

● SKILLS

STOPPING A TIMBER COMPANY'S SPRAY PROJECT

After a timber harvest, private timber companies plant new trees to “replace” the trees they’ve logged. It’s common practice to apply herbicides to control vegetation that might compete with the new trees.

Convincing private timber companies to change these practices is not easy. Because their primary focus is profit, they may not be concerned about community or environmental health. They will, however, be concerned about public relations.

The purpose of this article is to give you tools to change forest pesticide practices so humans, wildlife, and water quality aren’t put at risk.

Know Your Facts

Educate yourself about the health and environmental effects of the chemicals proposed for use as well as



Bethany Vogeney was NCAP’s 2002 Apprentice in Science and Engineering and is a student at Springfield High School. Megan Kemple is NCAP’s public education coordinator.

effective alternative practices. NCAP can help!

Get Your Neighbors Involved

There is strength in numbers. The more public pressure the timber company feels, the more likely it is to change its practices. Educate your neighbors and other community members about the hazards of the chemicals being applied. Share information about viable alternatives.

Contact the Media

Catch the media’s attention. This can be done through news releases; phone calls to TV, radio, and newspapers; and letters to the editor. (See “Writing an Effective Letter to the Editor,” www.pesticide.org). Be persistent in following up. Timber companies dislike negative publicity, and some have changed their spray plans to avoid it.

Request Notification

Ask the timber company if it will notify you about future spray plans.

In Oregon, the Department of

Forestry is required to notify owners of water rights of all forestry chemical operations within 10 miles upstream if notification is requested in writing. Oregon law also requires the Department of Forestry to send notices of forest operations to anyone who pays for this notification. These notices often contain general dates and lists of chemicals which “may” be used rather than specific information.

Contact the Timber Company

When you prepare to contact the timber company, involve your supporters. Educate the company about the health and environmental effects of the chemicals it plans to use. Provide examples of effective alternatives to forest spraying. Let the company know that you want to see change.

If you meet with the company officials, ask them to take specific actions to address your concerns. Bring along people with strong credentials, like doctors or elected officials. In the meeting, get a commitment that the company will provide you with a response within a certain time frame.

Have an attorney draft a letter to the timber company stating that the timber company is liable for any damage that occurs as a result of the application. Attorneys are often willing to draft this type of letter for a relatively small fee. This tactic has convinced timber companies to change their practices from aerial to ground application. NCAP can provide you with attorney referrals in your area.

Contact Government Officials and Agencies

County and state elected officials may be able to advocate on your behalf. They may be willing to make a phone call, attend a meeting, or investigate your situation. Also, let elected officials know which laws aren’t adequate, so they’ll consider supporting more effective legislation in the future. (See “Effective Meetings with Elected Officials,” www.pesticide.org).

If your community’s drinking water is at risk, your city council may be able to play a key role. Suggest they create a task force. Also, contact the state agency responsible for implementing the Source



Wheeler, Oregon, residents protest a proposal by a timber company to spray near their community.

Water Assessment Program. Your state's coordinator may help you develop a water protection plan for your community. Contact information for each state's coordinator is available from the U.S. Environmental Protection Agency (EPA) (www.epa.gov/safewater/source/contacts.html) or call the Safe Drinking Water Hotline at (800) 426-4791. These plans are voluntary, but some communities have found them to be effective tools for change.

Make Sure the Proposed Application Is Legal

Check the label of the product proposed for use. Labels can restrict spraying under certain weather conditions, prohibit spraying of water, and require applicators to avoid human exposure. Remember that labels are often vague. If you are familiar with label requirements, you may be more effective in your negotiations with the timber company. Also, you will be more likely to be able to determine whether a violation has occurred if the pesticide application does take place.

Determine whether the application complies with state forestry laws. Contact your state's forestry department for information. (See "Agency Contact Information," right.) In Oregon, the Department of Forestry is responsible for enforcement of the Oregon Forest Practices Act, which has specific rules about herbicide applications.

If Spraying Occurs

Human Exposure: If anyone was exposed to pesticides during the application, see a doctor immediately and report the incident to the appropriate agency. (See "You've Been Sprayed: What Can You Do?," www.pesticide.org).

Label Violations: If the application isn't consistent with the label, contact the appropriate enforcement agency. (See "Agency Contact Information.") In Oregon, the Department of Agriculture (ODA) handles reports of applications that are inconsistent with the label or made in a "faulty, careless, or negligent manner." You must report label violations or drift complaints to ODA within 60 days of the application. You can file the complaint yourself or have an attorney complete the



U.S. Dept. of Agriculture/Ken Hammond

Your work to prevent timber company spraying helps keep pesticides out of forest streams.

paperwork. ODA will be more likely to investigate if you can provide photos or other documentation. According to Dale Mitchell, assistant administrator of ODA's Pesticides Division, ODA may work jointly with the Department of Forestry. However, Oregon activists have found that ODA is reluctant to investigate forestry applications.

Drift: If there is drift of pesticides onto your property, contact the appropriate enforcement agency. (See "Agency Contact Information.") In Oregon, ODA is responsible. If the method of application or proximity to your site make drift likely, ODA will be more likely to investigate.

State Forestry Laws: If the application violated state forestry laws, contact your forestry department and request an investigation. (See "Agency Contact Information.") Ask when you can expect action, and follow up on your request. Be firm and persistent. Forestry departments often defer to pesticide regulatory agencies.

Endangered Species Act: It is illegal to harm either endangered salmon or their habitat under the Endangered Species Act. The National Marine Fisheries Service (NMFS) is responsible for enforcement. NMFS investigates when fish have died or there are high levels

Agency Contact Information

Oregon

Dept. of Agriculture, Pesticides Division
<http://pesticide.oda.state.or.us>; (503) 986-4635
Oregon Department of Forestry
www.odf.state.or.us; (503) 945-7470

Washington

Department of Agriculture
www.wa.gov/agr; (877) 301-4555
Dept. of Natural Resources & Conservation
www.wa.gov/dnr; (800) 527-3305

Idaho

Department of Agriculture
www.agri.state.id.us; (208) 332-8605
Idaho Department of Lands
www2.state.id.us/lands; (208) 334-3488

Montana

Department of Agriculture
<http://agr.state.mt.us>; (406) 444-3144
Dept. of Natural Resources & Conservation
www.dnrc.state.mt.us; (406) 542-4300

California

Department of Pesticide Regulation
www.cdpr.ca.gov; (916) 445-4300
(and your county agricultural commissioner)
Department of Forestry and Fire Protection
www.fire.ca.gov; (916) 653-9422

of pesticides in water. However, an investigation occurs only if there is an agent available and they can investigate soon after the application. If you see dead salmon that you strongly believe were killed as a result of a pesticide application, call the NMFS Office of Law Enforcement Hotline, (800) 853-1964. Call state fish and wildlife agencies about nonendangered fish.

Conclusion

State and federal laws don't adequately protect human health or water quality. Timber companies have a great deal of power in regulation and enforcement. In order to change forest practices, you'll need to understand laws and regulations, have good community support, and publicize your issue. You have a big job ahead of you, but if your health and water quality are at stake, it's worth your effort.

— *Bethany Vogeney and Megan Kemple*