

Timber Aerial Spray Right-to-Know Bill

SB 892

Purpose

Amends and revises the ORS 527.670 to require that forestry land owners and/or operators provide 7 days notice on the Forest Activity Electronic Reporting and Notification System (FERNS) online notification system managed by the Oregon Department of Forestry. Requires applicators to upload spray records to FERNS online notification system after the date of the spray.

Statement of the problem

In Oregon, the law allows industrial timber companies to use helicopters to spray herbicides from the air over large swaths of land. Under Oregon law, aerial spray applicators don't have to notify individual residents, schools, health care facilities and communities prior to pesticide applications on nearby private or state forest land.

Although the 2015 rules implemented a 60-ft. no-spray area from the wall of a school building or home, there remains a risk to families, their pets and their livestock from nearby aerial herbicides sprays. Depending on weather conditions such as wind and temperature as well as the terrain of the land, chemical drift is a real possibility. Oregonians need a mechanism to receive advanced, timely notification a few days before an aerial spray to protect children and animals from drift.

The new rule is also necessary to provide data on what chemicals are being used. Under current rules, required records of chemical use are not turned into ODF, which leaves agencies, researchers and users unable to monitor the environmental impacts of chemical use in forestry and assess the effectiveness of forest practices rules.

The proposed rule is practical and doable by building off of existing regulatory infrastructure, such as FERNS, and state law requiring the completion and retention of spray records.

Don't let the sound of an approaching helicopter be the only warning a family gets before a nearby aerial spraying.

Solution

Oregon can help vulnerable rural families now by passing SB 892, which addresses two problems:

- **ADVANCED WARNING FOR AERIAL SPRAYS:** Rural residents need a warning prior to an aerial spray. A warning will help residents ensure the safety of their family, pets, livestock and gardens. E-warnings can be issued by the FERNS Notification system, a web-based, centralized database of all forestry operations managed by the Dept. of Forestry. The FERNS system can send out e-notifications to anyone requesting timely notification.
- **REPORTING PESTICIDE USE:** SB 892 requires a spray applicator to file spray records with the Department of Forestry within five days following a spray operation. The proposed rule is necessary because Oregonians have the right to know the extent of herbicide use in our watersheds, habitat lands and communities. Better communication would allow impacted communities and agencies to work collaboratively to minimize risk. Requiring applicators to file the spray record uses existing regulatory infrastructure, such as FERNS and the law requiring maintenance of spray records.