

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 636

Introduced by Wallman, 30; Davis, 43.

Read first time January 23, 2013

Committee: Agriculture

A BILL

- 1 FOR AN ACT relating to agriculture; to provide restrictions for the
- 2 application of certain herbicides.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Beginning April 15, 2015, any person
2 applying 2,4-Dichlorophenoxyacetic acid, also known as 2,4-D, or any
3 phenoxy herbicide within the State of Nebraska and outside the
4 corporate limits of a city or village between April 15 and September
5 15 shall:

6 (a) Notify the Department of Agriculture, in writing, of
7 the location of each application at least seventy-two hours prior to
8 such application;

9 (b) Only make applications within four miles of
10 susceptible crops when the wind is blowing at least two miles per
11 hour away from the susceptible crop;

12 (c) Except as provided in subdivision (d) of this
13 subsection, have a buffer zone between the application location and
14 any susceptible crop of four miles for aerial application and one
15 mile for ground application; and

16 (d) Make applications within the applicable buffer zones
17 only if the owner or supervisor of the application location obtains a
18 waiver from the producers of all susceptible crops within the buffer
19 zone. The waiver shall be prescribed by the department and provided
20 to producers by the owner or supervisor of the application location.
21 A copy of the waiver shall be provided to the applicator. The
22 applicator shall retain the copy of the waiver for a period of three
23 years. When making an application within the applicable buffer zone,
24 at the time of application, the wind must be blowing at least two
25 miles per hour away from susceptible crops.

1 (3) A violation of this section is punishable by a civil
2 fine of up to one thousand dollars per violation.

3 (4) For purposes of this section, susceptible crops
4 include grapes and other organic broadleaf crops.