

## CHAPTER 150

## AERIAL APPLICATION OF PESTICIDES

## H. F. 39

AN ACT relating to the regulation of aerial application of pesticides and establishing damage and enforcement procedures.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred six point five (206.5), subsection one (1), Code 1971, is amended by adding the following new paragraphs:

2 "A person who applies pesticides by use of an aircraft and who is  
3 licensed as an aerial commercial applicator in another state may  
4 apply pesticides in Iowa under the direct supervision of a person  
5 holding a valid Iowa aerial commercial applicator's license. The  
6 supervising applicator shall be jointly liable with the person who  
7 is licensed as an aerial commercial applicator in another state for  
8 damages. The supervising applicator shall immediately notify the  
9 secretary of the commencement and of the termination of service  
10 provided by the supervised applicator.

11 A person licensed in another state as an aerial commercial applicator may operate independently if he acquires an aerial commercial applicator license from the secretary and posts bond in amount to be determined by the secretary, and registers with the Iowa aeronautics commission. Such person shall be liable for damages."

1 SEC. 2. Chapter two hundred six (206), Code 1971, is amended by adding the following new section:

2 Any person aggrieved as a result of application of pesticides by use of an aircraft may file:

3 (a) Notice of crop damage with the secretary before one-half of the damaged crop is harvested and within sixty days after the alleged damage is detected; and

4 (b) Notice of damage to agricultural livestock or the products therefrom within two years after the alleged damage is detected.

5 Failure to give notice shall not preclude recovery in an action for damages and shall not affect the limitations of actions set forth in chapter six hundred fourteen (614) of the Code. Nothing herein shall prohibit an action for damages for bodily injury or death to any person. Upon receipt of a notice as herein provided, the secretary shall appoint a three-member claim investigation committee as follows:

6 1. One member shall be appointed from a list of persons trained and experienced in the use and effects of pesticides as recommended by the dean of the college of agriculture at Iowa state university of science and technology.

7 2. One member shall be appointed from a list of experienced, licensed aerial commercial applicators as recommended by the Iowa aeronautics commission.

8 3. One member shall be a person experienced in adjusting crop losses.

9 The claim investigation committee shall conduct its investigation of such claim under the direction of the secretary and report its find-

28 ings to him. Such report shall be admissible as evidence in any court  
 29 in this state. If the claimant is successful and is awarded damages,  
 30 the aerial applicator shall pay the expenses of the investigation com-  
 31 mittee as determined by the secretary. If the claimant is unsuccess-  
 32 ful, he shall pay the expenses of the claim investigation committee as  
 33 determined by the secretary.

Approved May 17, 1971.

## CHAPTER 151

### CHEMICAL TECHNOLOGY REVIEW BOARD

S. F. 326

AN ACT relating to the authority of the chemical technology review board.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred six A point two (206A.2), un-  
 2 numbered paragraph one (1), Code 1971, is amended as follows:

3 The chemical technology review board shall collect, analyze, and  
 4 interpret information relating to agricultural chemicals and their use.  
 5 The board shall coordinate the regulation and information responsi-  
 6 bilities of state agencies on matters relating to the sale and use of  
 7 agricultural chemicals. It shall adopt rules relating to the sale, use  
 8 and disuse of agricultural chemicals *and may, by rule, restrict or*  
 9 *prohibit the sale, distribution, or use of any agricultural chemical.*  
 10 *In determining whether to restrict or prohibit the sale, distribution,*  
 11 *or use of any agricultural chemical, the board shall consider any offi-*  
 12 *cial reports, academic studies, expert opinions or testimony, or other*  
 13 *matter deemed to have probative value. Any such evidence shall be*  
 14 *received at a public hearing held for such purpose.* The board shall  
 15 consider the toxicity, hazard, effectiveness and public need for the  
 16 agricultural chemicals, and the availability of less toxic or less haz-  
 17 ardous agricultural chemicals and substances or other means of con-  
 18 trol. The rules promulgated by the board shall be subject to the  
 19 provisions of chapter 17A.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Albia  
 3 Union-Republican, a newspaper published in Albia, Iowa, and in The  
 4 Knoxville Journal, a newspaper published in Knoxville, Iowa.

Approved May 20, 1971.

I hereby certify that the foregoing Act, Senate File 326, was published in The Albia Union-Republican, Albia, Iowa, May 27, 1971, and in The Knoxville Journal, Knoxville, Iowa, May 25, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.