

# 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

1  
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:**

5 (1) **"Aerial pesticide applicator" means a person certified under ORS 634.128.**

6 (2) **"Forestland" means:**

7 (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.**

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

11 **SECTION 2. (1) An operator, timber owner or landowner that proposes to conduct a**  
12 **forest operation involving an aerial application of pesticide to privately owned forestland**  
13 **must file notice of the proposed aerial application with the State Forestry Department using**  
14 **the electronic reporting and notification system described in section 4 of this 2017 Act. The**  
15 **filing of notice as provided in this section is in addition to any forest operation written plan**  
16 **that may be required under ORS 527.670. The notice must contain the following in a form**  
17 **acceptable to the department:**

18 (a) **The name and business address of the operator, timber owner or landowner;**

19 (b) **The pesticide product name and any registration number issued for the product by**  
20 **the United States Environmental Protection Agency or the State Department of Agriculture;**

21 (c) **The name of any substance used to enhance the effectiveness of the pesticide product**  
22 **and any registration number issued for the substance by the United States Environmental**  
23 **Protection Agency or the State Department of Agriculture;**

24 (d) **The proposed date of the aerial application;**

25 (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.

1 operator, timber owner or landowner shall file a new notice that contains new information  
2 and shall specifically identify all changes from the information contained in the original no-  
3 tice.

4 (3) A notice under this section must be filed no later than seven business days prior to  
5 the proposed date of the application and no earlier than three months prior to the proposed  
6 date of the application. If the described aerial application of pesticide is not made within  
7 three months after the notice is filed, the notice expires and a timely new notice must be  
8 submitted before the aerial application may be made.

9 (4) If a proposed aerial application of pesticide is canceled, the operator, timber owner  
10 or landowner may withdraw a notice filed under this section for that aerial application.

11 **SECTION 3.** (1) No later than two business days after the completion of an aerial appli-  
12 cation of pesticide to privately owned forestland, the aerial pesticide applicator making the  
13 aerial application of pesticide shall file a report of the aerial application of pesticide with the  
14 State Forestry Department using the electronic reporting and notification system described  
15 in section 4 of this 2017 Act. The report must include the following in a form acceptable to  
16 the department:

17 (a) The name and business address of the operator, timber owner or landowner for whom  
18 the pesticide was applied;

19 (b) The name and business address of the pesticide operator employing the aerial pesti-  
20 cide applicator;

21 (c) The pesticide product name and any registration number issued for the product by  
22 the United States Environmental Protection Agency or the State Department of Agriculture;

23 (d) The active ingredients in the pesticide product;

24 (e) Any substance in the pesticide product that modifies or enhances the characteristics  
25 of the active ingredients;

26 (f) Any registration number issued for a substance described in paragraph (e) of this  
27 subsection by the United States Environmental Protection Agency or the State Department  
28 of Agriculture;

29 (g) The total quantity and concentration of pesticide used;

30 (h) The application rate in gallons of spray per acre;

31 (i) The date and time of the application;

32 (j) The application conditions, including but not limited to altitude and air speed during  
33 the application;

34 (k) The weather conditions at the time of the application, including but not limited to  
35 temperature, wind speed and direction;

36 (L) The boundaries of the pesticide application area; and

37 (m) Any other information required by the State Forestry Department by rule.

38 (2) If the aerial pesticide applicator discovers that any required information contained in  
39 a report filed under this section is incorrect, the aerial pesticide applicator shall file a new  
40 report with corrected information and shall specifically identify all changes from the infor-  
41 mation contained in the original report.

42 (3) A pesticide operator that employs an aerial pesticide applicator shall:

43 (a) Provide a copy of the pesticide application report information to the operator, timber  
44 owner or landowner for whom the pesticide application was made; and

45 (b) Retain a record of the report information for not less than seven years after the re-

1 port filing date.

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

8 (2) The department shall keep the information contained in a notice filed under section  
 9 2 of this 2017 Act accessible for public viewing on the electronic reporting and notification  
 10 system until the earliest of:

11 (a) The date that the department posts a new notice for the proposed aerial application  
 12 containing a change in information;

13 (b) The date that the department receives notice from an operator, timber owner or  
 14 landowner that the notice filed under section 2 of this 2017 Act is being withdrawn due to  
 15 cancellation of the proposed aerial application;

16 (c) The date three months after filing when the notice expires under section 2 (3) of this  
 17 2017 Act; or

18 (d) The date that the department posts the information contained in a report filed under  
 19 section 3 of this 2017 Act describing the completed aerial application of pesticide.

20 (4) The department shall keep a report filed under section 3 of this 2017 Act:

21 (a) Accessible for public viewing on the electronic reporting and notification system for  
 22 a period established by State Board of Forestry rule, but not less than \_\_\_\_ days; and

23 (b) On file with the department and available for public inspection for not less than  
 24 \_\_\_\_ years after the filing date of the report.

25 (5) The department shall provide notification of a filing under section 2 or 3 of this 2017  
 26 Act to any residence, business, facility or other occupied structure located on property ad-  
 27 jacent to an area identified in the filed notice or report and to any person that has requested  
 28 to be informed when a notice or report is filed under section 2 or 3 of this 2017 Act. The  
 29 department may provide notifications under this subsection by electronic mail. The depart-  
 30 ment may give notifications in addition to the notifications required under this subsection.

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

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