Overview of State Laws Regulating Chemicals: Forest Practices Act

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Chemical Use in Forest Practices

- The Forest Practices Act:
  - Establishes that, “... coincident with maintenance of a viable forest products industry, it is important to afford protection of forest soils, fisheries, wildlife, water quantity and quality, recreation, and scenic beauty.”¹
  - Requires the Forest Practices Board (FPB) to, “... adopt forest practices rules ... that ... establish minimum standards for forest practices.”²
  - The FPB has adopted rules for the application of chemicals in the forested environment (222-38 WAC)

¹ RCW 76.09.010
² RCW 76.09.040
³ RCW 76.09.020 and WAC 222-16-010
The purpose of the forest practices rules on forest chemicals is to regulate the handling, storage, and application of chemicals in such a way that the public health, lands, fish, wildlife, aquatic habitat, wetland and riparian management zone vegetation will not be significantly damaged, and water quality will not be endangered by contamination.
Forest Practices Rules

WAC 222-38-010

- The forest chemical rules implement best management practices designed to
  - Eliminate the direct entry of chemicals to water; and
  - Minimize chemical entry into riparian management zones, wetland management zones and buffers of Type Np Waters
  - Clean Water Act
  - Tribal Cultural Resources
WAC 222-38-020 – pesticide application requirements for:

- Handling, storage, container disposal
- (5) Ground applications w/power equipment (roads)
  - 25 foot buffers on all wetlands and waters (dry seasonal streams exempted)
  - No running water in roadside ditches
- (6) Hand applications
  - 25 foot wetland/water buffers (same as above)
  - Exemptions for noxious weeds, special apps
Forest Practices Rules – Aerial

WAC 222-38-020 (4) – aerial application
  • In addition to forest practices buffers, additional offsets may be required based on height of aircraft, nozzle type and wind direction
  • 200 foot buffers on homes
  • 100 foot buffers on agricultural land
  • Notification
    o Posting of roads and trails used to access the property being sprayed
    o Posting is required 5 days before and for 15 days after chemical application
WAC 222-38-020(7) limitations on application

- Chemicals shall only be applied based on:
  - Limitations printed on the federal EPA container registration label and MSDS;
  - Rules adopted by Washington Department of Agriculture (licensed applicator);
  - Limitations established by the Federal Occupational Safety and Health Administration, or the state Department of Labor and Industries as they relate to the safety and health of the operators and the public;
  - State and local health departments for municipal watersheds; and,
  - DNR or the state Department of Agriculture may suspend further use of any equipment responsible for chemical leakage until corrected.