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## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 603  
DEPARTMENT OF AGRICULTURE

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FILING CAPTION: Amends Pesticide Operator, Applicator, and Trainee Categories

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Filed By:  
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AMEND: 603-057-0110

RULE TITLE: Pesticide Operator, Applicator, and Trainee Categories

NOTICE FILED DATE: 11/21/2018

RULE SUMMARY: Creates a license category for licensed public and commercial pesticide applicators who apply pesticides on the campus of a school, with certain limitations.

#### RULE TEXT:

In accordance with subsection (2) of ORS 634.306, the following categories of pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees are established with licenses (or certificates) to be issued for such categories, or any specific subcategories established by OAR 603-057-0115:

(1) Agricultural Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in the production of agricultural crops and livestock (including Christmas tree plantations and commercial nurseries), or on agricultural lands, grasslands, or non-crop agricultural lands.

(2) Aquatic Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in treating standing or running water.

(3) Demonstration and Research: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators and public trainees who use or supervise the use of pesticides, or of any substance or mixture of substances that is being evaluated for use as a pesticide, for experiments or research such as for gathering data to satisfy registration requirements of the United States Environmental Protection Agency or of the department. The exemption provided manufacturers under subsection (1) of ORS 634.106 only applies to laboratory research. The uses included in this category must be:

- (a) Authorized by an experimental use permit issued by the United States Environmental Protection Agency;
- (b) Authorized by an experimental use permit issued by the department as provided in OAR 603-057-0160; or
- (c) By a federal or state agency that is exempt from obtaining an experimental use permit as provided in OAR 603-057-0160(2)(b).

(4) Forest Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in the production of forest crops, or on

forestry lands (not including Christmas tree plantations or commercial nurseries).

(5) Industrial, Institutional, Health, and Structural Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in, on, or around food handling establishments, human dwellings, institutions (i.e., schools, hospitals, etc.), industrial establishments (including warehouses and grain elevators), and any other structures or areas utilized for the storing, processing, or manufacturing of products.

(6) Marine Fouling Organism Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of marine antifouling paint or coating on boat or ship hulls or other parts of boats or ships.

(7) Ornamental and Turf Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in the establishment and maintenance of ornamental plantings and turf (not including Christmas tree plantations, commercial nurseries or forest crops). The exemption provided persons under subsection (5) of ORS 634.106 only applies to persons principally engaged in home lawn and garden care.

(8) Public Health Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides for the control of any pest which may be deleterious to the public health, including mosquito and other vector control.

(9) Regulatory Pest Control: This shall include public applicators and public trainees who use or supervise the use of pesticides upon regulated pests not otherwise specified in this section.

(10) Right-of-Way Pest Control: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides in right-of-way areas.

(11) Seed Treatment: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides on seed, as it is defined in subsection (1) of ORS 633.511. Treatment of a person's own seed on his own premises is exempt under subsections (9) and (13) of ORS 634.006.

(12) School Integrated Pest Management: This shall include pesticide operators, pesticide applicators, pesticide trainees, public applicators, and public trainees who use or supervise the use of pesticides on the campus of a school, as defined in ORS 634.700 and OAR 603-057-0500. School Integrated Pest Management does not include any of the following:

(a) The use of any pesticide in areas where the integrated pest management plan adopted by the school under 634.705 does not apply;

(b) The use of any pesticide for the purpose of controlling wood-destroying pests, such as, but not limited to, termites, carpenter ants, and powder post beetles;

(c) The use of any pesticide for the purpose of controlling the following public health pests: bed bugs, lice, fleas, ticks, and adult mosquitoes.

(d) The use of any pesticide by using power-driven pesticide application equipment or power-driven devices;

(e) The use of any highly toxic or restricted-use pesticide, as defined in ORS 634.006(5) and (22), respectively;

(f) The use of any pesticide that is not registered with the State Department of Agriculture, as described in ORS 634.016; or

(g) The use of any pesticide formulated or packaged as a total release fogger, which is a pressurized container designed to automatically release the total contents in one operation for the purpose of creating a permeating fog within a confined space to deliver the pesticide throughout a space. Pesticide types listed in ORS 634.705(4) are excluded from this provision.

STATUTORY/OTHER AUTHORITY: ORS 634.306, 561, 634

STATUTES/OTHER IMPLEMENTED: 634, ORS 634