



## PERMANENT ADMINISTRATIVE ORDER

### DOA 22-2020

CHAPTER 603  
DEPARTMENT OF AGRICULTURE

**FILED**

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FILING CAPTION: Amending Listing of Restricted Use Pesticides Rule

EFFECTIVE DATE: 12/15/2020

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CONTACT: Amy Bingham  
503-986-4583  
abingham@oda.state.or.us

635 Capitol St. NE  
Salem, OR 97301

Filed By:  
Amy Bingham  
Rules Coordinator

AMEND: 603-057-0205

RULE TITLE: Listing of Restricted Use Pesticides

NOTICE FILED DATE: 08/25/2020

RULE SUMMARY: Amending OAR 603-057-0205 aligns it with ORS 634.306(4) and 634.316 regarding the agency's authority to classify a pesticide or device as restricted use.

#### RULE TEXT:

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