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[Editors: This is one in a series of op-ed pieces from the N.C. Center for Public Policy Research. The Center is an independent, nonpartisan, nonprofit organization dedicated to informing the public and making state government more effective and accountable. This editorial is based in part on research published in the September 1994 edition of North Carolina Insight, the Center's journal. For more information, contact Insight's associate editor, Tom Mather, at (919) 832-2839.]

N.C. Legislature Should Require Notification for Aerial Pesticide Spraying

By Tom Mather, Associate Editor, *North Carolina Insight*
N.C. Center for Public Policy Research

Legislators need to deal with some problems in the state's program for regulating pesticides as the 1995 session of the General Assembly nears a close. A bill stalled in the N.C. House would take a big step toward easing public concerns about misapplications by crop dusters, or aerial applicators. The legislation, Senate Bill 174, would require crop dusters to notify nearby residents before spraying fields with pesticides.

The bill is critical because people who live near farms now have no way of knowing beforehand when crop dusters are going to spray nearby fields. That situation has led to some unfortunate incidents in which drifting pesticide sprays have doused people and their animals. For example, a Currituck County woman told members of the legislature's Environmental Review Commission in November that an aerial applicator had sprayed her yard twice, soaking both her and her dog with pesticides. She said the spray caused her health to deteriorate and killed her dog.

But despite the obvious benefits of requiring some type of notification system for aerial pesticide spraying, SB 174 has been stuck in the House Agriculture Committee since May 31. Committee Chair John Brown (R-Wilkes) has set up a subcommittee to study the bill because of concerns that the Senate's proposed notification system would be too complicated. That subcommittee, however, has yet to meet. Meanwhile, time is running out for the House to consider the bill.

The House Agriculture Committee needs to clear the way for enacting an aerial notification system by adopting the Senate bill or some other approach. The need for an aerial notification system was demonstrated by a two-year study recently completed by the N.C. Center for Public Policy

Research. The study, published in the September 1994 edition of *North Carolina Insight* magazine, evaluated North Carolina's program for regulating pesticides and compared it with programs in the other 49 states.

In its study, the Center examined five years of pesticide enforcement records in the N.C. Department of Agriculture. These records provide clear incentives for the General Assembly to take actions dealing with aerial applicators of pesticides. Among the various pesticide applicator groups, aerial applicators had the highest violation rate -- 27 violation incidents for every 100 applicators. That violation rate was four times greater than the next highest group, household pest exterminators.

In addition, aerial applicators accounted for more than a third (36 percent) of the repeat violators over that time period, including three of the five worst offenders. One aerial applicator committed 50 violations in a four-year period, and another had 43 violations. The Center's study also found that the state has minimal training requirements for aerial applicators -- only two hours per year.

Such findings are particularly troublesome because aerial applicators have perhaps the greatest potential to affect human health and the environment. To help deal with such problems, the N.C. Center for Public Policy Research proposed several remedies, including a recommendation that the state require pesticide applicators to notify nearby residents by posting warning signs before spraying fields.

On May 29, the N.C. Senate passed SB 174, which would require notice of aerial application of pesticides. But at a June 13 meeting, several members of the N.C. House Agriculture Committee raised questions about the Senate bill's approach. Those concerns led Agriculture Committee Chair John Brown to refer the bill to a subcommittee chaired by Rep. Frank Mitchell (R-Iredell).

The House Agriculture subcommittee has yet to consider the aerial spraying notification bill. But if the notification system proposed by the Senate is too complicated, the committee could find a simpler, less costly solution in the Center's pesticide study. The Center proposed that aerial applicators or the farmers hiring them be required simply to post warning signs around fields as a way of notifying nearby landowners before pesticide spraying. The Center's study of pesticide programs in other states found that Massachusetts already has such an aerial notification system using signs, and that approach apparently is working well.

Clearly something should be done about the problems with aerial spraying, and the time to act is now. Citizens who believe that aerial applicators should notify nearby residents before spraying pesticides should write or call Rep. John Brown, Chairman of the House Agriculture Committee, at 1111 Legislative Building, 16 W. Jones St., Raleigh, NC, 27601-2808; phone: (919) 733-5935. Rep. Frank Mitchell can be reached at 638 Legislative Office Building, 300 N. Salisbury St., Raleigh, NC, 27601-2808; phone (919) 733-5959.
