pesticide producers, acting solely in these capacities; or

(C) Lawful disposal-related transportation or storage:

(i) ~~t~~To waste pesticide collection events sponsored by the Department; ~~or~~

(ii) ~~b~~By commercial waste haulers or disposal facilities; or~~.~~

(iii) Of original pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions.

(26~~18~~) "Regulated Pest" means a specific organism determined by the Department to be a pest requiring control, or eradication in order to protect the environment.

Commented [CB3]:
1. Se agregó una aclaración sobre los tipos de equipos en (25)(c) y se reformateó como una lista para mayor claridad. Se alinea con la definición de "manipulador" (en inglés: "handler") bajo la Ley de Protección al Trabajador Agrícola (en inglés: Worker Protection Standard, WPS) (40 CFR 170.305) y busca abordar escenarios de mantenimiento incidental de vehículos.

2. Se separaron las actividades de uso en (25)(c) y las actividades excluidas en (25)(d) en listas para mayor claridad.

3. Se modificó el lenguaje en (25)(d)(A) para incluir los envases rellenables. El lenguaje refleja el lenguaje del estatuto en ORS 634.372(19).

4. Se modificó el lenguaje en (25)(d)(D) para alinearse con la definición de "manipulador" bajo la WPS (40 CFR 170.305).

(27) "Restricted-use pesticide" means a pesticide classified by the Department as a restricted-use pesticide as defined in ORS 634.006(25).

(28) "Supervisee" means a noncertified or unlicensed person for the specific pesticide use who:

(a) Uses a pesticide classified by the Department as a restricted-use or highly toxic while under the supervision of a certified and licensed private applicator pursuant to OAR 603-057-XXXX; or

(b) Applies any pesticide, or uses a pesticide classified by the Department as a restricted-use or highly toxic, while under the supervision of a certified and licensed commercial applicator, noncommercial applicator, or public applicator pursuant to OAR 603-057-XXXX.

(29) "Supervising applicator" means:

(a) A certified and licensed private applicator who supervises the use of a pesticide classified by the Department as restricted-use or highly toxic pursuant to OAR 603-057-XXXX; or

(b) A certified and licensed commercial applicator, noncommercial applicator, or public applicator who supervises, directly supervises, or is in direct charge of the application of any pesticide, or the use of a pesticide classified by the Department as restricted-use or highly toxic, pursuant to OAR 603-057-0106, OAR 603-057-0127 or OAR 603-057-XXXX.

~~(19) For the purpose of pesticide registration as specified in ORS 634.016, "pesticide product" means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.~~

~~(20) For the purposes of ORS 634.006(8), ORS 634.006(12)(c), ORS 634.106(7), ORS 634.126(1)(c), Oregon Laws 2022, chapter 53, Section 3(1)(b), OAR 603-057-0001(13), and OAR 603-057-0127, the terms "direct charge of," "supervises," "direct supervision," and "supervision" mean that:~~

~~(a) The supervisor of the person applying a pesticide has determined that the person applying a pesticide has sufficient knowledge and ability to safely apply the particular pesticide according to its label directions and any other additional directions;~~

~~(b) The person applying a pesticide is applying the particular pesticide under the instructions of their supervisor; and~~

~~(c) The person applying a pesticide is applying the pesticide in such proximity to their supervisor that such supervisor is reasonably available for any needed consultation or~~

~~further direction, even though such supervisor is not physically present at the time or place of the pesticide application.~~

~~(21) For the purposes of section (20) of this rule, "supervisor" means a person that is responsible for the actions of a person applying a pesticide.~~

603-057-XXXX

Supervision Requirements; Supervisee Training Records

(1) A supervising applicator must be certified and have the appropriate license and license category applicable to the specific pesticide use at the time of the pesticide use.

(2) The Department may hold a supervising applicator, the commercial pesticide operator or other person employing the supervising applicator or supervisee, or the supervisee responsible, individually or in combination, for a violation of ORS chapter 634 or OAR chapter 603, division 057 involving supervised pesticide use.~~A supervising applicator and the supervisee are jointly responsible for the actions of a supervisee who engages in pesticide use under their supervision.~~

(3) In addition to all other applicable requirements of this division 57, a supervising applicator must ensure ~~that each supervisee under their direct supervision meets~~ all of the following requirements are met prior to each~~the~~ pesticide use by a supervisee under their direct supervision:

(a) Supervisee is at least 18 years of age~~;~~.

(b) Supervisee must have demonstrated to the supervising applicator a basic knowledge of pesticide laws and safety by meeting one of the following criteria at the time of~~prior to the~~ pesticide use and the supervising applicator must have access to the applicable records described in section (6) of this rule:

(A) Supervisee successfully completed an examination within the past 60 months prior to pesticide use that meets the competency standards described in OAR 603-057-0120 and that was approved by the Department for this purpose;

(B) Supervisee is currently licensed as an Oregon pesticide apprentice, or as an Oregon private applicator, pesticide consultant, commercial applicator, noncommercial applicator, or public applicator without the appropriate license category;

Commented [CB4]: Se agregó "certificado" (en inglés: "certified") para mayor claridad y consistencia.

Commented [CB5]: Se modificó para reflejar mejor el enfoque actual del Programa basado en los "hechos sobre el terreno".

Commented [CB6]: Se modificó para captar mejor el conjunto más amplio de requisitos en esta lista (los cuales son requisitos que el aplicador supervisor debe cumplir).

Commented [CB7]: Asegura que las calificaciones del aplicador sean válidas durante el uso de pesticidas aplicable (por ejemplo, que el período de capacitación de 12 meses incluya su uso de pesticidas).

Commented [CB8]: Se agregaron tipos de licencia adicionales que requieren pasar exámenes que cumplen o superan los estándares de los ya enumerados.

(C) Supervisee has completed an agricultural handler training as described in 40 CFR § 170.501 (2024) within the last 12 months; or

(D) Supervisee has completed a training within the last 12 months that is approved by the Department for this purpose that meets or exceeds the criteria in 40 CFR § 171.201(d) (2017);

(c) A supervising applicator must ensure the supervisee has access to the applicable pesticide labeling at all times during its use and upon request following its use, and the supervisee is able to read and fully understand the labeling or have access to an individual who can explain the labeling to the supervisee in a language and manner that the supervisee understands;

(d) A supervising applicator must ensure the supervisee has been instructed within the ~~last~~ 12 months prior to pesticide use in the safe operation of any equipment used in the supervised pesticide use in a language and manner that the supervisee understands;

(e) A supervising applicator must ensure that the supervisee has clean, label required personal protective equipment in proper operating condition. The supervising applicator must also ensure that the supervisee wears and correctly uses the personal protective equipment required by the pesticide labeling during all pesticide use;

(f) Prior to pesticide use, the supervising applicator must provide to each supervisee use instructions specific to the site and pesticide used. The supervising applicator must ensure~~provide~~ this information is provided in a language and manner that the supervisee can understand. These instructions must include:

(A) ~~i~~Labeling directions, precautions, and requirements applicable to the specific use and site, and

(B) ~~h~~How the characteristics of the use site (e.g., surface and ground water, endangered species, local population, adjoining sensitive crops or organic production areas, and nearby human populations including occupied agricultural labor housing, nearby workers, schools, residences, children, elders, or known hunting or cultural plant-gathering areas) and the conditions of application (e.g., equipment, method of application, formulation, weather and temperature conditions, application in an enclosed space) might increase or decrease the risk of adverse effects~~.~~;

(g) Prior to each day of pesticide use, the supervising applicator must ensure that the equipment used for mixing, loading, transferring, or applying pesticides:

(A) ~~i~~Is inspected~~;~~;

(B) Is not faulty or unsafe; ~~and~~

(C) Is in proper operating condition as intended by the manufacturer or custom builder, as applicable; and

Commented [CB9]:
1. Proporciona una vía para que un supervisado obtenga acceso al etiquetado del pesticida, en caso de que necesite consultar con un proveedor de atención médica.
Pregunta: ¿qué período de tiempo es factible? Los registros de aplicación deben conservarse por tres años.

2. Aclara que la comunicación debe realizarse tanto en un idioma como de una manera que el supervisado pueda entender, pero está redactado de forma amplia para que el aplicador supervisor pueda utilizar una combinación de enfoques y herramientas para cumplir con el requisito.

Commented [CB10]:
1. Se incluyeron ejemplos adicionales de las características del sitio y de las condiciones de aplicación para llamar la atención sobre su importancia.

2. Aclara que la comunicación debe realizarse tanto en un idioma como de una manera que el supervisado pueda entender, pero está redactado de forma amplia para que el aplicador supervisor pueda utilizar una combinación de enfoques y herramientas para cumplir con el requisito.

Commented [CB11]: Esta oración se movió del final de este párrafo para permitir formatear (3)(f) como una lista para mayor claridad.

Commented [CB12]:
1. Formatea (3)(g) como una lista para mayor claridad.

2. Agrega lenguaje de referencia ("defectuoso o inseguro", en inglés: "faulty or unsafe") de las acciones prohibidas en el estatuto (ORS 634.372(3)) y mantiene el estándar federal en (3)(g)(C), al tiempo que brinda flexibilidad para equipos fabricados a la medida.

... [1]

(D) ~~c~~Can be used without risk of reasonably foreseeable adverse effects to the supervisee, other persons, or the environment;

(h) A supervising applicator must ensure that there is a means to immediately and fully communicate with each supervisee under their direct supervision in a language and manner that the supervisee understands, and there is the ability to provide adequate supervision;~~ and~~

(i) The supervising applicator must be physically present at the site of the use being supervised when required by the product labeling; and~~.~~

(j) A supervising applicator must ensure the supervisee knows the identity of the supervising applicator.

(4) Prior to a pesticide application, a supervising commercial, noncommercial, or public applicator must ensure that the supervisee who~~that~~ conducts a pesticide application is licensed as a pesticide apprentice or licensed as an immediately supervised trainee.

(5) A supervising commercial, noncommercial, or public applicator who supervises an individual other than a licensed pesticide apprentice~~immediately supervised trainee~~ who applies any pesticide or conducts a pre-application activity involving mixing or loading of a restricted-use or highly toxic pesticide must be:

(a) Physically ~~l~~located on the pesticide application site at all times during the application; and

(b) Available at the specific point of pesticide application within a time period of no more than five minutes by pedestrian travel (including use of a wheelchair or other mobility aid, but excluding other vehicles).

(6) Prior to supervising pesticide use, a supervising applicator must have access to records demonstrating that the supervisee has met one of the training criteria described in subsection (3)(b) of this rule. These records must be maintained by the commercial pesticide operator, noncommercial applicator, or public applicator for at least three years from the date of the pesticide use. Records must be available during business hours for review and inspection by the Department. The specific records required depend on the training criteria met and are as follows:

(a) If a supervisee's pesticide training requirements are met by examination, as described in subsection (3)(b)(A) of this rule, then following records are required:

(A) Supervisee's full printed name; and

(B) Date of successful~~ly~~ completion of the examination; and

(C) Name of examination.

Commented [CB13]: Asegura la claridad con respecto a la relación entre el supervisor y el supervisado mediante la comunicación requerida. Esto no genera requisitos adicionales de mantenimiento de registros.

Commented [CB14]: 1. Aplica el requisito de estar en el sitio y disponible en un plazo de 5 minutos a la mezcla y carga de pesticidas de uso restringido (en inglés: Restricted-Use Pesticides, RUP) (no solo a las aplicaciones de pesticidas).

2. Aclara la ubicación y proximidad requeridas del supervisor, en consistencia con las prácticas actuales del Programa.

(b) If supervisee's pesticide training requirements are met by maintaining a~~n appropriate~~ license, as described in subsection (3)(b)(B) of this rule, then the following records are required:

(A) Supervisee's full printed name; and

(B) License number and license expiration date; and

(C) Name of agency that issued the license.

(c) If supervisee's pesticide training requirements are met by completing agricultural handler training, as described in subsection (3)(b)(C) of this rule, then the following records are required:

(A) Supervisee's full printed name and signature; and

(B) Date of training; and

(C) Information identifying which training materials approved by the US Environmental Protection Agency were used; and

(D) The supervisee employer's name; and

(E) The trainer's name and documentation that the trainer is appropriately qualified.

(d) If supervisee's pesticide training requirements are met by completing another approved training, as described in subsection (3)(b)(D) of this rule, then the following records are required:

(A) Supervisee's full printed name and signature; and

(B) Date of training and name of trainer; and

(C) The title or description of the training provided.

603-057-0106

Immediately Supervised ~~Pesticide~~ Trainee

(1) There is herewith established a type of trainee license as defined in ORS 634.006(26) which shall bear the designation "Immediately Supervised Trainee."

(2) An immediately supervised trainee license may only be issued upon receipt by the department of:

(a) An appropriately completed license application form; and

(b) Payment of the appropriate fee.

(3) The fee for an immediately supervised trainee license shall be the same as the fee for a pesticide trainee license.

(4) An immediately supervised trainee license shall expire on December 31 of the year of issuance, or of the following year if issued a license for two consecutive years.

(5) An immediately supervised trainee license may be renewed.

(~~6~~**5**) An immediately supervised trainee license authorizes the holder to conduct pesticide **applications** ~~application activities~~ under the ~~immediate~~ supervision of an appropriately licensed **supervising applicator**~~supervisor~~ as detailed in OAR 603-057-0001 **and OAR 603-057-XXXX**. The immediately supervised trainee may apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** only in the categories listed under the **supervising applicator's**~~supervisor's~~ license. If the **supervising applicator**~~supervisor~~ is a licensed public applicator, the immediately supervised trainee may only apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** as described in ORS 634.116(12).

~~(6) An immediately supervised trainee license may be renewed.~~

~~(7) For each pesticide application made by an immediately supervised trainee, a pesticide application record, as required by ORS 634.146 and OAR 603-057-0130, must be made that also contains the names and pesticide license numbers of the immediately supervised trainee(s) and their supervisor(s). The employer of the immediately supervised trainee shall retain the record for a period of three years and release them to the department for inspection as required or authorized by ORS chapters 561 or 634 or rules adopted thereunder.~~

(~~7~~**8**) An immediately supervised trainee license does not authorize the holder to conduct pesticide applications by ~~helicopter or fixed wing~~ aircraft.

~~(9) For purposes of this rule, "an appropriately licensed supervisor" is:~~

~~(a) A licensed commercial, noncommercial, or public applicator;~~

~~(b) Licensed in the category, or categories, in which the immediately supervised trainee is currently engaged.~~

(~~8~~**9**) ~~A supervised trainee conducting a pesticide application may not use or apply pesticides except under the supervision of an appropriately licensed supervising applicator who is at the site where the application is made as detailed in as detailed in OAR 603-057-0001 and OAR 603-057-XXXX.~~ **Prior to each pesticide application, the supervising applicator of the immediately supervised trainee must ensure the immediately supervised trainee knows the identity of their supervising applicator.** Any immediately supervised trainee conducting **a** pesticide application **without an appropriately licensed supervising applicator as detailed in OAR 603-057-XXXX will be considered unlicensed.** ~~activities without an appropriately licensed~~

Commented [CB15]: 1. Modifica el lenguaje para mantener la consistencia con la regla del aprendiz de aplicador de pesticidas (nota: el requisito de licencia del supervisor ya se encuentra en la Sección (6) de esta regla).

2. Asegura la claridad con respecto a la relación entre el supervisor y el supervisado mediante la comunicación requerida.

3. Amplía el lenguaje con respecto a la responsabilidad en consistencia con las prácticas actuales del Programa.

~~supervisor, without an appropriately licensed supervisor on the site where the application is being made, or~~ **Any immediately supervised trainee** who is unable to identify their **supervising applicator**~~supervisor~~, **and any supervising applicator or employer who allows such pesticide application without the required supervision**, is~~will be considered unlicensed and~~ subject to enforcement actions in accordance with ORS 634.900.

603-057-0115
Pesticide Operator, Applicator, and Trainee Subcategories

The following subcategories of pesticide operators and commercial, noncommercial, and public applicators are hereby established within the categories set forth in OAR 603-057-0110:

(1) Under "Agricultural Pest Control":

(a) Insecticide and Fungicide: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of insecticides, fungicides, and/or nematicides in the production of agricultural crops, or on agricultural lands, grasslands, and non-crop agricultural lands;

(b) Herbicides: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of herbicides in the production of agricultural crops or on agricultural lands, grasslands, and non-crop agricultural lands;

(c) Soil Fumigation: This shall include pesticide operators, commercial applicators, and public applicators who use or supervise the use of soil applied fumigants in the production of agricultural crops or on agricultural lands, grasslands, or non-crop agricultural lands;

(d) Livestock Pest Control: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of pesticides in agricultural areas for control or eradication of such livestock pests as insects, mites and ticks;

(e) Vertebrate Pest Control: This shall include pesticide operators, commercial applicators, noncommercial applicators as described in ORS 634.006(8)(b), and public applicators who use or supervise the use of pesticides in agricultural areas for control of vertebrate pests other than livestock predators.

(2) Under "Industrial, Institutional, Health, and Structural Pest Control":

(a) Pest Control, General: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides, other than

fumigants, in or around structures, institutions and establishments for the protection of stored, processed, and manufactured products or for the protection of human health;

(b) Structural Pest Control: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides, other than fumigants, in, on, or around structures for the control of wood-destroying pests (i.e., termites, carpenter ants, powder post beetles, etc.);

(c) Space Fumigation: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of fumigants in enclosed or confined areas or structures for the control of pests in structures, in stored food or feed, and in other agricultural products. Field treatment of utility poles, pilings, bridge supports, and similar elements of construction are excluded from this category;

(d) Moss Control: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides for the control of moss and algae on structures;

(e) Wood Treatment: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides to treat wood products (i.e., lumber, poles, ties, etc.) before the use of those products in construction, and to field treat utility poles, pilings, bridge supports, cross arms, and similar elements of construction with fumigants or other pesticides.

(3) Under “Ornamental and Turf Pest Control”:

(a) Insecticide and Fungicide: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of insecticides and fungicides in the establishment and maintenance of ornamental plantings and turf;

(b) Herbicide: This shall include pesticide operators and commercial, noncommercial, and public applicators who use or supervise the use of pesticides in the establishment and maintenance of ornamental plantings and turf.

(4) Under “Regulatory Pest Control”:

~~(a) M-44 Device: This shall include only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators and who use the M-44 device containing sodium cyanide for the control of coyotes and certain other wild canids, which shall be in the manner as specified by the administrative rules of the Department;~~

~~(b) Livestock Protection Collar: This shall include only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators and who use the livestock protection collar containing sodium fluoroacetate (Compound 1080) for the control of coyotes, which shall be in the manner as specified by the administrative rules of the Department;~~

(~~ae~~) Weed Control: This shall include public applicators who use or supervise the use of pesticides for the control of plants designated by local weed control districts or the Department as noxious weeds as set forth in ORS 569.355.

~~603-057-0125~~
~~Special Standards of Pesticide Applicator Competence~~

~~In addition to the requirements of OAR 603-057-0120, the written examination shall include the following applicable special standards for the category or subcategory indicated:~~

~~(1) "Regulatory Pest Control — M-44 Device":~~

~~(a) Knowledge of the characteristics and habits of predatory animals, and particularly coyotes;~~

~~(b) Knowledge of the toxicity levels of sodium cyanide, the hazards in the use or application thereof, and the common exposure routes thereof;~~

~~(c) Knowledge of the common types of accidents associated with the use or application of sodium cyanide in the quantities and forms utilized;~~

~~(d) Knowledge of precautions to be undertaken to protect the applicator and the immediate environment and nontarget organisms in the vicinity;~~

~~(e) Knowledge of the effects of weather, terrain, soil, drainage, and other topographical or climatic conditions that are associated with the use or application of sodium cyanide in the prescribed manner for predator control;~~

~~(f) Knowledge of the operation, repair, and maintenance procedures for the device known as the "M-44 spring loaded sodium cyanide coyote control device," including placement and retrieval thereof;~~

~~(g) Knowledge of the departmental rules relating to the use of sodium cyanide and the above described device, including the placement of adequate warning signs, the keeping of records relating to pesticide device locations and numbers, and the inventorying of numbers and species of animals eradicated.~~

~~(2) "Regulatory Pest Control-Livestock Protection Collar":~~

~~(a) Ability to read and understand pesticide labels and labeling information, including all labeling and use restrictions for sodium fluoroacetate (Compound 1080) livestock protection collars;~~

~~(b) Ability to recognize the technical name, sodium fluoroacetate, and understand the basic properties of Compound 1080;~~

~~(c) Ability to recognize potential hazards posed to humans, domestic animals, and non-target wildlife by the use of the livestock protection collar;~~

~~(d) Ability to recognize general symptoms of poisoning by Compound 1080 in humans and domestic animals and take appropriate action;~~

~~(e) Knowledge that only an employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, certified and licensed as a public pesticide applicator in the category "Regulatory Pest Control," subcategory "Livestock Protection Collar," by the Oregon Department of Agriculture can handle or use Compound 1080 and the livestock protection collar;~~

~~(f) Ability to recognize situations where use of the livestock protection collar can be expected to be safe and effective, as well as those situations where alternative methods of control would be more suitable. These methods may include but would not be limited to use of the M-44 device, guard animals, fences, repellents, fright devices, snares, and traps;~~

~~(g) Knowledge of the use restrictions set forth in OAR 603-057-0360 and the record-keeping requirements set forth in 603-057-0375, which include a record of each animal (target or non-target) found poisoned or suspected of having been poisoned as a result of the use of Compound 1080;~~

~~(h) Knowledge of the requirement for immediate (within three days) reporting of suspected poisonings of non-target species and suspected poisonings of humans or domestic animals by Compound 1080 to the U.S. Environmental Protection Agency and the Department, as set forth in OAR 603-057-0375(3);~~

~~(i) Ability to distinguish between damaged livestock protection collars that can be repaired and those that must be disposed of properly;~~

~~(j) Knowledge of how to make appropriate repairs to damaged livestock protection collars prior to reuse and how to dispose of them properly if they cannot be repaired;~~

~~(k) Knowledge of how to properly dispose of dead animal remains, vegetation, or soil contaminated by a punctured livestock protection collar;~~

~~(l) Knowledge of safe handling and storage procedures for the livestock protection collar;~~

~~(m) Knowledge of the requirement to post and maintain bilingual (English/Spanish) warning signs at logical points of access to areas where livestock protection collars are in use; and~~

~~(n) Knowledge of the requirement to perform inspections of livestock protection collars in use twice weekly.~~

603-057-0127

Pesticide Apprentice Standards of Competence

(1) The department may issue a pesticide apprentice license for one licensing period, or portion thereof. The department may issue the license to an applicant that is at least 18 years of age upon receipt of:

(a) A license application form that contains all of the information requested by the department;

(b) Payment of the appropriate fee; and

(c) Documentation that the applicant successfully completed, within two years of the date of initial application, a written examination developed and administered by the department for the purpose of assuring that the applicant is competent in the use of pesticides as a pesticide apprentice. The content of this examination shall include the topics listed in OAR 603-057-0120. Successful completion of the examination shall require answering at least 70 percent of the examination questions correctly.

(d) A pesticide apprentice license shall expire on December 31 of the year of issuance, or the following year if issued a license for two consecutive years.

(2) The department may renew a pesticide apprentice license for consecutive licensing periods upon receipt of:

(a) A license renewal application form containing all of the information requested by the department;

(b) Payment of the appropriate fee; and

(c) Documentation that the applicant successfully completed the required credit hours of pesticide instructional sessions during the previous licensing period. The department must accredit the instructional sessions. Eight (8) credit hours are required for each year of a licensing period. Four (4) of the eight (8) credit hours must be core credits as described in OAR 603-057-0135. All training requirements may be waived for the first year of the initial licensing period only.

(3) If a person licensed as a pesticide apprentice does not deliver the form, fee, and documentation described in section (2) of this rule to consecutively renew their license, the person will not be eligible to renew their pesticide apprentice license. The person must retake the qualifying examination as described in (1)(c) of this rule.

(4) A pesticide apprentice license authorizes the holder to conduct pesticide **applications**~~application activities~~ under the supervision of an appropriately licensed **supervising applicator**~~supervisor~~ **as detailed in OAR 603-057-0001 and OAR 603-057-XXXX**. The licensed **pesticide** apprentice may apply pesticides **or use pesticides classified by the department as**

restricted-use or highly toxic only in the categories listed on the supervisor's license. If the supervisor is a licensed public applicator, the licensed **pesticide** apprentice may only apply pesticides **or use pesticides classified by the department as restricted-use or highly toxic** as described in ORS 634.116(12).

~~(5) For each pesticide application made by a pesticide apprentice, a pesticide application record, as required by ORS 634.146 and OAR 603-057-0130, must be made that also contains the names and pesticide license numbers of the appropriately licensed pesticide apprentice(s) and the supervisor(s). The employer of the licensed pesticide apprentice shall retain the record for a period of three years and release them to the department for inspection as required or authorized by ORS chapters 561 or 634 or rules adopted thereunder.~~

(~~5~~**6**) A pesticide apprentice license does not authorize the holder to conduct pesticide applications by ~~helicopter or fixed wing~~ aircraft.

~~(7) For purposes of this rule "an appropriately licensed supervisor" is:~~

~~(a) A licensed commercial, noncommercial, or public applicator;~~

~~(b) Licensed in the category, or categories, in which the pesticide apprentice is currently engaged.~~

(~~6~~**8**) **Prior to each pesticide application, the supervising applicator of the pesticide apprentice must ensure the pesticide apprentice knows the identity of their supervising applicator.** Any pesticide apprentice conducting **a** pesticide application ~~activities~~ without **an**~~a valid~~ appropriately licensed **supervising applicator as detailed in OAR 603-057-XXXX**~~supervisor~~ **will be considered unlicensed.**~~, or~~ **Any pesticide apprentice** who is unable to identify their **supervising applicator**~~supervisor~~, **and any supervising applicator or employer who allows such pesticide application without the required supervision, is**~~will be considered unlicensed and~~ subject to enforcement actions in accordance with ORS 634.900.

Commented [CB16]: 1. Asegura la claridad con respecto a la relación entre el supervisor y el supervisado mediante la comunicación requerida.

2. Amplía el lenguaje con respecto a la responsabilidad en consistencia con las prácticas actuales del Programa.

603-057-0130

Pesticide~~Applicator's~~ Records ~~and Reports~~

(1) **A pesticide operator, public pesticide applicator, and a noncommercial pesticide applicator shall prepare and maintain records of each**~~all~~ **pesticide application**~~s~~ **for at least three years from the date of application. Records must include each element described in section (2) of this rule.**

(a) These records must be legible and made available during business hours for review and inspection by the Department upon request. Required record elements may be maintained across one or more physical or electronic records, including customer

Commented [CB17]: Aclara las políticas actuales del Programa con respecto a la flexibilidad en la creación y el mantenimiento de registros, al tiempo que sigue exigiendo que se proporcionen registros organizados al ODA previa solicitud.

databases, supplier invoices, or written standard operating policies, provided all required elements can be compiled and correlated for each specific application in an organized and readily verifiable manner.

(b) Upon receiving a request from an owner of field crops on which pesticides were applied, a pesticide operator must, within 40 days after making the application, provide to the owner a written statement containing the information in subsections (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), (2)(h), (2)(i), and (2)(j) of this rule.

(2) At a minimum, the records required in section (1) of this rule must include the following:

(a) The full name and address of the business, firm, or individual who owns or controls the agricultural crop, property or site treated;

(b) The address of the application site, or a specific geographic description of the application site (such as circle or field number or name or GPS coordinates);

(c) The size of the area treated including the unit of measure (such as ~~in~~ acres, square feet, cubic feet or linear feet);

(d) The month, day, and year of the application, and the beginning and ending time of the application;

(e) The full name of the individual or business that supplied the product;

(f) The EPA registration number of the product applied, if applicable;

(g) The trade or product name of the product applied and name of the product manufacturer or registrant;

(h) Amount of product applied per acre or unit measure~~area~~ applied (such as quarts per acre, ounces per linear foot);

(i) The carrier or diluent, dilution rate, and total amount of solution applied per acre or unit measure~~area~~ (such as gallons per acre, fluid ounces per square foot, ounces per linear feet);

(j) The crop type, commodity, stored product, or site to which the product was applied;

(k) The type of application equipment used (such as “backpack,” “boom sprayer,” “aerosol can”), and if applied aerially, the aircraft registration number assigned by the United States Federal Aviation Administration;

(l) The full name, and license number issued by the department, of each commercial pesticide applicator, noncommercial applicator or public applicator who made or supervised the application, and if applicable, the appropriately licensed pesticide consultant who made the application;

Commented [CB18]: Agrega "si corresponde" (en inglés: "if applicable") para cubrir los "pesticidas de riesgo mínimo 25(b)", a los cuales no se les asigna un número de registro de la Agencia de Protección Ambiental (en inglés: Environmental Protection Agency, EPA).

Commented [CB19]: Amplía el lenguaje para mantener la consistencia con la regla federal (40 CFR 171) y para reflejar los productos etiquetados por distribuidores suplementarios (pero que no son los fabricantes).

Commented [CB20]: Amplía el lenguaje para reflejar una mayor diversidad de escenarios de aplicación de pesticidas, tales como tasas de aplicación basadas en el volumen.

(m) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, the names, and pesticide license numbers issued by the Department, of the pesticide apprentice or an immediately supervised trainee; and

(n) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, each record must clearly identify the supervising applicator for each pesticide apprentice and immediately supervised trainee.

(3) Prior to applicable pesticide applications, an~~An~~ employer of an employee exempt from public applicator licensing as described in ORS 634.118(2) shall create records for each exempt employee that has completed the training described in ORS 634.118(3) and shall maintain such records for the duration of the employee's employment by employer and thereafter for three years. The employer shall make the records available during business hours for review and inspection by the Department upon request. At a minimum, such records must be legible and include each of the following:

(a) The full name of the employee who completed the training;

(b) The month, day, and year the training was completed; ~~and~~

(c) A copy of the training materials that were provided in the training; and~~.~~

(d) The full name of the trainer or training facilitator, as applicable.

(4) This rule shall become effective March 31, 2027.

~~(1) Pursuant to subsection (13) of ORS 634.116, a public applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by 634.146.~~

~~(2) A noncommercial pesticide applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by ORS 634.146.~~

~~(3) A commercial applicator and public applicator shall include their full name and pesticide applicator license number legibly on the records required by ORS 634.116 and 634.146.~~

~~(4) If a pesticide application is conducted by a pesticide apprentice or an immediately supervised trainee, then the names and pesticide license numbers of both the pesticide apprentice or immediately supervised trainee and their supervising applicator must be included legibly on the record.~~

603-057-0140
Pesticide Dealer Records

Commented [CB21]: 1. Aclara cuándo debe completarse la capacitación para mayor claridad y consistencia con el estatuto.

2. Agrega al instructor (o facilitador de la capacitación) a solicitud de un miembro del Comité Asesor de Reglas (en inglés: Rules Advisory Committee, RAC). Esta información podría ser útil para los procesos de cumplimiento de la ley del Programa.

Commented [CB22]: Proporciona tiempo para realizar actualizaciones en las bases de datos y para actividades relacionadas de difusión y educación.

(1) As provided in **sections**~~subsections~~ (6) and (7) of ORS 634.322, a pesticide dealer shall prepare and maintain records of **each**~~his sales~~**sale or distribution** of restricted-use and highly toxic pesticides for a period of three years **from the date of the transaction. These records must be maintained at each individual dealership, legible and available during business hours for review and inspection by the Department upon request. Required record elements may be maintained across one or more physical or electronic records at or accessible from the dealership, provided all required elements can be compiled and correlated for each specific transaction in an organized and readily verifiable manner. At minimum, such**~~Such~~ records **must**~~shall~~ include **each of the following:**

(a) The names,~~and~~ addresses of **the residence or principal place of business, and delivery address of** the **appropriately certified and licensed person to whom the pesticide was sold or distributed** ~~purchasers of such pesticides, and the license or certificate numbers of the purchasers~~;

(b) If applicable, the following information for the designated agent of the appropriately certified and licensed person to whom the pesticide was sold or distributed:

(A) The name of each designated agent; ~~**and**~~

(B) The address of the residence or principal place of business for each ~~**licensed applicator or of each**~~ **designated agent; and**

(C) Documentation or a record of the authorization by the appropriately certified and licensed person identifying the designated agent (such as a signed standing authorization list on file, electronic confirmation, or documented authorization at the time of transaction);

(c) The applicable license or certificate numbers, license expiration date, applicable license categories (if applicable to the license type), and state, tribal, or federal agency that issued the license of the appropriately certified and licensed person to whom the pesticide was sold or distributed;

(~~d~~**b**) The **month, day, and year**~~date~~ of **the transaction**~~sale~~;

(~~e~~**c**) The **product**~~trade~~ name**, registration number assigned by the United States Environmental Protection Agency, and any applicable emergency exemption file symbol code or state special local need registration number**~~(and the formulation if applicable)~~ of such pesticides; **and**

(~~f~~**d**) The quantity of each **distribution or** sale of such pesticides **in the transaction including the number of containers and the net weight or volume per container, or the total net weight or volume.**

~~(2) In addition to the requirements of a pesticide dealer otherwise specified in (1) of this section, a pesticide dealer shall prepare and maintain records of sales of products containing the active ingredient carbofuran as follows:~~

Commented [CB23]: Aclara las políticas actuales del Programa con respecto a la flexibilidad en la creación y el mantenimiento de registros, al tiempo que sigue exigiendo que se proporcionen registros organizados al ODA previa solicitud.

Commented [CB24]: 1. Agrega "certificado" para mayor claridad.

2. Elimina un error de redacción anterior. La información del titular de la licencia ya está incluida en (1)(a).

3. Exige un elemento en el registro que documente la autorización de un agente designado, al tiempo que permite flexibilidad en el enfoque.

Commented [CB25]: Aclara la cantidad, al tiempo que permite flexibilidad para los vendedores.

~~(a) The name and address of the person who received the product when the product was not delivered directly to the purchaser;~~

~~(b) The crop(s) to which the product will be applied;~~

~~(c) The acreage of each crop to which the product will be applied;~~

~~(d) The amount of product that will be applied to each acre of each crop;~~

~~(e) The intended date of application to each crop.~~

~~(3) The information required by (2) above shall be obtained by the pesticide dealer from the person receiving the product at the time of distribution or sale.~~

~~(4) All information prepared for every distribution or sale of a pesticide product containing the active ingredient carbofuran shall be submitted by the pesticide dealer to the Oregon Department of Agriculture within five business days of the distribution or sale.~~

(~~2~~**5**) Failure to comply with the conditions set forth in OAR 603-057-0140 may be considered as **a violation**~~violations of~~ **as described in** ORS 634.372, and may be subject to any enforcement action available to the department under ORS 634.

603-057-0145
Pesticide Consultant Standards of Competence

(1) As provided in ORS 634.132, competence of a pesticide consultant to advise or make recommendations concerning the use, handling, or selection of restricted-use pesticides shall be determined on the basis of a written examination. As a supplement to the subject matters set forth in section (2) of ORS 634.132, the examination shall also include the subject matters set forth in OAR 603-057-0120(1) relating to the General Standards of Commercial Applicator, Public Applicator and Noncommercial Applicator Competence.

~~(2) A pesticide consultant licensed pursuant to this section may not advise or make recommendations in subcategories (a) or (b) of 603-057-0115(4), Regulatory Pest Control, regarding the use, handling, or selection of the M-44 Device containing sodium cyanide or the livestock protection collar containing sodium fluoroacetate (Compound 1080).~~

(~~2~~**3**) A pesticide consultant licensed pursuant to this section may add the category Demonstration and Research, as defined in OAR 603-057-0110 (3), to their license following successful completion of the written examination for the Demonstration and Research category.

(~~3~~**4**) A pesticide consultant licensed pursuant to this section in the category Demonstration and Research is eligible to be licensed as a commercial applicator, public applicator and

noncommercial applicator in the category of Demonstration and Research without further examination. An application for such commercial, noncommercial, or public applicator's license, or for the addition of the category to an existing license, and the appropriate fee payment must be made separately from the application for, or the addition to, a pesticide consultant's license.

(~~45~~) If an applicant for a pesticide consultant's license has passed a current written examination accredited by another state with which the Department has a reciprocal agreement on certification or licensing, and submits evidence of the same to the department at the time of submitting his license application with applicable fee, the license examination may be waived.

(~~56~~) An applicant for a pesticide consultant's license renewal shall be required to take and successfully complete a reexamination each fifth year after taking the original examination, and be subject to the provisions of this section in regard thereto. However, if the Department's records indicate the applicant for license renewal has complied with the provisions of OAR 603-057-0150, the written reexamination shall be waived.

(~~67~~) In the event an applicant for a pesticide consultant's license fails the written examination or reexamination, the applicant shall be eligible to take the examination again upon submitting a new application for the same.

(~~78~~) A pesticide consultant licensed pursuant to this section shall also be eligible to be licensed as a private applicator for the purpose of purchasing, using or supervising the use of any restricted-use or highly toxic pesticides for the purpose of producing agricultural commodities or forest crops on land owned or leased by the person. An application and fee payment for a private applicator's license must be made separately from the application and fee payment for the pesticide consultant license. The certification date of the private applicator license will be consistent with that of the consultant license.

603-057-0200
Limitations on Restricted-Use Pesticides

As provided in ORS 634.306 and ORS 634.322 and in addition to other provisions of ORS Chapter 634, the following limitations and procedures shall apply to the distribution and use of **restricted-use** pesticides identified in OAR 603-057-0205 **and highly toxic pesticides classified pursuant to ORS 634.306**:

(1) A **person may only distribute or sell** a **restricted-use or highly toxic** pesticide **to an appropriately certified and licensed pesticide user, an appropriately licensed pesticide dealer, or a pesticide producer**.~~shall only be:~~

(2) A person may not distribute or sell a restricted-use pesticide to a pesticide user unless:

Commented [CB26]: Agrega "altamente tóxico" y "certificado" para mayor claridad y/o consistencia con el estatuto.

(a) **The pesticide user is**~~Distributed for use by and used by~~ an appropriately licensed commercial, noncommercial, public or private applicator**, or an appropriately licensed pesticide consultant**; and

(b) **The person distributing or selling the pesticide is**~~Distributed or sold to users by~~ an appropriately licensed pesticide dealer.

(3) Notwithstanding section (1) and subsection (2)(a) of this rule~~:~~**,**

(a) ~~**t**~~**The appropriately certified and licensed user may authorize a designated agent to take possession of a restricted-use or highly toxic pesticide from a licensed pesticide dealer for the sole purpose of transporting it to the appropriately certified and licensed person to whom the pesticide was sold.**

(b) A commercial common or contract carrier may be utilized by an appropriately licensed pesticide dealer or a pesticide producer to facilitate transport of a restricted-use or highly toxic pesticide in its original unbroken pesticide container under shipping documentation.

(**4**~~2~~) A private applicator, a pesticide operator, a commercial applicator, a noncommercial applicator, a public applicator, or **a pesticide consultant**~~their designated agent~~ shall **provide**~~display~~ their appropriate certificate or license to the pesticide dealer at the time of purchase of a restricted-use pesticide, so that the number thereof may be recorded by the pesticide dealer pursuant to OAR 603-057-0140.

Commented [CB27]: Mantiene los requisitos de licencia anteriores, al tiempo que permite explícitamente el uso de transportistas de carga para facilitar el transporte de RUP, y no exige que los transportistas de carga tengan licencia.

~~603-057-0325~~
~~Sodium Cyanide and M-44 Device~~

~~Sodium cyanide and the M-44 device shall be subject to the restrictions and conditions set forth in OAR 603-057-0335 to 603-057-0350.~~

~~603-057-0335~~
~~Sodium Cyanide and M-44 Device; Restrictions on Use~~

~~Only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, who are licensed as public applicators in the category specified in OAR 603-057-0115(4)(a), shall be entitled to use sodium cyanide and the M-44 device for the control of coyotes and certain other wild canids.~~

~~603-057-0350~~
~~Sodium Cyanide and the M-44 Device; Records and Reports~~

~~(1) Public pesticide applicators using sodium cyanide and the M-44 device shall not be required to keep records as specified in ORS 634.146 or OAR 603-057-0130, but instead shall make and maintain records which contain but are not limited to the following:~~

~~(a) Species and numbers of animals eradicated, whether target or non-target, and the dates and locations thereof;~~

~~(b) Numbers and locations of devices emplaced, with dates of installations and retrievals;~~

~~(c) Numbers and locations of warning signs posted;~~

~~(d) The name and address of the person on whose property sodium cyanide and the M-44 device was used; and~~

~~(e) The name and address of the pesticide applicator.~~

~~(2) The records required by section (1) of this rule shall be made available to the Department for inspection and verification. Upon request of the Department, such record information shall be submitted to the Department in the form of periodic reports. Such records shall be maintained by the user for at least three years after the cessation of the user use activity.~~

~~603-057-0355~~
~~Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar~~

~~(1) Sodium fluoroacetate (Compound 1080) and the livestock protection collar shall be subject to the restrictions and conditions set forth in OAR 603-057-0360 to 603-057-0375.~~

~~(2) Failure to comply with the restrictions and conditions set forth in OAR 603-057-0360 to 603-057-0375, as determined by the Oregon Department of Agriculture, may be used as a basis for one or more of the following actions:~~

(a) To revoke, suspend or refuse to issue or renew the license or certification of an applicant, licensee or certificate holder in accordance with ORS 634.322(4);

(b) To amend, suspend or revoke the registration(s) pertaining to the livestock protection collar in accordance with ORS 634.322(5);

(c) To impose a civil penalty, in accordance with ORS 634.900;

(d) To initiate and pursue any other action of an enforcement nature available through ORS 634.

603-057-0360
Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Restrictions on Use

(1) Coyotes shall be the only species that may be considered to be a regulated pest, as defined in OAR 603-057-0001(8), and therefore considered to be a target organism, upon which sodium fluoroacetate (Compound 1080) and the livestock protection collar may be used.

(2) Only employees of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, licensed as public pesticide applicators in the subcategory specified in OAR 603-057-0115(4)(b) shall use the livestock protection collar containing sodium fluoroacetate (Compound 1080).

(3) The following shall apply to use of the livestock protection collar containing sodium fluoroacetate (Compound 1080):

(a) Use of collars shall conform to all applicable federal, state and local regulations;

(b) Use of collars shall be limited to appropriate sites within the geographic boundaries of Curry County, Oregon;

(c) Collars shall only be in the possession of the registrant and its employees, except when in use;

(d) Collars shall only be filled with Compound 1080 solution by the manufacturer;

(e) Collars shall be used only to take coyotes that prey upon domestic livestock within fenced pastures no larger than 2,560 acres;

(f) Collars may be used only after a finding by United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control personnel that appropriate non-lethal methods of coyote control, by method, have failed to reduce losses to

an acceptable level, and all other available lethal or non-lethal methods have been found to be ineffective or inappropriate;

(g) Prior to use of the livestock protection collar at a particular site, a preapplication inspection report will be completed by the applicator which identifies the following:

(A) Non-lethal techniques utilized at the site, and the reason each one was found to be impractical or unsatisfactory;

(B) Non-lethal techniques considered for the site, and the reason each one was considered impractical or unsatisfactory;

(C) Lethal techniques utilized at the site, and the reason each one was found to be impractical or unsatisfactory;

(D) Lethal techniques considered for the site, and the reason each one was considered impractical or unsatisfactory.

(h) Where collars are in use, each logical point of access shall be conspicuously posted with a bilingual (English/Spanish) warning sign not less than 8" x 10" in size. Such signs shall be inspected weekly to insure their continued presence and legibility, and will be removed when all collars are removed and accounted for;

(i) Each collar in use shall be inspected by the applicator at least twice a week to insure that it is properly positioned and unbroken;

(j) Damaged or broken collars shall be removed from the field and either returned to the manufacturer for repair or disposed of properly;

(k) If a collar is lost, an intensive search for the missing collar shall be conducted within twelve hours from the time the loss is noted. Use of all other collars at the particular site shall be terminated after twelve hours if a search is not conducted for the lost collar and a cause for the loss identified. If the collar is lost due to a deficiency which can be corrected, appropriate corrections will be enacted prior to the continued use of collars on that site;

(l) If a collar is found to have been punctured by a predator attacking a collared animal, an intensive search shall be conducted for the animal which punctured the collar;

(m) Disposal of punctured or unserviceable collars and contaminated animal remains, vegetation and soil shall be accomplished by deep burial or burning at a safe location, preferably on the property of the landowner;

(n) Storage of livestock protection collars containing Compound 1080 shall only be under lock and key in a dry place away from food, feed, domestic animals and corrosive chemicals. Collars shall not be stored in any structure occupied by humans.

~~603-057-0365~~

~~Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Registrant of Livestock Protection Collars~~

~~Only the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control may be the registrant of the livestock protection collar containing the active ingredient sodium fluoroacetate (Compound 1080).~~

~~603-057-0375~~

~~Sodium Fluoroacetate (Compound 1080) and the Livestock Protection Collar; Records and Reports~~

~~(1) Public pesticide applicators using the livestock protection collar shall not be required to keep records as specified in ORS 634.146 or OAR 603-057-0130, but instead shall make and maintain records which contain but are not limited to the following:~~

- ~~(a) The name and address of the person on whose property the livestock protection collar was used and the name and address of the public pesticide applicator;~~
- ~~(b) The location and size of agricultural or rangeland areas (fields) in which the livestock protection collars containing sodium fluoroacetate (Compound 1080) were used;~~
- ~~(c) The date each individual collar was obtained by the applicator, placed on livestock, punctured or ruptured (along with apparent cause), lost or unrecovered, or removed and put in storage;~~
- ~~(d) The species, date, and location of each animal found poisoned or suspected of having been poisoned as a result of the use of Compound 1080 in livestock protection collars;~~
- ~~(e) A written description of any intensive search for missing collars or poisoned animals conducted as specified in OAR 603-057-0360(3)(j) and (k).~~

~~(2) The registrant shall keep records of all collars distributed. Records shall include the name and address of each recipient along with dates and numbers of collars received.~~

~~(3) The records required by sections (1) and (2) of this rule shall be maintained by the applicator for a period of three years and shall be made available to the Department for inspection and verification upon request of the Department. This record information shall be submitted to the Department and the U.S. Environmental Protection Agency in the form of periodic reports. Any~~

~~poisoning of non-target species shall be reported immediately (within three days) to the U. S. Environmental Protection Agency and the Department. Each accident or injury to humans or domestic animals shall likewise be reported.~~

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1. Formatea (3)(g) como una lista para mayor claridad.

2. Agrega lenguaje de referencia ("defectuoso o inseguro", en inglés: "faulty or unsafe") de las acciones prohibidas en el estatuto (ORS 634.372(3)) y mantiene el estándar federal en (3)(g)(C), al tiempo que brinda flexibilidad para equipos fabricados a la medida.

3. Aclara que la comunicación debe realizarse tanto en un idioma como de una manera que el supervisado pueda entender, pero está redactado de forma amplia para que el aplicador supervisor pueda utilizar una combinación de enfoques y herramientas para cumplir con el requisito.