

LC 7 Forestry Pesticide Application

June 2020

Initial Notification

- Opt-in Registration:
 - Concerned Oregonians who live within 1 mile of a proposed or scheduled operation may register with the Oregon Department of Forestry (ODF) to receive notifications of nearby helicopter applications of pesticides.
 - A person in control of the surface water intake for a permitted water right, or who owns and operates a spring box certified as an exempt use of water within 1 mile of a proposed or scheduled operation, may register with ODF to receive notifications of helicopter pesticide applications.
- Shorter Notification Window:
 - For helicopter pesticide applications on forestlands, the operator must identify a ninety-day application window (currently 12-month window) within which the operation will occur.
 - Above notifications must be made at least 30 days prior to conducting an operation
- Chemicals to be Used:
 - All notifications of helicopter chemical application should only list chemicals reasonably likely to be used

Real-Time Notification

- To perform a helicopter pesticide application, a landowner and/or operator must, prior to 7:00 pm on the day preceding application, make a GO election within ODF's Forest Activity Electronic Reporting and Notification System (FERNS).
- The GO Election will immediately prompt an email to each Nearby Recipient within one mile of the boundary of the relevant unit(s).

Post Application Completion Reporting

- Within 24 hours of completing a helicopter pesticide application, a land owner must identify each unit completed on ODF's FERNS system.
- Landowners who fail to notify of completed units will face graduated penalties for each day that completion is not reported.

Daily spray records

- State agencies, law enforcement, and licensed health care providers may request daily spray records and geographic information system data concerning a pesticide application by helicopter to forestland from the Pesticide Analytical Response Center.
- The daily spray record information must be provided no later than 24 hours. The geographic information system data must be provided no later than five business days.
- There is a \$1000 fine per request for failure to provide the requested information.

Penalties for Interfering with Helicopter Pesticide Applications

- Any person who intentionally interferes with a helicopter chemical application may be fined \$1000 for first offense and \$5000 for any additional offense within a five-year period, and will be liable for actual damages resulting in such interference.

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Buffer Zones

- Helicopter pesticide application buffer zones of 300 feet around
 - inhabited dwellings,
 - Schools,
 - point of diversion or point of appropriation for a drinking water source
- Helicopter pesticide application buffers:
 - On fish bearing streams (Type F) and on Domestic use (Type-D) streams, the larger of the riparian management area as of the required vegetated buffer for small, medium or large streams (75 to 100 feet), or 75 feet
 - On flowing non-fish streams (Type-N) that are not Type-D streams, 50 feet
- Subject to product label or federal law requiring more stringent standards