

Pesticide rule stalled by Bayer request

By **Jim Cornelius**
Editor in Chief

Implementation of a state-wide rule that would limit the use of the weed killer believed responsible for the death of thousands of trees along Highway 20 west of Sisters has been stalled by a last-minute request from Bayer, the company that produces it.

The Oregon Department of Agriculture's new permanent rule slated to be adopted on March 22 would prohibit the use of the chemical in areas where the roots of desirable trees — like ponderosa pines — may be present.

ODA reports that, "on March 20, 2019, the Oregon Department of Agriculture received a request from Bayer Crop Science LP, Environmental Science Division, to postpone the date of the proposed permanent rule limiting the use of aminocyclopyrachlor, an herbicide also known as ACP."

ODA is required by law to postpone the date of its intended action at least 21 days, and no more than 90 days, from the earliest date that the rule could have become effective. In the wake of the Bayer request, ODA reopened public comment on the matter, and will hold that comment period open until April 5.

That means there is no rule currently in effect and a new permanent rule could take effect no sooner than April 12 at the very earliest.

Coincidentally, that's just about the time foresters will begin logging the approximately 2,100 trees that have died off along the highway over the past several years.

Bayer's letter seeks time "to provide further scientific and technical assessments supporting no additional restrictions to those already

contained on the government approved label or a more tailored rule, and to outline an alternative that would address the potential for misapplication in particularly sensitive areas of the state as an alternative to the approach currently proposed by ODA, which is in effect a ban."

The characterization of the proposed permanent rule as a ban is at odds with what ODA Program Manager Roe Kachadoorian describes.

"We were set to allow some spot applications for noxious weed control," she told *The Nugget*. "We wanted to figure out how to allow some use in some areas and not hurt trees."

She noted that a great deal of public comment from citizens on the proposed permanent rule urged a complete ban of ACP. Kachadoorian also told *The Nugget* that ODA had communicated closely with Bayer throughout the process in the spirit of "transparency and cooperation with all parties." She said ODA was taken by surprise by Bayer's last-minute move.

Our proposed permanent rule reflected the values of the state of Oregon and the citizens of the state of Oregon... — Roe Kachadoorian

"What we did reflected the values of this state," Kachadoorian said. "Our proposed permanent rule reflected the values of the state of Oregon and the citizens of the state of Oregon — and we did allow for some spot application for noxious weed control."

The problem with the trees near Sisters began developing from 2013 to 2015 when an herbicide named Perspective was used along the highway corridor to remove brush within the Oregon Department of Transportation right of way. The herbicide harmed ponderosa pines and other trees in the area where it was applied.

An assessment by the U.S. Forest Service determined that thousands of trees in the corridor west of Sisters are dead or dying. A number of trees in immediate danger of falling on the highway have already been felled, with the full-scale logging of the dead and dying trees within 75 feet of the highway set to commence this month.

Sisters District Ranger Ian Reid told *The Nugget* last week that plans are on track for beginning the logging project in mid-April.

"We're thinking it's going to take two weeks," he said. "Actually, it's going to be 12 to 13 days, so it may be three weeks if they only work five-day weeks."

The Forest Service and ODOT will split the cost of the project. Reid said that

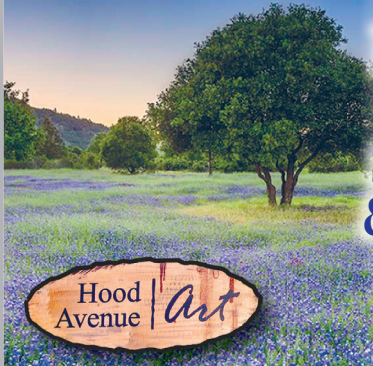
the contractor on the project and information on traffic management plans will be announced next week.

Members of the public will soon have a chance to discuss the logging project — among other things — with officials from the U.S. Forest Service.

On April 11, Sisters Ranger District will host an informational open house for the public to learn about what is happening on the national forest lands within the ranger district (*see story, page 14*).

The open house will be held at the Camp Sherman RFPD Fire Station, 301 S. Elm St., in Sisters, from 5 to 7 p.m. Doors will open at 4:45 p.m. and the program will begin at 5 p.m. If people cannot attend at 5 p.m. for the formal program they are still welcomed to come any time prior to 7 p.m. to visit with Sisters Ranger District staff.

Forest Service staff will discuss the upcoming removal of hazard trees along Highway 20, expectations for the coming fire season, and current and upcoming projects and answer questions about any other items the public is interested in discussing.



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