

**Senate Study Bill 1221 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

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

1 Section 1. Section 206.2, Code 2015, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 11A. "*Drift*" means the movement of a  
4 pesticide during or immediately after application through air  
5 to a site other than the intended site of application.

6 Sec. 2. Section 206.14, subsection 2, unnumbered paragraph  
7 1, Code 2015, is amended to read as follows:

8 Any person claiming damages from a pesticide application,  
9 including an incident involving drift, shall have filed file  
10 with the secretary on a form prescribed by the secretary a  
11 written statement claiming that the person has been damaged by  
12 the application. The secretary shall allow such forms to be  
13 completed and filed via the department's internet site.

14 Sec. 3. Section 206.19, subsection 5, Code 2015, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. c. For damages caused by drift as provided  
17 in section 206.14, the amount of civil damages collected by the  
18 department is appropriated to the department to perform tests  
19 analyzing the possible presence of pesticides as reported by a  
20 person alleging damages as provided in section 206.14.

21 Sec. 4. PESTICIDE DRIFT — APPROPRIATION. There is  
22 appropriated from the general fund of the state to the  
23 department of agriculture and land stewardship for the fiscal  
24 year beginning July 1, 2015, and ending June 30, 2016, the  
25 following amount, or so much thereof as is necessary, to be  
26 used for the purposes designated:

27 1. For purposes of assisting persons alleging damages  
28 caused by pesticide drift as provided in chapter 206:  
29 ..... \$ 325,000

30 2. a. Of the amount appropriated in subsection 1, up to  
31 \$125,000 shall be used by the department to improve or expand  
32 its internet site in order to allow a person to electronically  
33 file a statement alleging damages as provided in section  
34 206.14, as amended in this Act.

35 b. Of the amount appropriated in subsection 1, up to

1 \$200,000 shall be used by the department to decrease the time  
2 that persons filing statements alleging damages under section  
3 206.14, as amended in this Act, must wait to obtain the results  
4 from tests analyzing the possible presence of the pesticides.

5 (1) A person alleging damages must receive the results of  
6 the test within twenty-one days from the first date that the  
7 department could begin testing.

8 (2) The department shall determine whether a test is best  
9 conducted at the department's Iowa laboratory facility or  
10 another laboratory, including a private laboratory.

11 3. Notwithstanding section 8.33, moneys appropriated in  
12 this section that remain unencumbered or unobligated at the  
13 close of the fiscal year shall not revert but shall remain  
14 available for expenditure for the purposes designated until the  
15 close of the succeeding fiscal year.

16 EXPLANATION

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

19 GENERAL. This bill amends the "Pesticide Act of Iowa"  
20 (Code chapter 206) by providing for incidents involving  
21 "drift", which is defined to mean the movement of a pesticide  
22 either during or after its application (usually to land or  
23 crops) through the air to another site. The provisions are  
24 administered and enforced by the department of agriculture and  
25 land stewardship (DALs).

26 REPORTING. The bill amends a provision which allows a person  
27 to file a claim for damages from a pesticide application with  
28 DALs by allowing a person to complete and file the report form  
29 via the internet.

30 APPROPRIATIONS — GENERAL FUND. The bill appropriates  
31 moneys to DALs from the general fund of the state for purposes  
32 of assisting persons alleging damages caused by drift,  
33 including by improving or expanding DALs' internet site and  
34 by reducing the wait period for a person alleging damages to  
35 receive the results of a test conducted by DALs. The bill also

1 allows DALs to have such tests conducted by another laboratory,  
2 including a private laboratory. The appropriations revert at  
3 the close of FY 2016-2017.

4     APPROPRIATIONS — CIVIL PENALTIES. The bill also provides  
5 that civil damages collected by DALs from violations involving  
6 drift by commercial applicators are appropriated to DALs for  
7 purposes of conducting the tests.

8     BACKGROUND. A pesticide is any substance used to prevent,  
9 destroy, repel, or mitigate damages caused by insects, rodents,  
10 nematodes, fungi, weeds, or other forms of plant or animal life  
11 or viruses; and includes any substance used as a plant growth  
12 regulator, defoliant, or desiccant (Code section 206.2). A  
13 person claiming damages from a pesticide application must file  
14 a report with DALs, which then may conduct an investigation of  
15 the matter (Code section 206.14). DALs may establish, assess,  
16 and collect civil penalties for violations by commercial  
17 applicators for an amount not to exceed \$500 for each offense  
18 (Code section 206.19).