

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 892**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. As used in sections 2 and 3 of this 2017 Act:**

4 **“(1) ‘Aerial pesticide applicator’ means a person certified under ORS**
5 **634.128.**

6 **“(2) ‘Forestland’ means land used for growing forest tree species,**
7 **as defined in ORS 527.620, other than land owned or held in trust by**
8 **the federal government.**

9 **“(3) ‘Pesticide’ and ‘pesticide operator’ have the meanings given**
10 **those terms in ORS 634.006.**

11 **“SECTION 2. (1) The State Forestry Department shall maintain an**
12 **electronic reporting and notification system that includes, but need**
13 **not be limited to, provision for filing, viewing and sending notices and**
14 **reports to the State Forester of aerial applications of pesticide to pri-**
15 **vately owned forestland.**

16 **“(2) An operator, timber owner or landowner that proposes to con-**
17 **duct a forest operation involving an aerial application of pesticide to**
18 **privately owned forestland must file notice of the proposed aerial ap-**
19 **plication with the State Forester using the electronic reporting and**
20 **notification system described in subsection (1) of this section. The fil-**
21 **ing of notice as provided in this section is in addition to any forest**

1 operation written plan that may be required under ORS 527.670. The
2 notice must contain the following in a form acceptable to the depart-
3 ment:

4 “(a) The name and business address of the operator, timber owner
5 or landowner;

6 “(b) The pesticide product brand name or trade name and any reg-
7 istration number issued for the product by the United States Envi-
8 ronmental Protection Agency or the State Department of Agriculture;

9 “(c) The name of any carrier substance to be used for the pesticide
10 product;

11 “(d) The name of any substance used to enhance the effectiveness
12 of the pesticide product and any registration number issued for the
13 substance by the United States Environmental Protection Agency or
14 the State Department of Agriculture;

15 “(e) The proposed date for the aerial application;

16 “(f) A legal description for the proposed area for the application;
17 and

18 “(g) Any other information required by the State Forester by rule.

19 “(3) If the boundaries of the proposed application area change after
20 notice is filed under subsection (2) of this section, the operator, timber
21 owner or landowner shall file a new notice that describes the new
22 boundaries and any other changes from the information contained in
23 the original notice.

24 “(4) If an aerial application is rescheduled to be more than two days
25 before or two days after the proposed date stated in a notice under
26 subsection (2) of this section or a revised proposed date previously
27 provided under this subsection, the operator, timber owner or land-
28 owner shall inform the State Forester of the new proposed date for the
29 aerial application. Except as provided under subsection (5) of this
30 section for an expired notice, a change in proposed date does not re-

1 **quire the operator, timber owner or landowner to file a new notice.**
2 **The State Forester shall give notice of the change in proposed date to**
3 **any person located on property adjacent to the forest operation that**
4 **has requested notice of pesticide applications and shall update the**
5 **notice information for the application on the system described in**
6 **subsection (1) of this section.**

7 **“(5) Except as provided in this subsection, a notice under subsection**
8 **(2) of this section must be filed no later than 15 business days prior**
9 **to the proposed date of the application and no earlier than three**
10 **months prior to the proposed date of the application. If the described**
11 **aerial application of pesticide is not made within four months after the**
12 **notice is filed, the notice expires. If the notice expires, notwithstand-**
13 **ing any other provision of this section the State Forester may deter-**
14 **mine, by rule or on a case-by-case basis, the necessity, procedure and**
15 **timing for the filing of a new notice.**

16 **“(6) If a proposed aerial application of pesticide is canceled, the**
17 **operator, timber owner or landowner shall inform the State Forester.**
18 **The State Forester shall give notice of the cancellation to any person**
19 **located on property adjacent to the forest operation that has requested**
20 **notice of pesticide applications and shall update the notice information**
21 **for the application on the system described in subsection (1) of this**
22 **section.**

23 **“SECTION 3. (1) No later than five business days after the com-**
24 **pletion of an aerial application of pesticide to forestland, the aerial**
25 **pesticide applicator shall file a report of the application with the State**
26 **Forester using the electronic reporting and notification system de-**
27 **scribed in section 2 of this 2017 Act. The report must include the fol-**
28 **lowing in a form acceptable to the State Forestry Department:**

29 **“(a) The names of the pesticide operator, the aerial pesticide**
30 **applicator and the pilot;**

1 **“(b) The pesticide product brand name or trade name and any reg-**
2 **istration number issued for the product by the United States Envi-**
3 **ronmental Protection Agency or the State Department of Agriculture;**

4 **“(c) The name of any carrier substance that was used for the pes-**
5 **ticide product;**

6 **“(d) The application rate;**

7 **“(e) The date and time of the application;**

8 **“(f) The air temperature, relative humidity, wind velocity and wind**
9 **direction, measured within the forest operation area hourly during the**
10 **application;**

11 **“(g) A legal description for the actual application area;**

12 **“(h) The number of acres to which the pesticides were applied; and**

13 **“(i) Any other information required by the State Forester by rule.**

14 **“(2) If the aerial pesticide applicator discovers that any required**
15 **information contained in a report filed under this section is incorrect,**
16 **the aerial pesticide applicator shall file a new report with corrected**
17 **information and shall specifically identify all changes from the infor-**
18 **mation contained in the original report.**

19 **“(3) The pesticide operator shall:**

20 **“(a) Provide a copy of the pesticide application report information**
21 **to the operator, timber owner or landowner for whom the pesticide**
22 **application was made; and**

23 **“(b) Retain a record of the report information for not less than**
24 **seven years after the report filing date.**

25 **“SECTION 4. Filing requirements under sections 2 and 3 of this 2017**
26 **Act apply to aerial applications of pesticide made on or after Septem-**
27 **ber 1, 2018.”.**