

# Senate Bill 931

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## 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**.

Establishes requirements for sending notification to State Forestry Department by operator, timber owner or landowner proposing forest operation involving aerial application of pesticide to nonfederal forestland.

Requires operator, timber owner or landowner to send announcement to department within specified time frame prior to beginning forest operation involving aerial application of pesticide to nonfederal forestland. Requires department to communicate announcement to persons registered to receive notification of forest operations. Requires operator, timber owner or landowner to notify department of forest operation date changes and of forest operation completion.

Requires aerial pesticide applicator to send department report within specified time following completion of aerial application of pesticide to nonfederal forestland. Establishes requirements for department to post and retain information.

## A BILL FOR AN ACT

1  
2 Relating to the application of pesticide to forestland.

3       Whereas aerial applications of pesticide are used for vegetation control on large parcels in  
4 nonfederal forests; and

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

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

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

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

13       Whereas the State Forestry Department electronic reporting and notification system, commonly  
14 referred to as FERNS, will allow those who are interested to be easily provided with real-time an-  
15 nouncement of impending aerial applications of pesticide; and

16       Whereas the electronic reporting and notification system must include recognition that the ex-  
17 act date of an aerial application of pesticide is subject to change due to weather, workload and  
18 other factors; and

19       Whereas the legitimate operational requirements of operators, timber owners, landowners and  
20 pesticide applicators must be balanced against the legitimate desire of the public for notification and  
21 transparency; and

22       Whereas the State Board of Forestry and the State Forester have the expertise and capacity to  
23 craft a State Forestry Department program that balances the competing interests, requirements and  
24 desires; now, therefore,

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

26       **SECTION 1. (1) As used in this section and section 2 of this 2019 Act:**

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

2 (b) "Forestland" has the meaning given that term in ORS 527.620.

3 (c) "Pesticide" and "pesticide operator" have the meanings given those terms in ORS  
4 634.006.

5 (2) An operator, timber owner or landowner that proposes to conduct a forest operation  
6 involving the aerial application of pesticide to nonfederal forestland shall, no later than 12  
7 months prior to the proposed forest operation, send notification of the proposed forest op-  
8 eration to the State Forestry Department as provided under ORS 527.670 (6) using the elec-  
9 tronic reporting and notification system maintained by the department. In addition to the  
10 information required under ORS 527.670 (6), the notification required by this subsection must  
11 include the following in a form acceptable to the department:

12 (a) A prominent statement that the proposed forest operation involves the aerial appli-  
13 cation of pesticide;

14 (b) The tentative date for the aerial application;

15 (c) The boundaries of the proposed forest operation; and

16 (d) Any other information required by the department by rule.

17 (3) An operator, timber owner or landowner that intends to commence a forest operation  
18 involving the aerial application of pesticide to nonfederal forestland shall send an announce-  
19 ment to the department no earlier than 48 hours prior to, and no later than 5 p.m. on the  
20 day prior to, commencing the forest operation. The notification must be sent using the  
21 electronic reporting and notification system maintained by the department. The department  
22 shall promptly communicate the announcement contents by electronic means to persons that  
23 have registered to receive notification of forest operations.

24 (4) An operator, timber owner or landowner shall send the department notification re-  
25 garding whether a forest operation involving an aerial application of pesticide to nonfederal  
26 forestland has been completed as scheduled. The notification must be sent using the elec-  
27 tronic reporting and notification system maintained by the department. The notification  
28 must be sent no later than 5 p.m. of the day on which the forest operation was scheduled for  
29 completion. Except as provided in this subsection, if the forest operation has commenced but  
30 not been completed, the operator, timber owner or landowner shall send the department an  
31 announcement identifying the new expected completion date. If the forest operation has not  
32 commenced, the operator, timber owner or landowner shall send notification under this  
33 subsection that the forest operation has not commenced and comply with subsection (3) of  
34 this section prior to commencing the forest operation.

35 **SECTION 2.** (1) No later than seven business days after the completion of an aerial ap-  
36 plication of pesticide to nonfederal forestland, the aerial pesticide applicator making the ae-  
37 rial application of pesticide shall send a report of the aerial application of pesticide to the  
38 State Forestry Department using the electronic reporting and notification system maintained  
39 by the department. The report must include the following in a form acceptable to the de-  
40 partment:

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

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

45 (c) The name of the pesticide product that was applied and any registration number is-

1 sued for the product by the United States Environmental Protection Agency or the State  
2 Department of Agriculture;

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

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

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

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

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

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

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

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

16 (L) Any other information required by the State Forestry Department by rule.

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

21 (3) The department shall keep a report filed under this section:

22 (a) Accessible for public viewing on the electronic reporting and notification system for  
23 a period established by State Board of Forestry rule, but not less than 90 days; and

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

26 **SECTION 3.** (1) Section 1 of this 2019 Act applies to forest operations that an owner,  
27 timber operator or landowner proposes to conduct on or after the date 12 months following  
28 the effective date of this 2019 Act.

29 (2) Section 2 of this 2019 Act applies to aerial pesticide applications made on or after the  
30 effective date of this 2019 Act.

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