

HB 4062 A STAFF MEASURE SUMMARY
House Committee On Agriculture, Land Use, and Water

Carrier: Rep. Scharf

Action Date: 02/14/22

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Cate, Helm, Marsh, McLain, Owens, Reardon, Scharf, Smith DB, Wilde, Williams, Witt

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/2, 2/14

WHAT THE MEASURE DOES:

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 the same as 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 examinations. 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. Updates relevant pesticide control statutes to include the new license and certificate. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Licensure establishment via statute versus rulemaking
- The value of a private-commercial hybrid license
- Comparable licenses in other states
- Wood product treatment example
- Tailored education, training, and license requirements

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The Oregon Department of Agriculture (ODA) is the primary state agency responsible for establishing and enforcing regulations for pesticide licenses, distribution, and use. Nine pesticide license and/or certification types currently exist in statute for private applicators, commercial applicators, public applicators, supervised trainees, apprentices, operators, consultants, dealers, and aerial applicators. According to ODA, individuals that are applying pesticides on a product or on a property that is privately held by their employer are currently operating under multiple licenses - often as a commercial pesticide company. This level of licensure provides very broad

This summary has not been adopted or officially endorsed by action of the committee.

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training and education requirements for workers who are making applications as part of their work duties, but not as a fulltime pesticide applicator for hire.

House Bill 4062 A would establish a new "noncommercial pesticide applicator" license and "noncommercial pesticide trainee" certificate in statute, and authorize ODA to administer related examinations.