

SB 892-4
(LC 1484)
4/13/17 (CDT/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 892**

1 On page 1 of the printed bill, after line 2, insert:

2 “Whereas aerial applications of pesticide are used for vegetation control
3 on large parcels in private and state forests; and

4 “Whereas those applications can occur near residences and areas visited
5 by the public; and

6 “Whereas many individuals are concerned that they may be subjected to
7 unintended pesticide spray drift; and

8 “Whereas many individuals want to know when a nearby aerial applica-
9 tion of pesticide is about to occur, so that they may make arrangements to
10 remove themselves or their children, pets or livestock from potential expo-
11 sure; and

12 “Whereas following a nearby aerial application of pesticide, individuals
13 have an interest in knowing which pesticides were used and the weather
14 conditions during the application; and

15 “Whereas the State Forestry Department electronic reporting and notifi-
16 cation system, commonly referred to as FERNS, will allow those who are
17 interested to be easily provided with real-time notification of impending ae-
18 rial applications of pesticide; and

19 “Whereas the electronic reporting and notification system must include
20 recognition that the exact date of an aerial application of pesticide is subject
21 to change due to weather, workload and other factors; and

1 “Whereas the legitimate operational requirements of operators, timber
2 owners, landowners and pesticide applicators must be balanced against the
3 legitimate desire of the public for notification and transparency; and

4 “Whereas the State Board of Forestry and the State Forester have the
5 expertise and capacity to craft a State Forestry Department program that
6 balances the competing interests, requirements and desires; now,
7 therefore,”.

8 Delete lines 4 through 27 and delete pages 2 and 3 and insert:

9 **“SECTION 1. (1) The State Forestry Department shall incorporate**
10 **into the electronic reporting and notification system maintained by**
11 **the department a program for electronic reporting and notification**
12 **regarding aerial applications of pesticide.**

13 **“(2) Except as provided in subsection (5) of this section, an opera-**
14 **tor, timber owner or landowner that proposes to conduct a forest op-**
15 **eration involving an aerial application of pesticide to nonfederal**
16 **forestlands must file notice of the proposed aerial application with the**
17 **department using the program described in subsection (1) of this sec-**
18 **tion. The requirements imposed by this section are in addition to any**
19 **requirements imposed by ORS 527.670. The notice must contain any**
20 **information required by the department by rule, including but not**
21 **limited to the proposed date for the aerial application. The department**
22 **shall establish requirements regarding the timing for filing, expiration**
23 **and renewal of a notice.**

24 **“(3) If the actual date planned for an aerial application of pesticide**
25 **differs from the most recent application date information provided**
26 **using the program described in subsection (1) of this section, the op-**
27 **erator, timber owner or landowner shall use the program to provide**
28 **updated information regarding the planned actual application date as**
29 **soon as practicable after learning of the planned actual application**
30 **date.**

1 “(4) As soon as practicable following the completion of an aerial
2 application of pesticide, the operator, timber owner or landowner, or
3 a designated agent, shall use the program described in subsection (1)
4 of this section to file copies of all daily records required by the de-
5 partment regarding the aerial application.

6 “(5) The department may adopt rules establishing criteria for ex-
7 emption of an aerial application of pesticide from one or more of the
8 notice or notification requirements of this section if there is a low
9 probability that the application will affect property other than the
10 property of the operator, timber owner or landowner.

11 “(6) The department shall design the program required by this sec-
12 tion to:

13 “(a) Allow members of the public to register to receive electronic
14 notification of aerial applications of pesticide occurring in their areas;
15 and

16 “(b) Electronically send notification of proposed and actual aerial
17 applications of pesticide to potentially affected persons that have reg-
18 istered to receive notification.

19 “(7) The department shall determine the proximity criteria for
20 electronically sending notification of proposed and actual aerial appli-
21 cations of pesticide to a person under subsection (6) of this section.
22 The proximity criteria shall include, but need not be limited to, per-
23 sons entitled to notice of chemical applications under ORS 527.670 (6).

24 “SECTION 2. (1) The State Forestry Department shall complete the
25 incorporation of the program required by section 1 of this 2017 Act into
26 the electronic reporting and notification system no later than Sep-
27 tember 1, 2018.

28 “(2) Section 1 of this 2017 Act applies to aerial applications of pes-
29 ticide for which the actual application date is on or after January 1,
30 2019.”.

