

Senate File 2290 - Introduced

SENATE FILE 2290
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3125)

A BILL FOR

1 An Act relating to incidents involving pesticide contamination,
2 including by providing for reporting, testing, and analysis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 206.14, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. Any person claiming damages from a pesticide application
4 shall ~~have filed~~ file with the secretary ~~on a form prescribed~~
5 ~~by the secretary~~ a written ~~statement~~ report claiming that the
6 person has been damaged.

7 a. This report shall have been filed within sixty days
8 after the alleged date that damages occurred. If a growing
9 crop is alleged to have been damaged, the report must be filed
10 prior to the time that twenty-five percent of the crop has been
11 harvested. Such ~~statement~~ report shall contain, but shall not
12 be limited to the name of the person allegedly responsible for
13 the application of said pesticide, the name of the owner or
14 lessee of the land on which the crop is grown and for which
15 damage is alleged to have occurred, and the date on which the
16 alleged damage occurred.

17 b. The secretary shall prepare a form to be furnished to
18 persons to be used in such cases and such form shall contain
19 such other requirements as the secretary may deem proper. The
20 secretary shall allow such forms to be completed and filed with
21 the department via the department's internet site.

22 c. The secretary shall, upon receipt of ~~such statement~~ a
23 report, notify the licensee and the owner or lessee of the land
24 or other person who may be charged with the responsibility of
25 the damages claimed, and furnish copies of such ~~statements~~
26 report as may be requested. The secretary shall inspect
27 damages whenever possible ~~and when~~ if the secretary determines
28 that the complaint has sufficient merit. ~~the~~ The secretary
29 shall collect samples for testing and analysis of the presence
30 of the reported pesticides. The secretary shall deliver the
31 samples to the state hygienic laboratory at the university of
32 Iowa for testing and analysis. The laboratory shall forward
33 its analysis to the secretary. The secretary shall make
34 such information regarding the inspection and any analysis
35 performed by the state hygienic laboratory available to the

1 person claiming damage and to the person who is alleged to
2 have caused the damage. The secretary shall contract with the
3 university of Iowa to reimburse the university for the actual
4 costs incurred by the hygienic laboratory to perform tests and
5 prepare analyses as described in this paragraph.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 GENERAL. This bill amends the "Pesticide Act of Iowa" (Code
10 chapter 206) relating to incidents involving a person claiming
11 damages from a pesticide application. The provisions are
12 administered and enforced by the department of agriculture and
13 land stewardship (DALs) under the authority of the secretary of
14 agriculture (secretary).

15 REPORTING. The bill provides that an allegation of an
16 incident may be reported to the secretary via the internet. It
17 also provides that when investigating a report, the secretary
18 must collect samples for testing and analysis of the presence
19 of the reported pesticides for delivery to the state hygienic
20 laboratory at the university of Iowa. The laboratory must
21 forward its analysis to the secretary who must make information
22 regarding the inspection and the analysis available to both
23 parties. The secretary is also required to contract with the
24 university of Iowa to reimburse the state hygienic laboratory
25 for costs incurred to perform tests and prepare the analyses.

26 BACKGROUND. A pesticide is any substance used to prevent,
27 destroy, repel, or mitigate damages caused by insects, rodents,
28 nematodes, fungi, weeds, or other forms of plant or animal life
29 or viruses; and includes any substance used as a plant growth
30 regulator, defoliant, or desiccant (Code section 206.2). A
31 person claiming damages from a pesticide application must file
32 a report with DALs, which then may conduct an investigation of
33 the matter (Code section 206.14). DALs may establish, assess,
34 and collect civil penalties for violations by commercial
35 applicators for an amount not to exceed \$500 for each offense

S.F. 2290

1 (Code section 206.19).