

SB 360 A STAFF MEASURE SUMMARY

Carrier: Rep. Boice

House Committee On Agriculture, Land Use, Natural Resources, and Water

Action Date: 05/19/25

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

Vote: 9-0-0-0

Yeas: 9 - Boice, Hartman, Helm, Levy B, Marsh, McDonald, McLain, Owens, Scharf

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/5, 5/19

WHAT THE MEASURE DOES:

The measure exempts employees using a battery-powered device to apply pesticides from certain pesticide licensing requirements and requires the Department of Agriculture to develop standards and training materials to safely apply pesticides using machine-powered devices.

Detailed Summary:

Exempts employees of agencies, instrumentalities, subdivisions, counties, cities, towns, municipal corporations, districts, governmental bodies, Indian Tribes, or utilities from holding a public applicator license or a certificate as a public trainee when applying pesticides using a machine-powered device if:

- the pesticide is not restricted use,
- the device is powered by electric battery and holds no more than five gallons of pesticides,
- the employee has completed training, and
- the application does not occur on a school campus.

Requires the Oregon Department of Agriculture (ODA) to develop standards and training materials to safely apply pesticides using machine-powered devices. Requires an employer to provide training to employee prior to the employee using the machine-powered device, create and maintain records of such training, and make the records available to ODA upon request. Authorizes ODA to take any action necessary to implement Act prior to its effective date. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Benefits of electric pumps for pesticide applicators
- Maintenance issues for mechanical pesticide sprays
- Existing licensing exemptions for handheld pesticide applicators
- Measure does not cover application using drones
- Potential overlap between proposed training requirement and existing regulation through the Occupational Safety and Health Administration

EFFECT OF AMENDMENT:

The amendment excludes application on school campuses from exemption. It further requires employers to provide training to employees, create and maintain records of such training, and make the records available to the Oregon Department of Agriculture upon request.

BACKGROUND:

The Oregon Department of Agriculture licenses both businesses and individuals who perform certain pesticide-related activities. The type of license required depends on the applicator's role and employer:

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- **Private applicators** are individuals who apply pesticides on land they own, lease, or manage—typically farms or forested properties.
- **Commercial applicators** are employed by businesses (or licensed pesticide operators) to apply pesticides on property owned by others.
- **Public applicators** work for federal, state, or local government agencies and apply pesticides as part of their official duties.

Under current Oregon law, a pesticide license is not required in certain situations, including:

- When applying general-use pesticides to property owned or leased by one's employer—except on school campuses.
- As a public employee, when applying general-use pesticides using non-power-driven application equipment—except on school campuses.
- When applying general-use pesticides as part of a landscape maintenance service, provided specific exemption criteria are met.