

Case 1 Notes

- The United States Forest Service called the ODA Bend office in November of 2013.
- They were concerned about the health of trees along Cottonwood Road near the Sunriver Resort, as well as along Paulina-East Lake Road.
- The Deschutes County Road Department had made applications of Perspective and Oust along these stretches of roadway in both late November of 2011 (26) and early November of 2012 (3).
- The ODA investigator observed the two areas and noted that symptoms were not consistent throughout the area, with some trees showing symptoms being directly next to the road while others were well back from the road. Additionally, symptomology of trees was not consistent, as some trees exhibited no symptoms, some trees had a few browning needles, some trees had curled candles, and some trees were completely brown.
- The ODA investigator collected 7 vegetation and 7 soil samples. The samples were analyzed for aminocyclopyrachlor, chlorsulfuron, and sulfometuron-methyl. 3 of the vegetation samples tested positive for aminocyclopyrachlor. The levels found were 0.10 ppm, 0.10 ppm, and 0.079 ppm. These positive samples were collected from trees showing symptoms. None of the target active ingredients were detected in the soil samples.
- After receiving the sample results, the investigator followed up further with Deschutes County Road Department. They indicated that they had applied the Perspective and Oust mix at multiple additional sites in both 2011 and 2012, however all of the other sites, which were not showing symptoms of damage were treated at the max rate of Perspective in 2011 and then only a half rate in 2012, while the two symptomatic sites were treated with a max rate of Perspective in 2011 and a max rate of Perspective in 2012. They also stated that they would no longer be using products containing aminocyclopyrachlor in areas where large numbers of Ponderosa were found.

- The trees in these areas have continued to decline as you can see in the pictures, with the picture on the left taken in 2013 and the picture on the right taken in 2018.

Case 2 Notes

- The ODA investigator stationed in Bend noted trees in a state of decline along Highway 20, west of Sisters, in November of 2014. The investigator reached out to Deschutes County Road Department, which indicated that they had not made any applications in the areas where the damage was being observed.
- In March of 2015, the United States Forest Service reached out to the ODA Bend office. They were looking for information related to the declining trees. The Forest Service indicated that ODOT had made the roadside applications. ODOT stated that they had hired Jefferson County Road Department to make the applications.
- The Jefferson County Road Department had made applications of Perspective, Honcho Plus, Esplanade 200 SC, and Oust along this stretch of roadway in both early April of 2014 (9) and early March of 2015 (6).
- The ODA investigator observed the area and noted that symptoms were not consistent throughout the area, with some trees showing symptoms being directly next to the road while others were well back from the road. Additionally, symptomology of trees was not consistent, as some trees exhibited no symptoms, some trees had a few browning needles, some trees had curled candles, and some trees were completely brown.
- The ODA investigator collected 3 vegetation and 5 soil samples. The samples were analyzed for aminocyclopyrachlor, and sulfometuron-methyl. 1 of the vegetation samples tested positive for aminocyclopyrachlor. The level found was 0.043 ppm. Neither of the target active ingredients were detected in the soil samples.
- The trees in these areas have continued to decline as you can see in the pictures, with the picture on the left taken in 2015 and the picture on the right taken in 2018.

Media Articles, Reports of Loss and Further Fact Finding Notes

- In April of 2016, the Bend Bulletin published an article indicating that trees along Highway 20 had been affected by Perspective, and that ODOT and the US Forest Service would continue to monitor the trees, as trees that become an immediate hazard to drivers would need to be cut down.
- In May of 2018, the Bend Bulletin published an article indicating that the US Forest Service was seeking public comment on a plan to remove trees damaged along Highway 20 by Perspective.
- In June and August of 2018, ODA received Reports of Loss related to the damaged trees on Highway 20 as well as Cottonwood Road and Paulina-East Lake Road. ODA also received Public Records Requests for the Department's cases related to these affected areas.
- While fulfilling the Public Records Requests, it was noted that the United States Forest Service Health Report had not been attached to the appropriate case file. This was requested and received from the United States Forest Service, and attached to the appropriate case. It was also reviewed by ODA, and an additional location was noted, along McKay Road in Crook County.
- ODA attended and participated in the US Forest Service's public meetings regarding the plan to remove the trees.
- With this additional information and concern, ODA revisited all of the sites previously observed, as well as the additional site discussed in the Health Report, and noted that the trees had continued to decline since the initial site visits. ODA opened a new investigation for further fact finding into the use of aminocyclopyrachlor and its affects in Oregon.
- In late September of 2018, ODA enacted a temporary rule prohibiting the use of any products containing aminocyclopyrachlor on right of way sites. This temporary rule is in effect until March 26, 2019.

- In early November of 2018, ODA collected 40 additional samples from the four sites identified as being affected. 6 vegetation samples and 6 soil samples were collected from the Highway 20 area, 4 vegetation samples and 4 soil samples were collected from the Cottonwood Road area, 4 vegetation samples and 4 soil samples were collected from the Paulina-East Lake Road area, 4 vegetation samples and 4 soil samples were collected from the McKay Road area, and there were 2 vegetation control samples and 2 soil control samples collected. The vegetative samples were collected from symptomatic trees and consisted of needles and branch ends. Soil samples were taken using an auger to a depth of 24 inches, which were then split into two samples, one sample being inches 0-12 and one sample being inches 12-24. The control samples were taken from the Paulina-East Lake Road area and the Highway 20 area, 1 vegetation and 1 soil sample of 12 inches from each area, well away from the road in an area that was not affected. All samples were delivered to the laboratory, and ODA is awaiting the results.