

HB 4062 -2 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, and Water

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Meeting Dates: 2/2, 2/14

WHAT THE MEASURE DOES:

Authorizes the Oregon Department of Agriculture (ODA) to establish by rule types or classes of licenses or certificates for persons using pesticides. Allows ODA to establish the scope of authorized activities, and the minimum qualifications and fees for issuance or renewal. Requires ODA to consider types, classes, minimum qualifications, other requirements, limitations, or prohibitions on the use of pesticides under federal law. Takes effect on the 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Defines "noncommercial pesticide applicator" as an individual who: uses or supervises use of a restricted-use pesticide or highly toxic pesticide on land owned or leased by that individual or their employer, or, owns or is employed by a private school and carries out the responsibilities of a pesticide applicator at the school's campus. Defines "noncommercial pesticide trainee" as an individual in a training program under a special certificate who carries out the responsibilities of a pesticide trainee. Establishes requirements for "noncommercial pesticide applicator" license applicants, including a minimum age of 18 and adequate pesticide application knowledge demonstrated by examination. Authorizes the Oregon Department of Agriculture (ODA) to prepare and maintain examinations. Establishes license renewal, suspension, and revocation processes, and license fees, that are comparable to those of existing pesticide applicator licenses. Requires ODA to issue a "noncommercial pesticide applicator" license provided that the applicant receives a passing grade on their examination and has complied with all relevant statutory requirements. Requires noncommercial pesticide applicators to maintain records, and prohibits them from working for a pesticide operator. Allows ODA to adopt rules for administering licensure and examination, and requires the department consider relevant federal laws and regulations. Requires ODA to issue or renew a "noncommercial pesticide trainee's certificate" provided that the applicant is at least 18 years of age, is working under the direct supervision and control of a licensed noncommercial pesticide applicator or certified aerial pesticide applicator, and is in compliance with all relevant statutes and rules. Establishes certificate fees that are the same as those of existing pesticide applicator licenses. Takes effect on 91st day following adjournment sine die.

FISCAL: Has minimal fiscal impact.

REVENUE: No revenue impact.

BACKGROUND:

The Oregon Department of Agriculture (ODA) is the primary state agency responsible for establishing and enforcing regulations for pesticide licenses, distribution, and use. Licensure and/or certification currently exists via statute for pesticide consultants, operators, applicators, private applicators, and trainees.

House Bill 4062 would authorize ODA to establish by rule types or classes of licenses or certificates for persons using pesticides.