

# FINAL BILL REPORT

## SHB 1956

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C 257 L 91  
*Synopsis As Enacted*

**Brief Description:** Changing provisions for plant protection.

By House Committee on Agriculture & Rural Development  
(originally sponsored by Representatives Rayburn, Nealey,  
McLean, Kremen, Chandler, Roland and Rasmussen; by  
request of Department of Agriculture).

House Committee on Agriculture & Rural Development  
House Committee on Revenue  
Senate Committee on Agriculture & Water Resources

### ***Background:***

Local Plant Pest & Disease Boards: State law permits the county commissioners of a county to create a horticultural pest and disease board. Among the authorities of such a board is the power to require the owner of land to control and prevent the spread of horticultural pests and diseases on the owner's land. If the owner fails to perform the required work, the board may perform that work or cause it to be performed. The expense of the work is charged to the landowner.

Plant & Bee Protection: The Director of Agriculture has broad authority to impose quarantines and to take actions regarding plant pests and diseases under the state's plant pest and disease control laws. The director has similar authorities regarding bees, hives, and beekeeping articles under the state's apiary laws. A person's first violation of the plant pest and disease laws or rules is a misdemeanor; each subsequent violation is a gross misdemeanor. A violation of the apiary laws is a Class I civil infraction.

Pesticides: Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act require pesticides registered with the federal government before November 1, 1984, to be re-registered under current standards.

### ***Summary:***

#### **LOCAL PEST AND DISEASE BOARDS:**

The circumstances are identified under which an action may be taken by a county horticultural pest and disease board to destroy infested plants without the consent of the owner of the land on which the plants are located.

The board may petition the superior court of the county for an order directing the landowner to show cause why the plants should not be removed at the owner's expense and for an order authorizing the removal. If the landowner fails to appear or fails to show by competent evidence that the pest or disease has been controlled, the court must authorize the board to remove the plants at the owner's expense.

If this procedure is followed, no action for damages for removal of the plants lies against the board, its officers or agents, or the county.

#### **PLANT AND BEE PROTECTION:**

General: Some of the authorities of the Director of Agriculture to regulate bees and pests of bees under the state's apiary laws are integrated with the director's authorities to regulate plants and pests of plants.

The authority of the director now expressly includes the power to adopt rules under which plants, plant products, bees, hives and beekeeping equipment and noxious weeds may be brought into this State and the circumstances under which these and genetically engineered organisms may be transported through this State. The purposes for which the Director may establish a quarantine now expressly include the protection of environmental interests. The director may require a person with controlled articles which may carry plant or bee pests or noxious weeds to disclose the origin and source of these items.

Penalties: A person who fails to comply with these laws or rules may be subject to a civil penalty of not more than \$5000 dollars for each violation if a criminal penalty has not been imposed for the violation.

Permits: No organism that may directly or indirectly affect plant life in the State may be introduced into or released within the State without a special permit issued by the Department of Agriculture. Except for approved research projects, no permit for a biological control agent may be issued unless the department has determined that the parasite, predator, or plant pathogen is a target organism or plant specific and is not likely to become a pest of nontarget plants or other beneficial organisms. Although the department must be notified regarding the introduction or release of a genetically engineered plant or plant pest

organism, a permit is not required if the introduction or release has been approved under federal law.

Actions - Costs: Before taking an action to treat, return or destroy an article impounded by the department, the director must provide the owner of the article with an opportunity for a hearing on the action. The costs of impounding, treating, returning, or destroying an article must be borne by the owner of the article. A person who causes an infestation to become established through the knowing and willful violation of a quarantine may be required to pay the costs of public control or eradication measures.

Disclosure: The director shall not make information submitted by applicants or registrants under these laws available to the public if the director determines that it contains or relates to trade secrets or commercial or financial information.

Fees; Dedicated Account: The authority of the department to provide services on a fee-for-service basis is expanded. Fees for these services are to be deposited in a plant pest account, which is created in the agricultural local fund rather than being deposited in the general fund.

Other: The director may acquire property for establishing quarantine stations, for the propagation of biological control agents, or for the isolation of biological control agents, genetically engineered plants or plant pests, or of bee pests. The director may enter cooperative arrangements with other persons and entities for conducting enforcement activities.

Pesticide Re-registration: The Tree Fruit Research Commission is expressly granted the authority to use assessments levied by the commission and approved by tree fruit growers for the re-registration of plant protection products for minor crops.

***Votes on Final Passage:***

House	88	7	
Senate	46	2	(Senate amended)
House	98	0	(House concurred)

***Effective:*** May 17, 1991