

ODA PESTICIDE QUARTERLY

Issue VIII Spring 2000

Oregon Department of Agriculture Pesticides Division

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CHANGES IN OREGON'S RECIPROCAL PESTICIDE LICENSING POLICY CONSIDERED FOR 2001

What? Times keep changing and so does each state's pesticide licensing programs. Over the years, Oregon has tried to adjust to the changing pesticide programs of both Washington and Idaho to provide a "reciprocal" Oregon pesticide license based on an original certification process of either state. Reciprocity has allowed pesticide applicators which work on both sides of the Oregon border to obtain initial pesticide certification examinations in just one state and qualify for licensing in both states. In 1999, out of a total of almost 11,000 licensed applicators, Oregon issued reciprocal licenses to 364 commercial pesticide applicators, 23 public pesticide applicators, 118 pesticide consultants and 45 private applicators.

Why? Many factors are being considered in reviewing the practicality of continuing reciprocity in Oregon. Constant changes and differences in pesticide use categories, sub-categories, license types, license expiration dates and certification expiration dates are driving Oregon toward the decision to discontinue this option for pesticide licensing. Delays in licensing from the originating state result in delays in issuing Oregon reciprocal licenses which may have adverse regulatory and/or economic impacts. The most significant injustice that is being allowed by Oregon providing a reciprocal licensing option, is the lack of any demonstration by a pesticide licensee that they are knowledgeable of their legal responsibilities in Oregon, under Oregon law.

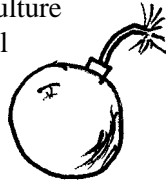
How & When? Public or Commercial Pesticide Applicators and Pesticide Consultants holding current reciprocal licenses based on certification in Washington or Idaho on December 31, 2000 will be granted a comparable Oregon pesticide license, fully certified for five years starting January 1, 2001. All new applications for licenses in 2001 must have successfully passed all appropriate Oregon pesticide certification examinations. **Private Applicator licensees are not being considered for this change and reciprocal licenses will continue to be offered for growers.**

Draw backs? Yes, there may be drawbacks for some companies who will need to adjust their planning to allow time for employees to take pesticide exams in Oregon and receive their Oregon license. Hopefully, with advance notice of this change, companies will not wait until the last minute to decide who will need to be certified in Oregon. Issuing certified licenses to affected reciprocal licensees will also alleviate many of the licensing anxieties. New, fully certified Oregon licensees will also need to remember to sign Oregon sign-up sheets at pesticide recertification courses to accurately accumulate Oregon recertification credits.

Questions: If there are any questions or comments about this change, please feel free to contact Janet Fults at (503) 986-4652 or jfults@oda.state.or.us

EXPLODING FERTILIZER TANKS

REYNOLDSBURG, OH – After five fertilizer tank failures in Ohio in two months, Ohio Agriculture Director Fred L. Dailey has advised all fertilizer companies to consult with structural engineers to determine the integrity of the steel and welds used on the fertilizer storage tanks.



“All of these leaks have one common denominator: the tanks were all manufactured by Nationwide Tanks, Inc.,” said Dailey. “This new advisory goes beyond the warning we sent out in early February asking firms to inspect their tanks. With three more failures since then, we are now recommending fertilizer firms contact structural engineers to check the integrity of their tanks.” These failures have resulted in major clean-up efforts which has come at a great cost to the companies.

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OREGON PESTICIDE USE REPORTING SYSTEM - UPDATE

There are no specifics, yet, but the Oregon pesticide use reporting system is currently under development at ODA (see the Fall, 1999 issue of ODA Pesticide Quarterly for background information). A team of researchers at Oregon State University (OSU) and Oregon Health Sciences University - Center for Research on Occupational and Environmental Toxicology (CROET) is preparing a scientific review of issues involved with developing the reporting system.

Members of an 18 person work group have met five times to date, to develop the reporting system's specifics. Work group members represent a balance of interests from around the state, both in regard to locale as well as in perspective on pesticide use reporting issues. The group continues to discuss topics such as: “What data will be required to be reported,” “How frequently will pesticide users report their applications,” and “What will be the best way to collect information on household use?”

The work group, along with the researchers from OSU and CROET, will assist ODA in developing a pilot system. The pilot system, to be begun by January 2001, will be conducted in at least one geographic area of the state. Results of the pilot system will be used to finalize the details of the statewide reporting system. The statewide system is scheduled to begin January 1, 2002.

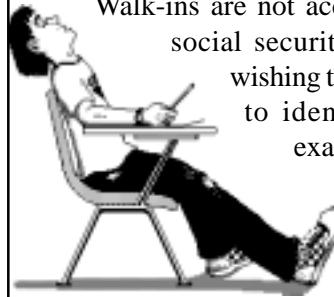
See the latest Pesticide Use Reporting System updates on the internet:

<http://www.oda.state.or.us/pesticide/info.html>

PESTICIDE APPLICATOR CERTIFICATION TESTING NOW AVAILABLE IN ROSEBURG

The Oregon Department of Agriculture and its Pesticides Division announce the opening of a new testing center in Roseburg for those interested in becoming certified as a pesticide applicator or a pesticide consultant in Oregon. The new testing center is located on the campus of Umpqua Community College, 1140 College Road in Roseburg. Pre-registration is required to take pesticide examinations.

Walk-ins are not accepted. Photo identification and social security number is required. Persons wishing to take an examination must be able to identify specific license type and examination(s) required.



To schedule examinations at Umpqua Community College, call (541) 440-4610

USDA RECORDKEEPING SURVEY

The Oregon Department of Agriculture has again entered into an agreement with the United States Department of Agriculture (USDA) to conduct inspections of private applicator records in Oregon. Through these inspections, ODA hopes to determine the degree of compliance with USDA recordkeeping requirements. The annual USDA Recordkeeping Survey began this year on March 1st and will be completed by April 28. From a pool of the state's 6,800 Private Applicators, ODA randomly selected and sent out pre-notification letters to 50 private applicators. A representative of the Oregon Department of Agriculture will be conducting a review of the pesticide application records for these individuals.

Certified private pesticide applicators must maintain record(s) of all federally restricted-use pesticide applications. The record information must be recorded no later than 14 days following the pesticide application and must be maintained for two years following the application. To request a copy of the USDA Recordkeeping Requirements for Certified Private Applicators please call ODA at (503)986-4635; specify if you would like the brochure in English, Spanish or both.

**PESTICIDE TOXICITY QUESTIONS?
CALL THE NATIONAL PESTICIDE
TELECOMMUNICATIONS NETWORK**

(NPTN) 1-800-858-7378

WHERE WERE YOU MAY 17, 1999?

Not sure, take a look at your pesticide application records. If you made an application that day it *should* tell you the exact location of where you were.

All Oregon Licensed Pesticide Applicators must keep records on certain pesticide applications. For Commercial and Public Pesticide Applicators, state law calls for nine distinct recordkeeping fields for each relevant application. One of the fields is the location of the application, or as the law states: the “approximate location of the land or property on which the pesticide was applied.” The Oregon Department of Agriculture interprets this to mean that the application record should indicate, within reason, where a pesticide was applied and the boundaries of the application area.

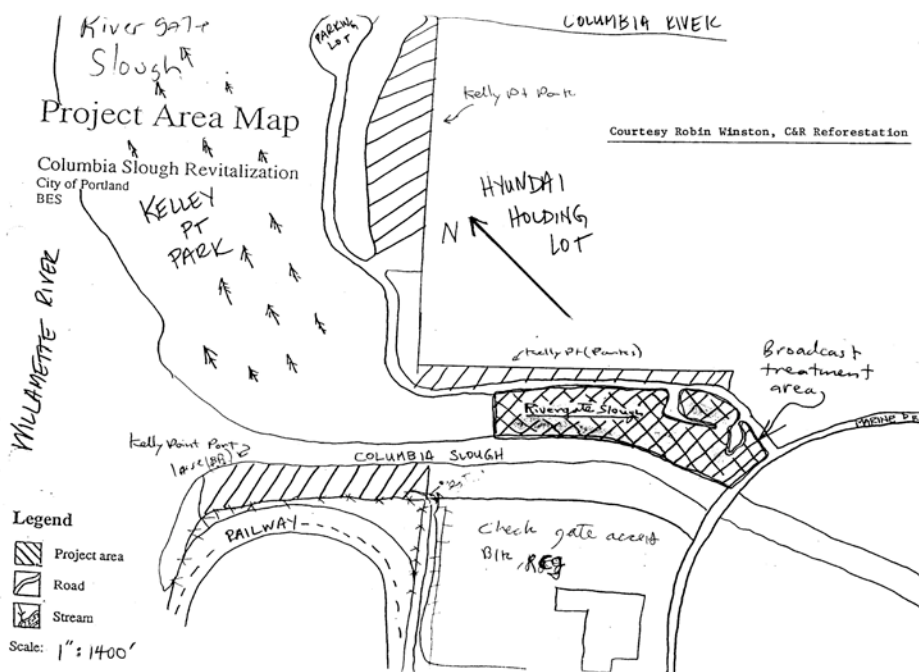
As a practical matter, this information requirement is very different for different kinds of applicators. Structural and general pesticide applicators for buildings can generally meet the requirement simply by giving an address and briefly describing the treated parts of the building. Residential landscape applicators typically meet the requirement by giving an address and describing the treated areas of the landscape, trees, shrubs, planting beds, lawns, etc. For larger scale applications, however, an address may not be sufficient.

Maps are practically essential for large-scale operations such as those in agriculture, forestry, public health, aquatic, regulatory weed control and right-of-way management. Any area can legally be described in writing, but maps are usually much simpler. To describe areas accurately in writing could require references to roads or other permanent features, established property boundaries, legal land descriptions, metes and bounds, etc. Make it easy on yourself, use a map. Just inscribe the area on an accurate map that has sufficient reference points and is of a large enough scale to show the true shape and boundaries of the site. Scale and direction indicators should also be included. Topographic maps and county assessor maps are some examples of the kinds of maps that will work for this purpose. Hand drawn maps are risky, but can be used

if enough permanent features are included to enable you to accurately indicate the boundaries of the treatment area.

Many applicators have submitted agricultural or forestry site descriptions that include the township, range and section, and the size of the treatment site in acres. This is not sufficient when you are talking about 10, 15, or 500 acres somewhere within a whole section (1 square mile = 640 acres). Similarly, “10 acres on the north side of the road 5 miles east of town” would also be also insufficient. Sometimes applicators use maps but give too little information, the scale may be too small to really portray the area, or the applicator may only mark the general area, with no indication of the actual extent of the treatment site.

When describing or portraying a treatment location ask yourself whether a reasonable person would be able to read your record and determine just where the application took place. If your records don’t tell the story, someone else might, and they may not have the truth or your interests at heart. Keeping good pesticide application records can protect the individual operators and applicators. If you have good documentation of when, where and how you applied a pesticide you are less vulnerable to unfounded charges of drift, misapplication, chemical trespass or other violations.



An example of a good hand-drawn map that could easily be used to find the site of application. In the original map, the application site was highlighted. for the purposes of the newsletter, it has been marked with crosshatches instead. Note the scale on the map is now incorrect, because the map was shrunk to fit this page.

Q & A: SPECIAL LOCAL NEED (SLN) LABELS

Q: I have land in CRP in Eastern Oregon. I have been working with the Natural Resource Conservation Service (part of the USDA) to help restore this land for the use of wildlife. Can I use the 24(c) for DuPont/Oust® Herbicide, EPA Reg. No. 352-401, EPA SLN No. OR-990044, on this land?

A: Good question. The site on this label is "NONCROP areas on lands owned or administered by agencies of the federal government or the state of Oregon". Even though CRP land is enrolled in a governmental program, it is not considered administered by agencies of the federal or state government. In addition, CRP land is considered cropland, and this label is exclusively for noncrop land. The answer to your question is no.

Q: I was interested in using a product on my newly planted and established pear trees. However, I noticed that the label say "non-bearing". What is the definition of non-bearing?

A: Nonbearing crops are perennial crops that will not produce a harvestable RAC (Raw Agricultural Commodity) during the season of application. Application of a pesticide to a nonbearing food or feed crop will be considered a nonfood use only if data are available to demonstrate that no detectable residues occur in the crop at the first harvest.

If you want more details on this subject, refer to the EPA Residue Chemistry Test Guidelines , OPPTS 860.1000, at the following EPA web site:

http://www.epa.gov/docs/OPPTS_Harmonized/860_Residue_Chemistry_Test_Guidelines/Series/

Q: I recently noticed on some grass grown for seed SLN labels that there are no restrictions directly related to the feeding of seed screenings or straw. However, there are hay and grazing restrictions, can I sell the straw for livestock feed?

A: Yes. Hay is not the same as straw. An example of the type of label that you are referring to is the new FMC/Rely Herbicide Label (SLN No. OR-00004). This label states: Do not harvest for grass hay or graze in treated fields within 365 days of application.

Grass hay is not an especially relevant crop to the grass grown for seed industry, because grass seed growers do not harvest grass for hay. Hay is the dried above ground portion of the grass plant including the seed head. Straw is the above ground dried portion of the mature grass plant remaining after seed harvest, with the pure seed and seed screening removed. Grass straw is considered to be an important by-product in the grass seed industry. At this point in time, if the label does not specifically prohibit the feeding of grass straw or seed screenings, they can be fed to livestock. However, please be aware that there are many labels with full feeding restrictions. These labels must be followed.

SPRING CLEANING FOR EASTERN OREGON DISPOSE OF UNWANTED/WASTE PESTICIDES

ODA, in cooperation with Oregon Department of Environmental Quality and Philip Environmental Services, is subsidizing three waste pesticide collections in Oregon this spring. ODA is able provide limited opportunities to dispose of waste pesticides at a subsidized **cost to growers of \$1.10/lb!** **This is the lowest price available in Oregon for pesticide disposal.** ODA will subsidize a few pesticide collections held in cooperation with the Department of Environmental Quality Household Hazardous collection events. Growers, dealers and commercial operators may participate. **No one will be asked to sign off as the generator of the waste.**

Events are scheduled:
May 12, 2000...The Dalles
May 19, 2000....Pendleton
June 26, 2000.....Ontario

PRE REGISTRATION
WITH PHILIP
ENVIRONMENTAL IS
REQUIRED!
1-800-547-2436

NOTE: Pesticides may be collected the day before the date listed depending on demand

Deadline for registration is one week prior to event

Customer cost for most pesticide waste will be \$1.10/lb ON A FIRST COME, FIRST SERVE BASIS. Exceptions are mercuric compounds and all dioxin bearing wastes (e.g. pentachlorophenol, 2,4,5-T). These will be priced separately.

SECTION 18 EMERGENCY EXEMPTIONS FOR 2000

As of 20 March 2000, the Oregon Department of Agriculture has received 21 Section 18 requests from the grower community for uses of pesticides to control emergency pest problems during the 2000 growing season. All of these requests have been processed by ODA and forwarded for review by the U.S. EPA. EPA already has granted 11 and denied one of our 2000 requests, and the other nine are still pending an EPA decision. Also, two exemptions (one of which authorized use of three products) that were granted earlier in 1999 will remain in effect for part of the year 2000.

The emergency exemptions that are currently active or pending an EPA decision are summarized in the following table.

CROP	PEST	TRADE NAME	EPA REG. #	EFFECT. DATES
Apples	fire blight	Mycoshield	100-900	PENDING for 2000
Barley	stripe rust	Folicur 3.6 F	3125-394	PENDING for 2000
Blueberries	mummy berry disease	Indar 75 WSP	707-239	03/01/00 - 05/31/00
Caneberries	gray mold	Elevate 50 WDG	66330-35	PENDING for 2000
Caneberries	gray mold	Switch 62.5 WG	Not registered	PENDING for 2000
Christmas trees (true fir)	root aphids	Aphistar 50 WSP	Not registered	PENDING for 2000
Corn, field	volunteer potatoes	Starane	62719-286	04/15/00 - 08/01/00
Corn, sweet	volunteer potatoes	Starane	62719-286	04/15/00 - 08/01/00
Cranberries	lotus, clovers, purple aster	Stinger	62719-73	01/01/00 - 12/31/00
Hazelnuts	eastern filbert blight	Elite 45 DF	3125-388	03/07/00 - 05/30/00
Honey bees	Varroa mite & small hive beetle	CheckMite+ Bee Hive Pest Strips	Not registered	02/02/00 - 02/01/01
Hops (baby & idle hops)	garden symphylans	Mocap EC	264-458	02/10/00 - 05/31/00
Hops (all)	downy mildew	Curzate 60 DF	352-592	04/15/00 - 09/15/00
Hops (all)	powdery mildew	Flint	100-919	PENDING for 2000
Hops (all)	powdery mildew	Folicur 3.6 F	3125-394	PENDING for 2000
Hops (all)	powdery mildew	Rally 40 W	707-221	PENDING for 2000
Mint (east of cascades only)	redroot pigweed, kochia	Prowl 3.3 EC	241-337	02/01/00 - 12/31/00
Mint	redroot pigweed, kochia	Tough 5 EC	100-880	04/15/00 - 12/15/00
Potatoes (in storage)	late blight	Anthium AGP	Not registered	09/08/99 - 08/31/00
Potatoes (in storage)	late blight	Purogene	9804-5	09/08/99 - 08/31/00
Potatoes (in storage)	late blight	Purogene Professional	9804-9	09/08/99 - 08/31/00
Raspberries	yellow rust	Orbit	100-702	PENDING for 2000
Rhubarb	broadleaf weeds	Goal 2XL	707-243	DENIED by EPA
Strawberries	broadleaf weeds	Goal 2XL	707-243	12/08/99 - 08/15/00
Wheat	resistant annual ryegrass	Axiom DF	3125-488	10/04/99 - 06/30/00

24 (C) OR SPECIAL LOCAL NEED (SLN) PESTICIDE REGISTRATIONS

Activities from January 1 - March 29, 2000

GRANTED				
Registrant/Product	Site	EPA Reg. No.	SLN No.	
Rohm & Haas/Goal 2XL	Sucker Control - Grapes	707-243	OR-000001	
Rohm & Haas/Laredo 2EC	Grass Grown for Seed	707-222	OR-000002	
AgrEvo/Rely Herbicide	Grass Grown for Seed	45639-187	OR-000003	
FMC/Aim Herbicide	Grass Grown for Seed	279-3194	OR-000004	
Platte Chemical Co.	Dill grown for Oil	34704-692	OR-000005	
MicroFlo/Captan 50 WP	Raspberries and Blackberries	51036-166	OR-000006	
Novartis/Palisade EC	Seed - Fine Fescue	100-949	OR-000007	
PENDING				
Registrant/Product	Site	EPA Reg. No.	SLN No.	
DowAgroSciences/Lorsban 4E	Dry Bulb Onions		62719-220	
American Cyan./Prowl 3.3 EC	Dry Bulb Onions, Delayed Pre-emergence		241-337	
Novartis/Orbit	Non-bearing hazelnut trees		100-702	
Novartis/Fulfill	Seed - Alfalfa, root and leafy veg., & cole crops		100-912	
DuPont/Oust	Low Spray Volumn - Noncrop/Forested Sites		352-401	
DowAgroSciences/Rubigan E.C.	Non-Bearing Hazelnut trees		62719-134	
Platte Chemical Co./ Saber	Blueberries		34704-803	
Valent/ Orthene 97	Cranberries		59639-91	
Gowan/ Supracide	Alfalfa grown for seed		10163-236	
SIGNIFICANT LABEL AMMENDMENTS				
Registrant/Product	Site	Revision	EPA Reg. No.	SLN No.
UCB/Ferbam Granuflor	Caneberries	Rate Increase	45728-7	OR-950035
Am. Cy/ ASSERT	Seed - KY. Bluegrass	Revised Feeding Restrictions	241-285	OR-960026
Am. Cy/ AVENGE	Seed - KY. Bluegrass	Revised Feeding Restrictions	241-266	OR-960027
CANCELLED BY REGISTRANT				
Registrant/Product	Site	EPA Reg. No.	SLN No.	
Rodent Control Outfit/ORCO Patrol	Various	None	OR-850003	
Terra Intern./Terranil 6L	Grass grown for Seed	9779-320	OR-980005	
Terra Intern./Terranil 90 DF	Grass grown for Seed	9779-280	OR-980004	
DuPont/Lannate SP	Mint	352-342	OR-780004	
Bird Shield Bird Rep./Bird Sh. Bird Rep	Grass grown for Seed	66550-1	OR-970027	
Gustafson/Evolve Pot. Seed Treat.	Seed Potatoes	7501-178	OR-990059*	
Novartis/Maxim-MZ	Seed Potatoes	100-944	OR-990022*	
DowAgroSciences/Transline	Forested	62719-259	OR-960041*	
OMG Meadowfoam Gr./Prism	Meadowfoam	59639-78	OR-950036**	
Fanning Co./Prism	Meadowfoam	59639-78	OR-960035**	

* Use now listed on Section 3 label (main) . ** Valent is Section 3 registrant

PESTICIDE OPERATOR ALERT!

Are your employees working as pesticide applicators or trainees without valid licensing? Applicants are considered licensed ONLY after the Department has issued the license - simply passing the tests or paying the fees is not equivalent to licensing. Be sure to allow sufficient time (up to 2 weeks from the time the application and fees are received at ODA) for the license to be issued before an employee goes to work as a pesticide applicator or trainee. Incomplete paperwork or insufficient fees may further delay license issuance. This policy applies to ALL pesticide-related licenses.

GROWERS BEWARE: OVER-THE-PHONE PESTICIDE SALE SCAMS

The Oregon Department of Agriculture is warning agricultural growers and operators to beware of out-of-state telemarketers selling pesticide products. In many cases, those products are being misrepresented to the consumer and solicitors are making claims that are not true. With the approach of spring planting, telemarketers are becoming more active in Oregon, making unsolicited calls to potential customers.

“In many of these cases, the phone solicitation is not just unscrupulous, it is criminal,” says Dale Mitchell, assistant administrator of ODA’s Pesticides Division. “Growers would be much better off purchasing materials in the State of Oregon, from their local dealer that they know and trust. Some of these other companies may be above board. Others definitely are not.”

Past complaints of pesticide telemarketers include solicitor claims that the product is new or more effective than commonly available pesticide products when, in fact, it is the same or perhaps a diluted version of the common product. Other telemarketed products may not be labeled for use on the crops in question although growers are being assured by the solicitor that they are.

“Basically, the growers are often being lied to on the telephone just so sales can be made,” says Mitchell. ODA advises consumers to handle pesticide phone solicitations the same way they should for all other phone solicitations: ask questions. Ask for a copy of the pesticide label. Beware of ordering anything over the phone without thoroughly checking out the company and the product. ODA also cautions against providing credit card information over the phone to these companies.

Questions and complaints about pesticide products being offered for sale over the phone should be directed to ODA’s Pesticide Division at (503) 986-4635

PESTICIDE FORMS ON THE WEB

Pesticides Division has updated its internet website. Now included from the homepage is a link to “ODA Pesticide Publications”. All publications can be downloaded for printing at no charge.

<http://www.oda.state.or.us/pesticide/info.html>

Most Pesticide License Forms are also available in the “Downloadable Forms” section from the homepage. Even a credit card payment form has been added.

RECENT CIVIL PENALTIES ISSUED

Party Cited	Violations	Fine	Disposition
SAI Pawnee Corporation	ORS 634.372(4) faulty, careless or negligent pesticide application	\$1221	Hearing requested.
Charlie Hancock	ORS 634.372(4) faulty, careless or negligent pesticide application	\$1221	Hearing requested.
Industrial Aviation Services, Inc.	ORS 634.372(4) faulty, careless or negligent pesticide application.	\$960	Hearing requested.
Terry D. Harchenko	ORS 634.372(4) faulty, careless or negligent pesticide application.	\$720	Hearing requested.
Montecucco Farms	ORS 634.372(4) faulty, careless or negligent pesticide application.	\$555	Paid. No hearing. Final Order issued.
Nyssa Air Service	ORS 634.372(2) use of a pesticide inconsistent with its labeling.	\$407	No hearing requested. Final Order issued.
Wayne G. Brenner	ORS 634.372(2) use of a pesticide inconsistent with its labeling.	\$407	No hearing requested. Final Order issued.
A & A Custom Soil Fumigation	ORS 634.372(9), no operator license, employ unlicensed applicators.	\$407	No hearing requested. Final Order issued.
James S. Arriola	ORS 634.372(8), no pesticide applicator license.	\$407	No hearing requested. Final Order issued.
Robert S. Arriola	ORS 634.372(8), no pesticide applicator license.	\$407	No hearing requested. Final Order issued.
Donald W. Fisher	ORS 634.372(4) faulty, careless or negligent pesticide application.	\$407	Issued.
Actual Pest Extermination & Dan L. Dunn	ORS 634.372(9), employ an unlicensed applicator.	\$360	Issued.
Brian E. Crowe	ORS 634.372(9), employ an unlicensed applicator.	\$220	Paid. No hearing requested. Final order issued



ODA PESTICIDE QUARTERLY

Pesticides Division

Oregon

Department
of Agriculture

635 Capitol Street N.E.
Salem, OR 97301-2532

Webpage: <http://pesticide.oda.state.or.us>

PH: (503) 986-4635

FAX: (503) 986-4735

TDD: (503) 986-4762

UPCOMING PESTICIDE TRAINING CLASSES

CITY	TITLE	CR	DATE	CONTACT	PHONE
McMinnville	ES Pesticide Trng/CD ROM - Ongoing Trng	2	Call	Susan Aldrich-Markham	503-434-8917
Roseburg	Private Applicator Core Training	4	4/8/00	Sherrie Buchko	541-677-3211
Christmas Valley	ES Rodent Field Day	4	4/13/00	Marni Porath	541-947-6054
Salem	Right-of-Way exam prep (no recert credits)	0	4/13/00	D Craig Anderson	503-399-5139
Hood River	Orchard Entomology (4 sessions)	3	4/13/00	Mike Schend	541-386-2055
Eugene	OR-OSHA PPE 203 Class	3	4/19/00	Tomas Schwabe	503-378-3272
Hereford	ES Burnt River Weed Course	2	4/20/00	Jay Carr	541-523-6418
Salem	CCC Structural Pest Ctrl 1	3	5/3/00	D Craig Anderson	503-399-5139
Salem	ES True Fir Conference	2	5/5/00	Chal Landgren	503-397-3462
Tigard	Tree Tools Tree Health/Root Dse' s - AM	3	5/5/00	Larry Campbell	503-635-3916
Tigard	Tree Tools Tree Health/Root Dse' s - PM	3	5/5/00	Larry Campbell	503-635-3916
Salem	CCC Structural Pest Ctrl II	3	5/6/00	D Craig Anderson	503-399-5139
Salem	CCC Structural Pest Ctrl III	3	5/10/00	D Craig Anderson	503-399-5139
Salem	CCC Structural Pest Ctrl IV	3	5/13/00	D Craig Anderson	503-399-5139
Salem	Right-of-Way exam prep (no recert credits)	0	6/19/00	D Craig Anderson	503-399-5139
Salem	Laws & Safety exam prep (no recert credits)	0	6/26/00	D Craig Anderson	503-399-5139