Updates from
Oregon Department of Agriculture
What’s ahead?

Let’s talk about....

Licensing Reminders
C&T Rule Revision
WPS Revision
Pollinator Protection
Recent Violations
What does an nut say when it sneezes?
Licensing Updates

• License Renewals - Do not make applications until your license has been renewed
• Online Renewal System shuts down on March 16, 2018
Search Pesticide Credit Hour Reports

Search Department Databases

Search Pesticide Credit Hour Reports

Does your certification period end in 2017?

- Starting in November, if your training requirements have been met, your report may be reset for the 2018 through 2022 certification period (show zero credits).
- You can confirm by checking that the "Certification Begin" date on the report begins in 2018.
- If so, don't worry. A renewal notice will be mailed to you.
- In order to renew your license, please follow directions on the renewal notice or renew online (Opens Nov. 16th).

To view your report, enter only the numbers of your license number in the box below.

License Number  AG-L

Search
Don’t Be Caught Off Guard

- Check your credit history
- Report missing credits in the year they were taken
- If you’ve moved, you can change your address online
- Please don’t forget to also update change of employer, telephone numbers, and email addresses
License Terms

- License period – refers to how long your license is good for.

- Certification period – refers to how long you have to accrue pesticide recertification credits.
License Terms

• Commercial & Public Applicators, and Pesticide Consultants
  – License period is up to one (1) yr.
  – Certification period is up to five (5) years
  – Requires 40 credits by the end of the 5th year
  – Max accumulation per year is 15 hours
  – No Core credits required, but a great refresher and, they count towards the 40 credits!
Licensing Reminders

Apprentice

• 8 credit hours needed each licensing period (a licensing period is from the date of license issue to December 31 of the year the license is issued)

• Credits taken will only count after the license has been issued!
License Reminders

• Private Applicators
  – License period is up to 5 yrs.
  – Certification period mirrors the license period
  – Requires 16 credits by the end of the 5th year
  – Max accumulation per year is 8 hours
  – Requires 4 hours of Core credits
License Terms

• Pesticide Apprentice
  – License period is up to 1 yrs.
  – Has NO CERTIFICATION period
  – Requires 8 credits each year,
  – Requires 4 Core credits
  – If credit requirement is not met each year, the person must re-take the Laws & Safety exam each year
Aerial License Reminders

Private Pesticide Applicators w/ an Aerial License
- 10 Aerial specific credit hours in addition to the 16 credits hours by end of the 5-year certification period

Commercial & Public Aerial Applicators
- 10 of the 40 recertification credits must be Aerial specific credit hours certification period
Idaho Reciprocal Licenses

Beginning January 1, 2018

• When you apply for an Oregon license based on an Idaho license
• You will be issued up to 5 year certification period
• To renew, you either meet ODA’s recertification requirements or re-apply for a reciprocal license
Idaho Reciprocal Licenses

Beginning January 1, 2018

• Oregon does not issue stickers to put on your license
• If a meeting has been issued credits by both states, you must sign the Attendance Records for both states
Renewal and Recertification

Online license renewal
- License renewals webpage

Credits needed
The following credits are needed for each license type in order to renew the license at the end of the recertification period. Check your credit hours online.

Private Applicator
- 16 credit hours at the end of the 5-year certification period
  - 4 of the 16 credit hours must be from core curriculum
  - Maximum accumulation per year is 8 hours

Public/Commercial/Consultant
- 40 credit hours by the end of the 5-year certification period
  - Maximum accumulation per year is 15 hours

Apprentice
- 8 credit hours needed each licensing period (a licensing period is from the date of license issue to December 31 of the year the license is issued).
  - 4 of the 8 credit hours must be from core curriculum
  - Credit hours will only be applied to active licenses

Attendance Record Review form
Review form

Pesticide Licensee Change of Address Form
This form is for Pesticide Program address changes and not other ODA programs.

Name as it appears on your license(s) *

License No. 1 *
License Questions Today

• Can a person have more than one type of license?
  – Yes, however, the Public Pesticide Applicator license requires you to be employed by a public entity
  – A person can hold a CPA and/or PPA license and an Apprentice or Immediately Supervised Trainee license
License Questions Today

- If a person has more than one license, do credits count towards all of the licenses?
  - Yes, recertification credits will apply to all licenses that are eligible to accrue recertification credits.
License Questions Today

• Can a person take the same course consecutive years during their certification period?
  – Yes, but you can not take the same course twice in the same calendar year
Proposed Federal C&T Rule

• Specific of standards of competency for each pest control category
  • Methods of specific categories
    • Aerial
    • Soil Fumigation
    • Non soil fumigation

• Predator control strategies
  • M 44
Federal C & T Rule

• Federal Certification & Training Rule implementation has been delayed
  – New effective target date May 22, 2018
  – States have until March 4, 2020 to submit Certification plans to EPA for approval
  – March 2022, EPA completes review of state plans
    • Some room for negotiations
Federal C & T Rule

• Focus on increased RUP supervision and oversight
• Increased exam oversight
• Category specific credit requirements?
Federal C & T Rule

• Credit specific requirements have been removed!
Federal C & T Rule

• **Good News….** Oregon already meets many of the requirements that had been proposed!

• Will there possibly be additional requirements….

• Probably, but should be common sense items

• Training for non certified applicators handling RUPs
  – Likely to be similar to WPS handler training
  – Minimum age for applications of RUPs
POLLINATORS
Pay close attention to the labels
Statement that will appear on non-ag labels. Especially for products with foliar uses.

3. Non-Agricultural Products:

Do not apply [insert name of product] while bees are foraging. Do not apply [insert name of product] to plants that are flowering. Only apply after all flower petals have fallen off.

Ag Labels will have more extensive statements for

1. CROPS UNDER CONTRACTED POLLINATION SERVICES

2. FOR FOOD CROPS AND COMMERCIALLY GROWN ORNAMENTALS NOT UNDER CONTRACT FOR POLLINATION SERVICES BUT ARE ATTRACTIVE TO POLLINATORS
• Bees and other insect pollinators will forage on plants in flower, shedding pollen, or producing nectar.

• Bees and other insect pollinators can be exposed to pesticides from:
  - Direct contact during foliar applications, or
  - Contact with residues on plant surfaces after foliar applications.
  - Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.
Environmental Hazards Section

• **Example 1:**
  • This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. **Do Not** apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting (foraging) the treatment area.
  • Residual toxicity is less than 8 hours
  • The product can be applied in the evening
• **Example 2:**
• This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. **Do Not** apply this product or allow it to drift to blooming crops or weeds while bees are visiting *(foraging)* the treatment area.
• Residual toxicity is greater than 8 hours
• The product cannot be applied while plants are in bloom/flowers are present
Environmental Hazards Section

- **actively visiting (foraging)** - Residual toxicity is less than 8 hours
  - The product can be applied in the evening

- **visiting (foraging)** - Residual toxicity is greater than 8 hours
  - The product cannot be applied while plants are in bloom/flowers are present
Protect bees - read the label

Labels are legal documents providing directions on how to use a pesticide safely and effectively. The label will indicate if a pesticide is toxic to bees if the bees are directly sprayed, or when bees land on previously treated plants. The following steps guide you where to find and how to understand information important to protect bees.

1. Open the label and read all of the instructions carefully.

2. Bee toxicity in ENVIRONMENTAL HAZARDS section
   Look for the words 'toxic or highly toxic to bees' and if toxic then:
   - don't spray when in bloom
   - wait until full petal fall

3. Lasting toxicity
   Look out for the words:
   - 1. foraging or visiting = longer than 8 hours
   - 2. actively foraging or visiting = less than 8 hours

4. Check for more precautions
   Some products have a more comprehensive label with a bee advisory box and icon containing information on routes of exposure and spray drift precautions.

5. Use directions
   Follow use directions specific to crop and pest carefully. Effects on bees can change if not applied correctly.
OR-OSHA WPS Rulemaking

• An Update on OR-OSHA’s WPS Rulemaking Regarding the AEZ
Worker Protection Standard (WPS) Compliance Enforcement in Oregon

Oregon Department of Agriculture (ODA):

• Enforces label provisions of WPS, usually found in “Agricultural Use Requirements” box
• Restricted Entry Interval (REI)
• Personal Protective Equipment (PPE)
OR-OSHA Enforces:

- Other aspects of WPS, include:
- workplace compliance aspects of recordkeeping,
- placement of decontamination supplies,
- notification information, etc.
WORKER PROTECTION STANDARD (WPS) REQUIREMENTS FOR AGRICULTURAL EMPLOYERS OF WORKERS

☐ Complete WPS worker training before conducting worker tasks.
☐ Keep records of WPS worker training and provide record to workers if requested.
☐ Display pesticide safety information at the central location and, if applicable, decontamination locations.
☐ Display pesticide application and hazard information at the central location.
☐ Keep records of the pesticide application and hazard information for 2 yrs.
☐ Provide establishment specific information to workers.
☐ Provide pesticide application and hazard information upon request of worker, medical personnel or designated representative.
☐ Notify workers of applications – posting, oral warning, or both.
☐ Provide information (Information Exchange) to Commercial Pesticide Handler Employer (CPHE) (i.e., custom application or crop advisor).
☐ Provide tasks and instructions to worker supervisors to ensure compliance with WPS requirements.
☐ Ensure supervisors give directions to workers for WPS compliance.
☐ Ensure workers do not work on pesticide equipment without receiving handler training. Ensure any individual not directly employed receives information on pesticides before using, cleaning, repairing, etc. pesticide equipment.
☐ Follow restrictions DURING applications to keep workers and other persons out of certain areas (treated area and AEZ, or enclosed space production facility).
☐ Follow other restrictions DURING applications (do not contact worker or other person directly or through drift, and applicator must temporarily suspend the application if workers or other persons are in the AEZ or enclosed space production facility).
☐ Follow restrictions AFTER applications (i.e., REI, label restrictions, etc.).
☐ Provide decontamination supplies at required locations.
☐ Make emergency assistance available (information and transportation).
☐ Have EARLY-ENTRY WORKERS?
  ☐ Minimum age of 18 years old for early-entry workers.
  ☐ Provide clean PPE in operating condition to early-entry workers.
  ☐ Provide information to early-entry workers and comply with applicable early entry exception.

Helpful links:

What you need to know to comply with the 2015 Revised Worker Protection Standard for Agriculture: http://pesticideresources.org/wps/htc/

Worker Protection Standard training resources and videos: http://pesticideresources.org/wps/inventory.html
Oregon Administrative Rule (OAR) 437-004-6405 to replace 40 CFR 170.45
OR-OSHA Adopted all WPS Revisions, with Exception of:

- 40 CFR 170.405 *Entry restrictions associated with pesticide applications*, which includes the Application Exclusion Zone (AEZ) (Oregon DID NOT Adopt)

- EPA WPS revisions that were supposed to go into effect on January 2, 2017 were delayed until January 2, 2018.
Proposed AEZ distances

• An AEZ of 150’ when label requires handler to use respiratory protection, (air blast/aerial, or spray quality less than medium

• An AEZ of 100’ when label does not require the handler to use respiratory protection, and the method of application is by air blast sprayer, applied aerially, or has a spray quality less than medium

• An AEZ of 25’ when not applied aerially or through airblast sprayer and sprayed from a height of greater than 12” from the planting medium and spray quality greater than medium
Appropriately trained and equipped handlers involved in the application are not subject to AEZ rules
Example – mixer loader
OR OSHA proposing that prior to pesticide applications:

- All doors and windows closed
- Any air intake devices or mechanisms turned off
- Provisions to protect or store personal or household items not located in an agricultural structure
- A closeable storage area for footwear to prevent tracking of pesticide into the structure
OR OSHA proposing that prior to pesticide applications:

- Proposed rule would require employers to provide the following info to occupants of an enclosed agricultural structure in the AEZ prior to the pesticide application:
  - Instructions on closing windows and doors to minimize exposure to outside air regardless of whether they are staying inside the enclosed agricultural structure or evacuating during nearby pesticide applications
  - Instructions on how to close potential air intakes and any other measures to minimize exposure to outside air during nearby pesticide applications
  - The start and stop times for remaining inside the enclosed agricultural structures and how to determine when the application equipment is in range
• Instructions as to whether people can, as appropriate, evacuate or stay in an enclosed agricultural structure, how to maintain proactive measures, and how long they must remain outside the AEZ

• Instructions on how to protect personal or household items in the AEZ from potential contamination

In addition, the agricultural employer will ensure that all adult occupants of enclosed agricultural structures have access to:

• Information station located in close proximity to ag structures that contains info on pending applications, with a mean of alerting occupants to changing info.

• Info on how to prevent and reduce pesticide exposure

• Info about location of pesticide safety information
Determining Shelter in Place Option

Under the proposal, the following conditions will be used to determine whether to evacuate the AEZ or stay in an enclosed agricultural structure:

- When the pesticide being applied is a fumigant, a smoke, or a fog, structures must be fully evacuated
- When the pesticide applied requires the use of a respirator, then any worker or other person must evacuate the AEZ
- When the pesticide applied doesn’t require the use of a respirator, workers or other persons can remain in the enclosed agricultural structure if:
  - The enclosed ag structure provides protection from pesticide spray contacting the skin
  - Enclosed ag structures have walls, ceilings, and floors that minimize the entry of outside air when doors, windows, and air intakes are closed
Innovation Incentive

- As a way to encourage innovation, OR-OSHA may grant approval for AEZs that differ from the rule requirements yet meet the intent of the rules through OR-OSHA’s Variance process.
Examples:

- EPA’s Drift Reduction Technology
- Advanced application practices for handlers in the prevention of spray drift
- The use of two applicators to improve communication and monitoring of weather conditions
• OR-OSHA filed proposed rules on October 13, 2017
• Comment period is from November 1 – December 15, 2017
• Extended into January 2018, extended this week until February 28, 2018
• Hearings held in following locations:

CAPACES Leadership Institute   Woodburn   11/15/17   6pm
Woodburn Grange               Woodburn   11/16/17   11am
Pine Grove Grange             Hood River  11/29/17   10am
Medford Public Library        Medford     12/05/17   11 am
Medford Public Library        Medford     12/05/17   6pm

Note: Some dates and times have been amended.

Due to technical reasons Oregon OSHA had to adjust the first scheduled hearing to November 15, 2017.

Additionally, Oregon OSHA has added an evening hearing on December 5, 2017.

Those are the only changes made to this rulemaking.

There are no changes to the substance of this filing.
• Zinc phosphide for Belding Ground Squirrel Control

ZINC PHOSPHIDE CONCENTRATE
EPA Reg. No. 56228-6
EPA SLN No. OR-130002

Nine counties only:
• Baker
• Crook
• Deschutes
• Harney
• Klamath
• Lake
• Malheur
• Union
• Wallowa
• Got Belding Ground Squirrels?
• Raise hay?

Belding’s Ground Squirrel aliases:
• Sage Rat,
• Squeaks,
• Whistle pigs
• Enemy # 1 for Hay Growers

Target Pest
• ZINC PHOSPHIDE CONCENTRATE
• EPA Reg. No. 56228-6
• EPA SLN No. OR-130002

• 9 Counties
  • Baker
  • Crook
  • Deschutes
  • Harney
  • Klamath
  • Lake
  • Malhuer
  • Union
  • Wallowa
Public Perception
Public Perception, What Can We Learn

Train employees right the first time!
Public Perception –

Don’t form bad habits
Don’t get Complacent
Don’t be arrogant
Recent Violations

• Ranged from $30,000 to $407.00
  – False or misleading claims to the effect of pesticides
  – False, misleading, or fraudulent records
  – Formulate, deliver, distribute, sell, or offer for sale adulterated pesticide

• $1,628.00 to 3,256
  – Faulty, careless, or negligent pesticide application activities
Recent Violations

• $407.00 to 2,156.00
  – Unlicensed or inappropriately licensed operators or applicators

• $660.00
  – Marketing/distributing broken/adulterated containers of pesticide products
KNOW YOUR PESTICIDE
CHECK THE WEATHER
READ THE LABEL
BE AWARE OF YOUR SURROUNDINGS

Don’t get complacent!
Don’t be ignorant!
Don’t be arrogant!

Ignorance is not a defense!
Air Temperature Inversions

Causes, Characteristics and Potential Effects on Pesticide Spray Drift

Pesticide spray drift always has been a costly and frustrating problem for applicators. It's particularly frustrating because some of the seemingly best weather conditions for pesticide application are often the worst. That is because those conditions are caused by air temperature inversions. Air temperature inversions provide near-perfect conditions for tiny, aerosol-size droplets to drift away from their targets.

Understanding inversions is essential to following state and federal regulations that prohibit pesticide application during inversions, observing pesticide manufacturers' warnings about inversion conditions, and avoiding problems.
Thank you!

Questions?

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