

CROSSWALK OF FEDERAL REGULATIONS, OREGON HB 2031 (2021), AND RULE AMENDMENTS (PRE-PROPOSAL) NEEDED TO IMPLEMENT

General Overview:

- For many years, the Oregon Department of Agriculture (ODA) has had the authority to assess civil and criminal penalties for violations of the Pesticide Control Law (ORS 634.900; ORS 634.992).
- In part, new federal regulations adopted by the U.S. Environmental Protection Agency in 2017 require the Oregon Department of Agriculture (ODA) to expand its existing authority to also include violations of state regulations (*i.e.*, rules) related to restricted use pesticides.
- In 2021, the Oregon Legislature passed House Bill 2031, which makes the minimum statutory changes necessary to comply with these federal regulations.
- All existing and expanded authority to impose a civil or criminal penalty must be exercised by ODA in accordance with the Oregon Administrative Procedures Act (ORS 183).
- In addition to the crosswalk below, please see the webpages and documents referenced at the bottom of this document for additional details.

Federal Regulations (40 CFR 171)

§171.303(b)(7): State plans must cite the specific state laws and regulations demonstrating that the state has the authority to assess criminal and civil penalties for violations of state laws or regulations relating to the state certification plan (*i.e.*, related to restricted use pesticides).

HB 2031 (2021)

Section 4

Expands ODA's existing authority to include the option to impose a civil penalty for violations related to restricted use pesticides.

Section 5

Expands ODA's existing authority in ORS 634.992 to include violations of any state rules relating to restricted use pesticides.

Rule Amendment

To implement authority granted to the Oregon Department of Agriculture in House Bill 2031, three rule amendments are needed.

1. Amend the definition for "violation" in OAR 603-057-0500(11) to mirror statute (ORS 634.900(4)).
2. Amend OAR 603-057-0502(1) to mirror civil penalty authorities in statute (ORS 634.900(4)).
3. Amend OAR 603-057-0510(1) – (2) to mirror civil penalty authorities in statute (ORS 634.900(4)).

Link to regulatory text (§171.303(b)(7)):
<https://www.federalregister.gov/d/2016-30332/p-1618>

Link to HB 2031 (2021): <https://oda.fyi/HB2031>

Please see pages 29-31 of additional document titled "Draft Pre-Proposal Rule Amendments To Implement HB 4062 And HB 2031".