

HB 4168 Forestry Pesticide Application

February 2020

Initial Notification

- Opt-in Registration:
 - Concerned Oregonians who live within 1 mile of a proposed operation, or who get their drinking water from a source within 1 mile of a proposed operation, may register with the Oregon Department of Forestry (ODF) to receive notifications of nearby helicopter applications of pesticides.
- 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 people who have registered with ODF to receive notifications of helicopter application of pesticides who are within one mile of the boundary of relevant unit(s).
- Landowners who fail to make a Go election will face graduated penalties.

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 or notice units to be sprayed will face graduated penalties.

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.

Buffer Zones

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