Subject: FW: RUPs versus Highly Toxic Pesticides
Date: Wednesday, October 28, 2026 at 11:46:15 AM Pacific Daylight Time
From: BOND Colton * ODA
To: SUMMERS Sunny * ODA
Attachments: image001.jpg

Sorry, I meant to cc you!

Best Wishes,

Colton Bond - Licensing, Certification & Training
Oregon Department of Agriculture – Pesticides Program
635 Capitol St NE, Salem, OR 97301-2532
CELL: 971.208.2549 | WEB: Oregon.gov/ODA
Pronouns he, him, his

If you would like to discuss this topic and need a free language interpreter present, call 503.986.6485 to make arrangements or email (colton.bond@oda.oregon.gov) with your name, requested language, phone number and best time to call.

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From: BOND Colton * ODA <Colton.BOND@oda.oregon.gov>
Date: Wednesday, October 28, 2026 at 11:33 AM
To: Dani Lightle [redacted]
Subject: Re: RUPs versus Highly Toxic Pesticides

Good Morning Dani,

Thanks again for this question. The Department has established classifications of pesticides deemed to be “restricted-use pesticides” (as defined in ORS 634.006(25)) through administrative rule (see OAR 603-057-0205 and OAR 603-057-0545) and in accordance with the consultation and considerations required by ORS 634.306(4). In brief, currently restricted-

use pesticides (RUPs) include all federal RUPs and all chlorpyrifos-containing products (excluding cattle ear tags). A list of restricted-use pesticides registered in Oregon is available here: https://www.oregon.gov/oda/pesticides/pesticide-product-information/Pages/search-registered-pesticides.aspx

The Department has not classified any pesticide or device as "highly toxic" (as defined in ORS 634.006(5)). Rulemaking is required to classify a product as, or establish overarching criteria for, "highly toxic" pesticides or devices, as well as consultations with a counsel of experts in pesticides from industry, universities and colleges and other governmental agencies or bodies and other considerations in accordance with ORS 634.006(4).

https://www.oregonlegislature.gov/bills_laws/ors/ors634.html

ORS 634.006 (5) "Highly toxic" means a pesticide or device determined by the department to be capable of causing severe injury, disease or death to human beings.

ORS 634.006 (25) "Restricted-use pesticide" means any pesticide or device that the department has found and determined to be so injurious or detrimental to humans, pollinating insects, bees, animals, crops, wildlife, land or environment, other than the pests it is intended to prevent, destroy, control or mitigate, that additional restrictions are required.

ORS 634.306 (4) Establish and maintain classifications of pesticides and devices that are deemed to be highly toxic or restricted-use pesticides or devices. In this regard, the department shall take into consideration:

(a) Laws and regulations of the federal government, including the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq., as amended, and the Federal Environmental Pesticide Control Act of 1972, 86 Stat. 973.

(b) Laws and regulations of other states.

(c) Advice and counsel of experts in pesticides from industry, universities and colleges and other governmental agencies or bodies.

ORS 634.316 List of highly toxic and restricted-use pesticides. The State Department of Agriculture may establish, maintain and amend lists of pesticides and devices which are highly toxic or restricted-use pesticides or devices.

603-057-0205

Listing of Restricted Use Pesticides

As provided in ORS 634.006(22), 634.306(4), and 634.316, restricted-use pesticides shall

include all of the following:
(1) Any pesticide active ingredient, formulation, product or usage classified as restricted-use by the United States Environmental Protection Agency, through administration of the Federal Insecticide, Fungicide and Rodenticide Act, and identified in current Title 40, Chapter 1, Sub-Chapter E, Part 152 of the Code of Federal Regulations;
(2) Any pesticide product having labeling which specifies the product as being restricted-use and has been accepted by the department for the purpose of registration as provided in ORS 634.016; or
(3) Any pesticide or device which the department has found and determined to be so injurious or detrimental to persons (including sensitive subgroups), pollinating insects, bees, animals, crops, wildlife, land or environment, other than the pests it is intended to prevent, destroy, control or mitigate, that additional restrictions are required. In establishing and maintaining classifications of restricted-use pesticides and devices, the department shall take into consideration:
(a) Laws and regulations of the federal government, including the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq., as amended, and the Federal Environmental Pesticide Control Act of 1972, 86 Stat. 973;
(b) Laws and regulations of other states; and
(c) Advice and counsel of experts in pesticides from industry, universities and colleges and other governmental agencies or bodies, and of other stakeholders.
Statutory/Other Authority: ORS 561.190 & 634.306
Statutes/Other Implemented: ORS 634.306 & 634.316
History:
DOA 22-2020, amend filed 12/15/2020, effective 12/15/2020
AD 13-1992, f. & cert. ef. 10-13-92
AD 17-1990, f. & cert. ef. 10-2-90
Reverted to AD 10-1987, f. & ef. 7-1-87
AD 1-1990(Temp), f. & cert. ef. 3-1-90
AD 10-1987, f. & ef. 7-1-87
AD 12-1985, f. & ef. 11-27-85
AD 24-1981, f. & ef. 12-1-81
AD 7-1980, f. & ef. 9-25-80
AD 8-1978, f. & ef. 6-23-78
AD 28-1977, f. & ef. 12-5-77
AD 7-1977, f. & ef. 4-5-77
AD 1036(26-74), f. 8-20-74, ef. 9-11-74

603-057-0545(1) On and after January 1, 2021, all products that contain any amount of

chlorpyrifos (“chlorpyrifos-containing products”) are classified as restricted-use pesticides. 603-057-0545(7) This rule does not apply to chlorpyrifos impregnated in ear tags for cattle.

Best Wishes,

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From: Dani Lightle <[redacted]
Date: Monday, October 26, 2026 at 11:32 AM
To: BOND Colton * ODA <colton.bond@oda.oregon.gov>
Subject: RUPs versus Highly Toxic Pesticides

Hey Colton,
I’m reviewing the materials for today, and the draft rules make lots of mentions of “restricted use or highly toxic” pesticides. Does the state have a list of materials that fall in each of these categories (restricted use & highly toxic), or is there any background on how the department has made these designations in the past? Any information is appreciated!
Best,

Dani Lightle
Policy and Stewardship Director
Oregonians for Food & Shelter (OFS)

1320 Capitol Street NE Suite B-50
Salem OR 97301

[redacted]

Oregonians for Food & Shelter

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Subject: Re: Topics for Monday's meeting
Date: Friday, October 30, 2026 at 9:51:17 AM Pacific Daylight Time
From: BOND Colton * ODA
To: Laurie Hoefer
CC: SUMMERS Sunny * ODA

Good Morning Laurie,

Thanks for reaching out. The main topics we plan to cover at the next RAC meeting are dealer recordkeeping (OAR 603-057-0140) and RUP distribution limitations/licensing clarity (OAR 603-057-0200), with discussion of associated definitions. I would also like to leave some space in these meetings for RAC members to comment on the rule text we discussed at the last meeting (since they've had more time to discuss and digest), and also to ensure that we reserve time at a future meeting if more robust conversation is needed on a specific topic.

I was actually drafting responses to some of the questions you asked this past Monday in the meeting comments. I am happy to walk you though this, and will give you a call today to touch base with you. Please do let me know if I've missed any of you questions or data requests.

1. *Can you please explain more about what is pesticide operator and whether that includes Private applicator and if not, why are private excluded from this? Thanks.*

   A pesticide operator is distinct from a private applicator.
   - A private applicator (defined in ORS 634.006(18); OAR 603-057-0001) is an individual who uses or supervises the use of any pesticide, classified by the department as a restricted-use or highly toxic pesticide, for the purpose of producing agricultural commodities or forest crops on land owned or leased by the individual or the employer of the individual.
   - A commercial pesticide operator or "pesticide operator (defined in ORS 634.006(16); OAR 603-057-0001) is a person who owns or operates a business engaged in the application of pesticides upon the land or property of another. This includes advertising and soliciting such pesticide application work. Note: The individuals employed by a licensed pesticide operator that apply a pesticide on the property of another must be licensed as commercial pesticide applicators (defined in ORS 634.006(12); OAR 603-057-0001), or if appropriately supervised by a commercial pesticide applicator, licensed as a pesticide apprentice or immediately supervised trainee (defined in OAR 603-057-0001; OAR 603-057-0106; OAR 603-

057-0127).
- Additionally, descriptions of each pesticide license type, including pesticide operator and private applicator are listed on the following webpage: https://www.oregon.gov/oda/pesticides/licensing/Pages/license-requirements.aspx.

Federal law (FIFRA) prohibits the US EPA from requiring private applicators to maintain records, so pesticide application recordkeeping requirements were not included in the federal regulations (40 CFR 171). However, currently the Worker Protection Standard requires that an agricultural employer keep certain records related to applicable pesticide applications. I would be happy to discuss this further.

2. *can we get information on most commonly used pesticides and number of types of licenses issued by Oregon?*

Oregon law does not require proactive reporting of all pesticide use to the Department, and therefore we don't have a foundation of data upon which to base an answer to this question. However, we do maintain a database of pesticides registered for sale/distribution in Oregon and we partner with Washington State University, who has a similar database that they maintain but which is searchable by multiple parameters. Please see the following links:
- ODA Pesticide Products Information Search
- WSU Pesticide Information Center Online (PICOL) Databases

Regarding approximate numbers of specific pesticide license types, please see our 2025 annual report. I am happy to pull some 2026 numbers if that would be helpful.
- 2025 Pesticides Program Annual Report (see pg. 7)
- 2024 Pesticides Program Annual Report (see pg. 7)

Best Wishes,

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Oregon Department of Agriculture – Pesticides Program
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From: Laurie Hoefer <[redacted]>
Date: Thursday, October 29, 2026 at 3:01 PM
To: BOND Colton * ODA <Colton.BOND@oda.oregon.gov>, SUMMERS Sunny * ODA <sunny.summers@oda.oregon.gov>
Subject: Topics for Monday's meeting

Dear Colton and Sunny: Could you please let us know which topics/proposed rules will be the focus for next Monday's RAC meeting? Thank you.

Laurie Hoefer
(she/her/ella)

Staff Attorney/Abogada
Northwest Workers' Justice Project
[redacted]
www.nwjp.org

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Monday, November 2, 2026 at 9:10:44 AM Pacific Standard Time

Subject: Re: following up on RAC 1 some questions
Date: Wednesday, October 28, 2026 at 1:49:44 PM Pacific Daylight Time
From: BOND Colton * ODA
To: [redacted] SUMMERS Sunny * ODA

Nargess, Laurie, and Ira,

I wanted to separate out your last question so it didn't get to mixed up in my response on study materials. Under the associated federal regulations, prior to use the certified supervising applicator must provide instructions specific to the site and pesticide used to the noncertified applicator in a manner that they can understand (40 CFR 171.201(b)(3)(iii)). Additionally, prior to use the certified supervising applicator must ensure that the noncertified applicator has met one of the following (40 CFR 171.201(c)). Both the WPS handler training and noncertified applicator training program have provisions requiring that the training content be delivered in a manner that the person being trained can understand (40 CFR 170.501(c)(1); 40 CFR 171.201(d)(1))

- Completed a WPS handler training,
- Completed a training or equivalent the meets or exceeds the training program described in 40 CFR 171.201(d), or
- is certified but not for the specific application to be performed (e.g., certified but has wrong category).

The draft, pre-proposal rule text that we shared includes an almost identical provision in OAR 603-057-XXXX(3)(f) for the site/pesticide-specific instructions. Additionally, it includes a training requirement (OAR 603-057-XXXX(3)(b)) that similarly utilizes the WPS handler training and noncertified applicator training described in 40 CFR 171.201(d) as vehicles for meeting this requirement, but which also permits those who passed the Oregon laws & safety exam or who hold a Pesticide Apprentice license (which requires passing the laws & safety exam; license maintain through continuing education similar to certified applicators) to begin supervised work without completing one of these trainings since they already demonstrated their knowledge under a higher standard (passing exam versus training).

Please do let me know if you have any additional questions, or would like to discuss further.

https://www.ecfr.gov/current/title-40/section-171.201
§ 171.201 Requirements for direct supervision of noncertified applicators by certified

applicators.

(b) ***General requirements.***

* * * *

(3) Use-specific conditions that must be met in order for a noncertified applicator to use a restricted use pesticide. The certified applicator must ensure that all of the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under his or her direct supervision:

* * * *

(iii) The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand.

* * * *

(c) ***Noncertified applicator qualifications.*** Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the noncertified applicator has met at least one of the following qualifications:

(1) The noncertified applicator has been trained in accordance with paragraph (d) of this section within the last 12 months.

(2) The noncertified applicator has met the training requirements for an agricultural handler under 40 CFR 170.501 of this title within the last 12 months.

(3) The noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in § 171.201(c)(1).

(4) The noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(d) ***Noncertified applicator training program.***

(1) General noncertified applicator training must be presented to noncertified

applicators either orally from written materials or audiovisually. The information must be presented in a manner that the noncertified applicators can understand, such as through a translator. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators' questions.

Best Wishes,

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Oregon Department of Agriculture – Pesticides Program
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From: BOND Colton * ODA <Colton.BOND@oda.oregon.gov>
Date: Wednesday, October 28, 2026 at 12:54 PM
[redacted]
SUMMERS Sunny * ODA <Sunny.SUMMERS@oda.oregon.gov>
Subject: Re: following up on RAC 1 some questions

Hello Nargess (and Laurie and Ira),

Thanks for your questions! We are in the midst of a transition to some new study materials (and exams), which is anticipated to occur in January 2027. A list of current study material for each

exam (broken down by license/category) is available on our website here: http://oda.direct/ExamsStudyMaterials. I've also copy/pasted the information and links below for our current study materials for the private applicator license (in English and Spanish) and for our Aerial Pesticide Applicator exam (currently available in English only). Most of these materials are available as a pdf online. However, I do have a copy of the *Manual Básico Para Aplicadores de Pesticidas Comerciales y Privados* (no digital version available) that I can quickly provide, and I have multiple copies of the national aerial manual (if you prefer hard copies over the online pdf).

The new study material for the private applicator license will include a new national core manual (developed by the Pesticide Educational Resources Collaborative under an EPA grant) and an updated Oregon Addendum (still being finalized). Both of these will be available in English and Spanish. Copies of the new national core manual (both English and Spanish-language versions) are available through the Chemeketa bookstore currently (direct link here). I have three copies of the Spanish-language version that I can provide, and I am happy to acquire copies of the English-language version. Note: Due to donations from Soil & Water Conservation Districts and the Oregon State University Pesticide Safety Education Program, hundreds of copies of the Spanish-language version of the new national core manual are available for free from Chemeketa (if picked up on-site; payment required only for postage if mailed).

Please just let me know how many copies you need and where you need these delivered.

Note on Licensing Requirements:

A private applicator license is currently required to apply a restricted-use pesticide for the purposes of agricultural production to land or property owned or leased by the applicator or their employer. This would include applications of restricted-use pesticides using airblast sprayers or tractor-based application equipment. On its own, a private applicator license does not cover the application of pesticides by aircraft (including UAVs); an additional license (aerial pesticide applicator license) is required). Note: A private applicator license is not required to apply a general-use pesticide (not a restricted-use pesticide) using ground equipment for the purposes of agricultural production to land or property owned or leased by the applicator or their employer.

An aerial pesticide applicator license is currently required to apply any pesticide using aircraft (including UAVs). This includes applications of restricted-use pesticides and general-use pesticides via aircraft. To be issued or maintain an aerial pesticide applicator license, the applicant or license holder must already have an active private, commercial, noncommercial, or

public applicator license. Therefore, the educational requirements are stacked. For example, a custom applicator seeking to apply a pesticide to a customer's property must pass the appropriate exams for their commercial applicator license (e.g., pass the laws & safety exam, and at least one category exam) and the appropriate exam for the aerial pesticide applicator license (e.g., aerial pesticide applicator exam).

Study Materials for Select Exams (Current)

Examen de Aplicador Privado - Español

Este examen se ofrece en inglés y español. Al aprobar con éxito el examen, recibirá la certificación para la Licencia de Aplicador Privado de Pesticidas. Esta licencia se requiere para las personas que usan o supervisan el uso de pesticidas de uso restringido con el objectivo de producir un cultivo en tierras de producción agrícola o forestal que sean de su propiedad, rentadas o alquiladas por el aplicador privado o su empleador. Esto incluye tierras agrícolas y ganaderas, pastizales, tierras forestales, viveros, árboles de Navidad, invernaderos y huertas. En este momento, no se requiere un examen adicional para los aplicadores privados con licencia que tengan la intención de usar fumigantes de suelo. Sin embargo, aquellos que deseen aplicar fumigantes de suelo primero deben completar la capacitación aprobada por la Agencia de Protección Ambiental (EPA por sus siglas en inglés). La capacitación tiene una validez de 36 meses y a partir de entonces, hay que repetirse. En el futuro, las regulaciones federales requerirán que los aplicadores privados aprueben exámenes adicionales para aplicar fumigantes de suelo y no suelo.

Materiales de Estudio (Requerido para el Examen de Aplicador Privado en Español):

1. Esquema del examen de aplicador privado – español
2. Adenda de Oregon (actualizada 1/2020)
    - La Adenda de Oregon también se conoce como La Adenda del Manual Básico de Oregon. Este manual cubre las leyes, reglamentos, y recursos específicos de Oregon.
    - Pedir copias imprimidas en línea. Utilice el número de identificación de estudiante **PESTICIDE**
      Librería del Colegio Comunitario Chemeketa
      Preguntas: 503-399-5131
3. Manual Básico Para Aplicadores de Pesticidas Comerciales y Privados
   Pedir una copia en línea
   Oficina de publicaciones de la Universidad Estatal de Washington
   800-723-1763

4. Cómo Reducir el Envenenamiento de Abejas por Pesticidas (PNW 591)
   Pedir una copia en línea
   Servicio de Extensión de la Universidad Estatal de Oregon

5. Regla de Clorpirifos

Material Complementario (Opcional):
Una nueva traducción piloto al español del Anexo de Oregon al Manual Básico.

- Nota: Esta versión está sujeta a cambios. Póngase en contacto con el Departamento de Agricultura de Oregon para obtener información sobre la versión más reciente.

Private Applicator Exam - English

This stand-alone exam is available in English and Spanish. Upon successful completion, certification for the Private Pesticide Applicator License is granted. This license is required of individuals who use or supervise the use of Restricted Use Pesticides for the purpose of producing an agricultural commodity or forest crop on land owned, leased, or rented by the private applicator or their employer. This includes farmland, rangeland, forests, greenhouses, nurseries, and orchards.

At this time, a separate exam is not required for licensed private applicators who intend to use soil fumigants. However, those wishing to apply soil fumigants must first complete the EPA-approved training. The training is valid for 36 months and must be retaken thereafter. In the future, federal regulations will require private applicators to pass additional exams to apply soil and non-soil fumigants.

Study Material (required for English Private Applicator Exam):

1. Private applicator exam outline

2. Oregon Core Manual Addendum (updated 1/2020)

   - The Oregon Addendum is also known as the Oregon Core Manual Addendum. This manual discusses the laws, regulations, and resources specific to Or egon.
   - Order online. Use student ID number **PESTICIDE**
     Chemeketa Community College Bookstore
     Questions: 503-399-5131

3. National Pesticide Applicator Certification Core Manual

   - The National Core Manual is also known as the National Pesticide Applicator

Certification Core Manual. This manual discusses federal laws and safety for pesticide applicators.
    - Order online. Use student ID number **PESTICIDE**
      Chemeketa Community College Bookstore
      Questions: 503-399-5131

4. How to Reduce Bee Poisoning from Pesticides (PNW 591)
   Order online
   OSU Extension Service

5. Chlorpyrifos rule

Aerial Pesticide Applicator (current materials)

This is a stand-alone exam. The successful completion of this exam is required as part of the requirements to obtain an aerial pesticide applicators license. An Aerial Pesticide Applicator's license is required of any individual making pesticide applications by aircraft.

Study Material:

- Exam outline
- Aerial Applicator's Manual
  Order Online. Use student ID number **PESTICIDE**
  Chemeketa Community College Bookstore
  503-399-5131
- Forest Practice Notes (updated January 2022)
- Forestry Fact Sheet: Herbicide Use in Forestry
- Chlorpyrifos rule

Best Wishes,

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From: SUMMERS Sunny * ODA <Sunny.SUMMERS@oda.oregon.gov>
Date: Tuesday, October 27, 2026 at 3:55 PM
To: BOND Colton * ODA <Colton.BOND@oda.oregon.gov>
Subject: FW: following up on RAC 1 some questions

Can you help answer Nargess' questions?

—

Sunny Summers, Senior Policy Advisor
Oregon Department of Agriculture – Directors Office
635 Capitol St NE, Salem, OR 97301-2532
PH: 503.400.4196 | Oregon.gov/ODA | Pronouns she, her, hers

From: Nargess Shadbeh <[redacted]
Date: Tuesday, October 27, 2026 at 3:52 PM
To: SUMMERS Sunny * ODA <Sunny.SUMMERS@oda.oregon.gov>
[redacted]
Subject: following up on RAC 1 some questions

Sunny,

How can we get a copy of the materials that folks use for studying for the private applicator test? I see the outline for the exam is posted online but not the details under each subject. Without signing up for one of the courses can we as farmworker advocates have a review of the contents? We are particularly interested in training for applicators in the fields and near sensitive areas such as labor housing. The application methods by aerial and air blast/tractor. Who should we talk to about this? We are particularly interested on issues that intersect with notices to the residents/workers at the sites as well as safeguards for reduction of possible drift or overspray unintentionally. Please let me know if we can gather this material free of charge at this point. It would be helpful to review the materials.

We were also wondering on the supervision workers if the individual is unable to read a label in English. I think the rules state to find someone who can explain the label. Is there a match between who is supervised and trainee for language match requirements? I tried to raise this and am unsure whether there is currently a requirement under the law.

Nargess

Nargess Shadbeh
Oregon Law Center
999 N. Cascade Dr.
Woodburn, Oregon 97071

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From: SUMMERS Sunny * ODA <Sunny.SUMMERS@oda.oregon.gov>
Sent: Monday, October 26, 2026 9:05 AM
[redacted]
Subject: Re: HOLD - RAC #1 - Pesticide Rules Updates

Good morning,

Here is an agenda for the meeting this afternoon.

See you soon!

—

Sunny Summers, Senior Policy Advisor
Oregon Department of Agriculture – Directors Office
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PH: 503.400.4196 | Oregon.gov/ODA | Pronouns she, her, hers