



## PERMANENT ADMINISTRATIVE ORDER

### DOA 10-2019

CHAPTER 603  
DEPARTMENT OF AGRICULTURE

**FILED**

05/09/2019 10:33 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Limitations on Pesticide Products Containing Aminocyclopyrachlor

EFFECTIVE DATE: 05/09/2019

AGENCY APPROVED DATE: 05/09/2019

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ADOPT: 603-057-0392

RULE TITLE: Limitations on Pesticide Products Containing Aminocyclopyrachlor

NOTICE FILED DATE: 01/30/2019

RULE SUMMARY: This rule prohibits the application of any product containing aminocyclopyrachlor (ACP) on natural areas; restoration areas; marshes; swamps; bogs; wetlands; certain defined right-of-way areas; and in certain proximity to greater sage-grouse areas, unless all conditions in an exception are met. This rule prohibits the application of any product containing ACP by any type of aerial application method. This rule prohibits the application of any product containing ACP in areas where the roots of nontarget trees or shrubs may extend; and on the inner or outer banks of ditches or canals. This rule prohibits allowing or providing plant materials that have been treated with or otherwise exposed to ACP for use in compost, mulch or animal bedding that is subsequently used for compost or mulch.

#### RULE TEXT:

(1) In addition to the other prohibitions stated in this rule, it is prohibited to apply any product containing aminocyclopyrachlor on any of the following sites:

- (a) Rights of way;
- (b) Natural areas, such as wildlife management areas, wildlife openings and wildlife habitats;
- (c) Restoration areas, marshes, swamps, bogs and wetlands; or
- (d) Inner or outer banks of ditches or canals.

(2) An exception to the prohibitions in subsections (1)(a) - (1)(c) of this rule is if all of the following conditions are met:

- (a) Applications are noncontiguous and, in the aggregate, do not exceed more than five percent of an acre;
- (b) Use is limited to one application per 365 days per treated area; and
- (c) Use is to control state - or county-listed noxious weeds.

(3) In addition to the other prohibitions stated in this rule, it is prohibited to apply any product containing aminocyclopyrachlor in any area where the roots of nontarget trees or shrubs may extend.

(4) In addition to the other prohibitions stated in this rule, it is prohibited to apply any product containing aminocyclopyrachlor by any type of aerial application method.

(5)(a) In addition to the other prohibitions stated in this rule, it is prohibited to apply any product containing aminocyclopyrachlor in any of the following areas unless the application meets all of the conditions of section (2) of this

rule:

(A) Sage-grouse core areas;

(B) Sage-grouse low density areas; or

(C) Sage-grouse general habitat within 3.1 miles of a lek.

(b) For purposes of this section, "core areas," "low density" areas, and "general habitat" are defined in OAR 635-140-0002 and designated in maps maintained by the Oregon Department of Fish and Wildlife.

(6) In addition to the other prohibitions stated in this rule, it is prohibited to allow or provide plant materials, including sawdust, bark or other byproducts from trees, that have been treated with or otherwise exposed to aminocyclopyrachlor for use in compost, mulch or animal bedding that is subsequently used for compost or mulch.

(7) For purposes of this rule, "rights of way" means the following areas involved in common transport:

(a) City, county, state and federal roads and highways;

(b) Railroads and airports;

(c) Electric utilities (transformer stations and substations, switching stations, transmission lines and distribution lines), excluding wind farms;

(d) Pipelines;

(e) Banks of public bargeways and areas around locks and dams; and

(f) Bicycle, bridle, snowmobile and other public recreational paths.

(8) Failure to comply with this rule may result in one or more of the following actions:

(a) Revocation, suspension or refusal to issue or renew the license or certification of an applicant, licensee or certificate holder;

(b) Imposition of a civil penalty; or

(c) Any other enforcement action authorized under any law.

STATUTORY/OTHER AUTHORITY: ORS 561.020, 634.016, 634.306, 634.322, 634.372, 634.900

STATUTES/OTHER IMPLEMENTED: ORS 634