LC 7 Forestry Pesticide Application

June 2020

Initial Notification

• Opt-in Registration:
  o 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.
  o 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:
  o 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.
  o Above notifications must be made at least 30 days prior to conducting an operation

• Chemicals to be Used:
  o 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 landowner 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

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