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SECOND SUBSTITUTE SENATE BILL 5033

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter)

Read first time 03/06/95.

1 AN ACT Relating to the commission on pesticide registration;  
2 amending RCW 15.92.010 and 15.92.060; and adding new sections to  
3 chapter 15.92 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.92 RCW  
6 to read as follows:

7 (1) A commission on pesticide registration is established. The  
8 commission shall be composed of eleven voting members appointed by the  
9 dean of the college of agriculture at Washington State University as  
10 follows:

11 (a) Seven members nominated by associations of commercial producers  
12 of agricultural commodities as defined in RCW 15.92.010. On making the  
13 appointments, the dean shall provide for a balanced distribution of  
14 commission representation between various commodities and from various  
15 regions of the state. It is the responsibility of the members  
16 appointed to the commission to give consideration to the research needs  
17 for effective pest control for all of the various agricultural  
18 commodities produced in the state.

1 (b) One member from each of the following: (i) Forest protection  
2 industry; (ii) food processors; (iii) agricultural chemical industry;  
3 and (iv) professional pesticide applicators. One member shall be  
4 appointed for each such segment of the industry and shall be nominated  
5 by a state-wide, private association of that segment of the industry.  
6 The representative of the agricultural chemical industry shall be  
7 involved in the manufacture of agricultural crop protection products.

8 The following shall be ex officio, nonvoting members of the  
9 commission: The coordinator of the interregional project number four  
10 at Washington State University; the director of the department of  
11 ecology or the director's designee; the director of the department of  
12 agriculture or the director's designee; the director of the department  
13 of labor and industries or the director's designee, and the secretary  
14 of the department of health or the secretary's designee.

15 (2) Each voting member of the commission shall serve a term of  
16 three years. However, the first appointments in the first year shall  
17 be made by the dean for one, two, and three-year terms so that, in  
18 subsequent years, approximately one-third of the voting members shall  
19 be appointed each year. The dean shall assign the initial one, two,  
20 and three-year terms to members by lot. A vacancy shall be filled by  
21 appointment for the unexpired term in the same manner provided for an  
22 appointment to the full term. Each member of the commission shall  
23 receive travel expenses in accordance with RCW 43.03.050 and 43.03.060  
24 for attending meetings of the commission and for performing special  
25 duties, in the way of official commission business, specifically  
26 assigned to the person by the commission. The voting members of the  
27 commission serve without compensation from the state other than such  
28 travel expenses.

29 (3) Nominations for the initial appointments to the commission  
30 under subsection (1) of this section shall be submitted by September 1,  
31 1995. The dean shall make initial appointments to the commission by  
32 October 15, 1995.

33 (4) The commission shall elect a chair from among its voting  
34 members each calendar year. After its original organizational meeting,  
35 the commission shall meet at the call of the chair. A majority of the  
36 voting members of the commission constitutes a quorum and an official  
37 action of the commission may be taken by a majority vote of the voting  
38 members.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 15.92 RCW  
2 to read as follows:

3        (1) The following apply to the use of state moneys appropriated to  
4 Washington State University specifically and expressly for studies or  
5 activities regarding the registration of pesticides:

6        (a) The moneys may not be expended without the express approval of  
7 the commission on pesticide registration;

8        (b) The moneys may be used for:    (i) Evaluations, studies, or  
9 investigations approved by the commission on pesticide registration  
10 regarding the registration or reregistration of pesticides for minor  
11 crops or minor uses or regarding the availability of pesticides for  
12 emergency uses.    These evaluations, studies, or investigations may be  
13 conducted by the food and environmental quality laboratory or may be  
14 secured by the commission from other qualified laboratories,  
15 researchers, or contractors by contract, which contracts may include,  
16 but are not limited to, those purchasing the use of proprietary  
17 information; (ii) the tracking system described in RCW 15.92.060; and  
18 (iii) the support of the commission on pesticide registration and its  
19 activities; and

20        (c) Not less than twenty-five percent of such moneys shall be  
21 dedicated to studies or investigations concerning the registration or  
22 use of pesticides for crops that are not among the top twenty  
23 agricultural commodities in production value produced in the state, as  
24 determined annually by the Washington agricultural statistics service.

25        (2) The commission on pesticide registration shall establish  
26 priorities to guide it in approving the use of moneys for evaluations,  
27 studies, and investigations under this section.    Each biennium, the  
28 commission shall prepare a contingency plan for providing funding for  
29 laboratory studies or investigations that are necessary to pesticide  
30 registrations or related processes that will address emergency  
31 conditions for agricultural crops that are not generally predicted at  
32 the beginning of the biennium.

33        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 15.92 RCW  
34 to read as follows:

35        The commission on pesticide registration shall:

36        (1) Provide guidance to the food and environmental quality  
37 laboratory established in RCW 15.92.050 regarding the laboratory's  
38 studies, investigations, and evaluations concerning the registration of

1 pesticides for use in this state for minor crops and minor uses and  
2 concerning the availability of pesticides for emergency uses;

3 (2) Encourage agricultural organizations to assist in providing  
4 funding, in-kind services, or materials for laboratory studies and  
5 investigations concerning the registration of pesticides for minor  
6 crops and minor uses that would benefit the organizations;

7 (3) Provide guidance to the laboratory regarding a program for:  
8 Tracking the availability of effective pesticides for minor crops,  
9 minor uses, and emergency uses; providing this information to  
10 organizations of agricultural producers; and maintaining close contact  
11 between the laboratory, the department of agriculture, and  
12 organizations of agricultural producers regarding the need for research  
13 to support the registration of pesticides for minor crops and minor  
14 uses and the availability of pesticides for emergency uses;

15 (4) Ensure that the activities of the commission and the laboratory  
16 are coordinated with the activities of other laboratories in the  
17 Pacific Northwest, the United States department of agriculture, and the  
18 United States environmental protection agency to maximize the  
19 effectiveness of regional efforts to assist in the registration of  
20 pesticides for minor crops and minor uses and in providing for the  
21 availability of pesticides for emergency uses for the region and the  
22 state; and

23 (5) Ensure that prior to approving any residue study that there is  
24 written confirmation of registrant support and willingness or ability  
25 to add the given minor crop to its label including any restrictions or  
26 guidelines the registrant intends to impose.

27 **Sec. 4.** RCW 15.92.010 and 1991 c 341 s 2 are each amended to read  
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

31 (1) "Agricultural commodity" means any distinctive type of  
32 agricultural, horticultural, viticultural, floricultural, vegetable, or  
33 animal product, including but not limited to, products qualifying as  
34 organic food products under chapter 15.86 RCW, private sector cultured  
35 aquatic products as defined in RCW 15.85.020, bees and honey, and  
36 Christmas trees but not including timber or timber products.

37 (2) "Center" means the center for sustaining agriculture and  
38 natural resources established at Washington State University.

1       (~~(2)~~) (3) "Laboratory" means the food and environmental quality  
2 laboratory established at Washington State University at Tri-Cities.

3       (~~(3)~~) (4) "Integrated pest management" is a strategy that uses  
4 various combinations of pest control methods, biological, cultural, and  
5 chemical, in a compatible manner to achieve satisfactory control and  
6 ensure favorable economic and environmental consequences.

7       (~~(4)~~) (5) "IR-4 program" means interregional research project  
8 number four, clearances of chemicals and biologics for minor or special  
9 uses, established in 1963 by the cooperative state research service of  
10 the United States department of agriculture, the coordinated national  
11 program involving land-grant universities and the United States  
12 department of agriculture to provide data required for the registration  
13 of pesticides needed for the production of minor crops.

14       (~~(5)~~) (6) "Minor crop" means an agricultural crop considered to  
15 be minor in the national context of registering pesticides.

16       (7) "Minor use" means a pesticide use considered to be minor in the  
17 national context of registering pesticides including, but not limited  
18 to, a use for a special local need.

19       (8) "Natural resources" means soil, water, air, forests, wetlands,  
20 wildlands, and wildlife.

21       (~~(6)~~) (9) "Pesticide" means chemical or biologic used to control  
22 pests such as insect, rodent, nematode, snail, slug, weed, virus, or  
23 any organism the director of agriculture may declare to be a pest.

24       (~~(7)~~) (10) "Registration" means use of a pesticide approved by  
25 the state department of agriculture.

26       (~~(8)~~) (11) "Sustainable agriculture" means a systems approach to  
27 farming, ranching, and natural resource production that builds on and  
28 supports the physical, biological, and ecological resource base upon  
29 which agriculture depends. The goals of sustainable agriculture are to  
30 provide human food and fiber needs in an economically viable manner for  
31 the agriculture industry and in a manner which protects the environment  
32 and contributes to the overall safety and quality of life.

33       **Sec. 5.** RCW 15.92.060 and 1991 c 341 s 7 are each amended to read  
34 as follows:

35       The responsibilities of the laboratory shall include:

36       (1) Evaluating regional requirements for minor crop registration  
37 through the federal IR-4 program;

1       (2) Providing a program for tracking the availability of effective  
2 pesticides for minor crops, minor uses, and emergency uses in this  
3 state;

4       (3) Conducting studies on the fate of pesticides on crops and in  
5 the environment, including soil, air, and water;

6       (~~(3)~~) (4) Improving pesticide information and education programs;  
7 (~~and~~

8       (4)) (5) Assisting federal and state agencies with questions  
9 regarding registration of pesticides which are deemed critical to crop  
10 production, consistent with priorities established in RCW 15.92.070;  
11 and

12       (~~(5)~~) (6) Assisting in the registration of biopesticides,  
13 pheromones, and other alternative chemical and biological methods.

14       NEW SECTION. Sec. 6. A new section is added to chapter 15.92 RCW  
15 to read as follows:

16       By December 15, 2002, the commission shall file with the  
17 legislature a report on the activities supported by the commission for  
18 the period beginning on the effective date of this act and ending on  
19 December 1, 2002. The report shall include an identification of: The  
20 priorities that have been set by the commission; the state  
21 appropriations made to Washington State University that have been  
22 within the jurisdiction of the commission; the evaluations, studies,  
23 and investigations funded in whole or in part by such moneys and the  
24 registrations and uses of pesticides made possible in large part by  
25 those evaluations, studies, and investigations; the matching moneys,  
26 in-kind services, and materials provided by agricultural organizations  
27 for those evaluations, studies, and investigations; and the program or  
28 programs for tracking pesticide availability provided by the laboratory  
29 under the guidance of the commission and the means used for providing  
30 this information to organizations of agricultural producers.

31       During the regular session of the legislature in the year 2003, the  
32 appropriate committees of the house of representatives and senate shall  
33 evaluate the effectiveness of the commission in fulfilling its  
34 statutory responsibilities.

35       NEW SECTION. Sec. 7. A new section is added to chapter 15.92 RCW  
36 to read as follows:

1       The commission on pesticide registration, and Washington State  
2 University on behalf of the commission, may receive such gifts, grants,  
3 and endowments from public or private sources as may be used from time  
4 to time, in trust or otherwise, for the use and benefit of the  
5 commission and expend the same or any income therefrom according to the  
6 terms of the gifts, grants, or endowments.

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