



**Brent S. Nicolas**  
Pesticide Investigator  
(503) 986-4650  
bnicolas@oda.state.or.us  
<http://www.oda.state.or.us/pesticide/info.html>



# Oregon

DEPARTMENT OF  
AGRICULTURE

Pesticides Division  
635 Capitol Street NE  
Salem, Oregon 97301-2532  
(503) 986-4636  
Fax: (503) 986-4735  
Hearing Impaired: (503) 986-4762



## Report of Loss

Oregon law requires that if you are claiming a loss from the use of a pesticide by a landowner, person for whom the pesticide was applied or pesticide operator, you must file a "report of loss" form with ODA (ORS 634.172). Filing a "report of loss" protects your right to pursue civil action against the pesticide user. The completed form must be filed within 60 days of the pesticide application, or your discovery of a loss. If the loss deals with a growing crop, you must file before 50% of the crop is harvested. ODA may conduct a "report of loss" investigation in response to the filing of a "report of loss." Oregon law specifies that a "report of loss" investigation will not determine the source of the damage, the person who may have caused the damage, or the financial extent of the damage. ODA cannot require a pesticide user to pay for a claimed loss.

## Reimbursement for damages

The Oregon Pesticide Control Law does not contain any provision for compensation to be made to individuals for a loss due to pesticide use. ODA cannot require someone to pay for a loss due to pesticide use.

## Legal Assistance

ODA cannot act as your legal counsel. If you have questions about your legal rights, you should contact an attorney.

If you have additional questions or would like to know more about the investigative process, please contact the ODA Pesticides Division office nearest you.

Salem (503) 986-4635  
Central Point (541) 779-9637  
Hermiston (541) 564-5962

This publication will be made available in alternate formats upon request.  
July 1999

## To Report Pesticide Exposure:

**Pesticide Analytical and Response Center (PARC):**  
**(503) 731-4025**

<http://www.ohd.hr.state.or.us/cdpe/eoi/welcome.htm>

Coordinates investigations of reported incidents of pesticide exposure to humans or animals, or environmental damage. Reporting can be confidential in certain situations.

### ADDITIONAL INFORMATION RESOURCES:

**National Pesticide Telecommunications Network (NPTN): (800) 858-7378**

<http://ace.ace.orst.edu/info/nptn>

Provides general information on pesticide products, including safety, health and environmental effects, clean-up and disposal.

**Department of Justice, Financial Fraud Section (DOJ):**  
**(503) 378-4320**

Provides information and assistance with fraudulent business practices.

**Oregon State University Extension Service:**  
**contact your local county Extension Office.**

<http://osu.orst.edu/extension/home/county.html>

Provides pest management recommendations and weed identification.

**Oregon Department of Fish and Wildlife (ODFW):**  
**Portland (503) 872-5255**

<http://www.dfw.state.or.us>

Evaluates fish habitat and provides information related to aquatic health. Participates in investigations related to aquatic life decline.

**Oregon Department of Environmental Quality (DEQ):**  
**(800) 452-4011**

<http://www.deq.state.or.us>

Regulates pesticide container disposal, participates in emergency activities and investigations. Enforces the state and federal water quality standards.

**Oregon Occupational Safety & Health Division**  
**(OR-OSHA): (800) 378-3272**

<http://www.cbs.state.or.us/external/osha/index.html>

Enforces Hazard Communication rules. Inspects employer workplaces to assure compliance with worker safety and health requirements.



## PESTICIDES

## INVESTIGATIONS AND ENFORCEMENT

## OREGON DEPARTMENT OF AGRICULTURE

This brochure explains the role of the Oregon Department of Agriculture's Pesticides Division in compliance monitoring and pesticide use investigations and enforcement.

The Oregon Department of Agriculture (ODA) Pesticides Division regulates the provisions of Oregon Revised Statute Chapter 634, the Pesticide Control Law. It addresses pesticide applicator licensing, certification, and compliance monitoring of pesticide distribution, sale and use in Oregon.

Oregon Department of Agriculture  
Pesticides Division

635 Capitol Street NE  
Salem OR 97301-2532

PH: (503) 986-4635

FAX: (503) 986-4735

TDD: (503) 986-4762

<http://www.oda.state.or.us/pesticide/info.html>

## What is the job of the Pesticide Investigator?

The pesticide investigator's job is to objectively gather information on the distribution, sale and use of pesticides. Information is gathered by conducting interviews, obtaining statements, reviewing application records and pesticide labels, taking photographs and making on-site assessments. The purpose of gathering this information is to document that a violation of state and/or federal pesticide laws has or has not occurred.

## Sampling

The investigator may, as deemed necessary, collect physical samples (soil, water, vegetation, swabs, clothing, etc.) from the application site and other areas. Samples must be collected by ODA personnel or other approved state or federal regulatory agencies to maintain a proper chain of custody and ensure that the information obtained can be used, if needed, in administrative actions.

Documentary samples of records or photographs may also be taken.

ODA will not take informational samples. Samples are only taken when deemed necessary to prove or disprove a violation of the Pesticide Control Law.

Department personnel may provide information about private laboratories where private analysis may be obtained.

## What should I do if I think there is a problem with the investigation or I forgot to tell the investigator something?

You should call the investigator first, or the Salem office, at the number listed in this brochure. The investigator needs to know all the facts in order to conduct a thorough investigation.

## What happens after the investigation?

The completed investigation report is submitted to other staff of the Pesticides Division for review. These staff will review the investigation to determine if the report documents that a violation of state and/or federal pesticide laws occurred.

## Enforcement Actions

Several enforcement actions are available to the ODA when a violation of state and/or federal pesticide laws is determined to have occurred. These enforcement actions include:

- ☞ Cease and Desist Order;
- ☞ Notice of Violation;
- ☞ Imposition of Civil Penalty, which may be as much as \$1,000 per violative count;
- ☞ Suspension or revocation of a pesticide license;
- ☞ Referral to EPA for review and enforcement action;
- ☞ Product Stop Sale Order; crop embargo.

All Enforcement Actions can result in a hearing. When clear documentation of a violation is lacking, a Letter of Advisement may be sent.

## How long does an investigation take?

The goal of ODA is to respond to most pesticide use complaints within 48 hours of their receipt, and to complete investigations within 30 days. The review of completed investigation reports can take up to 30 days. The actual time taken to respond to a complaint and complete an investigative report can vary due to investigator workload, sampling needed, laboratory analysis requested, gathering additional information and other factors.

## Will I be kept informed of the progress of the investigation?

Results of completed laboratory analyses or preliminary findings may be shared while the investigation is underway. Conclusions and enforcement actions will not be made available until the completed investigation report has been reviewed and associated enforcement actions have been issued.

## Who has access to information gathered in an investigation?

Complaint, investigation and enforcement action information is considered to be Public Record.

Members of the public have the right to view and obtain case files after a pesticide investigation report is completed and associated enforcement action has been issued. All requests must be in writing. A fee for the cost involved in responding to a public information request is charged. The costs include document reproduction, labor, and mailing costs.

FORM 1511 REV 5/81  
OREGON DEPARTMENT OF AGRICULTURE  
5 CAPITOL STREET NE  
Salem, OR 97310-0110  
503-326-4550

# POST THIS LICENSE IN A CONSPICUOUS PLACE

LICENSEE  
C & R REFORESTATION  
ROBIN WINSTON  
11125 SW 106TH AVE  
TIGARD, OR 97223

FIRM NO.

149350 149350

BUSINESS  
LOCATION

11125 SW 106TH AVE  
TIGARD, OR 97223

LICENSE TYPE	LICENSE NUMBER	DATE ISSUED	DATE EXPRESS	
57	151105	12/09/1999	12/31/2000	70.00

Commercial Pesticide Operator License

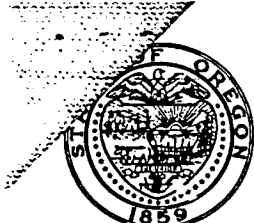
CATEGORIES OF LICENSE  
AG--INSECT/FUNGI    AG--HERBICIDE  
RIGHT OF WAY        ORN--INSECT/FUNGI  
ORN--HERBICIDE

OREGON DEPARTMENT OF AGRICULTURE LICENSE  
Commercial Pesticide Operator  
LICENSE NO: 151105    EXPIRES: 12/31/2000  
C & R REFORESTATION  
ROBIN WINSTON  
11125 SW 106TH AVE  
TIGARD, OR 97223

CATEGORIES OF LICENSE                    151105-67  
AG--INSECT/FUNGI                    AG--HERBICIDE  
RIGHT OF WAY                        ORN--INSECT/FUNGI  
ORN--HERBICIDE

POST UPPER PART IN A CONSPICUOUS PLACE.

REMOVE LOWER PART AND CUT ALONG VERTICAL  
DOTTED LINE AND CARRY WITH YOU FOR PESTICIDE  
PURCHASES AND USE.



OREGON DEPARTMENT OF AGRICULTURE  
 Pesticides Division  
 635 Capitol St NE  
 Salem OR 97301-2532  
 (503) 986-4635

Log No: 002111  
 Related Cases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

INSPECTION OF OREGON PESTICIDE APPLICATION RECORDS

Name: COR Reforestation  
 Address: 11125 SW 106th Ave  
Tigard OR 97223  
 Phone: 503-968-5918

License No: 151105  
 Records Reviewed From: July 1999  
 To: Dec. 1999

As specified in Oregon Revised Statutes - Chapter 634.146, records are required to be maintained by the following entities and/or individuals:

- Commercial Pesticide Operators,
- Public Pesticide Applicators when utilizing machine powered equipment and/or "Restricted Use" Pesticides,
- Commercial Pesticide Applicators not employed by an operator.

To refuse or fail to prepare and maintain records is a violation of Oregon Revised Statutes 634.372(5).

A sample of the pesticide application records of the firm/individual specified have been reviewed. Items marked "No" may be considered a violation of ORS 634 or OAR 603 and are subject to enforcement action.

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Firm or person for whom application was made
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Location of the land or property where application was made
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Date and approximate time of application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supplier of pesticide product(s) applied
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Identity of pesticide product(s) applied (EPA Reg. No. or specific product name including identity of the manufacturer).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amount of pesticide product(s) applied and dilution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Specific property, crop(s) to which application was made
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary information of equipment, device, or apparatus used and if applied by aircraft, the complete FAA number of aircraft
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name of applicator or trainee who made the application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Records kept for three years

Applicator licensing will be verified to confirm status at date of application.

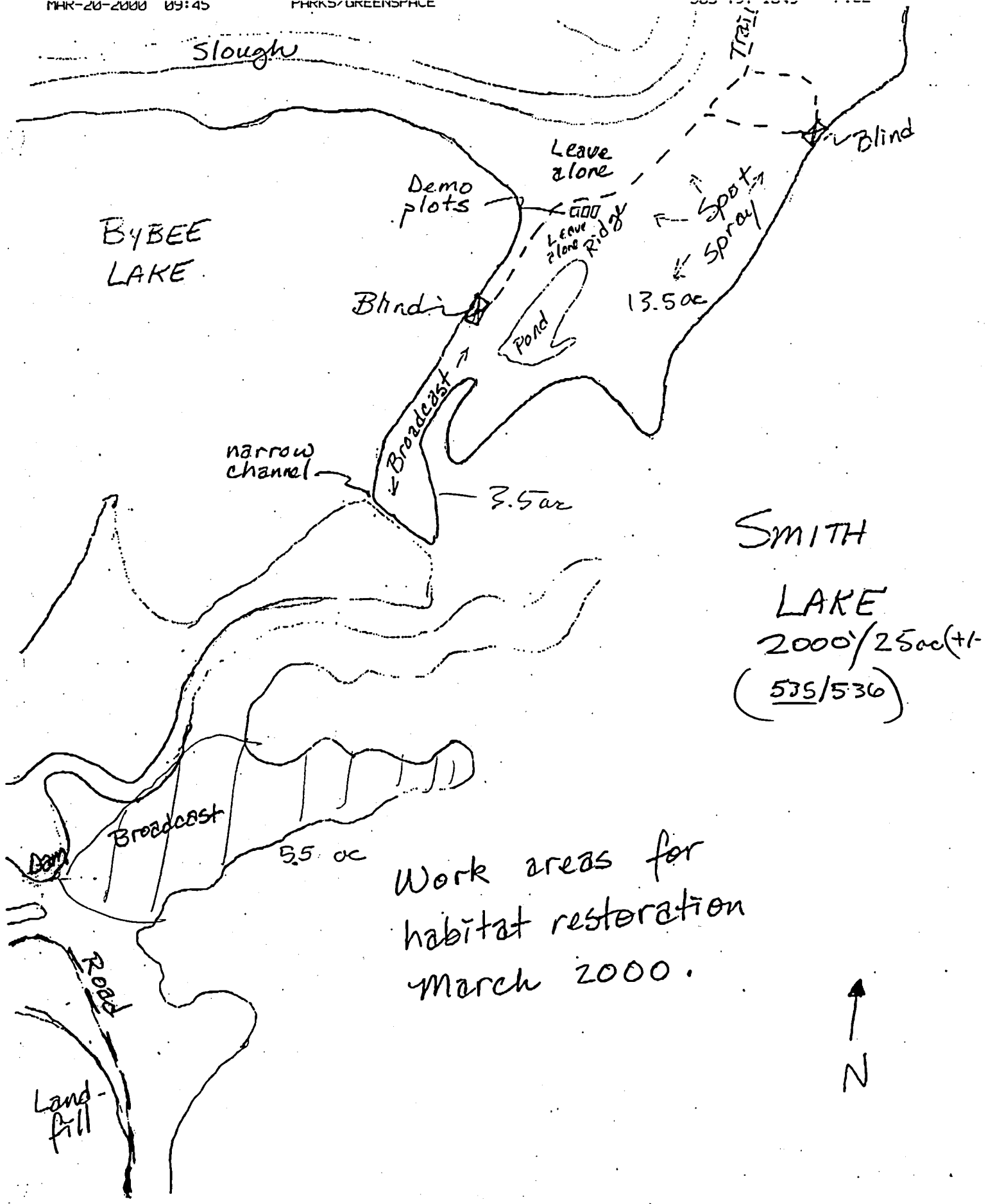
COMMENTS: Records appear to contain all required information when supplemented with letters. Solution concentration of pesticide spray refers to product, as should be noted in records. Treatment areas are Portland greenways, as should be noted in records. Thank you for your cooperation.

Operator Representative/Applicator Signature

Michael S. Bahls  
 Pesticide Investigator

Print Name/Title

January 12, 2000  
 Date of Investigation





- Industrial Weed Abatement
- Brush Control
- Commercial Property Maintenance

# PESTICIDE APPLICATION RECORDS

① FULL NAME, ADDRESS AND PHONE NUMBER OF BUSINESS, FIRM OR PERSON WHO OWNS OR CONTROLS THE CROP / PROPERTY SPRAYED. DO NOT USE INITIALS, NICKNAMES OR PARTIAL NAMES

FIRM: CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES  
 PERSON: LAST: JIM SCHILLER  
 FIRST: JIM  
 MIDDLE: SCHILLER  
 ADDRESS: 1120 SW FIFTH AVENUE, ROOM 1100  
 STREET: PORTLAND CITY OR STATE ZIP PHONE (INCLUDING AREA CODE): (503) 823-2366

② ADDRESS OF THE SITE, OR A GEOGRAPHIC DESCRIPTION OF THE APPLICATION SITE (SUCH AS CIRCLE NUMBER, MAP NUMBER OR TOWNSHIP / SECTION / RANGE), AND THE SIZE OF THE AREA TREATED (ACRES, SQUARE FEET, LINEAR FEET, ETC.)

ADDRESS OF SITE: Smith Lake  
 AREA BEING TREATED (USE THIS AREA FOR GEOGRAPHIC DESCRIPTION IF NECESSARY) ATTACH A SEPARATE SHEET IF NECESSARY  
 3' diameter around stakes  
 SEE MAP  
 observation arc  
 Broad cast (25 ac)  
 path  
 spot spray (13.5 ac)  
 staked area (5.5 ac Broadcast)  
 ST Jotho

③ DATE OF APPLICATION (BEGINNING & ENDING)

BEGINNING: TIME	MONTH	DAY	YEAR	ENDING: TIME	MONTH	DAY	YEAR
9:00	march	28	2000	3:00	march	28	
9:00	march	28	2000	6:00	march	30	2000

④ SUPPLIER OF PESTICIDE PRODUCT(S) APPLIED (DO NOT USE INITIALS, NICKNAMES OR PARTIAL NAMES)

WILBUR ELLIS COMPANY

FULL NAME OF PERSON OR BUSINESS

⑤ TRADE NAME AND STRENGTH OF PESTICIDES APPLIED

NAME OF PESTICIDE	EPA REGISTRATION NUMBER -OR- MANUFACTURER & FORMULATION TYPE
1 <del>RODENT PRO</del>	<del>524-475</del> LIQUID
2 Rodeo	524-343
3	

ATTACH A SEPARATE SHEET IF NECESSARY

⑥ AMOUNT OR CONCENTRATION (POUNDS OR GALLONS PER ACRE OF ACTIVE INGREDIENT OR CONCENTRATION PER APPROX. 100 GALLONS)

AMOUNT OF EACH PESTICIDE PRODUCT APPLIED PER UNIT OF MEASURE (OUNCES, POUNDS, PINTS, QUARTS, ETC.)	TYPE & AMOUNT OF CARRIER APPLIED PER UNIT OF MEASURE (ACRE, SQUARE FEET, ETC.) - OR - WHERE A SPECIFIC UNIT OF MEASURE IS NOT APPLICABLE, THE TOTAL AMOUNT APPLIED TO THE SITE	AMOUNT & TYPE OF OTHER MATERIAL APPLIED (SUCH AS SPREADER / STICKER, WETTING AGENT OR DRIFT RETARDANT)
1 2% SOLUTION	510 gallons	BLAZON DYE
2	Applied To Sites	NO SURFACTANTS
3		

ATTACH A SEPARATE SHEET IF NECESSARY

⑦ SPECIFIC PROPERTY, CROP OR CROPS TO WHICH THE PESTICIDE WAS APPLIED

AGRICULTURAL APPLICATIONS - THE SPECIFIC CROP	"PCO GENERAL" & "PCO STRUCTURAL" APPLICATIONS - THE SPECIFIC AREA (EXTERIOR WALL VOIDS, KITCHEN CABINETS, INTERIOR FOUNDATION, LIVINGROOM BASEBOARDS, ETC.)	ORNAMENTAL APPLICATIONS - THE GENERAL AREA (FRONT YARD, HEDGE, FRUIT TREE, ETC.)	OTHER APPLICATIONS - DESCRIPTIONS SIMILAR TO PREVIOUS EXAMPLES
1 HABITAT MANAGEMENT, CONTROL OF UNDESIRABLE VEGETATION IE, REED CANARY GRASS			
2			
3			

ATTACH A SEPARATE SHEET IF NECESSARY

⑧ SUMMARY INFORMATION OF EQUIPMENT, DEVICE OR APPARATUS USED AND, IF APPLIED BY AIRCRAFT, THE F.A.A. NUMBER

BACK PACK SPRAYER (CP-3) + Hand gun

IDENTIFICATION OF APPLICATION EQUIPMENT USED (AEROSOL CAN, SPEED SPRAYER, BACKPACK SPRAYER, FOGGER, ETC.) AND, IF APPLIED AERIALY, THE "N" NUMBER OF THE AIRCRAFT

⑨ NAME OF APPLICATOR(S) OR TRAINEE(S) WHO APPLIED THE PESTICIDES

Robin Winston, Ken Pearson, Kevin Hebert

⑩ RECORDS SHALL BE MAINTAINED FOR AT LEAST THREE YEARS FROM THE DATE OF APPLICATION

FOR ADDITIONAL COMMENTS, ATTACH A SEPARATE SHEET