

# House Bill 3044

Sponsored by Representative WILDE

## 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 business or individual carrying out application of soil treatment or pesticide by aircraft to record information regarding application conditions. Requires business or individual to submit information concerning application to Department of Environmental Quality. Requires department to post information on website.

Requires department to send notice to affected properties if department determines that soil treatment or pesticide applied by aircraft drifted beyond property where area targeted for application is located.

Authorizes department to assess civil penalty, not to exceed \$50,000, for failure to record, falsifying or failing to timely submit information concerning application of soil treatment or pesticide by aircraft or if soil treatment or pesticide applied by aircraft drifts beyond property where area targeted for application is located.

## A BILL FOR AN ACT

1  
2 Relating to the application of substances by aircraft.

3 **Be It Enacted by the People of the State of Oregon:**

### 4 **SECTION 1. (1) As used in this section:**

5 (a) **"Aircraft" means a manned or unmanned contrivance used or designed for self-**  
6 **propelled, untethered navigation of or flight in the air.**

7 (b) **"Pesticide" has the meaning given that term in ORS 634.006.**

8 (c) **"Soil treatment" means an "agricultural amendment," "agricultural mineral,"**  
9 **"fertilizer" or "lime," as those terms are defined in ORS 633.311.**

10 (2) **A person who applies a soil treatment or pesticide by aircraft, shall:**

11 (a) **Use a device to record the flight information for the aircraft, including latitude and**  
12 **longitude as established by a global positioning system, air speed, aircraft directional infor-**  
13 **mation, altitude, wind speed, wind direction, temperature and time throughout the flight and**  
14 **any other information required by the Department of Environmental Quality by rule; and**

15 (b) **Keep a record that shows:**

16 (A) **The name and address of the business and the name of the individual making the**  
17 **application;**

18 (B) **For an application of pesticide, the pesticide operator license number for the business**  
19 **and the pesticide applicator or public applicator license or private applicator certificate**  
20 **number and the aerial pesticide applicator certificate number of the individual;**

21 (C) **The dates and beginning and ending times of the application;**

22 (D) **The boundaries of the property where the area targeted for the application is located;**

23 (E) **The product name, if any, of the soil treatment or pesticide including any registration**  
24 **number issued by the United States Environmental Protection Agency or the State Depart-**  
25 **ment of Agriculture;**

26 (F) **For an application of a named product, the active ingredients; and**

**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 (G) The quantity of substance applied, including any carrier substance, and the concen-  
2 tration of the soil treatment or pesticide in the substance applied.

3 (3) A business carrying out an application of soil treatment or pesticide by aircraft, or  
4 if none the individual applying the soil treatment or pesticide by aircraft, shall send the in-  
5 formation required by subsection (2) of this section to the Department of Environmental  
6 Quality, in the form and manner required by the department by rule, no later than seven  
7 days after the end of the application. The department shall, no later than 14 days after re-  
8 ceiving the information, post the information on a website maintained by the department  
9 that is freely accessible for viewing by the public.

10 (4) If the department determines, based on information received under subsection (3) of  
11 this section, that soil treatment or pesticide applied by aircraft drifted beyond the boundaries  
12 of the property where the area targeted for the application is located, the department shall  
13 send notice of the drifting to the address of each affected property no later than 14 days af-  
14 ter receiving the information. The notice shall, at a minimum, state the date and time of the  
15 application, any product name and active ingredient information for the applied soil treat-  
16 ment or pesticide, and instructions for locating the application information on the website  
17 described in subsection (3) of this section. The business, or if none the individual, responsible  
18 for the application shall reimburse the department for the cost of sending the notice.

19 (5) The department may assess a civil penalty, not to exceed \$50,000, against a business  
20 or individual that:

21 (a) Fails to keep a complete record of the information required under subsection (2) of  
22 this section for soil treatment or pesticide application by aircraft;

23 (b) Falsifies any information required under subsection (2) of this section to be kept for  
24 an application of soil treatment or pesticide by aircraft;

25 (c) Fails to timely send application information to the department as required under  
26 subsection (3) of this section; or

27 (d) Carries out an application of soil treatment or pesticide by aircraft that drifts beyond  
28 the boundaries of the property where the area targeted for the application is located.

29 **SECTION 2.** Section 1 of this 2019 Act applies to applications of soil treatment or pesti-  
30 cide that commence on or after the effective date of this 2019 Act.

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