

Final Text
OAR 603-057-0108

Aerial Applications Generally

(1) A person may not spray or otherwise apply a pesticide by aircraft unless the person is an individual that holds a valid aerial pesticide applicator certificate issued by the Oregon Department of Agriculture.

Aerial Pesticide Applicator

(2) An aerial pesticide applicator certificate is a type of license.

(3) For 2016, an aerial pesticide applicator certificate may only be issued to an individual upon receipt and approval by the department of:

- (a) An appropriately completed license application form;
- (b) Payment of the appropriate fee;
- (c) Proof that the individual holds a valid commercial pilot certificate for the type of aircraft to be used by the aerial pesticide applicator in applying pesticides;
- (d) Proof that the individual holds a valid pesticide applicator, public applicator, or private applicator license or certificate; and
- (e) Proof, in the form of a sworn statement or a declaration that the individual has either:

(A) At least fifty (50) hours of experience as a licensed pesticide applicator, licensed public applicator or certified licensed private applicator on flights conducted for the purpose of carrying out spraying or otherwise applying pesticides by aircraft; or

(B) At least fifty (50) hours of flight training experience as a licensed pesticide applicator, licensed public applicator, or certified private applicator, or as a pesticide trainee or public trainee under the supervision of a licensed pesticide applicator, licensed public applicator, or certified licensed private applicator, on flights conducted for the purpose of carrying out, or training to carry out, spraying or otherwise applying pesticides by aircraft.

(4) The department shall suspend or revoke the aerial pesticide applicator certificate if the certificate holder fails to maintain the valid pesticide applicator license, public applicator license or private applicator certificate that was the basis of obtaining the aerial pesticide applicator certificate.

(5) The annual fee for an aerial pesticide applicator certificate shall be the same as the fee for pesticide applicators.

(6) The certification period for an aerial pesticide applicator certificate issued for 2016 will expire on December 31, 2016.

(7) As of January 1, 2017, the certification period for an aerial pesticide applicator certificate shall not exceed five years.

(8) Beginning January 1, 2017, an aerial pesticide applicator certificate may only be issued to an individual upon receipt and approval by the department of:

- (a) An appropriately completed license application form;
- (b) Payment of the appropriate fee;
- (c) Proof that the individual holds a valid commercial pilot certificate for the type of aircraft to be used by the aerial pesticide applicator in applying pesticides;

(d) Proof that the individual holds a valid pesticide applicator, public applicator, or private applicator license or certificate;

(e) Proof, in the form of a sworn statement or a declaration that the individual has either:

(A) At least fifty (50) hours of experience as a licensed pesticide applicator, licensed public applicator or certified licensed private applicator on flights conducted for the purpose of carrying out spraying or otherwise applying pesticides by aircraft; or

(B) At least fifty (50) hours of flight training experience as a licensed pesticide applicator, licensed public applicator or certified licensed private applicator, or as a pesticide trainee or public trainee under the supervision of a certified aerial pesticide applicator, on flights conducted for the purpose of carrying out, or training to carry out, spraying or otherwise applying pesticides by aircraft; and

(f) Proof that the individual has passed a national examination, or other examination approved by the department, testing the knowledge of the individual regarding proper spraying and other application of pesticides by aircraft.

(9) An applicant for an aerial pesticide applicator certificate issued under OAR 603-057-0108 (7) shall be required to take a re-examination each fifth year after taking the original aerial pesticide applicator examination.

(10) If the department's records indicate that an applicant for certificate renewal has successfully completed during the preceding five years at least 10 credit hours in programs of instruction or educational courses satisfactory to the department and related to the spraying or other application of pesticides by aircraft:

(a) The department shall count any credit hours in satisfactory programs of instruction or educational courses as described above toward any instruction or education requirements imposed by the department for the issuance or renewal of a pesticide applicator or public pesticide applicator license.

(b) The department may not count any credit hours in satisfactory programs of instruction or educational courses described above toward any instruction or education requirements imposed by the department for the issuance or renewal of a private applicator's license.

(11) As of January 1, 2017, and for an individual, the certification period of their pesticide applicator, public applicator or private applicator license may be aligned with the certification period for their aerial pesticide applicator certificate.

(12) An aerial pesticide applicator that was certificated solely on the basis of a public applicator license shall not spray or otherwise apply pesticides by aircraft to any lands beyond those lands that he is authorized to spray or otherwise apply pesticides to from the ground.

(13) In order to be authorized to make aerial pesticide applications, a pesticide applicator that is also certificated as an aerial pesticide applicator, must be employed by a pesticide operator with an aerial endorsement or other similar specification assigned by the department.