



In opposition to SB 931

For the record my name is Seth Barnes and I am the Director of Forest Policy at the Oregon Forest & Industries Council. We are a statewide trade association representing over 50 large forest landowners and manufacturers in Oregon. We are opposed to Senate Bill 931.

Members of OFIC express their strong commitments to work with adjacent landowners and neighbors to ensure information is shared and concerns are heard and addressed to the extent possible. In this effort one size does not fit all; each landowner and neighbor are different and the solution to a working relationship must therefore be a matter of individual outreach and effort. OFIC members are aware of these challenges and routinely search for ways to communicate effectively with neighbors.

The goal of SB 931 as I understand it is to create an automated mechanism for neighbors near forest lands to receive "real-time" notification of aerial herbicide applications happening adjacent to their property in case they want to put horses in a barn, etc. This bill would also create a new mechanism for reporting these applications on forestland within the Oregon Department of Forestry's FERNS notification system. OFIC is opposed to both of the automated mechanisms proposed in this bill. Below are a few specific reasons for our opposition.

Real Time Alerts: Impractical, confusing, unnecessary and punitive

The bill would require a forester to alert the system by 5pm on the evening prior to the application date. The system, in turn, would immediately send out an alert to reviewers that the application was happening on the following day. There are several challenges with this concept.

- Practically, this would mean foresters would likely alert neighbors every day for extended periods of time before they actually complete the operation because it's impossible to know in advance with any level of certainty if the weather conditions will be suitable for applications. Applications of herbicides are governed by strict state and federal regulations that only allow them to be made during certain weather conditions, resulting in narrow windows of opportunity. Weather conditions at an application site are often quite different from conditions experienced at 5pm on the day prior from the work office in town. It is not unusual for applications to be delayed by several hours or days due to changes in weather conditions at the site of the application. Complicating matters further, these applications rely on sophisticated machinery that often require maintenance or repair, increasing delays in the process.
 - These compounding factors would force alerts to be sent out virtually every evening by 5pm during a specific window of opportunity for each unit (which could last for a week or more), thus ensuring compliance with SB 931 while also meeting the narrow window of opportunity afforded by the other state and federal requirements.
 - This bill would cause confusion about when applications are actually happening because neighbors will likely get an alert every evening for days for an application that never appears to happen because of weather conditions.
 - Furthermore, an obligatory, legislatively mandated "warning system" intrinsically implies the practice is dangerous or unsafe, which is not true.

- Applications of herbicides in forestry only happen 1 to 3 times following the harvest of a stand of trees. They are applied to reduce competing vegetation, including noxious weeds such as Himalayan blackberry and Scotch broom, in order to establish young trees and encourage regeneration of trees for a future forest. Once trees are established on a site, typically within the first 4 years, there are no applications until after the trees reach maturity and are once again harvested; a cycle that takes 40-50 years. With this cycle in mind, please note that this bill would require neighbors to sign up for an automated system in order to be alerted of an aerial application during the very early stages of reforestation, and then not again for 40-50 years. This type of situation really begs for a more personal touch where neighbors have a chance to talk to one-another rather than relying on an impersonal state system that will only alert them once every 50 years.

Forestry Specific Reporting: discriminatory and unwarranted

Forestry only accounts for approximately 4% of statewide pesticide use, and aerial applications are only a portion of this amount. Furthermore, testing of watersheds all over the state continue to show that forest lands consistently have the highest water quality in Oregon. These same tests, however, do evidence potential water quality issues stemming from runoff within urban settings. In fact, statewide one of the most consistently found pesticides in stream systems is DEET (or diethyltoluamide), commonly used by recreationists as insect repellent. DEET is not used in forestry. If this legislature is serious about passing a mechanism for pesticide reporting it should not be narrowly focused on one sector that only applies 4% of the pesticides and is responsible for the best water quality in the state. Rather, we would urge this committee to support HB 2980, extending the sunset provision for the Pesticides Use Reporting System – a system that would capture pesticide use for all users in the state instead of discriminating against one sector.

Conclusion

The forest sector is highly regulated and highly compliant with those regulations. In its latest report the Oregon Department of Forestry reported that forestland owners were 98% compliant with the Oregon Forest Practices Act; establishing riparian buffers and protecting streams. Furthermore, according to Oregon Department of Agriculture (ODA) data over the last 8 years, forestry has the highest compliance rate of all pesticide use categories, 92% during that timeframe. Furthermore, ODA reports that aerial forestry pesticide applications regularly have the lowest complaint count, and there have been zero violations or civil penalties levied against aerial forestry pesticide applications in the last 3 years. SB 931 is unnecessary and poorly conceived solution in search of a problem.

Respectfully submitted,

Seth Barnes
Director of Forest Policy