
SENATE BILL 6328

State of Washington 53rd Legislature 1994 Regular Session

By Senators Fraser, Prentice and Sutherland

Read first time 01/19/94. Referred to Committee on Agriculture.

1 AN ACT Relating to the development of integrated pesticide
2 management programs; amending RCW 70.104.010, 70.104.020, 70.104.030,
3 70.104.060, and 70.104.090; and adding new sections to chapter 70.104
4 RCW.

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

6 **Sec. 1.** RCW 70.104.010 and 1991 c 3 s 356 are each amended to read
7 as follows:

8 (1) The department of health has responsibility to protect and
9 enhance the public health and welfare. As a consequence, it must be
10 concerned with both natural and artificial environmental factors which
11 may adversely affect the public health and welfare. Dangers to the
12 public health and welfare related to the use of pesticides require
13 specific legislative recognition of departmental authority and
14 responsibility in this area.

15 (2) To protect children and adults from excessive pesticide
16 exposure in areas of high public use, the department of health has a
17 responsibility to provide guidance and technical assistance in
18 developing programs for integrated pest management in such areas.

1 **Sec. 2.** RCW 70.104.020 and 1971 ex.s. c 41 s 2 are each amended to
2 read as follows:

3 ~~((For the purposes of this chapter pesticide means, but is not~~
4 ~~limited to:~~

5 ~~(1))~~ The words and phrases defined in this section shall have the
6 meanings indicated when used in this chapter unless the context clearly
7 requires otherwise.

8 (1) "Department" means the department of health.

9 (2) "Integrated pest management" means the selection and
10 implementation of the pest control strategy least hazardous to human
11 health and the environment, that consists of:

12 (a) Prevention of pest problems;

13 (b) Monitoring and evaluation of pests, damage, and results of
14 treatment;

15 (c) Acknowledgement of population levels of pests that can be
16 tolerated based on legal, economic, health, or aesthetic thresholds;

17 (d) Use of natural control agents in an ecosystem;

18 (e) Reliance to the maximum extent possible on nonhazardous
19 biological, mechanical, and cultural treatment of pests;

20 (f) Application of pesticides in a manner that minimizes damage to
21 the ecosystem's natural controls and integrity;

22 (g) Use of least toxic pesticides only after other methods have
23 been evaluated; and

24 (h) Selection of treatment methods that are most cost-effective in
25 the short and long-term.

26 (3) "Pesticide" includes:

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

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

35 ~~((3))~~ (c) Any spray adjuvant, such as a wetting agent, spreading
36 agent, deposit builder, adhesive, emulsifying agent, deflocculating
37 agent, water modifier, or similar agent with or without toxic
38 properties of its own intended to be used with any other pesticide as
39 an aid to the application or effect thereof, and sold in a package or

1 container separate from that of the pesticide with which it is to be
2 used; or

3 ~~((4))~~ (d) Any fungicide, rodenticide, herbicide, insecticide, and
4 nematocide.

5 (4) "Public agency" means city, town, county, school district,
6 library, or state agency, board, or commission. State agency, for the
7 purposes of this chapter, does not mean the department of natural
8 resources.

9 **Sec. 3.** RCW 70.104.030 and 1991 c 3 s 357 are each amended to read
10 as follows:

11 (1) The department of health shall investigate all suspected human
12 cases of pesticide poisoning and such cases of suspected pesticide
13 poisoning of animals that may relate to human illness. The department
14 shall establish time periods by rule to determine investigation
15 response time. Time periods shall range from immediate to forty-eight
16 hours to initiate an investigation, depending on the severity of the
17 case or suspected case of pesticide poisoning.

18 In order to adequately investigate such cases, the department shall
19 have the power to:

20 (a) Take all necessary samples and human or animal tissue specimens
21 for diagnostic purposes: PROVIDED, That tissue, if taken from a living
22 human, shall be taken from a living human only with the consent of a
23 person legally qualified to give such consent;

24 (b) Secure any and all such information as may be necessary to
25 adequately determine the nature and causes of any case of pesticide
26 poisoning.

27 (2) The department shall, by rule adopted pursuant to the
28 Administrative Procedure Act, chapter 34.05 RCW, with due notice and a
29 hearing for the adoption of permanent rules, establish procedures for
30 the prevention of any recurrence of poisoning and the department shall
31 immediately notify the department of agriculture, the department of
32 labor and industries, and other appropriate agencies of the results of
33 its investigation for such action as the other departments or agencies
34 deem appropriate. The notification of such investigations and their
35 results may include recommendations for further action by the
36 appropriate department or agency.

37 (3) The department shall adopt rules on or before June 30, 1995,
38 requiring each public agency to adopt an integrated pest management

1 program to protect children and adults from excessive pesticide
2 exposure on grounds or in facilities maintained by public agencies.
3 The rules shall include a model integrated pest management program that
4 could be adopted in whole or in part by all public agencies. The
5 department shall consult with the center for sustaining agriculture and
6 natural resources of the Washington State University, the Washington
7 State University cooperative extension service, the office of the
8 superintendent of public instruction, the pesticide incident review
9 panel, the department of agriculture, and other agencies with expertise
10 and interested members of the public in the development of the rules.
11 The rules shall provide a period for phasing compliance with the rule
12 requirements over no less than three years from the effective date of
13 the rules.

14 (4) The department shall coordinate with the Washington State
15 University cooperative extension service to provide technical
16 assistance to all public agencies in the adoption of integrated pest
17 management programs. The department and the Washington State
18 University cooperative extension service shall also provide technical
19 assistance to other public or private entities operating facilities for
20 public use, in the development of integrated pest management programs.

21 **Sec. 4.** RCW 70.104.060 and 1991 c 3 s 362 are each amended to read
22 as follows:

23 In order effectively to prevent human illness due to pesticides and
24 to carry out the requirements of this chapter, the department of health
25 is authorized to provide technical assistance and consultation
26 regarding health effects of pesticides to physicians and ~~((other))~~
27 public agencies, and is authorized to operate an analytical chemical
28 laboratory and may provide analytical and laboratory services to
29 physicians and other agencies to determine pesticide levels in human
30 and other tissues, and appropriate environmental samples.

31 **Sec. 5.** RCW 70.104.090 and 1991 c 3 s 364 are each amended to read
32 as follows:

33 The responsibilities of the review panel shall include, but not be
34 limited to:

35 (1) Establishing guidelines for centralizing the receipt of
36 information relating to actual or alleged health and environmental
37 incidents involving pesticides;

1 (2) Reviewing and making recommendations for procedures for
2 investigation of pesticide incidents, which shall be implemented by the
3 appropriate agency unless a written statement providing the reasons for
4 not adopting the recommendations is provided to the review panel;

5 (3) Monitoring the time periods required for response to reports of
6 pesticide incidents by the departments of agriculture, health, and
7 labor and industries;

8 (4) At the request of the chair or any panel member, reviewing
9 pesticide incidents of unusual complexity or those that cannot be
10 resolved;

11 (5) Identifying inadequacies in state and/or federal law that
12 result in insufficient protection of public health and safety, with
13 specific attention to advising the appropriate agencies on the adequacy
14 of pesticide reentry intervals established by the federal environmental
15 protection agency and registered pesticide labels to protect the health
16 and safety of farmworkers. The panel shall establish a priority list
17 for reviewing reentry intervals, which considers the following
18 criteria:

19 (a) Whether the pesticide is being widely used in labor-intensive
20 agriculture in Washington;

21 (b) Whether another state has established a reentry interval for
22 the pesticide that is longer than the existing federal reentry
23 interval;

24 (c) The toxicity category of the pesticide under federal law;

25 (d) Whether the pesticide has been identified by a federal or state
26 agency or through a scientific review as presenting a risk of cancer,
27 birth defects, genetic damage, neurological effects, blood disorders,
28 sterility, menstrual dysfunction, organ damage, or other chronic or
29 subchronic effects; and

30 (e) Whether reports or complaints of ill effects from the pesticide
31 have been filed following worker entry into fields to which the
32 pesticide has been applied; and

33 (6) Reviewing and approving an annual report prepared by the
34 department of health to the governor, agency heads, and members of the
35 legislature, with the same available to the public. The report shall
36 include, at a minimum:

37 (a) A summary of the year's activities;

38 (b) A synopsis of the cases reviewed;

- 1 (c) A separate descriptive listing of each case in which adverse
2 health or environmental effects due to pesticides were found to occur;
3 (d) A tabulation of the data from each case;
4 (e) An assessment of the effects of pesticide exposure in the
5 workplace;
6 (f) The identification of trends, issues, and needs; and
7 (g) Any recommendations for improved pesticide use practices.
8 (7) Reviewing and making recommendations on rules by the department
9 for the development of integrated pest management programs.

10 NEW SECTION. Sec. 6. A new section is added to chapter 70.104 RCW
11 to read as follows:

12 Within one year of the effective date of the department of health
13 rules on integrated pest management programs required by RCW
14 70.104.030(3), each public agency shall adopt an integrated pest
15 management program to protect children and adults from excessive
16 pesticide exposure. The board may form an advisory committee to assist
17 in developing the integrated pest management program, and shall hold a
18 public hearing on the draft program.

19 NEW SECTION. Sec. 7. A new section is added to chapter 70.104 RCW
20 to read as follows:

21 The department shall award grants, to the extent funds are
22 available, to public agencies for the development of integrated pest
23 management plans under this chapter. The department shall by rule
24 establish grant award and allocation criteria.

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