Senate Bill 892

Sponsored by Senator DEMBROW

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires filing notice with State Forestry Department of proposed aerial application of pesticide as planned forest management activity on privately owned forestland.

Requires aerial pesticide applicator to file report with department after aerial application of pesticide to privately owned forestland. Requires pesticide operator to retain record of report information.

Requires department to maintain electronic reporting and notification system providing for filing, viewing and sending notices and reports of planned or completed aerial applications of pesticide. Requires free public access to system for viewing of notices and reports of aerial applications of pesticide. Requires department to notify certain persons of filings and reports regarding aerial application of pesticides. Allows notification to be by electronic mail.

A BILL FOR AN ACT

- 2 Relating to the aerial application of pesticides to forestland.
- 3 Be It Enacted by the People of the State of Oregon:
- 4 SECTION 1. As used in sections 2 to 4 of this 2017 Act:
 - (1) "Aerial pesticide applicator" means a person certified under ORS 634.128.
- 6 (2) "Forestland" means:

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- (a) Land located in western Oregon that is forestland as defined in ORS 321.257; and
- 8 (b) Land located in eastern Oregon that is forestland as defined in ORS 321.805.
 - (3) "Pesticide" and "pesticide operator" have the meanings given those terms in ORS 634.006.
 - SECTION 2. (1) An operator, timber owner or landowner that proposes to conduct a forest operation involving an aerial application of pesticide to privately owned forestland must file notice of the proposed aerial application with the State Forestry Department using the electronic reporting and notification system described in section 4 of this 2017 Act. The filing of notice as provided in this section is in addition to any forest operation written plan that may be required under ORS 527.670. The notice must contain the following in a form acceptable to the department:
 - (a) The name and business address of the operator, timber owner or landowner;
 - (b) The pesticide product name and any registration number issued for the product by the United States Environmental Protection Agency or the State Department of Agriculture;
 - (c) The name of any substance used to enhance the effectiveness of the pesticide product and any registration number issued for the substance by the United States Environmental Protection Agency or the State Department of Agriculture;
 - (d) The proposed date of the aerial application;
 - (e) The boundaries of the proposed aerial application area; and
- 26 (f) Any other information required by the State Forestry Department by rule.
- 27 (2) If any required information contained in a notice filed under this section changes, the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

operator, timber owner or landowner shall file a new notice that contains new information and shall specifically identify all changes from the information contained in the original notice.

- (3) A notice under this section must be filed no later than seven business days prior to the proposed date of the application and no earlier than three months prior to the proposed date of the application. If the described aerial application of pesticide is not made within three months after the notice is filed, the notice expires and a timely new notice must be submitted before the aerial application may be made.
- (4) If a proposed aerial application of pesticide is canceled, the operator, timber owner or landowner may withdraw a notice filed under this section for that aerial application.
- SECTION 3. (1) No later than two business days after the completion of an aerial application of pesticide to privately owned forestland, the aerial pesticide applicator making the aerial application of pesticide shall file a report of the aerial application of pesticide with the State Forestry Department using the electronic reporting and notification system described in section 4 of this 2017 Act. The report must include the following in a form acceptable to the department:
- (a) The name and business address of the operator, timber owner or landowner for whom the pesticide was applied;
- (b) The name and business address of the pesticide operator employing the aerial pesticide applicator;
- (c) The pesticide product name and any registration number issued for the product by the United States Environmental Protection Agency or the State Department of Agriculture;
 - (d) The active ingredients in the pesticide product;
- (e) Any substance in the pesticide product that modifies or enhances the characteristics of the active ingredients;
- (f) Any registration number issued for a substance described in paragraph (e) of this subsection by the United States Environmental Protection Agency or the State Department of Agriculture;
 - (g) The total quantity and concentration of pesticide used;
 - (h) The application rate in gallons of spray per acre;
 - (i) The date and time of the application;
- (j) The application conditions, including but not limited to altitude and air speed during the application;
- (k) The weather conditions at the time of the application, including but not limited to temperature, wind speed and direction;
 - (L) The boundaries of the pesticide application area; and
 - (m) Any other information required by the State Forestry Department by rule.
- (2) If the aerial pesticide applicator discovers that any required information contained in a report filed under this section is incorrect, the aerial pesticide applicator shall file a new report with corrected information and shall specifically identify all changes from the information contained in the original report.
 - (3) A pesticide operator that employs an aerial pesticide applicator shall:
- (a) Provide a copy of the pesticide application report information to the operator, timber owner or landowner for whom the pesticide application was made; and
 - (b) Retain a record of the report information for not less than seven years after the re-

port filing date.

SECTION 4. (1) The State Forestry Department shall maintain an electronic reporting and notification system that includes, but need not be limited to, provision for filing, viewing and sending notices and reports of aerial applications of pesticide to privately owned forestland. The department shall make notices and reports received by the department under sections 2 and 3 of this 2017 Act accessible for public viewing on the electronic reporting and notification system without charge.

- (2) The department shall keep the information contained in a notice filed under section 2 of this 2017 Act accessible for public viewing on the electronic reporting and notification system until the earliest of:
- (a) The date that the department posts a new notice for the proposed aerial application containing a change in information;
- (b) The date that the department receives notice from an operator, timber owner or landowner that the notice filed under section 2 of this 2017 Act is being withdrawn due to cancellation of the proposed aerial application;
- (c) The date three months after filing when the notice expires under section 2 (3) of this 2017 Act; or
- (d) The date that the department posts the information contained in a report filed under section 3 of this 2017 Act describing the completed aerial application of pesticide.
 - (4) The department shall keep a report filed under section 3 of this 2017 Act:
- (a) Accessible for public viewing on the electronic reporting and notification system for a period established by State Board of Forestry rule, but not less than _____ days; and
- (b) On file with the department and available for public inspection for not less than _____ years after the filing date of the report.
- (5) The department shall provide notification of a filing under section 2 or 3 of this 2017 Act to any residence, business, facility or other occupied structure located on property adjacent to an area identified in the filed notice or report and to any person that has requested to be informed when a notice or report is filed under section 2 or 3 of this 2017 Act. The department may provide notifications under this subsection by electronic mail. The department may give notifications in addition to the notifications required under this subsection.

SECTION 5. Filing requirements under sections 2 and 3 of this 2017 Act apply to aerial applications of pesticide made on or after January 1, 2019.