



Proposed Amended Rule: OAR 603-057-0205

AUG. 25, 2020

Note: The portion indicated in red (see below) is the proposed amendment to the rule; the language is from long-standing existing statute. For an explanation of the proposed rule amendment, see the NOTICE OF PROPOSED RULEMAKING FILING INCLUDING STATEMENT OF NEED & FISCAL IMPACT document.

Listing of Restricted Use Pesticides

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

(1) Any pesticide active ingredient, formulation, product or usage classified 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, 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.