

Proposed Rulemaking - Implementation of HB 4062 (2022) and HB 2031 (2021)

BACKGROUND

The Oregon Department of Agriculture (ODA) is proposing new and amended rules to implement [House Bill 4062 \(2022\)](#) and [House Bill 2031 \(2021\)](#). HB 4062 created new “noncommercial” applicator license types and HB 2031 granted new authority to ODA related to Restricted Use Pesticides.

House Bill 4062

As defined in HB 4062, the new “Noncommercial” license types will cover:

1. individuals (except government employees) who apply restricted use pesticides (RUPs) on property they or their employer owns or leases for a purpose other than the production of an agricultural commodity or forest crop (examples: employees of golf courses, wood treatment facilities, wineries that fumigate wine barrels/corks, businesses that treat purchased agricultural commodities); and
2. private school employees or owners who apply any pesticide to their own private school campus, as defined in ORS 634.700.

One benefit is that the employer of a Noncommercial Pesticide Applicator does not need to be licensed as a Commercial Pesticide Operator. This represents a cost savings on licensing fees and, potentially, insurance costs. The proposed rules implement the new “Noncommercial” license types in a manner that does not weaken protections for people and the environment.

House Bill 2031

In part, HB 2031 grants the ODA the authority to impose a civil penalty for violation of the State Pesticide Control Act or associated administrative rules related to RUPs. Proposed rules to implement this authority are necessary to help bring ODA into compliance with new federal regulations (40 CFR 171).

WHEN AND HOW CAN I COMMENT ON THIS PROPOSED RULEMAKING?

The comment period begins today and closes on October 25, 2023 at 5:00 PM Pacific Time. Please submit your comments to pesticide.rulemaking@oda.oregon.gov. Additionally, the ODA will offer two virtual public hearings on October 17, 2023 and October 18, 2023. More information about these virtual public hearings is available on the ODA rulemaking webpage.

WHERE CAN I GET MORE INFORMATION?

The notice of proposed rulemaking, rule text, and other informational documents are available on the ODA rulemaking webpage: <https://oda.direct/PesticideRulemaking>.