

The future of herbicide use in forestry?

*A look at the litigation, politics and policy of
vegetation management*

Katie Fast
Oregonians for Food & Shelter



Who is Oregonians for Food and Shelter?

A non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.

Forestry

Agriculture



Chemical/
Other

OFS Members

- Individuals
- Associations
- Businesses

OFS Primary Issues

- Pesticides
- Fertilizer
- Biotechnology



Local Ballot Measures

BALLOT MEASURES

- ▶ **Jackson County**
 - ▶ GE Crop Ban - *Passed*
- ▶ **Josephine County**
 - ▶ GE Crop Ban - *Passed, but Defeated in the Courts*
- ▶ **Benton County**
 - ▶ *GE Crop Ban - Failed*
- ▶ **City of Salem**
 - ▶ Neonics - *failed to obtain signatures*
- ▶ **Lincoln County**
 - ▶ Aerial Pesticide Ban - *Passed & in Litigation*
- ▶ **Lane County**
 - ▶ Aerial Herbicide Ban - *stopped through litigation*
 - ▶ GE Crop Ban - *failed to obtain signatures*
 - ▶ Community Rights Initiative - *stopped through litigation*
- ▶ **Statewide Measures ??**
 - ▶ Ban Aerial Applications in Forestry
 - ▶ IP 29 - dismantle preemption

Legislature Left Activists Frustrated



ABOUT US OUR WORK GET INVOLVED EVENT

Low-wattage legislators dim the lights on forestry practices reform

By [Lisa Arkin](#) on June 19, 2015



A year ago the editors of the Register Guard urged Oregon legislators to “shine a light on forest sprays.” Our low-wattage legislators did the opposite. Today aerial forest spraying continues unabated.

Community Rights Lane County & the Lane Peace Center
present

Thomas Linzey



...one of the country's "top ten revolutionaries"
(Forbes Magazine)

Attorney Thomas Linzey is the Executive Director of Community Environmental Legal Defense Fund, a resource for community rights groups nationally. He's been featured in the *New York Times*, *Mother Jones* and *The Nation*. Thomas keynoted the 2013 Public Interest Environmental Conference and is the author of *Be the Change: How to Get What You Want in Your Community*.

MAY THE FOREST BE WITH YOU

BOOK RELEASE

MAY 12 May The Forest Be Celebration!
Public · Hosted by Citizens Protection

★ Interested ✓ Going

🕒 Friday, May 12 at 7 PM - 10 PM
about 3 months ago

📍 Hoffman Center Manzanita
PO Box 678, 594 Laneda Ave, Manzanita

Who knew?

Oregon Westside Timber Reve to Local Governments

1990-1995: Average Yearly Taxes Paid =
2007-2012: Average Yearly Taxes Paid =
84.7% Tax Reduction for Corporate

2016 Constant Dollars

Impact of Industrial For

Rockaway Beach Citizens for Watershed Protection (RBCWP) with Chuck Willer, Director, Coast Range Association; Wednesday, July 19th, 6:00 pm to 7:00 pm at Tillamook Central Library. This is a free and public event.

Join us for this presentation and discussion about Western Oregon forests and their role in our region's economy and the impact of industrial forestry.

Chuck Willer, Director of the Coast Range Association will provide information on who owns Western Oregon's private forests and how that ownership affects forest management objectives. Mr. Willer will address how industrial forestry has impacted local economies and he will explain Oregon's private forest program. The owners of large forest in Oregon play a significant role in the region's economies, impact local economies, and affect the ability of local governments to provide needed services.

When: Wednesday, July 19th, 6:00 pm to 7:00 pm
Where: Tillamook Central Library
1716 3rd St, Tillamook, OR 97141

About Rockaway Beach Citizens for Watershed Protection

RBCWP is a citizens group that was founded in 2012 in response to the clearcut of the Jewell Creek watershed that provides drinking water for the City of Rockaway Beach. The group has expanded to include working with neighboring communities to help protect watersheds on the Oregon Coast.

Those of us working with RBCWP want to know that the water we drink and the air we breathe is safe. In that mind, we encourage all Oregonians to learn more about the status of the watersheds that provide our drinking water. This is a matter of public health.

As a citizens group, we invite all to attend our meetings, educational events, and presentations. For more information, contact us at rockawaycitizen.water@gmail.com or call 503-355-2516 / facebook.com/rockawaycitizen.water

Coast Range Association
www.coastrange.org

Don't miss this exciting talk. New information with

AUG 9 Land Use Workshop
Public · Hosted by Oregon Department of Forestry

★ Interested ✓ Going

🕒 Wednesday, August 9 at 6 PM - 8 PM
about 1 week ago

📍 Rockaway Beach Civic Facility, 2000

About

0 Went · 0 Interested
Share this event with your friends

Details

The Oregon Shores Conservation Council (OSCC) and Rockaway Beach Citizens for Watershed Protection (RBCWP) are pleased to announce a public planning and other regulatory process. The event is on Wednesday, August 9, at 6 p.m. (doors open at 5:30) at the Rockaway Beach Civic Facility, 2000 Hwy. 101 S. The event is free and open to the public.

Leading the workshop will be two attorneys: Courtney Johnson, Crag's operations manager, and Shores' partner in the Coastal Law Practice.

Courtney Johnson, Crag's operations manager, has worked with Oregon's public forests. See More...

Gov. Kate Brown's office: 503-378-4582
ODF: (503) 842-2545
DEQ: 503-229-5696

Oregon Department of Forestry plans extensive chemical spraying.

On our state lands.

Impacted areas include the Kilchis, Lower Nehalem, Cook Creek, Upper Wilson, and Upper Trask watershed areas

The public forests of Oregon's North Coast are scheduled to be aerially sprayed sometime before August 31, 2017. Spraying will potentially impact campsites, trails, and watersheds during peak season.

LINCOLN COUNTY

LINCOLN COUNTY MEASURE 21-177

Prohibits aerial pesticide spraying and creates rights of local citizens

(d) If the County Government fails to enforce or defend this law, or a court fails to uphold this law's limitations on corporate power, this law shall not be affected by the failure to enforce or defend, or by the failure to uphold the limitations on corporate power, and any person may then enforce the rights and prohibitions of this law through direct action. If enforcement through direct action is commenced, this law shall prohibit any private or public actor from filing a civil or criminal action against those participating in direct action. If filed in violation of this provision, the applicable court must dismiss the action promptly, without further filings being required of direct action participants. "Direct action" as used by this provision shall mean any activities or actions carried out to directly enforce the rights and prohibitions contained within this law."

(c) Any action brought by either a resident of Lincoln County or by Lincoln County to enforce or defend the rights of ecosystems or natural communities secured by this Ordinance shall bring that action in the name of the ecosystem or natural community in a court possessing jurisdiction over activities occurring within Lincoln County. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to Lincoln County to be used exclusively for the full and complete restoration of the ecosystem or natural community.

Did you know...



LOCAL BUSINESSES WE RELY ON RELY ON AERIAL SPRAYING

Local blueberry, Christmas tree, and hazelnut farmers on spraying to produce healthy crops and compete in a global market.

Prohibiting aerial spraying will reduce timber production and increase costs for farmers, endangering and the revenue our local businesses rely on.

Prohibiting aerial spraying will require the application of pesticides by hand, which will increase costs for local foresters and woodland owners.

The measure does not define "aerial," meaning it will likely be applied to a broad range of applications and impact many industries – including farming, forestry, fishing, marine supply, pest control, painting, local government, and power companies. For example, the fishing industry relies on spraying to protect against the loss of marine life on hulls when boats are pulled out of the water.

GET THE FACTS



Lincoln County's forests and watersheds, creating jobs and pumping services. Farmers and foresters rely on clean lands healthy and fertile. Measure 21-177 would raise costs and hurt our ability to cost us needed jobs.



OUR FARM

"Measure 21-177 is not a step forward toward better practices and will harm family farms like ours throughout Lincoln County."

– Alan and Lorissa Fujishin of Gibson Farms, a 4th-generation family farm located in the Siletz Valley

Stand With Foresters Vote No

VOTE NO on M

Join Our Local Farmers, Ranchers, Fishers, Small Business, Physic and C and V on Me

City joins county commission in opposition against 21-177

NEWPORT — Joining county commissioners, city council declared its opposition to Ballot Measure 21-177, a measure that would ban aerial pesticide spraying in the county, at its meeting Monday, April 30.

NEWS



VOTE NO ON MEASURE 21-177

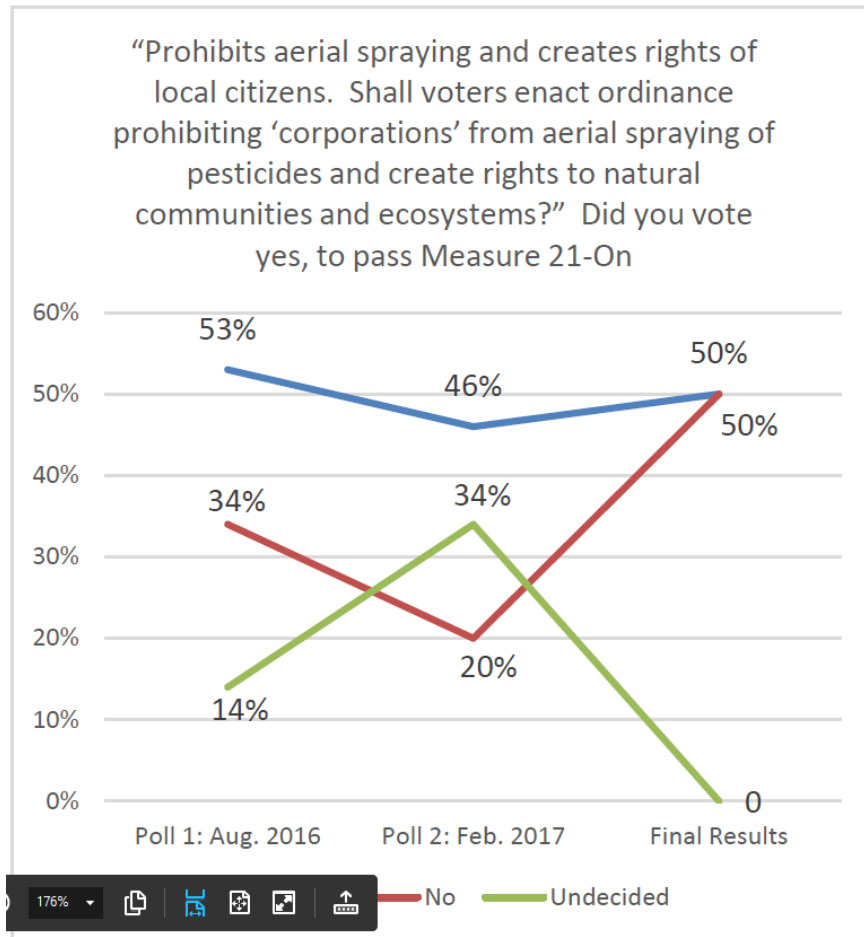
Lincoln County's fishing, forestry and farming families are the bedrock of our economy and have been keeping our lands and waters healthy and productive for generations. Measure 21-177 puts this balance at risk, requiring a dramatic shift in practices that will cost jobs and endanger the public. Please join us in opposing Measure 21-177.

POORLY CONCEIVED, DANGEROUS RESULTS

VOTE NO ON MEASURE 21-177 BY MAY 16

POST-ELECTION POLLING

Supporters held on to their lead



Voted YES because:

- 1) *Aerial spraying leads to contamination of our drinking water (73%); and*
- 2) *Aerial spraying uses cancer causing chemicals that threaten the health of humans, livestock and wild animals (75%).*

Voted NO because:

- 1) *Aerial spraying is already tightly regulated under state and federal law (39%);*
- 2) *Aerial spraying is an important tool to combat invasive weeds and pests like Scotch Broom and the Douglas Fir Beetle that threaten farm and forest health (39%);*
- 3) *Many parts of this measure are poorly worded, leaving county taxpayers open to costly lawsuits that drain money from vital services like public safety (33%) and*
- 4) *Without aerial spraying, Lincoln County’s ability to combat disease carrying mosquitos will be limited (33%)*



The Spray Free Coast campaign represents the local efforts of several grassroots, community-based organizations on the Oregon Coast concerned about the effects of spraying on watersheds, forests, farms, wildlife and human health.

Coast Range Forest Watch
Rockaway Beach Citizens
Florence Organizes Environmental Team
Lincoln County Community Rights
Oregon Wild
Beyond Toxics

FERNS Trainings

The screenshot shows a web browser window with the URL <https://fems.odf.oregon.gov/E-Notification/#subscribe>. The page header includes the Oregon Department of Forestry logo, the text "FERNS", and navigation links for "SEARCH", "HELP", "TEST", and "LOGOUT". The main content area features a "Welcome, Test Test" message and a "SUBSCRIBE" button. A callout box highlights the "SUBSCRIBE" button with the text "click 'create subscription' ->". Below the "SUBSCRIBE" button is a "My Subscriptions" section with the message "No Subscriptions exist yet. Please create a new one using the 'Create Subscription' button above." The footer contains links for "Industrial Fire Precaution Level and Regulated Use Closures", "Oregon Plan for Salmon and Watersheds", "State of Oregon Privacy and Terms and Conditions of Use", and "Acceptable Use of State of Oregon Assets". The version number "FERNS Version: 4.0.0.896" is displayed in the bottom right corner.

click "create subscription" ->

NOTIFY SUBSCRIBE

Create Subscription to receive alerts about NOAPs within an area of interest.

My Subscriptions

No Subscriptions exist yet. Please create a new one using the 'Create Subscription' button above.

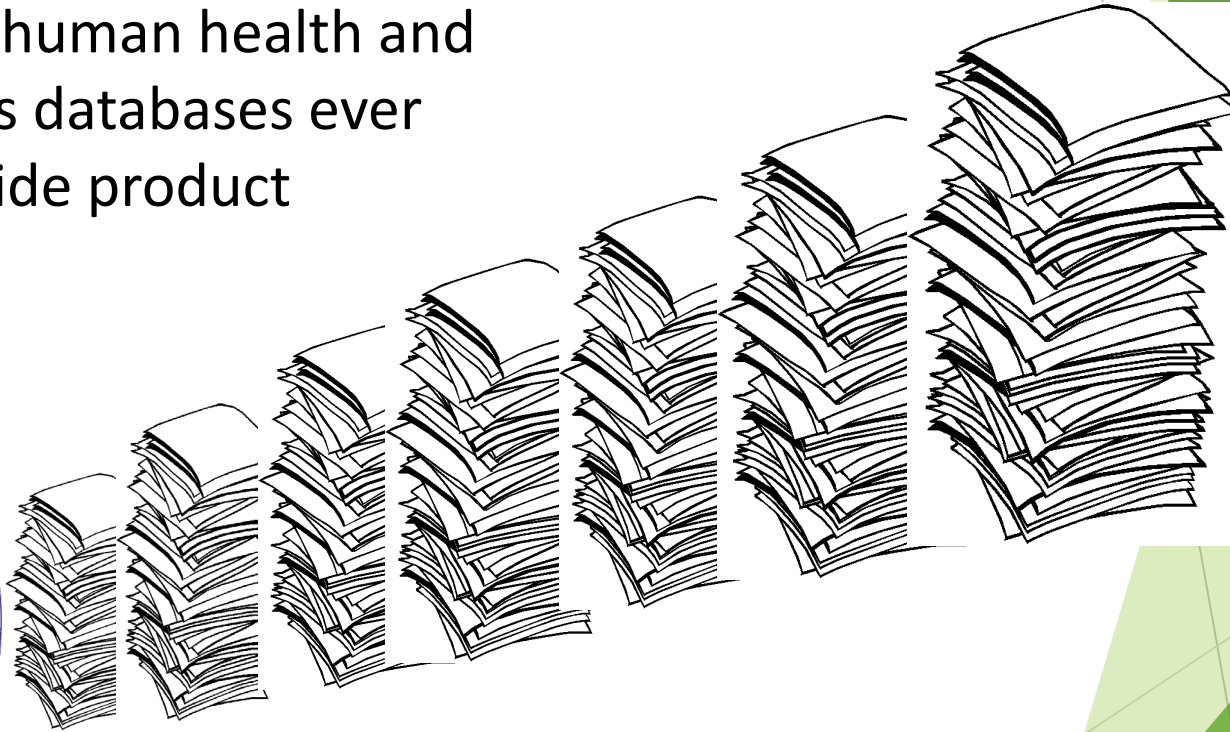
Industrial Fire Precaution Level and Regulated Use Closures
Oregon Plan for Salmon and Watersheds
State of Oregon Privacy and Terms and Conditions of Use
Acceptable Use of State of Oregon Assets

FERNS Version: 4.0.0.896

GLYPHOSATE

40 Year History of Safe Use

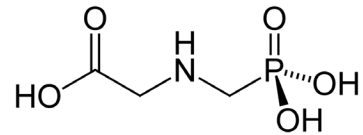
Glyphosate is supported by one of the most extensive worldwide human health and environmental effects databases ever compiled for a pesticide product



7 Complete Regulatory Data Packages

How Glyphosate Works in the Plant

Glyphosate is not an organophosphate and does not inhibit cholinesterase activity



Glyphosate inhibits an enzyme present in plants that people and animals do not produce



Glyphosate is applied to a plant, absorbed and travels to the roots where it blocks this specific plant enzyme

IARC is an Outlier

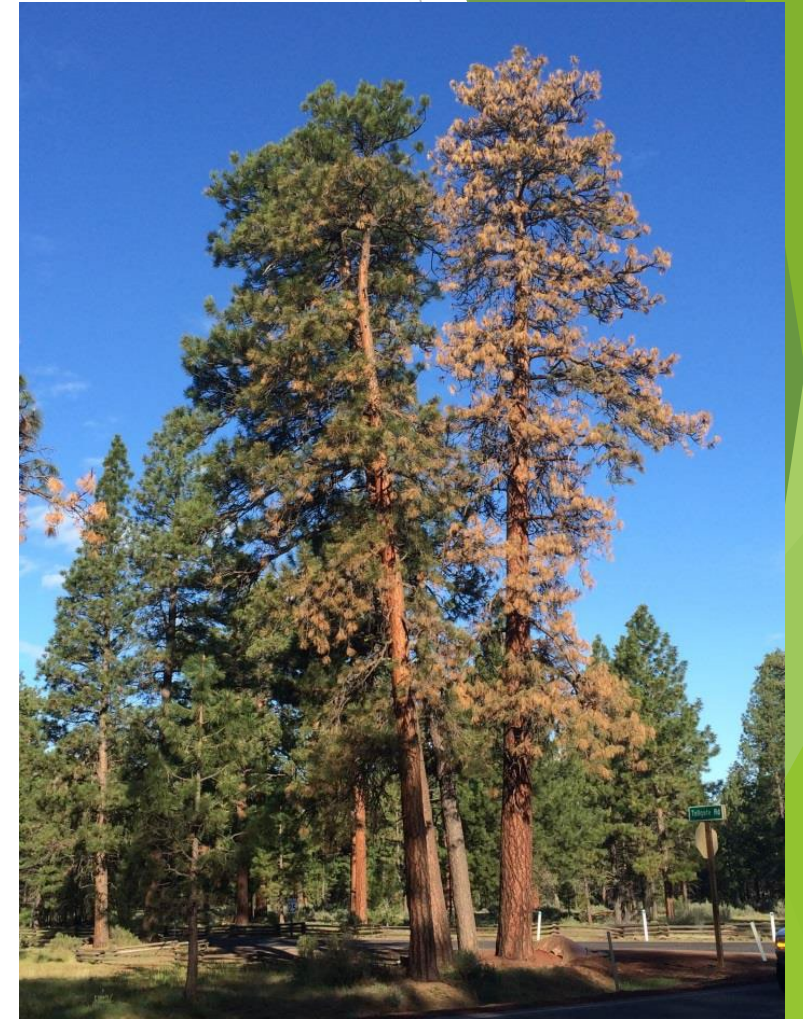
International Agency
Research on Cancer



Country	Activity/Review	Outcome	Completion
US	Human Health Risk Assessment as part of the registration review	The draft human health risk assessment concludes that glyphosate is not likely to be carcinogenic to humans. The Agency's assessment found no other meaningful risk to human health when the product is used according to the pesticide label.	Dec 2017
EU	European Food Safety Authority (EFSA) review of potential endocrine disrupting properties of glyphosate	Glyphosate does not have endocrine disrupting properties through oestrogen, androgen, thyroid or steroidogenesis mode of action	Sep 2017
CA	Pest Management Regulatory Agency (PMRA) Re-evaluation Decision (RVD) for glyphosate	glyphosate is not genotoxic and is unlikely to pose a human cancer risk	Apr 2017
EU	European Chemicals Agency (ECHA) hazard assessment of glyphosate	glyphosate is considered as non-carcinogenic, non-mutagenic, non-reprotoxic, non-genotoxic and without specific target organ toxicity	Mar 2017
KR	Rural Development Administration (RDA) safety re-evaluation on glyphosate	glyphosate intake from the diet is under the safe level; it is concluded that animal testing found no carcinogenic association and health risk of glyphosate on farmers was low	Mar 2017
AU	The Australian Pesticides and Veterinary Medicines Authority (APVMA) assessment of the International Agency for Research on Cancer glyphosate report	glyphosate does not pose a cancer risk to humans when used in accordance with the label instructions	Oct 2016
	A review of the carcinogenic potential of glyphosate by four independent expert panels and comparison to the IARC assessment, Critical Reviews in Toxicology	the data do not support IARC's conclusion that glyphosate is a probable human carcinogen and, consistent with previous regulatory assessments, further concluded that glyphosate is unlikely to pose a carcinogenic risk to humans	Sep 2016
US	Environmental Protection Agency (EPA) Glyphosate Issue Paper - Evaluation of Carcinogenic Potential	glyphosate is classified as not likely to be carcinogenic to humans	Sep 2016
NZ	Environmental Protection Agency (EPA) review of the evidence relating to glyphosate and carcinogenicity	glyphosate is unlikely to be genotoxic or carcinogenic	Aug 2016
	JMPR - WHO/FAO review of glyphosate carcinogenicity	glyphosate is unlikely to pose a carcinogenic risk to humans from exposure through the diet	May 2016
JP	Food Safety Commission (FSC) reviewed glyphosate acceptable daily intake (ADI)	no neurotoxicity, carcinogenicity, reproductive effect, teratogenicity or genotoxicity was observed	Mar 2016
EU	European Food Safety Authority (EFSA) Renewal Assessment Report and Proposed Decision	glyphosate is not classified or proposed to be classified as carcinogenic or toxic for reproduction	Nov 2015
US	CARC (Cancer Assessment Review Committee - EPA) - evaluation for carcinogenic potential	glyphosate is classified as not likely to be carcinogenic to humans	Oct 2015
US	EDSP (Endocrine Disruptor Screening Program) - Decision on list 1 substances: Weight of Evidence evaluations and DERs for the Tier 1 tests for List 1 chemicals	no convincing evidence of potential interaction with the estrogen, androgen or thyroid pathways	Jun 2015

Aminocyclopyrachlor (Perspective)

- ▶ Roadside applications made in central Oregon in 2013-2015
- ▶ Tank mix including Perspective
 - ▶ Perspective label warns of risk to desirable trees
- ▶ In both 2014 and 2015, damage to ponderosa pines were noticed on USFS lands
- ▶ ODA performed investigations, and determined that, while aminocyclopyrachlor was detected in some samples, the application was done in accordance with the label
- ▶ Unclear why damage was only to some trees



Forest Service to cut hundreds of ponderosa pines near Sisters killed by herbicide

ODOT, Forest Service planning dead tree removal near U.S. Highway 20

Herbicide may have killed Oregon Bans Tree-Killing Herbicide Amid Sweeping Investigation

by **Emily Cureton** [Follow](#) OPB Oct. 1, 2018 12:17 p.m. | Updated: Oct. 1, 2018 1:48 p.m.

More dead ponderosa pines linked to weed-killer

Dead trees near Sunriver prompt questions about widespread use of Perspective

Trees Accidentally Killed By ODOT To Be Logged

by **Emily Cureton** [Follow](#) OPB Sept. 24, 2018 12:41 p.m. | Updated: Sept. 24, 2018 6:09 p.m. | Bend, Ore.

Aminocyclopyrachlor (Perspective)

- ▶ ODA issued a temporary rule in September
- ▶ Prohibits the application of aminocyclopyrachlor on right of ways
- ▶ Temporary rules last for 180 days (March 26, 2019)
- ▶ ODA will perform product review in that timeframe and decide if label changes or additional rules are needed

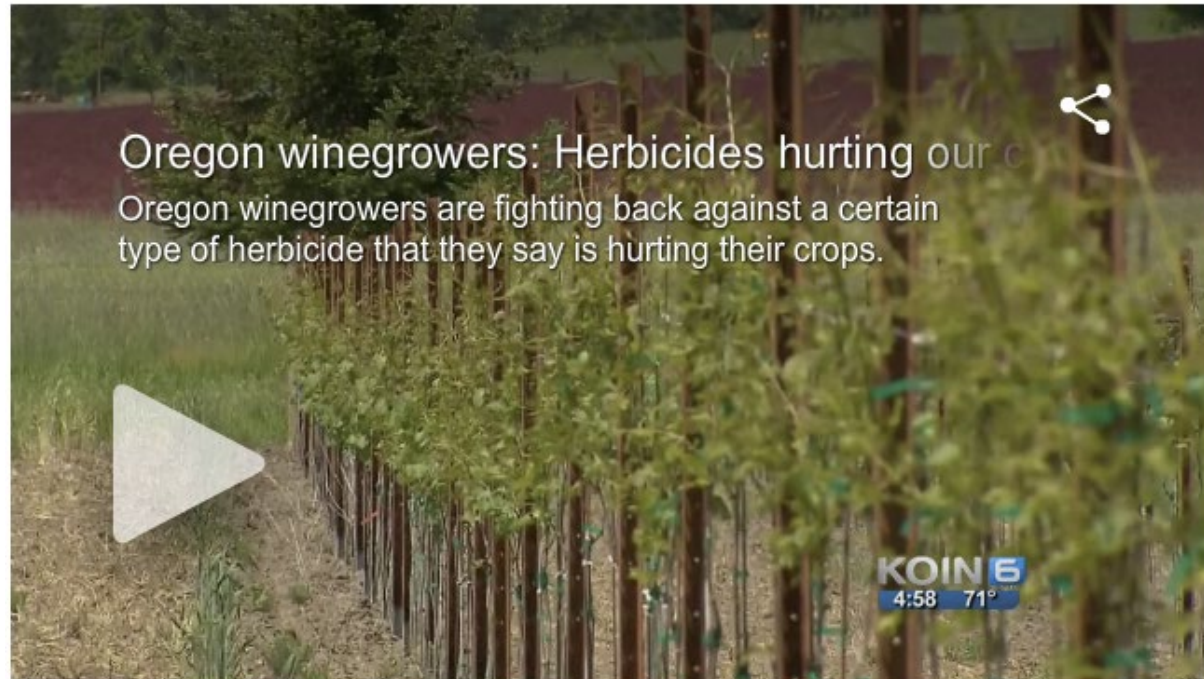


Sensitive Crops

Oregon winegrowers: Herbicides hurting our crops

By Chris Holmstrom

Published: May 21, 2014, 6:42 pm | Updated: May 22, 2014, 6:49 am



NEWBERG, Ore. (KOIN 6) — Oregon winegrowers are fighting back against a certain type of herbicide that they say is hurting their crops.

Sensitive Crops

- ▶ Concerns about phenoxy herbicides
- ▶ Focused on ag, forestry and ROW uses
- ▶ Some have proposed RUP designation and/or time specific bans on use
- ▶ New push to change the testing levels in pesticide investigations
- ▶ New types of sensitive crops bring increased challenges
- ▶ OFS focused on outreach & education
 - ▶ Less complaints in 2016 and 2017, but more complaints in 2018





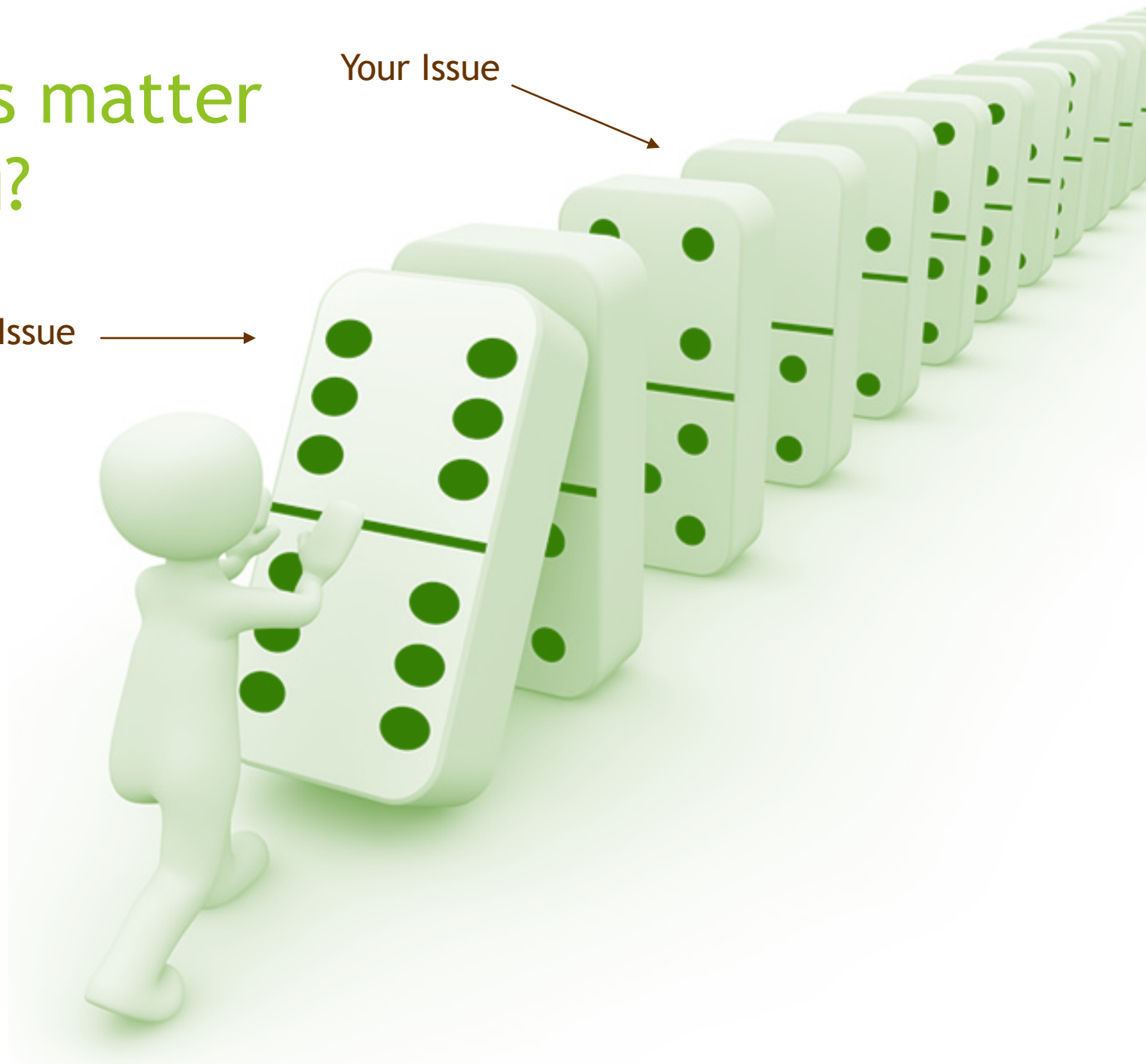
2019 Potential Pesticide Legislation

- ▶ Chlorpyrifos
- ▶ California Regulations
- ▶ Pesticide Preemption
- ▶ Neonicotinoids
- ▶ 2,4-D
- ▶ Glyphosate
- ▶ Aerial Application
- ▶ Notification
- ▶ Reporting
- ▶ PURS
- ▶ Farmworker Protection

Why does this matter to you?

Not Your Issue →

→ Your Issue



Moving Forward



Oregonians
for Food & Shelter

Lessons Learned

- ▶ Local battles require new tactics
- ▶ Our opponents can build and launch assets faster
- ▶ The opposition have well tested messages
- ▶ They can quickly activate social channels to sway emotions
- ▶ We can't assume our legacy messages will work in local battles
- ▶ On-the-ground intelligence and real-time data can help make informed decisions

Tillamook Working Lands & Waters Cooperative



FORESTS WORK FOR TILLAMOOK
(Working forests keep Oregon and our country green and growing)

Tillamook County Turbidity credits are available to forest landowners who agree to meet certain standards for water quality. Turbidity credits are awarded to landowners who agree to meet certain standards for water quality. Turbidity credits are awarded to landowners who agree to meet certain standards for water quality.

90% of forest landowners in Tillamook County have adopted water quality standards.

30% of forest landowners in Tillamook County have adopted water quality standards.

55% of forest landowners in Tillamook County have adopted water quality standards.

OREGON FOREST PRACTICES ACT

Local farmers volunteer to be good neighbors and contribute to the local economy. Local farmers volunteer to be good neighbors and contribute to the local economy.

FARM LAWS & PROTECTIONS

Local farmers volunteer to be good neighbors and contribute to the local economy. Local farmers volunteer to be good neighbors and contribute to the local economy.

1,300 jobs in Tillamook County are in forest and wood products manufacturing.

DID YOU KNOW?
Agriculture contributes over \$122 billion to the local economy each year.



What can you do?

- ▶ Engage at the local level
- ▶ Educate legislators about your issues
- ▶ Pay attention to the legislature
 - Subscribe to newsletters
 - Join OFS
- ▶ Testify
- ▶ Tell your story





Activists are
Looking for
Mistakes

No Room For Error

- ▶ Agency Investigations Are Front Page News
- ▶ Mistakes Impact Everyone

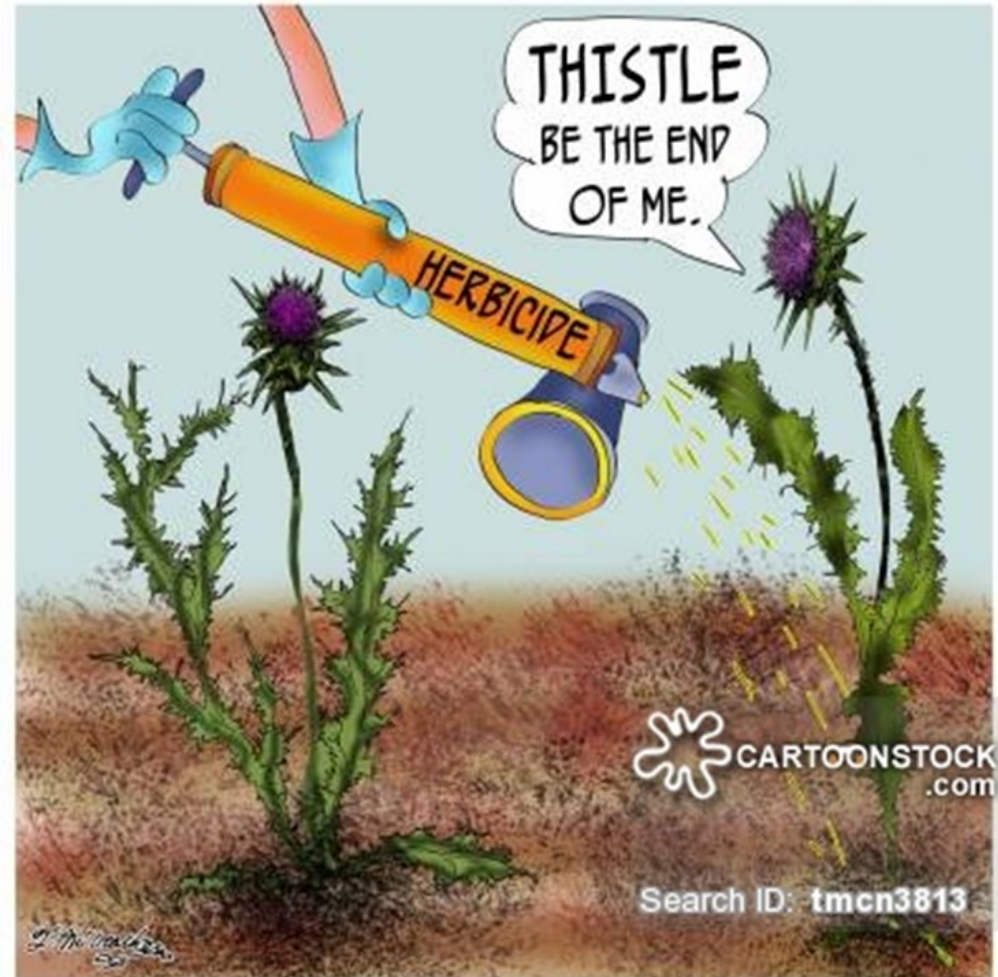
Questions??

Katie Fast

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503-510-5293

ofsonline.org



THE ONLY THING FRED HATED MORE THAN WEEDS WERE WEEDS THAT MADE PUNS.