

603-057-0001

Definitions

In addition to the definitions set forth in ORS 634.006, the following shall apply

(1) "Accident" means an undesirable and unintended event, caused by the use or application of pesticides, that adversely affects the environment.

(2) "Compatibility" means the properties of a pesticide that permit its use with other chemicals without undesirable results being caused by such combination.

(3) "Competence" means the proficiency in the performance of activities related to pesticide application, the degree of which is directly related to the nature of such activities.

(4) "Common Exposure Route" means a likely way (oral, dermal, respiratory) by which a pesticide may enter an organism.

(5) "Environment" means water, air, land and plants, humans, or other animals living therein or thereon, and the interrelationships existing among them.

(6) For the purpose of pesticide registration as specified in ORS 634.016, "pesticide product" means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.

(7) "Non-Target Organism" means plant or animal life other than to which the pesticide is applied or is intended to be applied.

(8) "Regulated Pest" means a specific organism determined by the Department to be a pest requiring control, or eradication in order to protect the environment.

(9) For the purposes of ORS 634.006(9)(c), ORS 634.106(7), ORS 634.126(1)(c), OAR 603-057-0001(11), and OAR 603-057-0127, the terms "direct charge of," "supervises," "direct supervision," or "supervision" means that:

(a) The supervisor of the person applying a pesticide has determined that the person applying a pesticide has sufficient knowledge and ability to safely apply the particular pesticide according to its label directions and any other additional directions;

(b) The person applying a pesticide is applying the particular pesticide under the instructions of their supervisor; and

(c) The person applying a pesticide is applying the pesticide in such proximity to their supervisor that such supervisor is reasonably available for any needed consultation or further direction, even though such supervisor is not physically present at the time or place of the pesticide application.

(10) "Immediate Supervision" means supervision by an appropriately licensed applicator who is:

(a) Located on the pesticide application site at all times during the application; and

(b) Available at the specific point of pesticide use within a time period of no more than five minutes.

(11) "Pesticide Apprentice" is a type of pesticide trainee or a type of public trainee, as those terms are defined in ORS 634.006(14) and (18), that engages in pesticide application activities under the supervision of a licensed pesticide

applicator or a licensed public applicator as described in OAR 603-057-0127. A pesticide apprentice is limited to the categories of pesticide application authorized on the applicator license of the supervisor.

(12) For the purposes of subsection (9) of this rule, "supervisor" means a person that is responsible for the actions of a person applying a pesticide.

Stat. Auth.: ORS 561.190 & ORS 634 Stats. Implemented: ORS 634.306 Hist.: AD 7-1977, f. & ef. 4-5-77; AD 7-1980, f. & ef. 9-25-80; AD 17, f. & cert. ef. 11-15-89; AD 12-1992, f. 10-13-92, cert. ef. 1-1-93

Operators, Applicators, Dealers, and Consultants

603-057-0100

License Fees

The following designated annual fees shall be applicable to each described license:

- (1) Pesticide Operator: \$90 including one category; \$15 for each additional category; and \$20 for each additional category after license issued.
- (2) Pesticide Applicator: \$50 including one category; \$7.50 for each additional category; and \$12.50 for each additional category after license issued.
- (3) Pesticide Trainee or Apprentice: Same as pesticide applicators.
- (4) Public Applicator, Trainee or Apprentice: Same as pesticide applicators.
- (5) Pesticide Dealer: \$75, with a separate license required for each sales outlet or location.
- (6) Pesticide Consultant: \$40.

Stat. Auth.: ORS 561 & ORS 634 Stats. Implemented: ORS 634.116, 634.122, 634.126, 634.132 & 634.136 Hist.: AD 1001(15-73), f. 11-20-73, ef. 12-11-73; AD 7-1977, f. & ef. 4-5-77; AD 24-1981, f. & ef. 12-1-81; DOA 39-2003, f. 10-17-03, cert.ef. 11-15-03

603-057-0127

Pesticide Apprentice Standards of Competence

- (1) The department may issue a pesticide apprentice license for one licensing period, or portion thereof. The department may issue the license to an applicant that is at least 18 years of age upon receipt of:
 - (a) A license application form that contains all of the information requested by the department;
 - (b) Payment of the appropriate fee; and
 - (c) Documentation that the applicant successfully completed, within two years of the date of initial application, a written examination developed and administered by the department for the purpose of assuring that the applicant is competent in the use of pesticides as a pesticide apprentice. The content of this examination shall include the topics listed in OAR 603-057-0129(1)(a) through (e). Successful completion of the examination shall require answering at least 70 percent of the examination questions correctly.
 - (d) A pesticide apprentice license shall expire on December 31 of the year of issuance, or the following year if issued a license for two consecutive years.

(2) The department may renew a pesticide apprentice license for consecutive licensing periods upon receipt of:

(a) A license renewal application form containing all of the information requested by the department;

(b) Payment of the appropriate fee; and

(c) Documentation that the applicant successfully completed the required credit hours of pesticide instructional sessions during the previous licensing period. The department must accredit the instructional sessions. Eight (8) credit hours are required for each year of a licensing period. Four (4) of the eight (8) credit hours must be core credits as described in OAR 603-057-0135. All training requirements may be waived for the first year of the initial licensing period only.

(3) If a person licensed as a pesticide apprentice does not deliver the form, fee, and documentation described in subsection (2) of this rule to consecutively renew their license, the person will not be eligible to renew their pesticide apprentice license. The person must retake the qualifying examination as described in (1)(c) of this section.

(4) A pesticide apprentice license authorizes the holder to conduct pesticide application activities under the supervision of an appropriately licensed supervisor. The licensed apprentice may apply pesticides only in the categories listed on the supervisor's license. If the supervisor is a licensed public applicator, the licensed apprentice may only apply pesticides as described in ORS 634.116(12).

(5) For each pesticide application made by a pesticide apprentice, a pesticide application record, as required by ORS 634.146 and OAR 603-057-0130, must be made that also contains the names and pesticide license numbers of the appropriately licensed pesticide apprentice(s) and the supervisor(s). The employer of the licensed pesticide apprentice shall retain the record for a period of three years and release them to the department for inspection as required or authorized by ORS chapters 561 or 634 or rules adopted thereunder.

(6) A pesticide apprentice license does not authorize the holder to conduct pesticide applications by helicopter or fixed wing aircraft.

(7) For purposes of this section "an appropriately licensed supervisor" is:

(a) A licensed pesticide applicator, or licensed public applicator;

(b) Licensed in the category, or categories, in which the pesticide apprentice is currently engaged.

(8) Any pesticide apprentice conducting pesticide application activities without a valid appropriately licensed supervisor, or who is unable to identify their supervisor, will be considered unlicensed and subject to enforcement actions in accordance to ORS 634.900

Stat. Auth.: ORS 561.190 & ORS 634 Stats. Implemented: ORS 634.306 Hist.: AD 12-1992, f. 10-13-92, cert. ef. 1-1-93