

http://cnps.org/forestry/special_topics/herbicides/HerbicidesOnNonFederalForests.htm

Overview of Herbicide Use in Private and State Forests

California's pesticide use, notification, and reporting system is often touted as the most stringent in the nation. The actual implementation of this system, however, is far less effective than a glance at the laws would suggest. Most pesticide applications do not require permits, public notice, or public review. Adherence to label requirements as approved by the U.S. Environmental Protection Agency is regarded as equivalent to obtaining required permits.

Herbicides Often Used After Clearcutting

In the redwood region of northwestern California, the timber industry is the primary user of herbicides. In 1999 and 2000, Humboldt County's four largest timber companies sprayed 20,463 acres with forestry herbicides. These chemicals are used after clearcutting to kill broad-leaved trees and shrubs. Clearcutting, one of several silvicultural practices referred to as "even-aged management," involves the removal of all or most trees, often followed by burning of the debris and spraying with herbicides to kill plants that compete with conifer seedlings. Herbicides are sometimes used to reduce the spread of invasive exotics, but native vegetation is the main focus of timber company spray plans. Many of the targeted species are ecologically important pioneer native plants such as tanoak, madrone, manzanita, alder, and ceanothus, which stabilize and replenish disturbed and depleted soils.

Permits and Public Notification

Although permits are required for restricted materials such as 2,4-D, the use of non-restricted herbicides (e.g. triclopyr, glyphosate, and sulfometuron) is governed only by pesticide use reporting laws. These laws require applicators to file reports of amounts used and acres sprayed with county agricultural departments after spraying is completed. These reports are public, but are typically not accessible for 6-12 months after completion of spraying. The use of spray adjuvants - including up to 40 gallons of diesel or kerosene per acre - is not reported.

Projects that would have significant impacts to the environment typically require potential impacts to be addressed in an Environmental Impact Report. However, public input procedures are complicated by the fact that the pesticide regulation system is a certified regulatory program under CEQA, with the County Agricultural Commissioners as Lead Agencies. For a regulatory program to be CEQA-certified, certain requirements must be met, including public notification, public review, and response to public comment. Notification and public review are important CEQA requirements because they allow concerned individuals to submit comments on herbicide impacts to sensitive plant and animal species, drinking water sources, and other resources. The current pesticide regulation system does not appear to adequately address these important CEQA requirements.

Lack of Agency Responsibility

CNPS has been unable to find a regulatory agency that is willing to take responsibility for addressing the impacts of herbicides to rare, threatened, and endangered plants on and adjacent to private industrial timberlands in California. Nor have we been able to find a process which allows us to review herbicide use proposals or provide public comment on them, as required by CEQA. The Department of Pesticide Regulation, which oversees pesticide regulation in California, has told local conservationists that the California Department of Forestry (CDF) is responsible for addressing cumulative effects of forestry

herbicide use. However, CDF claims that herbicide use does not have to be addressed in timber harvest plans, since it is not a "reasonably foreseeable" part of logging operations. This is difficult to understand because in Humboldt County, nearly every clearcut is treated with one or more herbicide applications.

CDF's reluctance to include herbicide impacts in timber harvest plan analyses means that known rare plant occurrences are not addressed in timber-related herbicide application planning processes, even when protections are required during logging operations.

In recent years, implementation of CEQA disclosure and mitigation measures that protect sensitive plants on private timberlands have improved substantially, resulting in pre-disturbance field surveys. When sensitive species are found, mitigation measures typically call for buffer zones intended to protect the plants during logging operations. But after the logging is completed, the slash is scraped into piles and burned, commercial tree seedlings are planted, and herbicides are sprayed to eliminate plants that compete with the conifer seedlings. Special buffer zones erected to protect the rare plants during logging operations do not protect them from herbicide impacts, because those buffers are not enforced during herbicide application.

Native Plants Not Adequately Protected

Until processes for public notification, public review, response to public comments, and consultation with appropriate regulatory agencies regarding impacts of herbicides are incorporated into timber harvest planning, native plants, including those that are rare, endangered or threatened, on millions of acres of private timberlands will remain unprotected from herbicide impacts.