
HOUSE BILL 1486

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Rust, Belcher, Horn, Valle, Brekke, Pruitt and Jacobsen.

Read first time January 31, 1991. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to integrated pest management; amending RCW
2 17.21.020 and 17.21.134; and adding a new section to chapter 43.19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 17.21.020 and 1989 c 380 s 33 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Agricultural commodity" means any plant or part of a plant, or
9 animal, or animal product, produced by a person (including farmers,
10 ranchers, vineyardists, plant propagators, Christmas tree growers,
11 aquaculturists, floriculturists, orchardists, foresters, or other
12 comparable persons) primarily for sale, consumption, propagation, or
13 other use by people or animals.

1 (2) "Apparatus" means any type of ground, water, or aerial
2 equipment, device, or contrivance using motorized, mechanical, or
3 pressurized power and used to apply any pesticide on land and anything
4 that may be growing, habitating, or stored on or in such land, but
5 shall not include any pressurized handsized household device used to
6 apply any pesticide, or any equipment, device, or contrivance of which
7 the person who is applying the pesticide is the source of power or
8 energy in making such pesticide application, or any other small
9 equipment, device, or contrivance that is transported in a piece of
10 equipment licensed under this chapter as an apparatus.

11 (3) "Arthropod" means any invertebrate animal that belongs to the
12 phylum arthropoda, which in addition to insects, includes allied
13 classes whose members are wingless and usually have more than six legs;
14 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

15 (4) "Certified applicator" means any individual who is licensed as
16 a commercial pesticide applicator, commercial pesticide operator,
17 public operator, private-commercial applicator, demonstration and
18 research applicator, or certified private applicator, or any other
19 individual who is certified by the director to use or supervise the use
20 of any pesticide which is classified by the EPA as a restricted use
21 pesticide or by the state as restricted to use by certified applicators
22 only.

23 (5) "Commercial pesticide applicator" means any person who engages
24 in the business of applying pesticides to the land of another.

25 (6) "Commercial pesticide operator" means any employee of a
26 commercial pesticide applicator who uses or supervises the use of any
27 pesticide and who is required to be licensed under provisions of this
28 chapter.

1 (7) "Defoliant" means any substance or mixture of substances
2 intended to cause the leaves or foliage to drop from a plant with or
3 without causing abscission.

4 (8) "Department" means the Washington state department of
5 agriculture.

6 (9) "Desiccant" means any substance or mixture of substances
7 intended to artificially accelerate the drying of plant tissues.

8 (10) "Device" means any instrument or contrivance intended to trap,
9 destroy, control, repel, or mitigate pests, or to destroy, control,
10 repel, or mitigate fungi, nematodes, or such other pests, as may be
11 designated by the director, but not including equipment used for the
12 application of pesticides when sold separately from the pesticides.

13 (11) "Direct supervision" by certified private applicators shall
14 mean that the designated restricted use pesticide shall be applied for
15 purposes of producing any agricultural commodity on land owned or
16 rented by the applicator or the applicator's employer, by a competent
17 person acting under the instructions and control of a certified private
18 applicator who is available if and when needed, even though such
19 certified private applicator is not physically present at the time and
20 place the pesticide is applied. The certified private applicator shall
21 have direct management responsibility and familiarity of the pesticide,
22 manner of application, pest, and land to which the pesticide is being
23 applied. Direct supervision by all other certified applicators means
24 direct on-the-job supervision. Direct supervision of an aerial
25 apparatus means the pilot of the aircraft must be appropriately
26 certified.

27 (12) "Director" means the director of the department or a duly
28 authorized representative.

29 (13) "Engage in business" means any application of pesticides by
30 any person upon lands or crops of another.

1 (14) "EPA" means the United States environmental protection agency.

2 (15) "EPA restricted use pesticide" means any pesticide with
3 restricted uses as classified for restricted use by the administrator,
4 EPA.

5 (16) "FIFRA" means the federal insecticide, fungicide and
6 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

7 (17) "Fungi" means all nonchlorophyll-bearing thallophytes (all
8 nonchlorophyll-bearing plants of lower order than mosses and
9 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
10 bacteria, except those on or in a living person or other animals.

11 (18) "Fungicide" means any substance or mixture of substances
12 intended to prevent, destroy, repel, or mitigate any fungi.

13 (19) "Herbicide" means any substance or mixture of substances
14 intended to prevent, destroy, repel, or mitigate any weed.

15 (20) "Insect" means any of the numerous small invertebrate animals
16 whose bodies are more or less obviously segmented, and which for the
17 most part belong to the class insecta, comprising six-legged, usually
18 winged forms, as, for example, beetles, bugs, bees, flies, and to other
19 allied classes of arthropods whose members are wingless and usually
20 have more than six legs, for example, spiders, mites, ticks,
21 centipedes, and isopod crustaceans.

22 (21) "Insecticide" means any substance or mixture of substances
23 intended to prevent, destroy, repel, or mitigate any insects which may
24 be present in any environment whatsoever.

25 (22) "Integrated pest management" means the selection, integration,
26 and implementation of pest control practices that:

27 (a) Prevent pest problems;

28 (b) Enhance the ecosystem's natural controls;

29 (c) Accept pest levels that can be tolerated based on economic,
30 health, or aesthetic thresholds;

1 (d) Apply low toxicity control agents;
2 (e) Apply biological and cultural treatments; and
3 (f) Once all other practices have been evaluated, apply registered
4 pesticides in a manner that, to the greatest extent possible, minimizes
5 damage to the ecosystem's natural controls.

6 (23) "Land" means all land and water areas, including airspace and
7 all plants, animals, structures, buildings, devices, and contrivances,
8 appurtenant to or situated on, fixed or mobile, including any used for
9 transportation.

10 ~~((23))~~ (24) "Nematocide" means any substance or mixture of
11 substances intended to prevent, destroy, repel, or mitigate nematodes.

12 ~~((24))~~ (25) "Nematode" means any invertebrate animal of the
13 phylum nemathelminthes and class nematoda, that is, unsegmented round
14 worms with elongated, fusiform, or saclike bodies covered with cuticle,
15 and inhabiting soil, water, plants or plant parts, may also be called
16 nemas or eelworms.

17 ~~((25))~~ (26) "Person" means any individual, partnership,
18 association, corporation, or organized group of persons whether or not
19 incorporated.

20 ~~((26))~~ (27) "Pest" means, but is not limited to, any insect,
21 rodent, nematode, snail, slug, weed, and any form of plant or animal
22 life or virus, except virus on or in a living person or other animal,
23 which is normally considered to be a pest, or which the director may
24 declare to be a pest.

25 ~~((27))~~ (28) "Pesticide" means, but is not limited to:

26 (a) Any substance or mixture of substances intended to prevent,
27 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
28 fungus, weed, and any other form of plant or animal life or virus
29 except virus on or in a living person or other animal which is normally
30 considered to be a pest or which the director may declare to be a pest;

1 (b) Any substance or mixture of substances intended to be used as
2 a plant regulator, defoliant or desiccant; and

3 (c) Any spray adjuvant, such as a wetting agent, spreading agent,
4 deposit builder, adhesive, emulsifying agent, deflocculating agent,
5 water modifier, or similar agent with or without toxic properties of
6 its own intended to be used with any other pesticide as an aid to the
7 application or effect thereof, and sold in a package or container
8 separate from that of the pesticide with which it is to be used.

9 ~~((+28+))~~ (29) "Pesticide advisory board" means the pesticide
10 advisory board as provided for in this chapter.

11 ~~((+29+))~~ (30) "Plant regulator" means any substance or mixture of
12 substances intended through physiological action, to accelerate or
13 retard the rate of growth or maturation, or to otherwise alter the
14 behavior of ornamental or crop plants or their produce, but shall not
15 include substances insofar as they are intended to be used as plant
16 nutrients, trace elements, nutritional chemicals, plant inoculants, or
17 soil amendments.

18 ~~((+30+))~~ (31) "Private applicator" means a certified applicator who
19 uses or is in direct supervision of the use of (a) any EPA restricted
20 use pesticide; or (b) any restricted use pesticide restricted to use
21 only by certified applicators by the director, for the purposes of
22 producing any agricultural commodity and for any associated noncrop
23 application on land owned or rented by the applicator or the
24 applicator's employer or if applied without compensation other than
25 trading of personal services between producers of agricultural
26 commodities on the land of another person.

27 ~~((+31+))~~ (32) "Private-commercial applicator" means a certified
28 applicator who uses or supervises the use of (a) any EPA restricted use
29 pesticide or (b) any restricted use pesticide restricted to use only by
30 certified applicators for purposes other than the production of any

1 agricultural commodity on lands owned or rented by the applicator or
2 the applicator's employer.

3 ~~((+32+))~~ (33) "Restricted use pesticide" means any pesticide or
4 device which, when used as directed or in accordance with a widespread
5 and commonly recognized practice, the director determines, subsequent
6 to a hearing, requires additional restrictions for that use to prevent
7 unreasonable adverse effects on the environment including people,
8 lands, beneficial insects, animals, crops, and wildlife, other than
9 pests.

10 ~~((+33+))~~ (34) "Rodenticide" means any substance or mixture of
11 substances intended to prevent, destroy, repel, or mitigate rodents, or
12 any other vertebrate animal which the director may declare by rule to
13 be a pest.

14 ~~((+34+))~~ (35) "Snails or slugs" include all harmful mollusks.

15 ~~((+35+))~~ (36) "Unreasonable adverse effects on the environment"
16 means any unreasonable risk to people or the environment taking into
17 account the economic, social, and environmental costs and benefits of
18 the use of any pesticide, or as otherwise determined by the director.

19 ~~((+36+))~~ (37) "Weed" means any plant which grows where not wanted.

20 **Sec. 2.** RCW 17.21.134 and 1989 c 380 s 45 are each amended to read
21 as follows:

22 (1) The director shall not issue a commercial pesticide applicator
23 license until the applicant, if he or she is the sole owner of the
24 business, or if there is more than one owner, the person managing the
25 business, has passed an examination. The director shall not issue a
26 commercial pesticide operator, public operator, private commercial
27 applicator, or demonstration and research applicator license until the
28 applicant has passed an examination. Such examinations shall require
29 the applicant to demonstrate to the director knowledge of:

1 (a) How to apply pesticides under the classification he or she has
2 applied for, manually or with the various apparatuses that he or she
3 may operate;

4 (b) The nature and effect of pesticides he or she may apply under
5 such classifications; ((and))

6 (c) Integrated pest management practices; and

7 (d) Any other matter the director determines to be a necessary
8 subject for examination.

9 (2) The director shall charge an examination fee established by the
10 director by rule when an examination is necessary before a license may
11 be issued or when application for such license and examination is made
12 at other than a regularly scheduled examination date as provided for by
13 the director.

14 (3) The director may prescribe separate testing procedures and
15 requirements for each license.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.19 RCW
17 to read as follows:

18 The director of general administration, through the state
19 purchasing director, shall develop specifications for the purchase of
20 pesticides consistent with integrated pest management practices as
21 defined in RCW 17.21.020. Such specifications shall include a
22 provision of education, and where appropriate, technical assistance for
23 the use and application of pesticides.