

Current ODA Enforcement Program

December 19, 2022


(For Discussion Purposes Only)



**OREGON
DEPARTMENT OF
AGRICULTURE**

A large green circle on the left side of the slide, partially cut off by the edge.

Types of Investigations and Inspections

- Ag Use Follow Ups
 - Non-Ag Use Follow Ups
 - Applicator Record Inspections*
 - Dealer Record Inspections
 - Ag Use Observations
 - Non-Ag Use Observations
 - Report of Loss
 - Marketplace Inspections
 - Tracking
 - EPA Types (PLR, PEI, and More)
 - Experimental Use Permit Inspections
- 
- A decorative graphic consisting of several short, curved yellow dashes arranged in a loose arc at the bottom right of the slide.

Case Load Overview

Fiscal Year	Cases Initiated	Cases Closed	Agricultural Use Follow Ups (AUF)	Non-Agricultural Use Follow Ups (NUF)
2022	426	487	74	94
2021	481	625	107	112
2020	501	604	105	121
2019	751	625	72	93
2018	711	599	80	56



Regularly Utilized Authorities

- Inspection
- NOV
- CP
- License Revocation*
- Stop Sale
- Detainment

*Currently utilized more with other State agencies' (DOR and DOJ) authorities than our own.



**OREGON
DEPARTMENT OF
AGRICULTURE**

Other Authorities We Have

- Warrants – Generally for Sample Collection
- Subpoenas – Generally for Records
- Class D Violation (violating a detainment)



Case Violations Overview

Fiscal Year	Total Cases with Violations	Notice of Violation (NOV)	Civil Penalty (CP)	License Revocation
2022*	86	58	29	0
2021*	92	71	28	0
2020*	70	56	22	1 (DOR)
2019*	39	32	19	0
2018*	20	13	10	3 (DOJ)

*The NOV and CPs for these years appear to add up to a larger number than should be possible, due to one or more cases having both a CP and an NOV being issued.



**OREGON
DEPARTMENT OF
AGRICULTURE**

NOV or CP?

- Guidelines and Gravity
- Formula

$$NB + [(.1 \times NB) \times (P+H+R+C)]$$

- Magnitude of Violation
- Gravity of Effect
- Penalty Matrix



603-057-0531, for violations occurring on or after January 1, 2016, not involving Gross Negligence or Willful Misconduct.

603-057-0531(1)(b) indicates that penalties under this section are determined using the following matrix:

MAGNITUDE OF VIOLATION		GRAVITY OF EFFECT		
		Rank High	Rank Medium	Rank Low
	Category I Major	\$740	\$600	\$400
	Category II Medium (moderate)	\$600	\$400	\$200
	Category III Minor	\$400	\$200	\$100

603-057-0532, for violations involving Gross Negligence or Willful Misconduct.

603-057-0532(1)(b) indicates that penalties under this section are determined using the following matrix:

MAGNITUDE OF VIOLATION		GRAVITY OF EFFECT		
		Rank High	Rank Medium	Rank Low
	Category I High (major)	\$10,000	\$9,000	\$8,000
	Category II Moderate	\$9,000	\$8,000	\$7,000
	Category III Low (minor)	\$8,000	\$7,000	\$6,000



**OREGON
DEPARTMENT OF
AGRICULTURE**

Administrative Process for Enforcement

- Issuance of Proposed Notice
- Hearing Request Window
- Informal Meeting Invitation
- Settlement Agreement
- Hearings
- Appeals



Questions?



**OREGON
DEPARTMENT OF
AGRICULTURE**