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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DOA 96-2026

CHAPTER 603

DEPARTMENT OF AGRICULTURE

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends requirements for Malheur County Onion Maggot Control Area

EFFECTIVE DATE: 04/03/2026 THROUGH 09/29/2026

AGENCY APPROVED DATE: 04/03/2026

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NEED FOR THE RULE(S):

The 2025-2026 onion growing and shipping season in Malheur County, the largest onion-producing county in the nation, yielded an unusually high volume of cull onions due to bacterial bulb rot caused by severe thunderstorms in early July and late August, as well as inadequate storage conditions during the warm fall and winter months. Consequently, the industry requested the Oregon Department of Agriculture (ODA) to review existing regulations regarding practical barriers to timely and effective cull disposal. Without temporary modifications, growers and shippers encounter substantial operational limitations that could lead to improper disposal practices, heightened pest pressure, or economic distress for the region's agricultural sector.

Temporary amendments are warranted on two specific grounds. Firstly, the 80-ton-per-acre debris application limit in Section C may not accurately reflect the current nitrogen loading realities, considering the widespread adoption of drip irrigation, which has significantly reduced nitrogen application and bulb nitrogen levels over the past two decades. Secondly, the currently approved resource, the PNW Insect Control Handbook, is outdated and no longer provides specific product recommendations. A temporary rule provision that permits treatment with an insecticide applied in accordance with label instructions at prescribed intervals until proper disposal occurs will promptly enhance the efficacy of chemical treatment as a disposal option when burial is impractical due to weather conditions. Additionally, the Oregon Department of Agriculture's Pesticides Program has issued an advisory to assist growers in identifying insecticides that may be most effective.

JUSTIFICATION OF TEMPORARY FILING:

(1) Consequences of Failure to Act - Failure to immediately amend OAR 603-052-0360 will result in onion growers and shippers in Malheur County being unable to lawfully dispose of an unusually large volume of cull onions generated during the 2025-2026 season in a timely, practical, and economically feasible manner.

Specifically, debris application tonnage limitations and an outdated insecticide list reference create disposal barriers that cannot be adequately addressed through existing provisions. Without amendment, growers face the risk of cull piles remaining unmanaged for extended periods, increasing the potential for onion maggot (*Delia antiqua*) population growth, spread of pest pressure into active production fields, and economic losses to one of Oregon's most significant agricultural regions.

(2) Who Would Suffer These Consequences - The consequences would fall directly on onion growers and shippers operating in Malheur County, the nation's largest onion-producing county, as well as the broader regional agricultural economy that depends on the viability of this industry. Secondary impacts could extend to agricultural workers, supporting businesses, and communities in the region that rely on a healthy onion production sector.

(3) Why Failure to Act Immediately Would Cause These Consequences - The 2025-2026 season has produced an exceptional volume of cull onions, creating disposal demands that exceed what current rule provisions can practically accommodate. Cull disposal is time sensitive. Delays allow onion fly populations to establish and expand within cull piles, increasing pest pressure on surrounding production areas. The 80-tons-per-acre burial limit may not reflect current nitrogen loading realities given widespread adoption of drip irrigation, which has significantly reduced nitrogen application and bulb nitrogen content over the past two decades. Additionally, the insecticide reference material currently approved under Section F of the rule has not been updated since the 2016-2017 season and does not reflect more effective products now available, limiting growers' ability to treat cull piles when burial is prevented by inclement weather. The combination of these outdated provisions during an unusually high-cull season creates conditions where timely, compliant disposal is not practically achievable under the existing rule.

(4) How Temporary Action Will Avoid or Mitigate These Consequences - Temporary amendment of OAR 603-052-0360 will provide immediate relief by:

- Removing the limit for chopped or shredded debris returned to fields and worked into the soil will relieve pressure on non-production fields to be able to incorporate the larger volume more quickly. There is an estimated 700-800 million pounds of cull onions that need to be disposed of and capacity for burial and solid waste disposal in the county is already limited.
- Updating the approved insecticide list under Section F by allowing treatment with an insecticide applied in accordance with label instructions at prescribed intervals until proper disposal occurs, ensuring growers have access to the best available chemical treatment options when weather prevents burial.

Together, these temporary amendments will allow growers and shippers to manage the 2025-2026 cull surplus in a manner that is timely, pest-protective, and environmentally responsible, while the agency pursues permanent rulemaking.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

- Letter from the Malheur County Onion Growers Association requesting a rule change - available from ODA
- Current pesticide rules – SOS website

AMEND: 603-052-0360

RULE SUMMARY: Amends requirements for onion maggot control area.

CHANGES TO RULE:

603-052-0360

Control Area: Onion Maggot - Malheur County ¶

(1) A control area is established within the boundaries of Malheur County for the protection of the onion industry by the eradication or control of the insect pest known as the onion maggot. This control area order is based on IPM principles first recognized and used by Malheur County growers in 1957.¶

(2) The following methods of eradication and control are declared to be the proper methods used in this control area order:¶

(a) All cull or waste onions in Malheur County shall be disposed of by a method approved by this control order prior to March 15 each year; for onions sorted after that date until July 1, the resulting cull and waste onions shall be disposed of within one week after such sorting;¶

(b) Disposal of cull or waste onions shall be accomplished only as set forth below:¶

(A) Disposal by covering in a dump site approved by the Oregon Department of Environmental Quality (DEQ). Culls and onion debris shall be dumped and covered by at least 12 inches of onion-free soil by March 15 each year;¶

(B) Disposal by animal feeding. Culls and onion debris shall be completely removed from feeding areas by March 15 and buried under 12 inches of onion-free soil. Onions tramped into the soil so they cannot be removed shall be plowed to a depth of 12 inches;¶

(C) Disposal by chopping or shredding. Chopped or shredded onion debris that is incapable of sprouting may be returned to the field at a ~~tonnage rate no higher than the DEQ-approved rate of 80 tons per acre~~ appropriate agronomic rate and plowed to a depth where no onion parts are exposed on the surface;¶

(D) Composting. All onion debris shall be incorporated into the compost bed and completely covered by 12 inches of onion-free soil;¶

(E) Disposal of residue in onion producing fields. Commercial onion fields where sort out bulbs are left at harvest shall be disked to destroy the bulbs and shall be plowed to a depth of at least 12 inches by March 15 each year. Seed bulbs shall be disposed of in the same manner following the last harvest. The owner of the field is ultimately responsible for compliance with this rule;¶

(F) If inclement weather prevents plowing, the culls will be treated with an EPA-labeled insecticide ~~currently listed in the PNW Insect Control Handbook~~ applied in accordance with label instructions at prescribed intervals until proper disposal occurs.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 561.190, 561.510 - 561.600, 570.305, 570.405, 570.410 - 570.415

Statutes/Other Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405, 570.410 - 570.415