



Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture

635 Capitol Street NE
Salem, OR 97301-2532



TO: Interested Parties

FROM: Janet Fults, Program Manager, Pesticides Division
(503) 986-4652 jfults@oda.state.or.us

DATE: May 18, 2009

RE: OAR 604-057-0180
Proposed Oregon Administrative Rule Adoption

Attached is the official Notice of Proposed Rulemaking to adopt a new section to the administrative rules associated with the Pesticide Control Act (Oregon Revised Statutes Chapter 634).

The new section will allow a person currently licensed as a Commercial Pesticide Applicator or a Public Pesticide Applicator in the category of Forestry, or a sub-category of Agriculture-Herbicide, or a sub-category of Agriculture-Insecticide/Fungicide to qualify for a Private applicator license without taking the Private applicator certification examination.

The certification period for the Private applicator license will be the same as that of the Commercial or Public applicator license. No additional recertification credits beyond that necessary to recertify for a Commercial or Public applicator license will be required.

A Private applicator license is required to purchase, use, or supervise the use of Restricted Use Pesticides in the production of agricultural commodities or forest on property that is owned or leased by the licensee or the licensee's immediate employer.

The public comment period for this proposed rule ends June 26, 2009. If you have any questions please feel free to call me at 503-986-4652. If you would like to comment on this proposed rule, please send your comments to the rules coordinator, Sue Gooch, at the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301. Comments may also be emailed to pestreg@oda.state.or.us

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Agriculture		603
Agency and Division		Administrative Rules Chapter Number
Sue Gooch	635 Capitol Street NE, Salem OR	503/986-4552
Rules Coordinator	Address	Telephone

RULE CAPTION

Allows licensing equivalency between Commercial or Public, and Private Pesticide Applicators
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing
ADOPT:

OAR 603-057-0180

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 634

Other Auth.:

Stats. Implemented: ORS 634

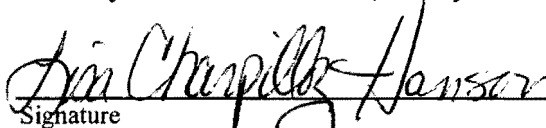
RULE SUMMARY

The new rule establishes a process to allow a person currently licensed as a Commercial or Public Pesticide Applicator to qualify for a Private Pesticide Applicator license without taking an additional examination. Without this proposed rule, persons who are currently licensed as a Commercial or Public Pesticide Applicator must take, and pass, an additional certification examination to qualify for a Private Pesticide Applicator's license to apply restricted use pesticides on agricultural or forest crops owned by the licensee or the licensee's immediate employer. This rule also clarifies that the certification period for the Private Applicator license will be the same as that identified on the Commercial or Public Applicator license.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

June 26, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	Lisa Charpillotz Hansen	5/14/09
Signature	Printed name	Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Agriculture Pesticides Division
Agency and Division

603-057
Administrative Rules Chapter Number

Allows licensing equivalency between pesticide applicators or public pesticide applicators and private applicators.
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Pesticide use for experimental or research purposes

Statutory Authority: ORS 634

Other Authority:

Stats. Implemented: ORS 634

Need for the Rule(s): The new rule establishes a process to allow a person licensed as a pesticide applicator or public pesticide applicator to qualify for a private pesticide applicator license. Without this proposed rule, persons who are currently licensed as a pesticide applicator or public pesticide applicator must take, and pass, an additional certification examination to qualify for a private pesticide applicator's license to apply restricted use pesticides on agricultural commodities or forest sites owned or leased by the licensee or the person's immediate employer.

Documents Relied Upon, and where they are available: ORS Chapter 634, OAR 603-057

Fiscal and Economic Impact: Removing the requirement to take a test for the category of Private Applicator when a person is currently licensed as a pesticide applicator or public pesticide applicator will eliminate the need to pay for additional certification exams at the cost of \$15 - \$25 per exam. In addition, having this equivalency provision will allow pesticide applicators or public pesticide applicators to simplify compliance with the licensing requirements as a private applicator.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Adopting this proposed rule will streamline multiple licensing needs of customers without the additional certification process, thus reducing the customer and department resources needed to accomplish this goal. The impact on a licensee with be the additional cost of \$25 for a Private Applicator license for a period of up to 5 years.

2. Cost of compliance effect on small business (ORS 183.336): No known adverse impact.

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
No businesses are subject to this rule.

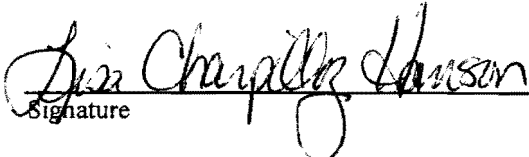
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

ODA will use current licensing program to add the Private applicator license as requested. Minimal effort will be needed to link the additional license with current license type to streamline certification recordkeeping.

c. Equipment, supplies, labor and increased administration required for compliance: Costs will be absorbed into existing programs.

How were small businesses involved in the development of this rule? Request for this rule was initially made to the department by a small business conducting pesticide applications for agricultural purposes but was unable to use his commercial pesticide applicator license for pesticide applications made to his own crop production purposes without taking, and passing an additional examination to qualify for a Private Applicator license.

Administrative Rule Advisory Committee consulted?: Yes


Signature

Lisa Charpilloz Hanson
Printed name

5/14/09
Date

Proposed OAR 603-057-0180
Pesticide License Equivalency Provision

A pesticide applicator or public pesticide applicator licensed pursuant to ORS 633.122 in the subcategory Agriculture-Herbicide, or in the subcategory Agriculture-Insecticide/Fungicide, or in the category Forest Pest Control, shall be eligible to be licensed as a Private applicator to purchase, use, and/or supervise the use of any pesticide, classified by the department as a restricted-use or highly toxic pesticide, for the purpose of producing agricultural commodities or forest crops on land owned or leased by the licensee or licensee's immediate employer. An application and fee payment for such Private applicator license must be made separately from the application and fee payment for the pesticide applicator or public pesticide applicator license. The certification date of the Private Applicator license will be consistent with that of the pesticide applicator or public pesticide applicator license.