



Protecting Farms & Communities from Pesticide Drift *Strengthening Iowa Drift Policy: **Liability Insurance***

Pesticide drift is a growing problem for Iowa farmers and communities. Pesticides drifting off-target can cause significant damage to both crops and human health. Drift is undermining farmers’ ability to farm as they choose, jeopardizing Iowa’s growing local food economy, and putting the health of Iowa’s children at risk.

Current laws and funding to protect communities and neighboring crops from spray drift are inadequate. Stronger policies are needed. Pesticide drift legislation currently being proposed in the Senate is an important step toward protecting both the right to farm and the health of rural communities.

Liability insurance

Spray drift crop injury and damage can mean the loss of an entire season’s harvest for an affected farmer. This can cause severe financial harm, and even bankruptcy. For organic growers, it can mean delay and possible revocation of organic certification, which can also result in significant financial loss.

Commercial applicators are required to carry liability insurance to provide compensation of such damages. However, required levels of coverage in Iowa were recently significantly reduced, and are currently inadequate to fully protect the potential damages from spray drift. Legislation now being proposed in the Senate would increase required liability coverage to a minimum of \$1 million annually, with a maximum of \$300,000 per incident. We also believe the state should require counties and municipalities to carry similar liability insurance levels for their application of herbicides and pesticides.

"Between the two seasons we lost \$75,000 to \$100,000 in expected revenue with no compensation."

- Anonymous Iowa Farmer, prior to closing their farm business for reasons associated with drift

This shift is critical to ensuring that spray drift incidents do not stifle a growing business in small-scale fruit and vegetable production that is contributing to health of our rural economy. The emerging viticulture industry will also be more fully protected; grapes are particularly susceptible to damage from drifting herbicides, and vineyards represent a significant long-term investment.

This evidence of financial responsibility should be provided to IDALS in the process of applying for an applicators license, and provided upon request to any spray drift victim.

Levels of liability coverage currently required in Iowa are inadequate to fully protect farmers from the potential damages from spray drift.

Lessons from other states

U.S. EPA reports that across the country more than 2,500 complaints of drift damage are filed with state regulators and agricultural insurers. The level of liability insurance coverage applicators are required to carry varies from state to state, with pesticide type and injury type often specified.

In **New Jersey**, for example, applicators who use fumigant pesticides are required to carry coverage of \$500,000 per incident, while those not applying fumigants must carry \$300,000 per incident coverage.

In **Illinois**, single incidents for either property damage or personal injury are set at \$100,000, with an annual aggregate not less than \$500,000 for each.

In **New York** state, minimum insurance requirements for commercial pesticide applicators are set at \$1,000,000 for each occurrence for personal injury and \$300,000 for each occurrence of property damage.

Resources

Iowa Farmers Union Policy Priorities: <http://iowafarmersunion.org/member-priorities/>

Pesticide Action Network: Drift resource page: www.panna.org/science/drift

Business Insurance article on herbicide drift risk and liability: <http://bit.ly/1JYW4p9>

For more information, contact Jana Linderman, President of Iowa Farmers Union at 319-651-2250, jlinderman@iowafarmersunion.org or Kate Mendenhall, Policy Organizer for Pesticide Action Network at 515-207-5255, kate@panna.org.