

Pesticides Program

» 2023 ANNUAL REPORT



**OREGON
DEPARTMENT OF
AGRICULTURE**

INTRODUCTION

Pesticides are regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The U.S. Environmental Protection Agency (EPA) has delegated regulatory responsibilities under FIFRA in the State to the Oregon Department of Agriculture (ODA). The Department's statutory authorities for pesticide regulation are described in the Oregon Pesticide Control Act, under Oregon Revised Statutes (ORS) Chapter 634 and Oregon Administrative Rules (OAR) Chapter 603, Division 57. A pesticide is defined in ORS 634.006(11) (2023 Edition). The mission of the Department's Pesticides Program is to protect people and the environment from potential adverse effects of pesticide use, while maintaining the availability of pesticides for beneficial uses.

The ODA Pesticides Program is composed of a number of programs. These include: Enforcement, Product Registrations, Certification and Licensing of Applicators and Dealers, the Pesticide Stewardship Partnership, the Pesticide Analytical and Response Center, and Worker Protection Standard (WPS) Outreach and Education. The Program regulates pesticides through a number of mechanisms, including inspections, investigating complaints, and compliance assistance. Staff also provide trainings on the proper use of pesticides and answer questions from pesticide users and the public. The program further has an emphasis on worker protection, water protection and pollinator protection (refer to Links to Related Resources at end of report). In addition, ODA is a key member of the Pesticide Analytical and Response Center or PARC (see Links to Related Resources). The ODA Pesticides Program may be reached by email at pesticide-expert@oda.oregon.gov or by calling 503.986.4635. For more information, visit <https://oda.direct/AboutPesticides>.

ENFORCEMENT

(Inspections/Investigations/Enforcement)

During fiscal year 2023, the Pesticide Enforcement Program continued to welcome new staff and made significant progress in addressing an "enforcement backlog." The team also conducted compliance assistance using a variety of media including giving presentations to applicators, providing technical assistance at meetings, reviewing and updating brochures/flyers, plus producing short, recorded modules on the school Integrated Pest Management (IPM) law.

Two positions that were formerly limited duration also became permanent positions in this biennium. Moving into the next fiscal year, the hiring and onboarding will continue as the program looks to fill remaining, open positions. The most current enforcement program staff can be found at <https://oda.direct/InvestigatorsMap>. Even with the open positions and training new team members, the program continued to conduct a large number of inspections, investigations, and enforcement responses.

The Pesticide Enforcement Program continued to have an extra focus on increasing awareness around the school IPM law by partnering with Oregon State University (OSU). ODA staff attended and presented at all OSU School IPM Coordinator in-person trainings in the state during the year. This allowed ODA staff, in coordination with OSU, to present information about the requirements of the law and provide technical assistance to school IPM Coordinators on its implementation. Furthermore, ODA staff developed a new compliance assistance resource for those involved with implementing a school IPM program that is available on the ODA's YouTube channel. Currently, there are two modules available on this channel, helping to describe portions of the school IPM law. Additional modules will be created and added in English and Spanish as they are produced. These modules are intended primarily for school IPM plan coordinators and school governing bodies but can also be of interest to licensed applicators employed by a school, or contracted commercial pesticide applicators who provide service to schools. The modules may be viewed at: <https://oda.fyi/IPMSchoolsPlaylist>.

What did the Enforcement Program Workload look like in Fiscal Year 2023?

In terms of the initiated case workload during this time (i.e. cases started), the number of complaint cases was slightly lower than previous years, while the number of routine cases was similar to the past several years. Figure 1 shows the number of complaint and non-complaint-initiated cases by fiscal year.

During the first part of the 2023 fiscal year, ODA continued its increased focus and emphasis in addressing older violative cases that were started in previous fiscal years but had not had their final enforcement actions issued. The program referred to these older, violative cases as “enforcement backlog” cases. This increased effort was started in the 2020 fiscal year and continued to the beginning of the 2023 fiscal year. Significant progress was made on the enforcement backlog during this time. Figure 2 shows the number of closed cases by fiscal year. If looking at the work during fiscal years 2020-2022, the program closed over 300 more cases than it initiated (Figure 2 vs. Figure 1). In the first part of fiscal year 2023, the program saw the end of the enforcement backlog. The result shows that during fiscal year 2023, cases being submitted by investigators (after an investigation was completed) were receiving reviews within a short time frame. To assess this time frame, a new metric was created in early 2021 that looked at the turnaround time from when an investigator completes a case and the time the case is either closed or all enforcement actions are issued. With a goal of 90 days, the program saw an average percent of around 68% of the cases meeting that goal during the 2022 fiscal year. The metric jumped to 87% meeting that goal in the 2023 fiscal year. The program is excited to have addressed the backlog and improve turnaround time.

Figure 1: Number of complaint and non-complaint initiated cases by fiscal year (July 1-June 30)

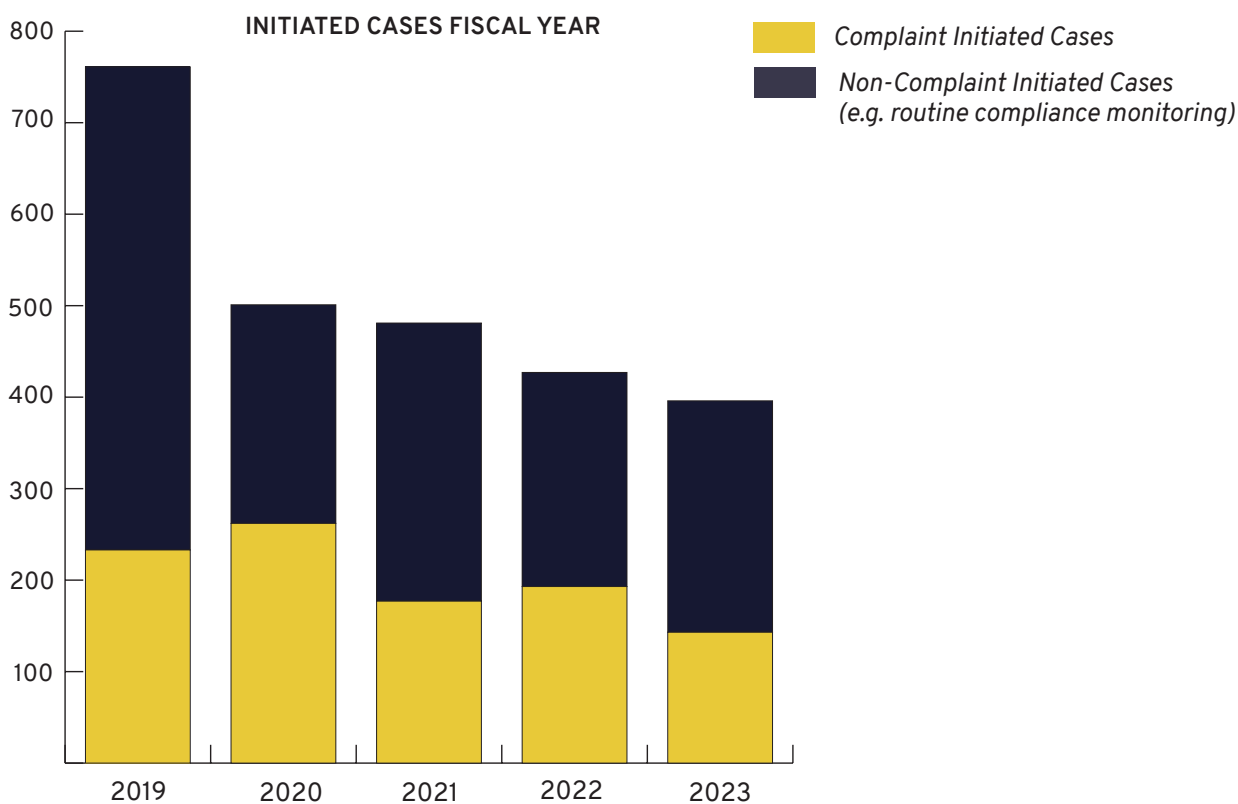
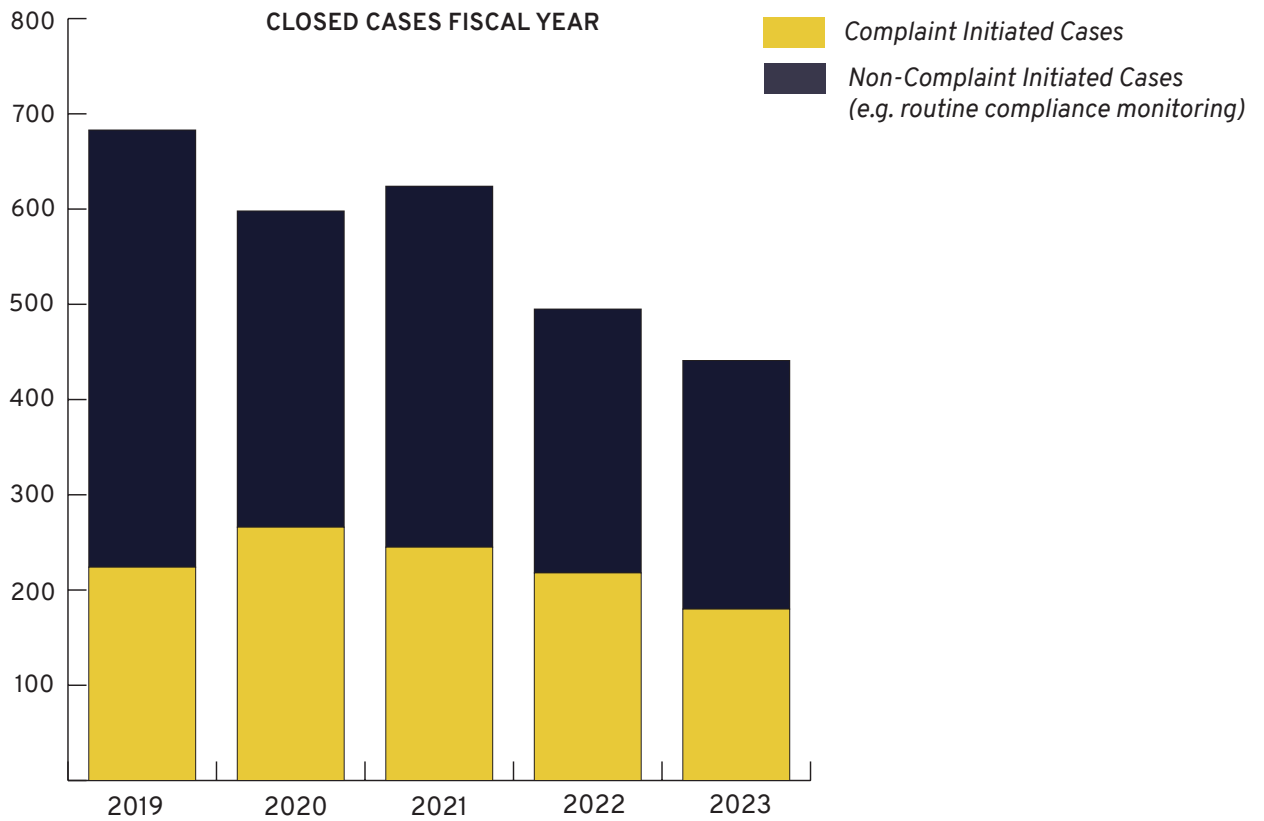


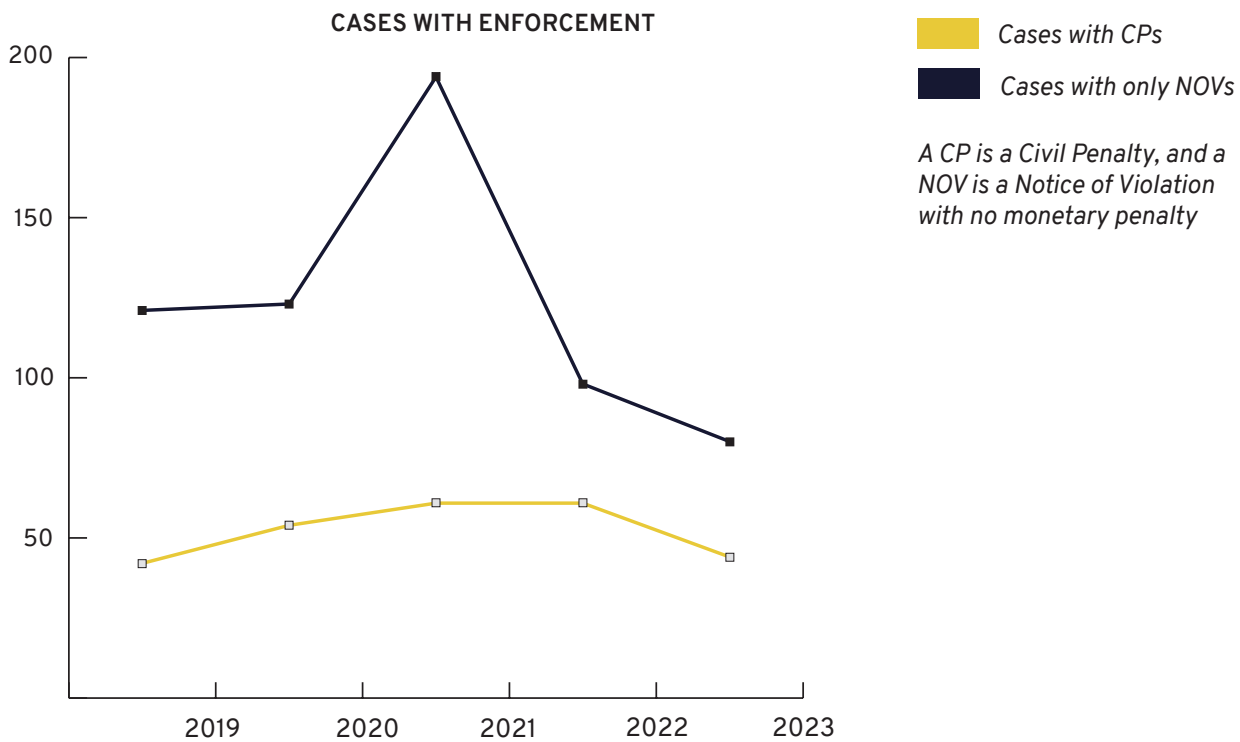
Figure 2: Number of closed cases by fiscal year (July 1-June 30)



During the 2023 fiscal year, the number of enforcement actions issued continued to decline as the program was on the tail end of a huge effort to address the enforcement backlog. Figure 3 shows the number of cases that had an enforcement action related to the case. The result of that backlog case work was an increase in the number of violative cases, seen in Figure 3. This resulted in more enforcement actions issued from backlog cases that were started from previous fiscal years but had not had the enforcement action issued. Efficiency improvement work is ongoing to help prevent the program from facing a large backlog in the future. In addition, the new position made permanent in this biennium (an Enforcement Case Reviewer) has assisted in adding more bandwidth to the review step to help prevent future backlogs.

Figure 3: Number of cases with a violation (CP is Civil Penalty, and NOV is Notice of Violation with no monetary penalty) by fiscal year.

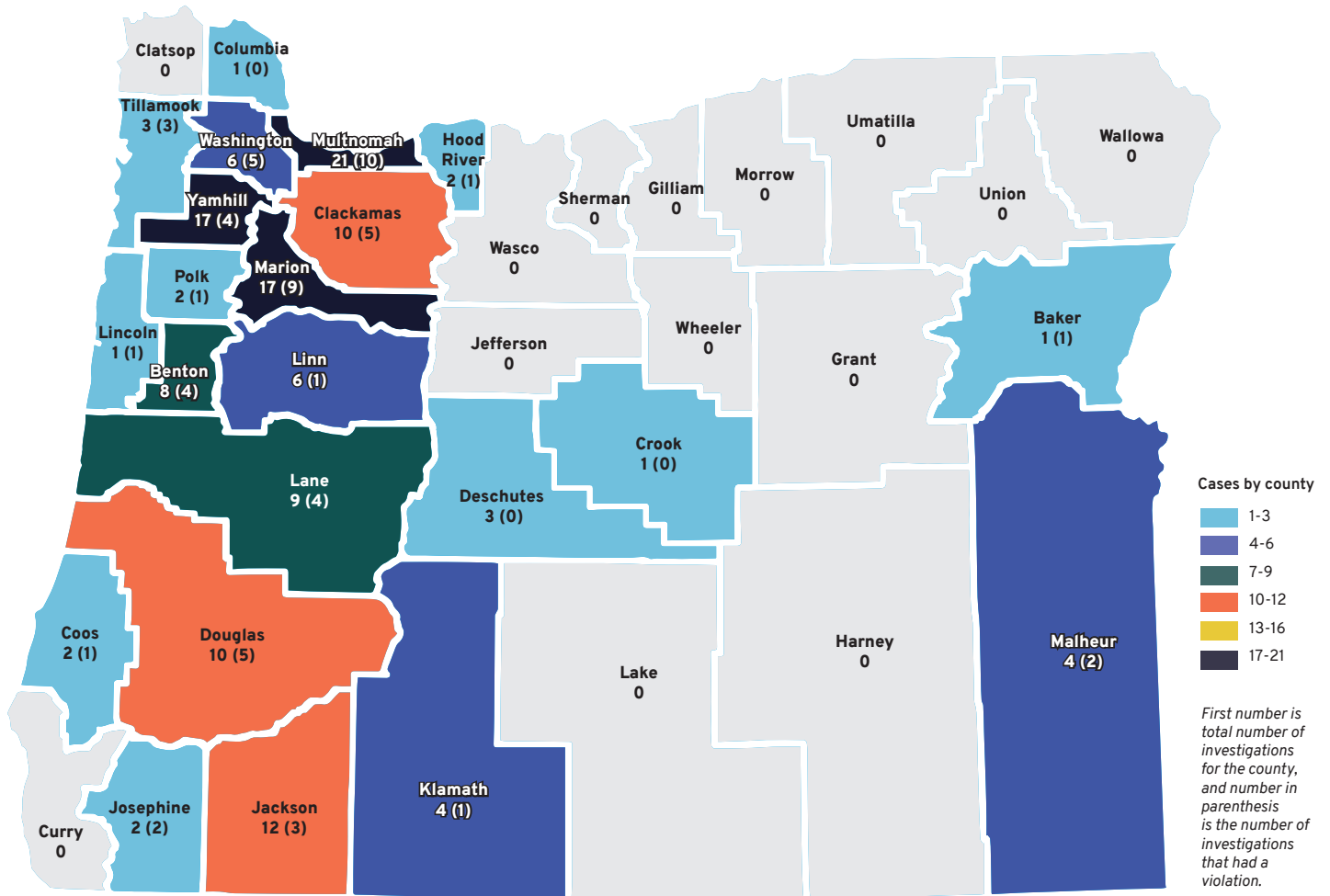
Figure 3: Number of cases with a violation by fiscal year



Where were the Pesticide Enforcement Program's Use Investigations occurring in Fiscal Year 2023?

When the Department receives a complaint or a referral from another agency regarding pesticide use, the Department may conduct a use follow-up investigation. Figure 4 shows which counties had use follow-up investigations initiated in fiscal year 2023. The total number of investigations is reported in the figure; the subset of the total that ended with an enforcement action is shown in parenthesis. Not every investigation leads to an enforcement action.

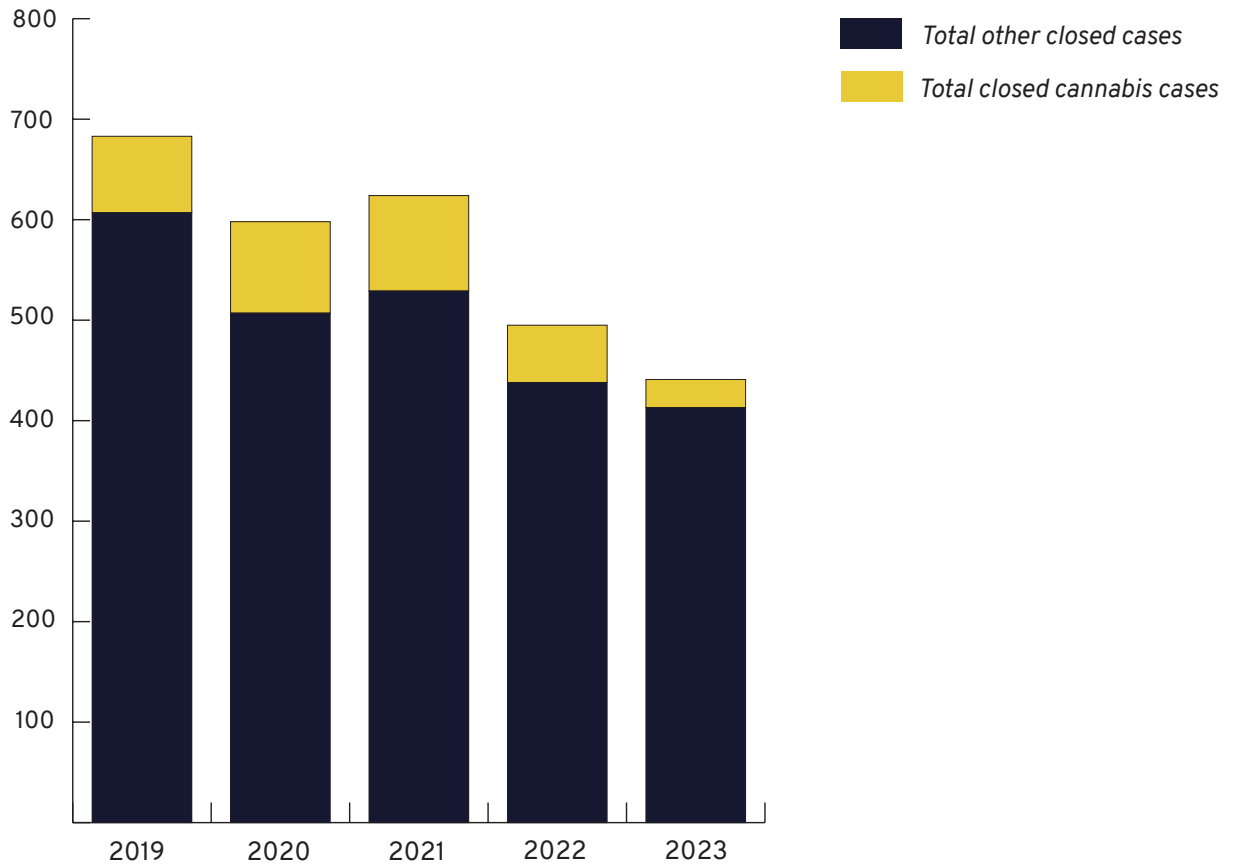
Figure 4: Use Follow-up Investigations Initiated in Fiscal Year 2023 by county



How many of ODA's Pesticide Enforcement Program cases involve cannabis?

Some of the Enforcement Program cases related to cannabis. Figure 5 shows the number of cannabis-related closed cases per year as a portion of the total closed case load. The numbers vary from year to year from over 50 to around a 100 per year, with the 2023 fiscal years being lower than other previous years at 28 cases. Most of these cases are initiated from referrals from Oregon Liquor and Cannabis Commission (OLCC).

Figure 5: Cannabis workload: Fraction of closed cases relating to cannabis (hemp and marijuana)



REGISTRATIONS

Pesticides are registered as either general-use or restricted-use (RUP). A pesticide is typically classified as an RUP because it poses a higher risk to people, animals, or the environment than a general-use pesticide. Under Federal law, a state may issue a Special Local Need (SLN) registration if there are no available products to control a pest on a particular crop. SLNs are crucial for specialty crop growers who typically have access to fewer products than growers of larger-acreage commodities. With over 200 crops grown in our state, it is no wonder that ODA has so many SLN registrations. These registrations have allowed Oregon's diverse agriculture to survive numerous pest pressures and have also allowed ODA to customize risk mitigation measures to protect human health and our unique environment.

As part of ODA's commitment to public health, the Pesticides Program prioritized reviewing applications for new disinfectant registrations during the COVID-19 Pandemic (Table 1). The number of pesticide products registered in Oregon increased so significantly from 2020-2022 in large part due to the number of newly registered disinfectants (Table 2). While the number of pesticide products registered in 2023 is slightly less than that in 2022, there are still over 1,000 more pesticide products registered in Oregon than there were in 2020.

One reason for the decrease in the number of pesticide products registered in Oregon from 2022 to 2023 could be attributed to the cancellation of several chlorpyrifos-containing products, as part of the implementation of Oregon Administrative Rule 603-057-0545. This Rule was filed by the ODA to mitigate human health and environmental risks of the insecticide chlorpyrifos, while retaining critical uses. As of January 1, 2024, the only chlorpyrifos-containing products that may be sold, used, and distributed in Oregon are granular products, commercial pre-plant seed treatments, and chlorpyrifos-impregnated cattle ear tags.

For a summary of how the number of pesticide products registered in Oregon has changed over time, see Table 2.

Table 1: Total number of pesticide products registered at the conclusion of each registration year (Nov. 15-Nov. 15)*

Pesticide Products		
Year	Number of products registered	Net change
2019	13,929	
2020	14,401	+472
2021	15,142	+741
2022	15,599	+457
2023	15,530	-69

*The new registration year always begins in mid-November, usually around the 15th. The exact date may change from year to year to account for weekends.

Table 2: Changes in pesticide registrations

Pesticide Registrations at a glance				
	2020	2021	2022	2023
Pesticide Product Registration (PPR) *	1,505	1,607	1,589	1,528
Products registered, including...	14,401	15,142	15,599	15,530
Special Local Needs (SLN) registrations	250	267	267	271
Minimum risk pesticides	924	924	955	990
Restricted-use pesticides	559	550	585	604
Pesticides for use on cannabis	513	534	551	388**
Dual-registered pesticide/fertilizer products	304	308	308	322

*To sell or distribute pesticide products in Oregon, a company must obtain a PPR. Generally, the number of PPRs can be thought of as the number of companies selling and distributing pesticides in Oregon.

**This decrease is in part due to the removal of products whose registrations had been voluntarily canceled. Between 2016 and 2022, 177 products had been canceled and should have been removed from this list. The Registrations Section sincerely apologizes for this oversight.

CERTIFICATION AND LICENSING

ODA administers applicator certification, and applicator and dealer licensing as part of a cooperative agreement with EPA to ensure pesticide applicators and consultants are knowledgeable about state and federal laws, safety and environmental protection measures, and pest management best practices by administering examinations. An individual may become “certified” when they demonstrate that they know how to use pesticides safely and legally by passing the required examinations. They may then qualify to apply for a pesticide applicator or consultant license, which allows them to perform pesticide-related tasks that would otherwise be prohibited by law. Examples of tasks that required a pesticide license include, but are not limited to:

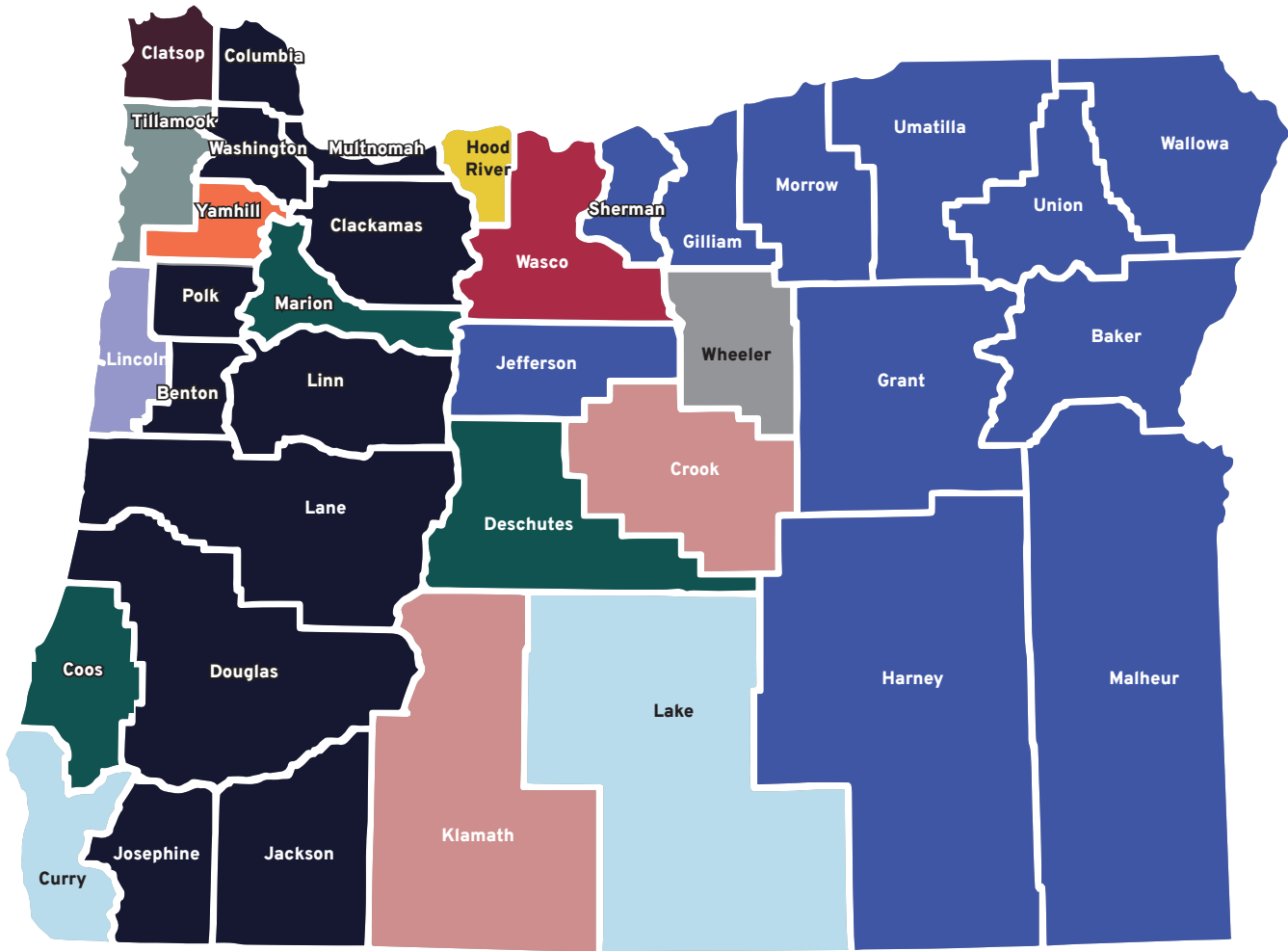
- » Buying, using, or supervising the use of Restricted Use Pesticides (RUPs). There are certain exceptions regarding supervision.
- » Applying or supervising the application of any pesticide to someone else’s property (private or public land), except when part of very limited landscape maintenance work that meets specific conditions.
- » Applying or supervising the application of any pesticide on a school campus.
- » Applying or supervising the application of any pesticide as a public employee using power-driven application equipment.
- » Advising others on the use of RUPs.

ODA currently administers 10 license types, including a new license adopted in late 2023, and 22 license categories, each requiring one or more examinations, as shown in Table 3. The license categories held by licensed applicators dictate the scope of work that they are authorized to perform, such as the types of property they may treat with pesticides (e.g., agricultural crops, turf and ornamental areas, commercial and residential buildings) and the types of pesticides they may use (e.g., herbicides, insecticides, fumigants). The most common license categories held by commercial applicators in each Oregon county in 2023 is displayed in Figure 5.

Table 3: Number of Active Licenses in 2023

License type	Number
Private Applicators	3,702
Commercial Applicators	3,677
Public Applicators	1,964
Immediately Supervised Trainees	1,908
Commercial Operators	959
Apprentice	902
Consultants	647
Dealers	237
Aerial Applicators	122
Noncommercial Applicators	7

Figure 5: Most common commercial applicator license in each county in 2023

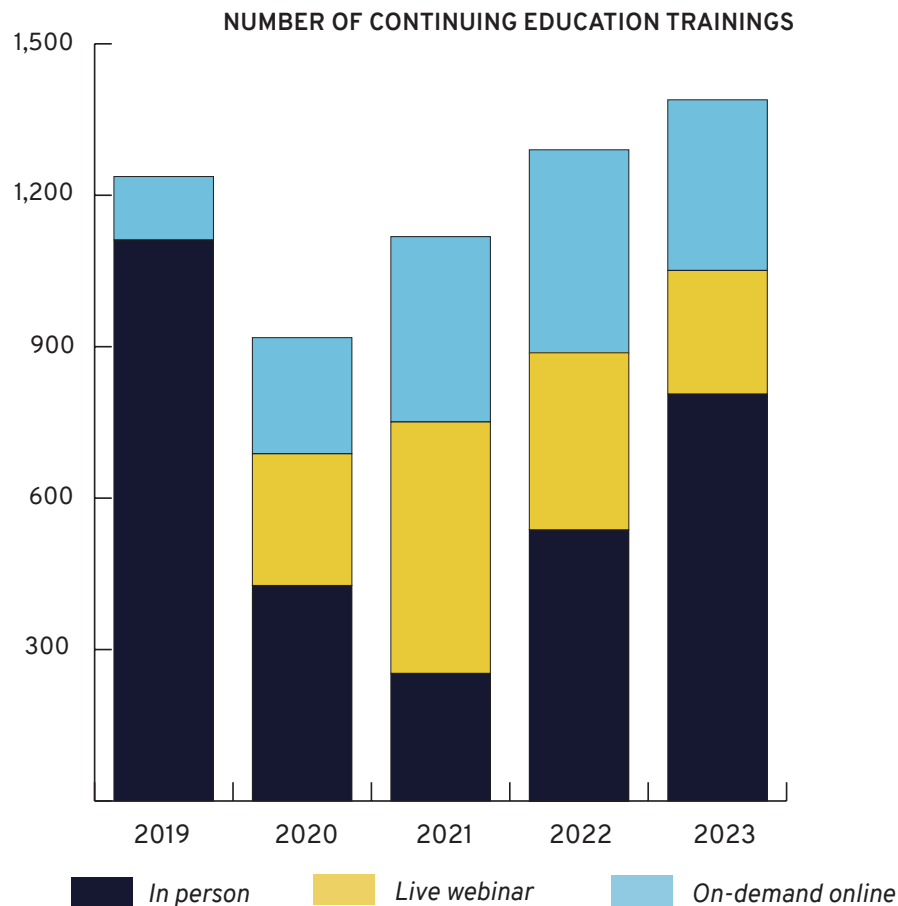


- Right-of-Way
- Ag. Herbicide
- Turf & Ornamental: Herbicide
- Ag. Insecticide/Fungicide
- Right-of-Way and IIHS General Pest
- IIHS General Pest
- Ag. Herbicide, Aquatic, Forestry and Turf & Ornamental: Herbicide
- IIHS Wood Treatment
- IIHS Structural, IIHS General Pest and Turf & Ornamental: Herbicide
- Ag. Herbicide and Right-of-Way
- IIHS Structural and IIHS General Pest
- No CPAs in this county

Note: In Idaho and Washington states, the most common applicator license in 2023 was IIHS General Pest.

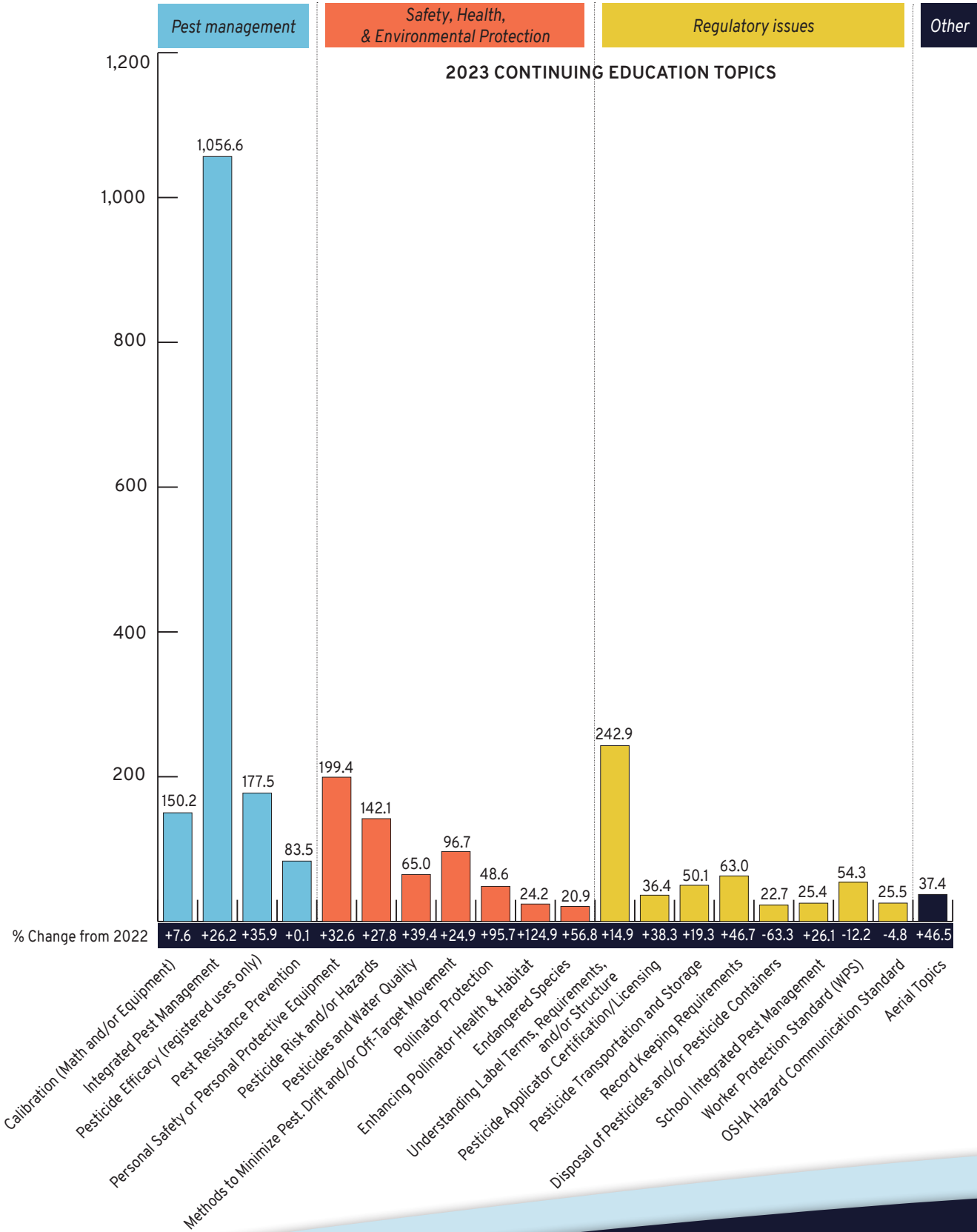
In addition, the Certification and Licensing staff accredits continuing education trainings offered by universities, industry, and others. Licensed pesticide applicators and consultants attend ODA-accredited trainings to maintain and expand their knowledge. To maintain their license, applicators and consultants must attend a certain amount of ODA-accredited trainings over a specific time period that depends on their license type. If they do not meet the continuing education requirements, then they must retake and pass the required exams. In 2023, over 1,300 accredited trainings were offered. This is an eight percent increase compared to 2022 and an approximately 12 percent increase over the number of trainings offered in 2019, just prior to the pandemic.

Figure 6: Changes in delivery method of continuing education trainings



In 2023, ODA-accredited continuing education trainings covered a wide-range of topics such as applicator safety, pollinator protection, water quality, and Integrated Pest Management (IPM). The collective quantity of time spent on specific topics at ODA-accredited continuing education trainings are displayed in Figure 7. When compared to 2022, the largest increases in training time were for pollinator and endangered species-related topics. While most topic areas had modest increases in training time in 2023, less training time was offered on pesticide disposal, the Worker Protection Standard, and the OSHA hazard communication standard, when compared to 2022.

Figure 7: Hours of training offered by topic



ODA supported the Pesticide Safety Education Program (PSEP) at Oregon State University. PSEP provides a wide range of educational materials and events that keep pesticide applicators up to date on the latest science and regulations, in person and online. In 2023, PSEP offered 14 webinars, four in-person, and 14 on-demand web-based recertification trainings, serving over 1,500 applicators. Additionally, OSU PSEP offered three exam-preparation trainings (Pesticide Laws & Safety) in the Willamette Valley and an on-demand online pre-license training. Estimated at 16 hours, a new employee could complete the online training in a few days at no cost. For information, go to <https://beav.es/iSX>.

OUTREACH

The Pesticides Program continually strives to enhance communication and customer service. Recent improvements include creation of informational materials in multiple languages, testing center expansion, improved exam questions and information sharing, and development of pre-licensing materials for pollinator protection. You may subscribe to receive ODA Pesticide Bulletins and pesticide advisories at <https://oda.direct/AdvisorySignUp> and find more information at <https://oda.direct/PesticidesCurrentIssues>.

LINKS TO RELATED RESOURCES

Pesticide Information Center OnLine (PICOL)

<https://picol.cahnrs.wsu.edu/>

Pesticide Stewardship Partnership (PSP)

<https://oda.direct/PSP>

Integrated Pest Management (IPM)

<https://oda.direct/IPM>

<https://oda.direct/IPMSchools>

Pollinator Protection

<https://blogs.oregonstate.edu/beeproject/>

<https://oda.direct/PollinatorInfo>

Find more information about the Pesticides Analytical and Response Center (PARC), including an annual report:

<https://oda.direct/PARC>

Learn more about ODA's Agricultural Water Quality Management Program:

<https://oda.direct/AgWQPlans>

Find more information about Worker Protection Standards:

<https://oda.direct/WPS>

<http://www2.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard>

CONTACT INFORMATION

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More information may be found at <https://oda.direct/AboutPesticides>