

SB 931 -1 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 4/2

WHAT THE MEASURE DOES:

Requires operator, timber owner, or landowner proposing to conduct an aerial application of pesticide to non-federal land to send notification to Department of Forestry (ODF) no later than 12 months prior to application using electronic reporting and notification system (electronic system). Specifies required information in notification. Requires operator, timber owner, or landowner to send an announcement to ODF via electronic system no earlier than 48 hours, and no later than 5 PM, on the day prior to commencing the aerial pesticide application. Directs ODF to communicate announcement to persons registered to receive notice of forest operations. Requires operator, timber owner, or landowner to send a notification to ODF via electronic system no later than 5 PM of the day the application was scheduled for completion. Specifies requirements if application was not completed or did not commence. Requires aerial pesticide applicator to send ODF a report via electronic system no later than seven days after completion of aerial application. Specifies report contents. Requires ODF keep such reports accessible for public viewing on electronic system for period of time established by Board of Forestry, but not less than 90 days and on file with ODF and available for public inspection for not less than seven years after report filing date. Applies provisions of Act to forest operations conducted on or after the date 12 months following effective date of Act. Applies report requirement to aerial applications made after effective date of Act.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Requires notification of aerial application to State Forestry Department (ODF) not later than 15 days prior to proposed application. Requires ODF to communicate announcement by electronic means to persons located within 1/4 mile of the property where operation will be conducted and who have subscribed to receive notice of forest operations that include aerial application of pesticides. Specifies that person may subscribe to receive notice of aerial applications at any time and may renew annually. Removes some report content requirements. Requires ODF to remove information on the name and business address of the pesticide operator from report made accessible for public viewing. Changes applicability of provisions of Act to operations conducted on or after January 1, 2021.

BACKGROUND:

Under current Oregon law, a person may apply pesticides from an aircraft if 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 as a forest practice that requires written notice to the State Forester. The Department of Forestry maintains the Forest Activity Electronic Reporting and Notification System (known as "FERNS") for people to notify the Department prior to conducting an operation or forest practice and for subscribers to receive notification of such submittals.

Senate Bill 931 would require a person proposing to conduct an aerial application of pesticide to forestland to notify the Department of Forestry at least 12 months prior to the application, and again immediately before application, via the agency's electronic reporting and notification system.

PRELIMINARY