
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2671.2/91 2nd draft

ATTY/TYPIST: LC:rmh

BRIEF TITLE:

1 5009.E AMH AG H2671.2

2 ESB 5009 - H COMM AMD

3 By Committee on Agriculture & Rural Development

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 17.21.100 and 1989 c 380 s 39 are each amended to
8 read as follows:

9 (1) (~~Except as provided in subsection (7) of this section,~~)

10 Pesticide applicators licensed under the provisions of this chapter and
11 all persons applying pesticides to more than one acre of agricultural
12 land in a calendar year, including public entities engaged in roadside
13 spraying of pesticides, shall keep records (~~on a form prescribed by~~
14 ~~the director~~) regarding each application which shall include the
15 following information:

16 (a) The location of the land where the pesticide was applied.

17 (b) The year, month, day and time the pesticide was applied.

18 (c) The product name used on the registered label and the United
19 States environmental protection agency registration number, if
20 applicable, of the pesticide which was applied.

21 (d) The crop or site to which the pesticide was applied.

22 (e) The amount of pesticide applied per acre or other appropriate
23 measure.

24 (f) The concentration of pesticide that was applied.

25 (g) The number of acres, or other appropriate measure, to which the
26 pesticide was applied.

27 (h) The licensed applicator's name, address, and telephone number
28 and the name of the individual or individuals making the application.

1 (i) The direction and estimated velocity of the wind at the time
2 the pesticide was applied: PROVIDED, That this subsection (i) shall
3 not apply to applications of baits in bait stations and pesticide
4 applications within structures.

5 (j) Any other reasonable information required by the director.

6 (2)(a) Records shall be updated on the same day that a pesticide is
7 applied.

8 (b) A commercial pesticide applicator who applies a pesticide to an
9 agricultural crop or agricultural lands shall submit the information
10 for the application required under subsection (1) of this section to
11 the owner, or to the lessee if applied on behalf of the lessee, of the
12 lands to which the pesticide is applied.

13 (3) Such records shall be kept by the licensed applicator or such
14 other person or entity applying the pesticides for a period of seven
15 years from the date of the application of the pesticide to which such
16 records refer(~~(, and the director shall, upon request in writing, be~~
17 ~~furnished with a copy of such records forthwith by the licensee:~~
18 ~~PROVIDED, That the director may require the submission of such records~~
19 ~~within thirty days of the application of any restricted use pesticide~~
20 ~~in prescribed areas controlling the use of such restricted use~~
21 ~~pesticide)). If the pesticide was applied by a commercial pesticide~~
22 applicator to the agricultural crop or agricultural lands of a person
23 who employs one or more employees, as "employee" is defined in RCW
24 49.70.020, such records shall also be kept by the employer for a period
25 of seven years from the date of the application of the pesticide to
26 which the records refer.

27 (4) The pesticide records shall be readily available to: The
28 department; the department of labor and industries; treating medical
29 personnel initiating diagnostic testing or therapy for a patient with
30 a suspected case of pesticide poisoning; the department of social and

1 health services; the pesticide incident reporting and tracking panel;
2 and, in the case of an industrial insurance claim filed under Title 51
3 RCW with the department of labor and industries, the employee or the
4 employee's designated representative and the department of labor and
5 industries. In addition, the director may require the submission of
6 such records on a routine basis within thirty days of the application
7 of any restricted use pesticide in prescribed areas controlling the use
8 of such restricted use pesticide.

9 (5) If a request for information is made under subsection (4) of
10 this section from an applicator referred to in subsection (1) of this
11 section and the applicator refuses to provide a copy of the records,
12 the department shall be notified of the request and the applicator's
13 refusal. Within seven working days, the department shall request that
14 the applicator provide the department with all pertinent copies, except
15 that in a medical emergency the request shall be made within two
16 working days. The applicator shall provide copies of the records to
17 the department within twenty-four hours after the department's request.

18 (6) The department of agriculture (~~and the department of labor and~~
19 ~~industries~~) shall (~~jointly~~) adopt, by rule, (~~one form that~~
20 ~~satisfies~~) forms that satisfy the information requirements of this
21 section (~~and RCW 49.70.119. Records kept on the prescribed form under~~
22 ~~RCW 49.70.119 may be used to comply with this section.~~

23 ~~(7) This section shall not apply to the owner or operator of a~~
24 ~~dairy farm with respect to his or her application of pesticides to the~~
25 ~~farm)).~~

26 (7)(a) Except as provided in (b) of this subsection, information
27 supplied to a person or entity under this section or under RCW
28 49.70.119 or made available for inspection or other access upon request
29 under this section or RCW 49.70.119 shall be supplied or made available
30 on a form adopted by the department under this section.

1 (b) Information submitted by a commercial pesticide applicator to
2 the owner or lessee of agricultural lands under subsection (2)(b) of
3 this section need not be submitted on a form adopted by the department.
4 However, if the information is not submitted on such a form, it must be
5 readily understandable to a reasonable person."

6 "**Sec. 2.** RCW 49.70.117 and 1989 c 380 s 76 are each amended to
7 read as follows:

8 (1) If a pesticide having a reentry interval of greater than
9 twenty-four hours is applied to a labor-intensive agricultural crop,
10 the pesticide-treated area shall be posted with warning signs in
11 accordance with the requirements of this section.

12 (2) When pesticide warning signs are required under this section,
13 the employer shall post signs visible from all usual points of entry to
14 the pesticide-treated area. If there are no usual points of entry or
15 the area is adjacent to an unfenced public right of way, signs shall be
16 posted (a) at each corner of the pesticide-treated area, and (b) at
17 intervals not exceeding six hundred feet, or (c) at other locations
18 approved by the department that provide maximum visibility.

19 (3) The signs shall be posted (~~(no sooner than)~~) within twenty-four
20 hours before the scheduled application of the pesticide, remain posted
21 during application and throughout the applicable reentry interval, and
22 be removed within two days after the expiration of the applicable
23 reentry interval and before employee reentry is permitted. Employees
24 working in an area scheduled for a pesticide application shall be
25 informed of the application and shall vacate the area to be sprayed
26 prior to application of the pesticide.

27 (4) Signs shall be legible for the duration of use. Signs shall
28 contain a prominent symbol approved by the department of agriculture
29 and the department of labor and industries by rule, and wording shall

1 be in English and Spanish or other languages as required by the
2 department. Signs shall meet the minimum specifications of rules
3 adopted by the department, which rules shall include, at a minimum,
4 size and lettering requirements."

5 "Sec. 3. RCW 49.70.119 and 1989 c 380 s 77 are each amended to
6 read as follows:

7 (1) An employer who applies ~~((or stores))~~ pesticides in connection
8 with the production of an agricultural crop, or who causes pesticides
9 to be applied in connection with such production, shall ~~((compile and~~
10 ~~maintain a workplace pesticide list by crop for each pesticide that is~~
11 ~~applied to a crop or stored in a work area. The workplace pesticide~~
12 ~~list shall be kept on a form prescribed by the department and shall~~
13 ~~contain at least the following information:~~

14 ~~(a) The location of the land where the pesticide was applied or~~
15 ~~site where the pesticide was stored;~~

16 ~~(b) The year, month, day, and time the pesticide was applied;~~

17 ~~(c) The product name used on the registered label and the United~~
18 ~~States environmental protection agency registration number, if~~
19 ~~applicable, of the pesticide that was applied or stored;~~

20 ~~(d) The crop or site to which the pesticide was applied;~~

21 ~~(e) The amount of pesticide applied per acre, or other appropriate~~
22 ~~measure;~~

23 ~~(f) The concentration of pesticide that was applied;~~

24 ~~(g) The number of acres, or other appropriate measure, to which~~
25 ~~pesticide was applied;~~

26 ~~(h) If applicable, the licensed applicator's name, address, and~~
27 ~~telephone number and the name of the individual or individuals making~~
28 ~~the application; and~~

1 ~~(i) The direction and estimated velocity of the wind at the time~~
2 ~~the pesticide was applied: PROVIDED, That this subsection (i) shall~~
3 ~~not apply to applications of baits in bait stations and pesticide~~
4 ~~applications within structures.~~

5 ~~(2) The employer shall update the workplace pesticide list on the~~
6 ~~same day that a pesticide is applied or is first stored in a work area.~~

7 ~~(3) The workplace pesticide list may be prepared for the workplace~~
8 ~~as a whole or for each work area and must))~~ keep records regarding
9 each application which shall include the information required under RCW
10 17.21.100. This information shall be readily available to the
11 employer's employees and their designated representatives. New or
12 newly assigned employees shall be made aware of the ((pesticide
13 chemical list before working with pesticides or in a work area
14 containing pesticides)) availability of the information.

15 ~~((4) An employer subject to this section shall maintain one form~~
16 ~~for each crop, work area, or workplace as a whole, as appropriate, and~~
17 ~~shall add information to the form as different pesticides are applied~~
18 ~~or stored. The forms shall be accessible and available for copying~~
19 ~~and))~~ The information shall be stored in a location suitable to
20 preserve ~~((their))~~ its physical integrity. The employer shall maintain
21 and preserve the ~~((forms))~~ information required under this section for
22 no less than seven years. ~~((The records shall include an estimation of~~
23 ~~the total amount of each pesticide listed on the forms.~~

24 ~~(5))~~ After July 23, 1989, if an employer has failed to maintain
25 and preserve the ~~((forms))~~ information as required, the employer shall
26 be subject to any applicable penalties authorized under this chapter or
27 chapter 49.17 RCW. ~~((+6))~~ If activities for which ~~((forms are))~~ the
28 information is maintained cease ~~((at a workplace))~~ on a farm, the
29 ~~((forms))~~ information shall be filed with the department. If an
30 employer subject to this section is succeeded or replaced in that

1 function by another person, the person who succeeds or replaces the
2 employer shall retain the ~~((forms))~~ information as required by this
3 section but is not liable for violations committed by the former
4 employer under this chapter or rules adopted under this chapter,
5 including violations relating to the retention and preservation of
6 ~~((forms))~~ information.

7 ~~((7))~~ (2) In addition to providing information under subsection
8 (1) of this section, the employer shall provide ~~((copies of the forms))~~
9 the information required under RCW 17.21.100 regarding the application
10 or applications of one or more pesticides, on request, to an employee
11 or the employee's designated representative in the case of an
12 industrial insurance claim filed under Title 51 RCW with the department
13 of labor and industries, treating medical personnel, the pesticide
14 incident reporting and tracking review panel, or department
15 representative. The designated representative or treating medical
16 personnel are not required to identify the employee represented or
17 treated. The department shall keep the name of any affected employee
18 confidential in accordance with RCW 49.17.080(1). If an employee, a
19 designated representative, treating medical personnel, or the pesticide
20 incident reporting and tracking review panel requests ~~((a copy of a~~
21 form)) such information and the employer refuses to provide ~~((a copy))~~
22 the information, the requester shall notify the department of the
23 request and the employer's refusal. Within seven working days, the
24 department shall request that the employer provide the department with
25 all pertinent ~~((copies))~~ information, except that in a medical
26 emergency the request shall be made within two working days. The
27 employer shall provide ~~((copies of the form))~~ the information to the
28 department within twenty-four hours after the department's request.

29 ~~((8)) The department of labor and industries and the department of~~
30 ~~agriculture shall jointly adopt, by rule, one form that satisfies the~~

1 ~~information requirements of this section and RCW 17.21.100. Records~~
2 ~~kept by the employer on the prescribed form under RCW 17.21.100 may be~~
3 ~~used to comply with the workplace pesticide list information~~
4 ~~requirements under this section.))~~

5 (3) Information provided to any person or entity under this section
6 or made available for inspection or other access upon request under
7 this section shall be provided or made available on a form adopted by
8 the department of agriculture under RCW 17.21.100."

9 "NEW SECTION. Sec. 4. This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately."

13 **ESB 5009** - H COMM AMD
14 By Committee on Agriculture & Rural Development

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16 On page 1, line 1 of the title, after "keeping;" strike the
17 remainder of the title and insert "amending RCW 17.21.100, 49.70.117,
18 and 49.70.119; and declaring an emergency."