

## **SB 892 -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Environment and Natural Resources**

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**Prepared By:** Beth Patrino, LPRO Analyst

**Meeting Dates:** 3/22, 4/17

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#### **WHAT THE MEASURE DOES:**

892-1: Directs state Forestry Department to maintain an electronic reporting and notification system (system), including provision for filing, viewing, and sending notices and reports to the State Forester of aerial application of pesticides to privately owned forestland. Requires operator, timber owner or landowner (filer) to file notice of proposed application with State Forester using system no later than 15 business days prior to proposed date of application. Establishes notice requirements. Stipulates that if application is not made within four months of notice filing, notice expires. After a notice expires, authorizes State Forester to determine the necessity, procedure and timing of filing of a new notice.

Requires that a new notice be filed if the boundaries of proposed application area changes. If the proposed date of the application changes by more than two days before or after the date filed in a notice, the filer must inform the State Forester of the new proposed date, but is not required to file a new notice. Requires State Forester to give notice of the proposed date change or a notice cancellation to any person located on adjacent property that has requested notice of pesticide applications and to update system with new information.

Requires pesticide applicator to file a pesticide application report with the State Forester no later than five business days after the completion of the application. Establishes report contents and requires applicator that discovers any incorrect information in the report to file a new report and identify all changes. Requires pesticide applicator to provide report to operator, timber owner or landowner for whom application was made and to retain report information for no less than seven years.

Measure applies to aerial pesticide applications made on or after September 1, 2018.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-4 Replaces measure. Requires State Forestry Department (department) to incorporate an electronic reporting and notification system (system) for aerial pesticide applications into a program maintained by the department no later than September 1, 2018.

Except as specified, requires operator, timber owner, or landowner proposing to conduct a forest operation involving aerial pesticide application to non-federal forestlands to file notice of the application using the system. Stipulates notice filing requirement is in addition to any requirements imposed by ORS 527.670. Requires notice to contain information required by department rule, including but not limited to the proposed application date. Directs department to establish requirements for timing of filing, expiration, and renewal.

Requires operator, timber owner, or landowner to file updated information on planned actual application date as soon as practicable after learning planned date. Requires operator, timber owner, landowner, or designated agent, as soon as practicable after application, to file in system all daily records required by department regarding aerial application.

Authorizes department to adopt rules establishing criteria for exempting an aerial application from one or more of the notice requirements if there is low probability that the application will affect property other than the property of the operator, timber owner or landowner.

This Summary has not been adopted or officially endorsed by action of the committee.

## SB 892 -4 STAFF MEASURE SUMMARY

Requires department to design system to allow public to register to receive and to be sent electronic notices of aerial pesticide applications. Directs department to determine proximity criteria for notifications.

Applies to aerial pesticide applications for which actual application date is on or after January 1, 2019.

### **BACKGROUND:**

Under current Oregon law, a person may apply pesticides from an aircraft provided they hold a pesticide applicator's license and a license to operate the aircraft from which the pesticide is being applied. The application of chemicals on forestland is also identified by administrative rule (OAR 629-605-0140-0150) as a forest practice that requires written notice to the State Forester.