

ANALYSIS OF ESSB 5424

House Agriculture & Ecology Committee
1, 1999

April

Allowing the use of certain commercially approved herbicides for aquatic plant management.
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BACKGROUND:

The Department of Ecology authorizes the use of pesticides to control aquatic weeds based upon information contained in the 1992 Aquatic Plant Management Program Environmental Impact Statement (EIS). The EIS reviewed aquatic plant control methods available at the time and recommended conditions or prohibitions to be placed on pesticide use. Since 1992, the Environmental Protection Agency has approved aquatic plant pesticides for commercial use, but the state has not reviewed these products or reviewed new information concerning the pesticides evaluated in the 1992 EIS.

SUMMARY:

The Department of Ecology is required to update the final supplemental environmental impact statement for the aquatic plant management program which was completed in 1992. The update must reflect new information on herbicides evaluated in 1992 as well as new commercially available herbicides. The department is required to maintain the information on herbicides so that it remains current, and evaluate new herbicides as they become commercially available.

A government entity that wishes to control a limited infestation of Eurasian water milfoil may use the pesticide 2,4-D to treat the infestation without obtaining a water quality permit from the Department of Ecology for use of herbicides and surfactants, if the milfoil infestation is either recently documented or remains after the application of other control measures, and the infestation is limited to 20% or less of the littoral zone of the lake.

Before applying 2,4-D for milfoil, the governmental entity must provide at least 21 days notice to the Departments of Ecology, Fish and Wildlife, Agriculture, and Health, as well as all the lake residents. The governmental entity must also post notices of intent to apply 2,4-D at all public access points and place informational buoys around the treatment area.

The Department of Fish and Wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife. The Department of Ecology may prohibit the use of 2,4-D if it finds the product contains dioxin. Any pesticide application must be made according to all label requirements for the product.

Funds from the freshwater aquatic weeds account may be used for 2,4-D application to control milfoil. Government entities who use 2,4-D to treat milfoil must consider developing long-term control strategies for eradication and control of milfoil. Governmental entities– are defined as cities, counties, state agencies, tribes, special purpose districts, and county weed boards.

Fiscal Note: Available