

Proposed Oregon Administrative Rule (OAR 603)
Oregon Department of Agriculture

603-057-0392

RULE TITLE: Limitations on Pesticide Products Containing Aminocyclopyrachlor

(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) Use is limited to a spot treatment. For purposes of this rule, the combined spot treatments can not exceed more than five percent of an acre, and no individual treatment area may exceed nine square feet;
- (b) Use is limited to one application per 365 days; 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 desirable 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 broadcast apply any product containing aminocyclopyrachlor in any of the following areas:

- (i) Sage-grouse core areas;
 - (ii) Sage-grouse low density areas; or
 - (iii) 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:
- (a) Allow or provide grass clippings or other materials that have been treated with or otherwise exposed to aminocyclopyrachlor for use in compost, mulch, animal bedding, or any other materials that may come into contact with sensitive plants;
 - (b) Mill wood from trees that are dead or dying due to aminocyclopyrachlor exposure; or
 - (c) Allow or provide sawdust or other by-products from trees that are dead or dying due to aminocyclopyrachlor exposure to be used in compost, mulch, animal bedding, or any other materials that may come into contact with sensitive plants.

(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);
- (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 sections (1), (2), (3), (4), (5) or (6) above 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, 634.306, 634.322, 634.900
STATUTES/OTHER IMPLEMENTED: ORS 634