

NOTE: *The following material will be required study material for the Laws and Safety, Private, and Right of Way exams starting June 10, 2019.*

Oregon Rule: Limitations on Pesticide Products containing aminocyclopyrachlor, OAR 603-057-0392

On May 9, 2019, the Oregon Department of Agriculture (ODA) adopted OAR 603-057-0392, a permanent rule limiting the use of the herbicide aminocyclopyrachlor (ACP) on certain sites and prohibiting the use on others. ACP is a broadleaf herbicide applied to soil and vegetation and is quickly absorbed by roots and leaves. This rule was enacted in response to multiple reports of negative impacts to tree species, including ponderosa pine and lodgepole pine, in several locations in Oregon where ACP was applied along rights-of-way.

Major provisions of the permanent rule are described in the table below. For more information on this rule, contact the ODA Pesticides Program. The complete rule text for OAR 603-057-0392 is available at <https://oda.fyi/OAR603Pesticide>.

LIMITATIONS ON PESTICIDE PRODUCTS CONTAINING AMINOCYCLOPYRACHLOR

1	Prohibits the application of ACP on rights of way, natural areas, and restoration areas unless applications are noncontiguous and, in the aggregate, do not exceed more than five percent of an acre; use is limited to one application per 365 days; and use is to control state or county listed noxious weeds.
2	Prohibits the application of ACP on inner and outer banks of ditches and canals.
3	Prohibits ACP use where roots of non-target trees or shrubs may extend
4	Prohibits all aerial application of ACP
5	Prohibits ACP applications in sage grouse areas unless applications are noncontiguous and, in the aggregate, do not exceed more than five percent of an acre: use is limited to one application per 365 days; and use is to control state or county listed noxious weeds.
6	Prohibits plant material that have been treated with or exposed to ACP from being used in compost, mulch or animal bedding that is subsequently used for compost or mulch.
7	Defines rights of way specific to ACP use.
8	Failure to comply may result in revocation, suspension or refusal to issue or renew a certification or license and or civil penalty.