

*Substituted
for H.F. S.F. 256*

WITHDRAWN

MAR 16 1995
Place On Calendar

HOUSE FILE 457
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 263)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for pesticides, by providing for notification of
2 application and providing for the elimination of provisions
3 relating to chemigation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 457

WITHDRAWN

1 Section 1. Section 206.2, subsection 7, Code 1995, is
2 amended by striking the subsection.

3 Sec. 2. Section 206.5, subsection 6, Code 1995, is amended
4 by striking the subsection.

5 Sec. 3. Section 206.19, subsection 3, Code 1995, is
6 amended to read as follows:

7 3. Determine in cooperation with municipalities, the
8 proper notice to be given by a commercial or public applicator
9 to occupants of adjoining properties in urban areas prior to
10 or after the exterior application of pesticides, and establish
11 a schedule to determine the periods of application least
12 harmful to living beings, and adopt rules to implement these
13 provisions. The rules shall provide that a commercial or
14 public applicator must provide notice only if an occupant
15 requests that the commercial or public applicator provide the
16 occupant notice in a timely manner prior to the application.
17 The request shall include the name and address of the
18 occupant, a telephone number of a location where the occupant
19 may be contacted during normal business hours and evening
20 hours, and the address of each property that adjoins the
21 occupant's property. The notification shall expire on
22 December 31 of each year, or the date when the occupant no
23 longer occupies the property, whichever is earlier.

24 Municipalities shall cooperate with the department by
25 reporting infractions and in implementing this subsection.

26 Sec. 4. REPEAL. Chapter 206A, Code 1995, is repealed.

27 EXPLANATION

28 This bill amends section 206.19 which in part provides that
29 the department of agriculture and land stewardship must
30 cooperate with municipalities to provide notice by commercial
31 and public applicators to occupants of adjoining properties in
32 urban areas prior to or after the exterior application of
33 pesticides. The bill requires departmental rules to provide
34 that a commercial or public applicator must provide notice
35 only if an occupant requests that the commercial or public

1 applicator provide the occupant notice in a timely manner
2 prior to the application. The request shall include the name
3 and address of the occupant, a telephone number of a location
4 where the occupant may be contacted during normal business
5 hours and evening hours, and the address of each property that
6 adjoins the occupant's property. The notification shall
7 expire on December 31 of each year, or the date when the
8 occupant no longer occupies the property, whichever is
9 earlier.

10 The bill repeals chapter 206A which regulates the
11 application of a pesticide to land or plants, if the pesticide
12 is injected into water used in an irrigation distribution
13 system as provided in rules adopted by the department of
14 agriculture and land stewardship. The system of application
15 is referred to as chemigation.

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HOUSE FILE 457

H-3400

1 Amend House File 457 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "provisions." the following: "The rules shall
 4 establish specifications for notification signs and
 5 procedures for placing and maintaining those signs in
 6 urban areas. A sign must be posted by a commercial or
 7 public applicator immediately following the exterior
 8 application of pesticides on property in order to
 9 alert occupants of adjoining property, and shall not
 10 be removed for twenty-four hours following
 11 application. The sign must be posted in a clear and
 12 visible location on the property near the area of the
 13 application. The sign shall be of reusable
 14 construction and contain permanent lettering. The
 15 color of the sign shall be white with red lettering.
 16 The sign shall be at least eleven inches by twenty-
 17 eight inches in size, and contain the following
 18 warning in capital letters at least four inches high:

WARNING

CHEMICALS APPLIED TO THIS PROPERTY

21 Below the warning, the following statement shall be
 22 set forth in print easily readable from a distance:
 23 "Do not remove this sign for twenty-four hours". The
 24 sign shall feature a universal symbol warning against
 25 entry into the area of the property subject to the
 26 application."

By WEIGEL of Chickasaw

H-3400 FILED MARCH 21, 1995

WITHDRAWN

HOUSE FILE 457

H-3345

1 Amend House File 457 as follows:
 2 1. Page 1, by striking lines 5 through 25.
 3 2. Title page, lines 1 and 2, by striking the
 4 words "notification of application and providing for".
 5 3. By renumbering as necessary.

By WEIGEL of Chickasaw

H-3345 FILED MARCH 20, 1995

WITHDRAWN

HOUSE FILE 457

H-3993

- 1 Amend House File 457 as follows:
2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:
4 "Section 1. Section 206.19, subsection 3, Code
5 1995, is amended to read as follows:
6 3. Determine in cooperation with municipalities,
7 the proper notice to be given by a commercial or
8 public applicator to occupants of adjoining properties
9 in urban areas prior to or after the exterior
10 application of pesticides, and establish a schedule to
11 determine the periods of application least harmful to
12 living beings, ~~and adopt rules to implement these~~
13 provisions. The rules shall provide that a commercial
14 or public applicator must provide notice only if an
15 occupant requests that the commercial or public
16 applicator provide the occupant notice in writing in a
17 timely manner prior to the application. The request
18 shall include the name and address of the occupant, a
19 telephone number of a location where the occupant may
20 be contacted during normal business hours, and the
21 address of each property that adjoins the occupant's
22 property. The notification shall expire on December
23 31 of each year, or the date when the occupant no
24 longer occupies the property, whichever is earlier.
25 Municipalities shall cooperate with the department by
26 reporting infractions and in implementing this
27 subsection."
28 2. Title page, by striking lines 1 through 3 and
29 inserting the following: "An Act providing for
30 notification of the application of pesticides."

By GREINER of Washington

H-3993 FILED APRIL 20, 1995

Adopted (p. 1757)

HOUSE FILE 457

H-3724

- 1 Amend House File 457 as follows:
2 1. Page 1, by inserting after line 25 the
3 following:
4 "Sec. ____ . Section 206.34, subsection 1, paragraph
5 a, Code 1995, is amended to read as follows:
6 a. "Local governmental entity" means any political
7 subdivision, or any state authority which is not the
8 general assembly or under the direction of a principal
9 central department as enumerated in section 7E.5,
10 including ~~a city as defined in section 362.2,~~ a county
11 as provided in chapter 331, or any special purpose
12 district. However, "local governmental entity" does
13 not include a city as defined in section 362.2."
14 2. By renumbering as necessary.

By WEIGEL of Chickasaw

H-3724 FILED APRIL 4, 1995

WITHDRAWN

*Greiner ch.
May
Heaton*

HSB 263

Agriculture

SUCCE

SE/HE
HOUSE FILE 457

**BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON EDDIE)**

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for notification of the application of
2 pesticides.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 amended to read as follows:

3 3. Determine in cooperation with municipalities, the
4 proper notice to be given by a commercial or public applicator
5 to occupants of adjoining properties in urban areas prior to
6 or after the exterior application of pesticides, and establish
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10 public applicator must provide notice only if an occupant
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17 property. The notification shall expire on December 31 of
18 each year, or the date when the occupant no longer occupies
19 the property, whichever is earlier. Municipalities shall
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21 implementing this subsection.

22 EXPLANATION

23 This bill amends section 206.19 which in part provides that
24 the department of agriculture and land stewardship must
25 cooperate with municipalities to provide notice by commercial
26 and public applicators to occupants of adjoining properties in
27 urban areas prior to or after the exterior application of
28 pesticides. The bill requires departmental rules to provide
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35 business hours, and the address of each property that adjoins

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