



Pesticide Use in Forestry

Tim Moss

Forest Practices Field Coordinator

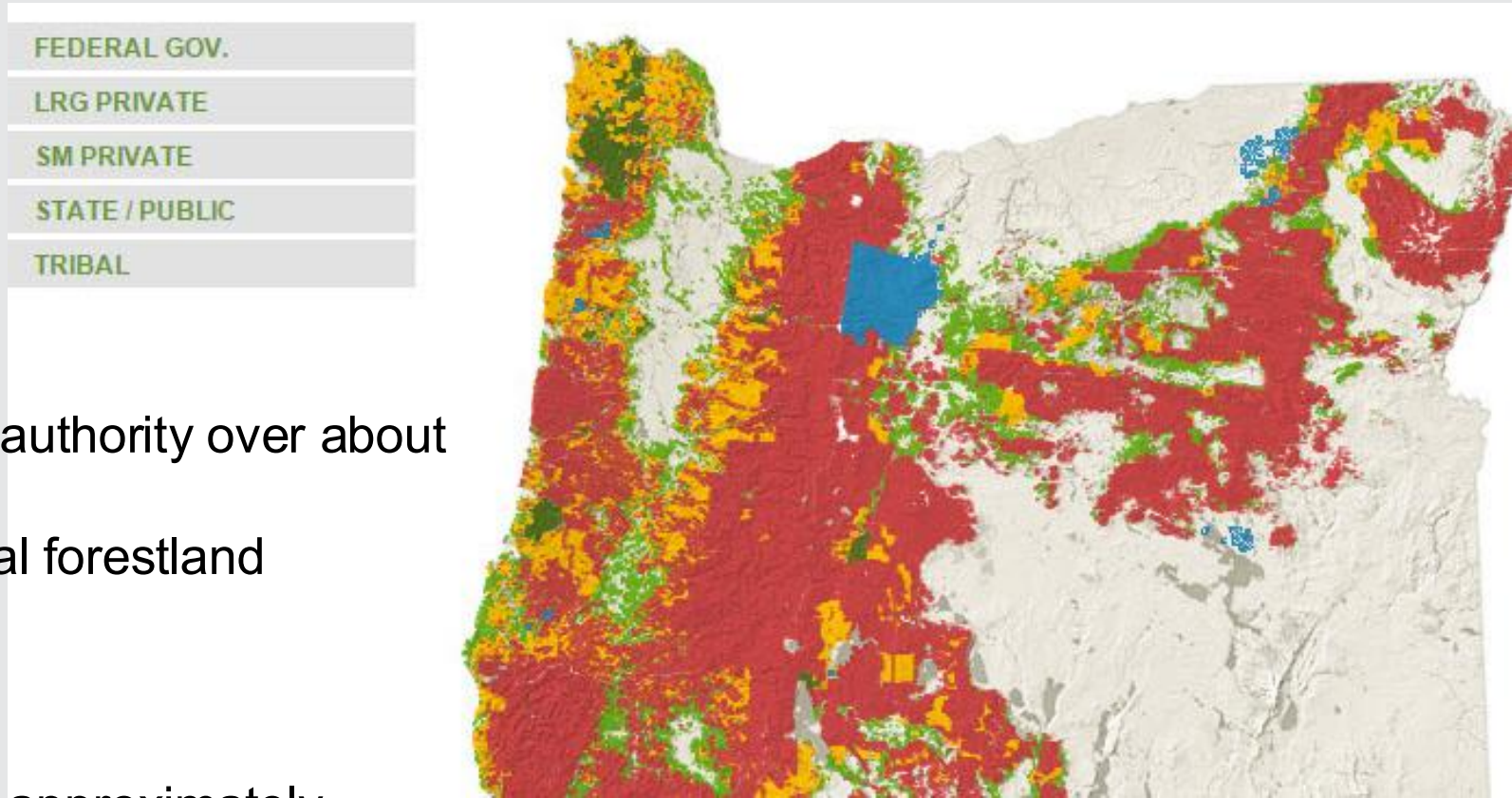
Overview

- Scope
 - Forestland
 - Definitions
- Regulatory Authority
 - FPA Inspections
 - FPA Complaints
 - Standard Operating Procedures
 - Pesticide complaints
 - Investigation
 - Reporting



Scope

- Private Forests
 - FPA
 - ODF has regulatory authority over about 10.6 million acres
 - 34% of Oregon's total forestland
- State Forests
 - ODF Stewardship
 - Owns and manages approximately 745,000 acres
 - 3% of OR Forestland
 - Application of pesticides



Definitions

- Forest Practice Rules as defined in OAR 629-600-0050
- Forestland
- Operation
- Commercial
- Chemicals





Definitions

ORS 527.620

(8) “**Forestland**” means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.



Guidance



ODF does not consider these to be forestland:

- The “yard” or grounds around residential structures and their outbuildings to the extent of the height of on-site trees that could fall on a structure or the “yard” boundary, such as a fence
- Utility rights-of-way such as power line or gas pipeline corridors

Definitions

ORS 527.620

(13)“**Operation**” means any commercial activity relating to the establishment, management, or harvest of forest tree species except as provided by the following:





Definitions

629-600-0100

- (22)"**Chemicals**" means and includes all classes of pesticides, such as herbicides, insecticides, rodenticides, fungicides, plant defoliants, plant desiccants, and plant regulators, as defined in ORS 634.006(8); fertilizers, as defined in ORS 633.311; petroleum products used as carriers; and chemical application adjuvants, such as

Regulatory Authority

- FPA
 - ORS 527.610
 - Forest Practice Rules: As defined in OAR 629-600-0050
- PFA
 - Passed 2021, full rule rollout in January 2024
 - Increased and added stream buffers
 - Administrative changes with Written plans and RMAs for small non-fish streams.
 - Minimal changes but added requirement for Chemical Spill Prevention Plan
- Senate Bill 1602 and Helicopter Spray Rules
 - Increased stream buffers for helicopter pesticide application
 - Implemented helicopter spray communication requirements
 - Helicopter spray notifications are managed and strictly enforced at the state level





Summary | Senate Bill 1602

Background

- In June 2020, the Oregon Legislature held a special session. During that session, Senate Bill 1602 passed both chambers with broad support. The governor signed the bill into law on July 7, 2020.
- Both conservation and timber industry groups support the bill. They want to jointly develop and recommend changes to Oregon's Forest Practices Act (FPA).
- The law changes some of Oregon's non-federal forestland protections.

Helicopter Pesticide Spray Buffers. The law increased buffers around homes, schools, water intakes, and some streams for helicopters spraying pesticides. This part of the law went into effect on January 1, 2021. The buffers are:

- At least 75 feet from streams with fish or domestic use;
- 50 feet from other streams with surface water present;
- 300 feet from a school or inhabited dwelling; and
- 300 feet from a qualifying water intake.

Stream buffer rules expanded. The law included the Siskiyou region in the rules for protecting salmon, steelhead, and bull trout streams. This part of the law went into effect on January 1, 2021.

Helicopter Pesticide Spray Communications

- The agency developed its E-Notification system to provide communication among helicopter pesticide sprayers, neighbors, and water users.
- The law requires the operator, timber owner, or landowner to send helicopter pesticide spray plans to the agency. The plans must include:
 - Actual date of planned spray
 - Pesticides likely to be used;
 - Areas to be sprayed;
 - 90-day window for applying the pesticides; and
 - Operator, timber owner, or landowner's mailing address, email, and phone number.
- Using E-notification, applicators must notify water users and neighbors before 7:00 p.m. the night before a planned spray.
- Neighbors and water users can sign up to receive notifications of helicopter pesticide sprays within one mile of their home or water intake. They will receive notices by email or text message about the proposed 90-day window, and the night before the flight happens.
- There are fines for:
 - Failing to submit spray plans and notifying the department and their neighbors.
 - People who interfere with the spray work.
- The law did not change for pesticides sprayed by ground, fixed-wing, and drone methods.



Buffer/Written Plan Requirements for Applications of Pesticides to Forestland Stat Written Plan required	Herbicides, Rodenticides, and Biological Insecticides (all other chemicals except fungicides, non-biological insecticides, and fertilizers)			Fungicides and Non-Biological Insecticides		
	Helicopter Applications	Other Aerial Applications (e.g. Drones)	Ground Applications	Helicopter Applications	Other Aerial Applications	Ground Applications
	Waters of the State	All distances are horizontal distances from HWL			All distances are horizontal distances from HWL	
Type D Streams	75 feet or RMA width ¹	60 feet	10 feet	300 feet	300 feet	10 feet
Type F and Type SSBT Streams	75 feet or RMA width ¹	60 feet	10 feet	300 feet	300 feet	10 feet
Type N Streams w/ flowing surface water at time of application	50 feet	0	0	60 feet	60 feet	0
Type N Streams w/ ponded surface water at time of application	50 feet	0	0	50 feet	0 feet	0
Significant Wetlands	60 feet	60 feet	10 feet	300 feet	300 feet	10 feet
Stream-Associated Wetlands (WP except for S/N w/ELZ)	Buffer according to the stream type			Buffer according to the stream type		
Large Lakes (>8 acres, with or without fish)	60 feet	60 feet	10 feet	300 feet	300 feet	10 feet
Other Lakes w/ fish use	60 feet	60 feet	10 feet	300 feet	300 feet	10 feet
Areas of standing open water >1/4 acre at time of application	60 feet	60 feet	10 feet	300 feet	300 feet	10 feet
Infrastructure and Structures	All distances are horizontal distances			All distances are horizontal distances		
Water Intakes ² (start at the physical structure on the ground)	300 feet ³	0	0	300 feet ³	0	0
Schools (start at boundary of school campus tax lot)	300 feet ⁴	60 feet ⁵	0	300 feet ⁴	0	0
Inhabited Dwellings (start at edge of dwelling structure)	300 feet ⁴	60 feet ⁵	0	300 feet ⁴	0	0

Buffer Requirements for Applications of Fertilizers to Forestland	Fertilizers	
	Aerial Applications	Ground Applications
Waters of the State	All distances are horizontal distances from HWL	
Type D Streams	100 feet	100 feet
Type F and Type SSBT Streams, Domestic-Use Portions	100 feet	100 feet
Type F and Type SSBT Streams, Non-Domestic-Use Portions	0	0
Type N Streams, Large and Medium Size	0	0
Type N Streams, Small Size	0	0
Significant Wetlands	0	0
Stream-Associated Wetlands	Buffer according to the stream type and size	
Large Lakes (>8 acres, with or without fish)	0	0
Other Lakes w/ fish use	0	0
Areas of standing open water >1/4 acre at time of application	0	0
Infrastructure and Structures	All distances are horizontal distances	
Water Intakes	0	0
Schools (starting at boundary of school campus tax lot)	0	0
Inhabited Dwellings (starting at edge of dwelling structure)	0	0

Notes: **Comply with the pesticide label, which may require wider buffers than shown in the Table 3.** Direct application of pesticides and fertilizers is not allowed within the minimum buffers in the tables.

Statutory Written Plans are required for all chemical applications:

- Within 100 feet of a Type F, Type SSBT, or Type D stream
- Within 100 feet of significant wetland:
 - Wetland >8 acres that is not an estuary
 - Bog
 - Important springs in eastern Oregon
- Within 300 feet of:
 - Sensitive bird nesting, roosting, and watering sites
 - Resource sites used by threatened and endangered fish and wildlife species
 - Significant wetland >8 acres that is an estuary





¹ Apply the wider buffer width, either 75 feet or the RMA area width, excludes SSBT streams in Siskiyou Georegion, ORS 527.768 to 527.798, effective July 7, 2020.

² Protected water intakes mean "water uses qualifying for a spray buffer" (defined in SB 1602 and ORS 527.786(4) and identified from: Oregon Water Resources Dept. and registrations in E-Notification, effective December 15, 2021.

³ Buffer is required when helicopter pesticide application unit and water intake are in the same "sixth-level hydrologic unit," SB 1602, effective January 1, 2021.


⁴ The landowner or school board requesting the pesticide application may choose to

Inspection Policy

OREGON DEPARTMENT OF FORESTRY POLICY	
	
Title:	Forest Practices Act Inspection
Division/Program:	Forest Resources Division
Applicability:	All ODF Employees administering the Forest Practices Act
Effective Date:	January 31, 2025
Approval Name:	Kate Skinner, Interim State Forester
Signature:	
Last Review Date:	January 14, 2025
Review Interval:	Five years
Custodian:	Josh Barnard
Position:	Forest Resources Division Chief



Complaint Policy, Guidance, and Procedure

		WORKING DRAFT—OREGON DEPARTMENT OF FORESTRY PROCEDURE DOCUMENT	
Title: Complaint Investigation and Reporting		Related Policy Title: Complaint Investigation and Reporting	
Division/Program: Private Forests/Forest Practices			
Applicability: Statewide		Last Review Date:	
Effective Date: January 1, 2015		Review Interval: Five years	
Approval Name: Peter Daugherty		Custodian: Bradley A. Knotts	
Signature:		Position: Forest Practices Field Coordinator	



Why do we have a complaint investigation policy?

Increased concerns in pesticide-related investigations beginning in the late 2000's brought to light the need for ODF to respond consistently to complaints statewide



ODA completes Curry County pesticide use investigation, finds violations

April 8, 2014... The Oregon Department of Agriculture has completed its pesticide use investigation of an incident involving an aerial application to timber lands in Curry County last year that resulted in complaints of chemical exposure by residents in the area. The investigation,



What is a complaint?

DEFINITION:

Complaint: Information received by ODF from any source indicating any of the following:

- A. Concerns over operations subject to the Oregon Forest Practices Act (including the Forest Practice Rules), or allegations of violations of those regulations.
- B. Reports that forest pesticide applications will cause or have caused harm to humans, their property, or the environment.
- C. Concerns over activities subject to other regulations or under the purview of agencies or entities other than ODF.

In many cases complaints start small and then escalate.



Responsibilities of a Stewardship Forester or Small Forest Owner Forester (procedure document)

- Intake initial complaint information/report
- Determine if the complaint is related to the FPA, if not refer to another agency
- Investigate
- Report investigation results
- Follow the established complaint procedures and guidance documents

Standard Operating Procedures

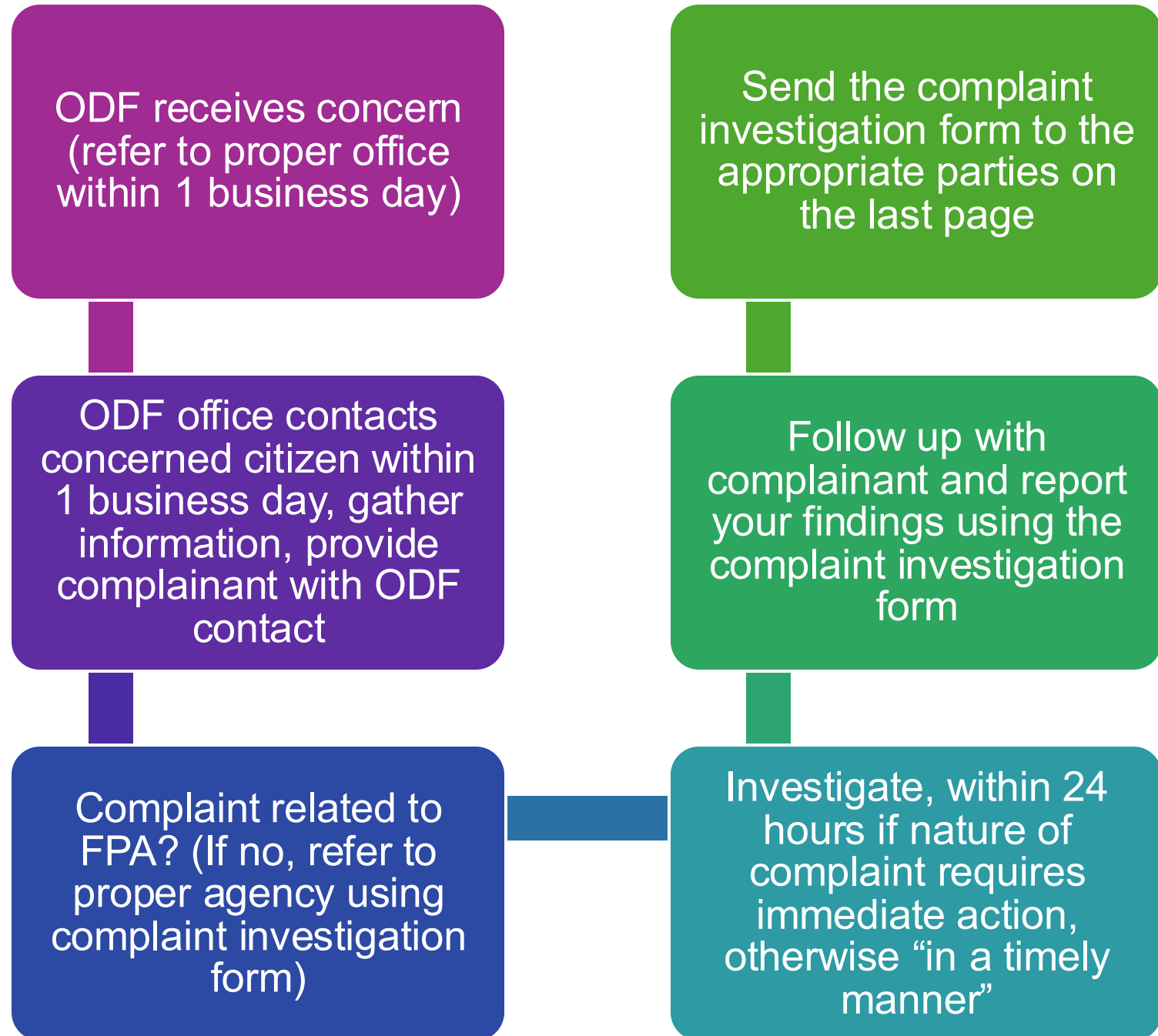
Standard Operating Procedure for Pesticide Complaints provides step-by-step process instructions. Every PARC agency has an SOP.

The complaint investigation reporting form is also found in a fillable format on ODFnet.

APPENDIX A

ODF - Pesticide Complaint Standard Operating Procedures	
Purpose	To promptly respond to pesticide use complaints within the Department's authority, which involves <u>protecting natural resources on forest lands</u> , and support the Pesticide Analytic and Response Center (PARC) members' investigations by clearly communicating complaint information to PARC and collaborating on investigations.
Scope	The Department will use the checklist and complaint form below for pesticide complaints to: gather information from the complainant; provide public information; complete due diligence; and communicate the complaint to PARC. ***Record the action date and the person's name who completed it in the boxes along the left***
Pre-complaint	
	Designate the external pesticide complaint contact.
	Designate the external pesticide investigation contact.
Receive Complaint (If referred to ODF, contact the complainant within one business day.)	
	Emergency (medical or safety) - get name and phone number - have them call 9-1-1 or Oregon Poison Control (800) 222-1222 immediately . Call back 12-24 hours later to receive the complaint.
	Receive complaint. Listen, acknowledge, and record complaint information on the attached form and complete all fields. (Enter NA, if no information exists.)
	Provide information. Explain what will happen, when it will happen, who the contact person is and their phone number, and share background information. Use this checklist and these specifics: <ul style="list-style-type: none"> • Call health care provider for non-emergency health issues. • <u>Confidential health information should only be given to the Pesticide Analytic and Response Center (PARC) (844) 688-7272 or your medical provider.</u> • The Department of Forestry will investigate complaints within its authority, which is protecting natural resources on forest lands, and support the other agencies' investigations. I will send your report to PARC within 1 business day which ensures the agencies responsible for investigating harm to people, property, or the environment receive the information. • If you would like more information about pesticide use and regulation, I can email you some helpful links: <ul style="list-style-type: none"> ○ Oregon Department of Forestry - http://www.oregon.gov/odf/privateforests/pages/pesticides.aspx ○ National Pesticide Information Center (NPIC) - http://npic.orst.edu/
	Site visit. Set a time to visit the person and site.
	Updates. Set times to share initial and subsequent information updates.
Investigate Complaint	
	Forward complaint to PARC immediately or receive complaint.
	Does the Department have any regulatory authority? Circle one Y/N - IF yes, continue. If no, refer the complaint to and support PARC, and call or visit the person and provide them PARC's phone number.
	Open an investigation. Depending on the complexity, obtaining accurate information and completing a thorough investigation may last six months. Department investigators will: <ul style="list-style-type: none"> • Maintain the investigation file. • Visit active operations within one business day of the complaint. • Visit completed operations as soon as feasible (target: within 3 business days). • Obtain daily application records. • Forward daily application records and other investigation information to PARC and others as appropriate. • Evaluate FPA compliance. Take enforcement action when warranted. • Document the investigation using the attached form. • Complete investigation.
Report Results	
	After completing the investigation or issuing the enforcement document, whichever is later, the Department will share the result(s) with PARC and interested parties within five business days.

* For complaints that are not related to pesticides...



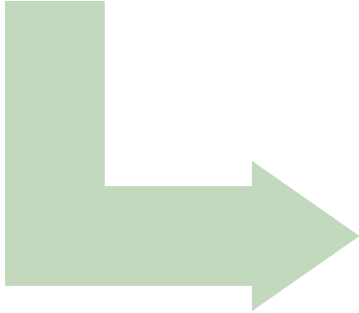
ODF receives pesticide concern, contacts concerned party within 1 day

- From PARC, public, other agency
- If emergency, refer to 911 or Oregon Poison Control then ODF calls back 12-24 hours later



Is the concern FPA related?
Is NOT, refer to another agency

- If not FPA, notify PARC *using the complaint investigation report*
- Notify ODF's PARC board member in either case



If the complaint is adverse effects from pesticides, encourage complainant to contact PARC, ODF forwards complaint to PARC within 1 day

- ODF might open investigation depending on the specific nature of the complaint

* For pesticide-related complaints

Investigate. Request daily spray records during investigation if necessary

- ODF won't request these records if they aren't relevant to what is being investigated



Review records and/or other investigation information to determine compliance with FPA

- Is there evidence of non-compliance? Is there enforcement necessary?

Document actions, complete final complaint investigation report - Report findings to complainant and others

* For pesticide related complaints

The Investigation

Gather the details. Is there a NOAP?

Document using the Complaint Investigation Report

Visit the site to determine FPA compliance

*All of the documents collected including any daily spray records are public record.

Are the records complete per OAR 629-620-0600?

Do the chemicals used match the NOAP

Is the application method correct?



- Address complaints in a timely and appropriate manner
- Coordinate and communicate with partner agencies and other ODF staff
- Communicate with complainant in a courteous and professional manner
- Address resource concerns and enforce FPA as necessary

Goals and Measures of Success

(policy document)





Send the complaint to:

DISTRIBUTION

- ODF Area Office (always required)
- ODF Private Forests Field Support Unit (always required)
- ODF Public Information Officer
- Department of Agriculture
- Department of Environmental Quality
- Department of Fish & Wildlife
- Department of Geology & Mineral Industries
- Division of State Lands
- Oregon Occupational Safety and Health (Oregon OSHA)
- PARC-Pesticide Analytical and Response Center (always for pesticides)
- _____

Signature

Date



Questions?