

TABLE 1. GENERAL LICENSING SCENARIOS

#	Scenario <sup>1</sup>	Licensing Requirement <sup>2</sup>
1.1	<p>An individual applies any pesticide to the property of another (e.g., customer’s land or property).</p> <p>Note: This scenario excludes individuals who are employed by a governmental body listed in ORS 634.116(12) who apply pesticides in the course of their employment with that governmental body under the conditions described in ORS 634.116.</p>	<p align="center"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual who applies the pesticide must hold a commercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> Additionally, the individual’s employer (business entity) must hold a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
1.2	<p>An individual uses or supervises the use of any Restricted Use Pesticide (RUPs) on land or property owned or leased by the individual or the employer of the individual, <u>except</u> for an individual who performs the work, duties, or responsibilities of a private applicator, or a public applicator.</p>	<p align="center"><b>**Changed by HB 4062 (2022)**</b></p> <p><u>Applicator:</u> The individual must hold a noncommercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual’s employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed noncommercial pesticide applicator with the appropriate license categories and</p>

		permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.
1.3	An individual who owns or is employed by a private school and who performs or carries out the work, duties, or responsibilities of a pesticide applicator at the school's campus, as defined in ORS 634.700.	<p><b>**Changed by HB 4062 (2022)**</b></p> <p><u>Applicator:</u> The individual must hold a noncommercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual's employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed noncommercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
1.4	An individual applies pesticides as described in both scenarios 1.1 and 1.2 above.	<p><b>**Changed by HB 4062 (2022)**</b></p> <p><b>Either of the following licensing options are acceptable.</b></p> <p><b>OPTION 1:</b>  <u>Applicator:</u> The individual who applies the pesticide must have a commercial pesticide applicator license with the appropriate license categories. Note: The individual can utilize their commercial pesticide applicator license and therefore does not need to hold a noncommercial pesticide applicator license. This option reduces regulatory complexity.</p>

		<p><u>Employer:</u> The individual’s employer (business entity) must have a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p> <p><b>OPTION 2:</b>  Either the noncommercial or commercial licensing is utilized, depending on the specific pesticide application scenario, as described above. Note: This requires the applicator to have more than one license.</p> <p>For example, when making a pesticide application as described in scenario 1.1 above, the applicator and employer must have the commercial licenses described in the corresponding “Licensing Requirement” column. Alternatively, when making a pesticide application as described in scenario 1.2 above, the applicator must have the noncommercial licensing described in the corresponding “Licensing Requirement” column.</p>
1.5	An individual who is employed by a governmental body listed in ORS 634.116(12) applies any pesticide	<b>**No Change**</b>

	<p>using power-driven equipment, applies a RUPs, or applies any pesticide to the campus of a school, as defined in ORS 634.700</p> <p>Note: In this scenario, the employee applies pesticides in the course of their employment with that governmental body under the conditions for public applicators as described in ORS 634.116.</p>	<p><u>Applicator:</u> The individual must have a public pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual's employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed public pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
1.6	<p>An individual uses or supervises the use of any pesticide, classified by the department as an RUP, for the purpose of producing agricultural commodities or forest crops on land owned or leased by the individual or by the employer of the individual.</p>	<p style="text-align: center;"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual must have a private applicator license.</p> <p><u>Employer:</u> The individual's employer (business entity) is not required to hold a pesticide license for these pesticide applications.</p> <p>Note: Unlicensed individuals can make ground applications of RUPs if permitted by the pesticide labeling and they are supervised by a licensed private applicator that is their employer or co-worker. The pesticide application must be for the purpose of producing agricultural commodities or forest crops and must be made on land owned or leased by the individual or the employer of the individual.</p>

<sup>1</sup>Note: For simplicity, the scenarios in this table exclude applications of pesticides via aircraft and pesticide applications for research purposes.

<sup>2</sup>If pre-proposal, draft rule text is adopted as currently written.

**TABLE 2. WOOD PRESERVATION - POTENTIAL LICENSING SCENARIOS:**

#	Scenario <sup>1</sup>	Licensing Requirement <sup>2</sup>
2.1	<p>Employee of business applies wood preservative (General Use Pesticide) to a wood product owned by their employer.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Wood treatment facility</li> <li>• Utility company (except a public utility) treating utility poles, etc.</li> </ul>	<p style="text-align: center;"><b>**No Change**</b></p> <p>No license is required to apply General Use Pesticides to land or property owned or leased by the individual applying the pesticide or their employer.</p>
2.2	<p>Employee of business applies wood preservative RUP to a wood product owned by their employer.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Wood treatment facility</li> <li>• Utility company (except a public utility) treating utility poles, etc.</li> </ul>	<p style="text-align: center;"><b>**Changed by HB 4062 (2022)**</b></p> <p><u>Applicator:</u> The individual must hold a noncommercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual’s employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed noncommercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
2.3	<p>Owner of a wood product contracts with a business to treat their wood product with a wood preservative (General Use Pesticide or RUP).</p>	<p style="text-align: center;"><b>**No Change**</b></p>

	<p>Employee of this business applies the wood preservative to their customer's wood product.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Wood treatment facility – treating services only (TSO)</li> <li>• Field treatment for utility poles and guardrail posts</li> </ul>	<p><u>Applicator:</u> The individual who applies the pesticide must hold a commercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> Additionally, the individual's employer (business entity) must hold a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
2.4	<p>Employee of a business sometimes engages in #2.2 and #2.3 above while working for the same business. That is, some of the products they treat at their wood treatment facility are owned by their employer, and some are wood products they have been contracted to treat with a wood preservative (<i>i.e.</i>, property of another).</p>	<p><b>**Changed by HB 4062 (2022)**</b></p> <p><b>Either of the following licensing options are acceptable.</b></p> <p><b>OPTION 1:</b></p> <p><u>Applicator:</u> The individual that applies the pesticide must have a commercial pesticide applicator license with the appropriate license categories. Note: The individual can utilize their commercial pesticide applicator license and therefore does not need to hold a noncommercial pesticide applicator license. This option reduces regulatory complexity.</p>

		<p><u>Employer:</u> Additionally, the individual’s employer (business entity) must have a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p> <p><b>OPTION 2:</b>  Either noncommercial or commercial licensing are utilized depending on the pesticide application scenario, as described above.  Note: This requires the applicator to have more than one license.</p> <p>For example, when making a pesticide application as described in scenario 2.3 above, the applicator and employer must have the commercial licenses described in the associated “Licensing Requirement” column above. Alternatively, when making a pesticide application as described in scenario 2.2 above, the applicator must have the noncommercial licensing described in the “Licensing Requirement” column above.</p>
2.5	Employee of a public utility (or other governmental body listed in ORS 634.116(12)) applies any pesticide using power-driven equipment, or applies a restricted use pesticide to	<p style="text-align: center;"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual must have a public pesticide applicator license with the appropriate license categories.</p>

	<p>a wood product under their employer's ownership, control, possession, or jurisdiction.</p>	<p><i><u>Employer:</u></i> The individual's employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed public pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
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<sup>1</sup>Note: For simplicity, the scenarios in this table exclude applications of pesticides via aircraft, pesticide applications for research purposes, and pesticide applications to the campus of a school as defined in ORS 634.700.

<sup>2</sup>If pre-proposal, draft rule text is adopted as currently written.

**TABLE 3. GOLF COURSE - POTENTIAL LICENSING SCENARIOS**

#	Scenario <sup>1</sup>	Licensing Requirement <sup>2</sup>
3.1	Private golf course employee needs to apply a <u>General Use Pesticide</u> to property their employer owns or leases (golf course, clubhouse, etc.).	<p style="text-align: center;"><b>**No Change**</b></p> <p>No license is required to apply General Use Pesticides to land or property owned or leased by the individual applying the pesticide or their employer.</p>
3.2	<p>Private golf course employee needs to apply a <u>Restricted Use Pesticide (RUP)</u> to property their employer owns or leases (golf course, clubhouse, etc.).</p> <p>Note: This scenario excludes applications of RUPs for the purpose of producing an agricultural commodity or forest crop. For example, some golf courses may be producing ornamental plants that they later transplant to other locations on their golf course.</p>	<p style="text-align: center;"><b>**Changed by HB 4062 (2022)**</b></p> <p><u>Applicator:</u> The individual must hold a noncommercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual’s employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed noncommercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>

<p>3.3</p>	<p>A golf course is owned or leased by a city or other governmental body listed in ORS 634.116(12). An employee of that city or governmental body needs to apply an RUP, or any pesticide using power-driven equipment, to property under their employer’s ownership, control, possession, or jurisdiction (golf course, clubhouse, etc.).</p>	<p style="text-align: center;"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual must have a public pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> The individual’s employer (business entity) is <u>not</u> required to hold a pesticide license for these pesticide applications.</p> <p>Note: If appropriately supervised by a licensed public pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>
<p>3.4</p>	<p>A private golf course employee applies <u>General Use Pesticides</u> applications for the purpose of producing an agricultural commodity (e.g., produce ornamental plants that they later transplant to other locations on their golf course).</p>	<p style="text-align: center;"><b>**No Change**</b></p> <p>No license is required to apply general use pesticides to land or property owned or leased by the individual applying the pesticide or their employer.</p>
<p>3.5</p>	<p>A private golf course employee applies <u>RUPs</u> for the purpose of producing an agricultural commodity (e.g., produce ornamental plants that they later transplant to other locations on their golf course).</p>	<p style="text-align: center;"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual must have a private applicator license.</p>

		<p><u>Employer:</u> The individual’s employer (business entity) is not required to hold a pesticide license for these pesticide applications.</p> <p>Note: Unlicensed individuals can make ground applications of Restricted Use Pesticides (RUPs) if permitted by the pesticide labeling and they are supervised by a licensed Private Applicator that is their employer or co-worker. The pesticide application must be for the purpose of producing agricultural commodities or forest crops and must be made on land owned or leased by the individual or the employer of the individual.</p>
<p><b>3.6</b></p>	<p>A business is contracted to apply pesticides (General or Restricted Use) to privately or publicly owned property (e.g., golf course, residential property). The business does not own or lease the property that will be treated.</p>	<p style="text-align: center;"><b>**No Change**</b></p> <p><u>Applicator:</u> The individual who applies the pesticide must hold a commercial pesticide applicator license with the appropriate license categories.</p> <p><u>Employer:</u> Additionally, the individual’s employer (business entity) must hold a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p>

3.7	<p>A Homeowner’s Association (HOA) maintains common areas in a residential community AND owns or leases a private golf course (such as in a resort environment).</p> <ul style="list-style-type: none"> <li>a. An employee of the HOA needs to apply an RUP to common areas (turf/landscape/rights-of-way areas) that the HOA owns or leases and has maintenance-related responsibilities over these common areas.</li> <li>b. An employee of the HOA needs to apply an RUP to property their employer owns or leases (golf course, clubhouse, etc.).</li> <li>c. An employee of the HOA needs to apply a pesticide (General or Restricted Use Pesticide) to turf/landscape, right-of-way areas on privately-owned residential property that is within the boundaries of the HOA. The HOA does not own this property but has maintenance-related responsibilities over this property.</li> <li>d. An employee of the HOA performs all of the above (“a.” through “c.”).</li> </ul>	<p style="text-align: right;"><b>**Changed by HB 4062 (2022)**</b></p> <ul style="list-style-type: none"> <li>a. The HOA employee applying the RUP must have noncommercial licensing as described in the “Licensing Requirement” column above for scenario 3.2.</li> <li>b. The HOA employee applying the RUP must have noncommercial licensing as described in the “Licensing Requirement” column above for scenario 3.2.</li> <li>c. The HOA employee applying the pesticide and their employer must have commercial licensing as described in the “Licensing Requirement” column above for scenario 3.6. Please note that ORS 94 affords additional rights to the residential property owner.</li> <li>d. Either of the following licensing options are acceptable: <ul style="list-style-type: none"> <li><b>OPTION 1:</b> <u>Applicator:</u> The individual who applies the pesticide must have a commercial pesticide applicator license with the appropriate license categories. Note: The individual can utilize their commercial pesticide applicator license and therefore does not need to hold a noncommercial pesticide applicator license. This option reduces regulatory complexity.</li> </ul> </li> </ul>
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		<p><u>Employer:</u> Additionally, the individual’s employer (business entity) must have a commercial pesticide operator license with the appropriate license categories.</p> <p>Note: If appropriately supervised by a licensed commercial pesticide applicator with the appropriate license categories and permitted by the pesticide label, a licensed pesticide apprentice or immediately supervised trainee may make the pesticide application.</p> <p><b>OPTION 2:</b>  Either noncommercial or commercial licensing are utilized depending on the pesticide application scenario, as described above. Note: This requires the applicator to have more than one license.</p>
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