



## Pesticide Use Regulations and Water Protections in Forestry Frequently Asked Questions

### Background

This document summarizes frequently asked questions about water protections and regulations associated with pesticide applications in forestry.

### Why are herbicides used in forestry?

Herbicides are the most common pesticides used in a forestry setting. They are used for site preparation before tree planting and sometimes later to control competing vegetation while seedlings work to out compete other vegetation. Reforestation is required by law and herbicides are a tool available to landowners to be successful. In addition, forest landowners also use herbicides to control invasive noxious weeds, such as gorse, Scotch broom, Himalayan blackberry, and Japanese knotweed. These noxious weeds can displace native species and lower the habitat quality for wildlife. Noxious weeds can also increase wildfire risk and can make cropland less productive.

### How often are herbicides used in forestry?

In western Oregon, herbicides are typically applied 1 to 3 times during a 40-to-70 year timber harvest rotation. Herbicides are commonly used for site preparation before tree planting and sometimes later to control competing vegetation while seedlings gain height. In eastern Oregon, herbicides are used less frequently because of different management methods in the slower-growing forests than in the rest of Oregon.

### What laws regulate pesticide use?

Except in limited circumstances, all pesticides used in the United States must be registered with the U.S. Environmental Protection Agency (EPA) and must carry federally approved labels describing permitted uses and appropriate protection measures. To be registered by the EPA, pesticides must undergo extensive laboratory and field studies. EPA develops risk assessments that evaluate the potential for harm to humans, wildlife, fish, and plants, including endangered species and non-target organisms. The potential for contamination of surface water or ground water from leaching, runoff, and spray drift are also evaluated. EPA approves the language that appears on each pesticide label to ensure the directions for use and safety measures are appropriate to any potential risk. Following label directions is required by law and is necessary to ensure safe use. For more information on EPA's registration process see Resources below.

Pesticide sellers and applicators must also comply with the state's Pesticide Control law (Oregon Revised Statute Chapter 634) which requires state product registration and applicator certification and licensing for many circumstances. This law is administered by the **Oregon Department of Agriculture (ODA)**. Among other requirements, the law also prohibits faulty, careless, or negligent application of herbicides.

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Pesticide users on forestland must also follow Oregon's Forest Practices Act (FPA), administered by the **Oregon Department of Forestry (ODF)**. These requirements are in addition to pesticide label requirements. The FPA requires operators to protect human health and safety, and maintain soil productivity, air quality, fish, wildlife, and water resources through measures including but not limited to:

- Retain and protect trees and plants along perennial streams during and following logging,
- Prohibit helicopter herbicide applications within:
  - 300 feet around schools and dwellings
  - 300 feet from a qualifying water intake
  - 75 feet or more of fish-use or drinking water streams and
  - 50 feet for non-fish streams, with visible surface water
- Prohibit other aerial applications (non-helicopter) within 60 feet of fish-use or drinking water streams,
- Prohibit all aerial applications within 60 feet of open water greater than ¼ acre,
- Prohibit ground-based applications within 10 feet of fish-use or drinking water streams and open water greater than ¼ acre, and
- Prevent, control and report leaks and spills.

The Oregon **Department of Environmental Quality (DEQ)** has authority under the Clean Water Act (CWA) to require permits for pesticide applications that result in a discharge to surface waters of the state from certain activities. Buffers established in the ODF and ODA laws and regulations are intended to prevent direct pesticide application to water. However, if other state and federal laws are violated, DEQ's regulatory authority is through the enforcement of CWA NPDES 2300A or 2000J permit requirements.

### **How is my water supply protected from pesticide applications?**

Drinking water protection is implemented in Oregon through a partnership between the **Oregon Health Authority (OHA)** and the **Department of Environmental Quality (DEQ)**. Moreover, the state and federal laws that regulate pesticide use (explained above) are intended to protect water quality for all beneficial uses including drinking water. OHA Drinking Water Services is the state's primary agency for administering Oregon's Safe Drinking Water Act. OHA regulates Public Water Systems to ensure compliance with safe drinking water rules and regulations, performs regular inspections, certifies drinking water operators, and provides technical, managerial and financial resources to public water systems. Public Water systems are responsible for producing finished drinking water that meets requirements for maximum containment limits, regardless of source water quality.

DEQ's Drinking Water Protection program provides an advisory support role to public water systems and answers community questions about water quality concerns for source waters. This may include recommendations for voluntary measures that a system, community, or others can take to reduce the potential risk of consumer herbicide exposure. DEQ takes the lead on surface water Public Water Systems and OHA is the lead for groundwater systems.

### **What protections are there for my personal well water?**

Individual well owners are responsible for servicing and testing their well water. The Oregon Health Authority's [Domestic Well Safety](#) Program provides resources to landowners on how to construct and maintain well water systems including a list of accredited labs for well water testing services. Individuals can also register their qualified home or surface water intake location on ODF's Forestry Activity Electronic Reporting and Notification System (FERNS) [E-Notification](#) website to receive notifications of planned aerial applications within a 1-mile area of their home or surface water intake location. Oregon's Forest Practices Act requires spray buffers and limitations on forestry activities to protect human health and safety, soil, air, fish, wildlife, and water quality.

### **What do I do if pesticides are found in my private domestic drinking water?**

Should pesticides enter our environment, many things affect how long they may last and where they may go. Testing for pesticides in water and soil can be very expensive. Results from testing may also be difficult to understand. Although modern testing methods can be used to detect small amounts of pesticides, the risks to human health or the environment are challenging to determine. Should a pesticide be present in the environment or the body, it does not mean there is a meaningful health risk. If a homeowner does decide to test their water or are concerned about the potential health or environmental risks, the [National Pesticide Information Center](#) (NPIC) can help. You can reach them at 800.858.7378 (8:00 am – 12:00 pm PST), or email at [npic@ace.orst.edu](mailto:npic@ace.orst.edu). NPIC has several websites to help better understand pesticide risk including [What's My Risk?](#) and [What happens to pesticides released into the environment?](#)

### **How do I report a pesticide use complaint?**

There are several ways to report a pesticide incident that has impacted people, animals, bees, or the environment. You can call ODA's Pesticides Program directly at 503-986-4635. You can also submit a [written complaint](#) by email to [naturalresouce-complaints@oda.oregon.gov](mailto:naturalresouce-complaints@oda.oregon.gov) or by mail to Oregon Department of Agriculture, 635 Capitol St NE, Salem OR 97301-2532. You can also call 211 anytime of the day or night (24 hours) to speak to an information specialist, who will take your information and forward on to the Pesticide Analytical and Response Center (PARC) for follow-up. PARC is a central location to receive Oregon-specific pesticide incident information and works with several state agencies, including ODA, ODF, DEQ, and OHA to respond to pesticide incidents.

### **Who can I talk to about health and safety questions around pesticides?**

The National Pesticide Information Center (NPIC) provides objective, science-based information about pesticides and pesticide-related topics to enable people to make informed decisions. NPIC is housed at Oregon State University and has specialists available to discuss your health and safety pesticide questions. They are available by phone Monday through Friday, 8:00AM to 12:00PM Pacific Time at 1-800-858-7378 or by email at [npic@ace.orst.edu](mailto:npic@ace.orst.edu). You can also visit their website at <http://npic.orst.edu/> for information and fact sheets.

### **How can I stop someone from using pesticides on their land?**

Landowners, their employees, and appropriately licensed individuals are allowed to utilize registered pesticides in a manner consistent with label directions. ODA regulates the sales, use, and distribution of pesticides within Oregon, including the licensing of applicators and dealers.

Every pesticide product sold in Oregon must be registered in Oregon. Pesticide products must be used in accordance with the label directions. Report any observations of drift onto other property or misuse of a pesticide inconsistent with label directions to ODA in a timely manner for follow-up.

## **Pesticide Regulations in Oregon**

Pesticides, as well as issues arising from the use of pesticides, can fall under the authority of multiple different state agencies, depending on the circumstances, making it difficult to know who to contact. The following information explains the various pesticide-related authorities provided under Oregon Administrative Rules (OARs).

**Oregon Department of Agriculture (ODA)** - ODA regulates the sales, use, and distribution of pesticides within Oregon, including licensing of applicators and dealers. Every pesticide product sold in Oregon must be registered in Oregon. Pesticide products must be used in accordance with the labeled directions. ODA's regulatory authorities may be found in [ORS 634](#) and [OAR 603 division 57](#).

**Oregon Department of Environmental Quality (DEQ)** - DEQ is charged with protecting the quality of Oregon's air, water, and soil. DEQ issues pesticide general permits (2300-A) and irrigation system permits (2000-J) that cover pesticide applications made to or near water. Permittees include weed control and irrigation districts, vector control districts, golf courses, lake and marina managers, large landholdings, public utilities, and federal, state, and municipal agencies. DEQ also regulates pesticide waste generated from pesticide operations and management. See [OAR 340](#) for DEQ's statutory authorities.

**Oregon Department of Forestry (ODF)** - ODF protects, manages, and promotes stewardship of Oregon's forests. These efforts are regulated under the [Oregon Forest Practices Act](#) (ORS 527.610 to 527.770, 527.990(1) and 527.992). Under this act, private forest landowners must notify ODF before any forest-related activity, including pesticide applications. Rules for pesticide applications are found in [OAR 629 division 620](#).

**Oregon Department of Fish and Wildlife (ODFW)** - ODFW protects and enhances Oregon's fish, wildlife, and their habitats. ODFW's regulatory authorities may be found in [OAR 635](#).

**Oregon Health Authority (OHA)** – Under [OAR chapter 333 division 18](#), pesticide poisoning is a mandatory reportable condition in Oregon and must be reported by health care providers. Civil penalties may be imposed for failure to report ([OAR chapter 333 division 124](#)). Public Water system using groundwater sources are required to ensure that “sanitary hazards” which include pesticides are not used within 100 feet of their well or spring ([OAR 333-061-0050](#)).

## **Resources:**

National Pesticide Information Center (NPIC)

<http://npic.orst.edu/>

<http://npic.orst.edu/envir/testing.html>

What's My Risk?

<http://npic.orst.edu/factsheets/WhatsMyRisk.html>

What happens to pesticides released into the environment?

<http://npic.orst.edu/envir/efate.html>

Pesticide Analytical and Response Center (PARC) - ODA

<https://www.oregon.gov/oda/programs/Pesticides/Pages/PARC.aspx>

Pesticide Complaints – ODA

<https://www.oregon.gov/oda/programs/Pesticides/Pages/PesticideFertilizerComplaints.aspx>

Domestic Well Safety - OHA

<https://www.oregon.gov/oha/ph/healthyenvironments/drinkingwater/sourcewater/domesticwellsafety/pages/testing-regulations.aspx>

FERNS E-Notification System - ODF

<https://www.oregon.gov/odf/Working/Pages/ENotification.aspx>

Herbicide Use in Forestry factsheet - ODF

<https://www.oregon.gov/oda/shared/Documents/Publications/PesticidesPARC/HerbicideUseInForestry.pdf>

Pesticide Applications into Surface Waters / Water Quality Permits – DEQ

<https://www.oregon.gov/deq/wq/wqpermits/pages/pesticide.aspx>

EPA Pesticide Registration Process

<https://www.epa.gov/pesticide-registration/about-pesticide-registration>

## **General Contact Information**

**Oregon Department of Agriculture**

503.986.4550

<https://www.oregon.gov/ODA/Pages/default.aspx>

**Oregon Department of Forestry**

503.945.7200

<https://www.oregon.gov/odf/pages/index.aspx>

**Oregon Department of Environmental Quality**  
**503.229.5696 / 800.452.4011**  
<https://www.oregon.gov/deq/pages/index.aspx>

**Oregon Health Authority**  
**503.947.2340**  
<https://www.oregon.gov/oha/Pages/Portal-About-OHA.aspx>