

SENATE FILE 272
BY BOETTGER

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

A BILL FOR

1 An Act increasing civil penalties assessed for violations by
2 commercial applicators of pesticides.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 272
AGRICULTURE

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1 Section 1. Section 206.19, subsection 5, Code 1999, is
2 amended to read as follows:

3 5. Establish, assess, and collect civil penalties for
4 violations by commercial applicators. In determining the
5 amount of the civil penalty, the department shall consider all
6 of the following factors:

7 a. The willfulness of the violation.

8 b. The actual or potential danger of injury to the public
9 health or safety, or damage to the environment caused by the
10 violation.

11 c. The actual or potential cost of the injury or damage
12 caused by the violation to the public health or safety, or to
13 the environment.

14 d. The actual or potential cost incurred by the department
15 in enforcing this chapter and rules adopted pursuant to this
16 chapter against the violator.

17 e. The remedial action required of the violator.

18 f. The violator's previous history of complying with
19 orders or decisions of the department.

20 The department shall provide the violator with written
21 findings relating to each of the considerations listed in this
22 subsection at the time the violator is notified regarding the
23 amount of the civil penalty. The amount of the civil penalty
24 shall not exceed five hundred thousand dollars for each
25 offense.

26 EXPLANATION

27 This bill relates to civil penalties assessed for
28 violations by commercial applicators of pesticides. The bill
29 increases the maximum civil penalty from \$500 to \$5,000. The
30 bill requires the department to provide written findings to a
31 violator at the time the violator is notified regarding the
32 amount of the civil penalty. The findings shall include
33 considerations made by the department in determining the
34 amount of the civil penalty.

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