



**OREGON  
DEPARTMENT OF  
AGRICULTURE**

## ODA Adopts Permanent Rules to Implement New Pesticide License Type and Enforcement Authority

The Oregon Department of Agriculture (ODA) has adopted permanent rules to implement House Bill 4062 (2022) and House Bill 2031 (2021). HB 4062 created a new “noncommercial” applicator license type, and HB 2031 granted new authority to ODA related to Restricted Use Pesticides. These permanent rules go into effect on November 17, 2023.

### **Noncommercial Pesticide Applicator License**

As defined in HB 4062, the new “Noncommercial” license type 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 include: 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 or supervise the application of 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 adopted rules implement the new Noncommercial license type in a manner that does not weaken protections for people and the environment by not reducing competency or renewal standards.

When the new rules go into effect, individuals seeking to perform pesticide activities covered by the noncommercial applicator license can apply for a license using forms available on the [ODA website](#). To qualify for a noncommercial applicator license you must pass the Laws and Safety exam and at least one appropriate category exam. Alternatively, certified commercial and public pesticide applicators with an appropriate license category, and certified and licensed pesticide consultants with the demonstration and research license category, qualify to apply for the noncommercial pesticide applicator license without needing to take additional exams. Additional information can be found in the following Frequently Asked Questions [document](#).

Alternatively, if you meet all the conditions described in Oregon rule (OAR 603-057-0190), you may continue to utilize your Commercial Pesticide Applicator license with the appropriate license categories in place of a Noncommercial Pesticide Applicator license. However, your employer must also be licensed as a Commercial Pesticide Operator with the appropriate license categories. This option may be beneficial for those who apply pesticides on both their employer’s property and their customer’s property in the course of their work with a single employer.

## ODA Adopts Permanent Rules (Continued)

### Enforcement Authority

In part, HB 2031 helps align ODA's authority to impose a civil penalty for violations of the State Pesticide Control Act or associated administrative rules related to RUPs with changes to federal regulations (40 CFR 171). The rules adopted to implement this authority are also necessary to help bring ODA into compliance with changes to the same federal regulations.

### Where can I get more information?

Additional information about these adopted rules, including the new noncommercial license type, is available on the ODA Pesticide Rulemaking [webpage](#).



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