Fw: Notification, Inquiry about Forest Activity Computerized Tracking System
Scott Downey to: Jill Bloom 12/07/2011 04:07 PM
Cc: Sheila Fleming, Elizabeth Allen

Jill - sorry I haven't followed up on this sooner, but are you still willing to send a message to ODA and ODF about the application records? If so, I have a couple of minor revisions to make to the language suggested by Elizabeth. Jae Douglas just confirmed that she has not yet received the records from either agency.

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Scott Downey, Manager
Pesticides and Toxics Unit
US EPA Region 10
1200 6th Ave, Suite 900, OCE-084
Seattle, WA 98101-3140
(206) 553-0682

----- Forwarded by Scott Downey/R10/USEPA/US on 12/07/2011 04:04 PM -----

From:	Sheila Fleming/R10/USEPA/US
To:	Jill Bloom/DC/USEPA/US@EPA
Cc:	Scott Downey/R10/USEPA/US@EPA, Elizabeth Allen/R10/USEPA/US@EPA
Date:	11/09/2011 02:33 PM
Subject:	Fw: Notification, Inquiry about Forest Activity Computerized Tracking System

Hi Jill,

Elizabeth Allen, our toxicologist who has been working closely with OHA and ATSDR on the Triangle Lake project, drafted an alternate version of the letter/email to go to ODA and ODF with a cc to OHA. As I mentioned when we talked earlier this week, our frustration level is high because OHA requested the spray records months ago and ODA and ODF have been dragging their feet. According to ODF's policy (attached) they will request spray records in the event of a "multi-agency investigation". This clearly qualifies as a multi-agency investigation yet ODF and ODA have not yet acted on OHA's formal request for the spray records.

As far as accessing info in the FACTS online database, this database includes spray notification records only. It does not include application records. No application records are publically available. In fact, to the best of our knowledge, ODF and ODA have never requested spray records from the applicators because, according to Dale Mitchell of ODA, once they have possession of spray records then they have to make them available to the public under Oregon's sunshine laws.

As far as your question about how the public can get notifications before spraying, they can either check the unwieldy FACTS database (which we believe is updated once a month) or they can pay for a subscription to notification records from ODF. Applicators need to submit their notifications no less than 15 days in advance. If you are a paid subscriber, I am not sure how long it takes ODF to get you the notifications.

Let us know what you think of this version.
Thanks, Sheila

[attachment "draft OPP letter.docx" deleted by Scott Downey/R10/USEPA/US]

[attachment "ODF_Pesticide_Operation_Data_Description.pdf" deleted by Scott Downey/R10/USEPA/US]
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Sheila Fleming, P.E., Manager
Risk Evaluation Unit
Office of Environmental Assessment
US EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101
Office 206-553-1417
Cell (b) (6) [redacted]
fleming.sheila@epa.gov
----- Forwarded by Sheila Fleming/R10/USEPA/US on 11/09/2011 01:39 PM -----

From: Scott Downey/R10/USEPA/US
To: Sheila Fleming/R10/USEPA/US@EPA
Cc: Jill Bloom/DC/USEPA/US@EPA, Elizabeth Allen/R10/USEPA/US@EPA, Schulze.Chad@epamail.epa.gov, Linda Liu/R10/USEPA/US@EPA
Date: 11/04/2011 05:01 PM
Subject: Fw: Notification, Inquiry about Forest Activity Computerized Tracking System

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Sheila - could you please work with Jill on an OPP message to ODA, ODF, and OHA while I'm out next week? Jill was out after we had the call with Jae and I haven't had a chance to give her a download. If I recall, Jae was keen on us having OPP send by email a message to their directors that EPA would find the application records (especially the forestry application ones obtainable from ODF) to be valuable for a couple of reasons 1) help OPP in responding to the PFR petition, and 2) help narrow down the scope and expense of an air sampling plan.

Jill - information about FACTS and public access to the data is available at the following ODF website so I don't think you need to ask them for the information.

http://www.oregon.gov/ODF/herbicideinfo.shtml

Thanks, I'm outta here until Nov 14, but my Crisis Line (aka, cell phone) is 425-941-3013 should my advice be indispensable, which is highly unlikely!

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Scott Downey, Manager
Pesticides and Toxics Unit
US EPA Region 10
1200 6th Ave, Suite 900, OCE-084
Seattle, WA 98101-3140
(206) 553-0682

----- Forwarded by Scott Downey/R10/USEPA/US on 11/04/2011 04:50 PM -----

From: Jill Bloom/DC/USEPA/US
To: Scott Downey/R10/USEPA/US@EPA
Date: 10/28/2011 12:51 PM
Subject: Notification, Inquiry about Forest Activity Computerized Tracking System

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Dear Scott--what would you think about me sending a letter to the Chiefs of the ODA ansd ODF? I don't wish to be counterproductive.

Dear Ms. Coba and Dr. Decker,

I am assisting in the drafting of a response to comments on a "Petition from Pesticide Poisoning Victims United, a Division of the Pitchfork Rebellion," submitted to the Environmental Protection Agency in 2010 and posted to the electronic docket OPP-2010-0265. The petition asked the Agency, among other things, to conduct a study to determine an aerial pesticide application buffer that would be protective of the health of the petitioners, primarily residents of Lane County, OR, and to establish an interim buffer of one mile
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around homes and schools in the area. Ms. Coba, as Director of the Oregon Department of Agriculture, and Marvin Brown, former Director of the Oregon Department of Forestry,submitted a comment on the petition in a letter dated August 12, 2010 (copy attached). In reviewing the comments on the petition now, I have formed several questions that I hope you can help to answer, so that I may better understand the letter from Ms. Coba and Mr. Brown, and also also so that I can address another comment on the petition submitted by a member of the public.

[attachment "0900006480b500dc[1].pdf" deleted by Scott Downey/R10/USEPA/US]

The letter focuses primarily on the roles of the two Departments in regulating pesticide use. The letter references ODF's Forest Activity Computerized Tracking System, which tracks activities, including pesticide applications, that may affect natural resources. The letter indicates that the FACTS database is accessible to the public or any requesting entity. Can you, or your staff, advise me on how I can access the database?

As an aside, I have been participating in discussions, chaired by Jae Douglas of the the Oregon Health Authority, on research to determine whether and how a group of Lane County residents associated with the Pitchfork Rebellion has been exposed to pesticides. During those discussions, the question of how to determine what pesticides have been used in the area has arisen, and there has been considerable focus on records that must be kept of pesticide applications to timberland. It is my understanding that records of that sort could be made available to the researchers via a request from ODF. Can you tell me how the information in FACTS is related to those application records?

The other petition comment I have referenced is from a self-described chemically sensitive Oregonian who is trying to find a way to obtain advance notification of pesticide applications to be made in the vicinity of her home. As you know, the EPA typically does not require notification to members of the general public, but many States and localities do have such provisions. Can you tell me if there are such provisions in the State of Oregon, and if so, where I could look to find them?

I appreciate any insights you can offer. If you would like to discuss my request over the phone, please provide a range of times when you would be free to talk, and I will be happy to set it up. Thanks again.

Jill Bloom, Review Manager
Risk Management and Implementation Branch 2
Pesticide Re-evaluation Division
Office of Pesticide Programs
(703) 308-8019
fax (703) 308-7070