

SENATE BILL REPORT

ESB 6093

AS PASSED SENATE, FEBRUARY 5, 1992

Brief Description: Providing pesticide-sensitive individuals notification of urban pesticide applications.

SPONSORS: Senators Barr, Murray, Anderson and Bauer

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, and Newhouse.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: January 16, 1992; January 28, 1992

HOUSE COMMITTEE ON COMMERCE & LABOR

BACKGROUND:

The Washington State Department of Agriculture is charged with regulating the sale and use of pesticides within the state. The department requires all users of restricted-use pesticides to be licensed.

Interest has been expressed in establishing a notification and posting process for urban pesticide applications, especially for persons with medical conditions which cause them to be sensitive to pesticide exposure. Currently, only pesticide applications made to labor-intensive agricultural crops need to be posted.

SUMMARY:

Pesticide Sensitive Registry

The Department of Agriculture is to develop a list of pesticide-sensitive individuals. Individuals to be included on the list must have a documented pesticide sensitivity and must complete a form developed by the department. The form shall include the addresses of each property owner abutting the applicant's principle place of residence. These properties are the pesticide notification area for that pesticide-sensitive person. The department is to distribute the list by February 15 and June 15 of each year to applicators likely to make landscape applications.

Any applicator making a landscape application or a right of way application to the pesticide notification area of a person on the pesticide-sensitive list shall notify the listed person at least two hours prior to the scheduled application, or in

the case of an immediate service call at the time of the application.

A landscape application is defined as an application made to any exterior landscape plants by any certified applicator except certified private applicators or commercial pesticide applicators making structural applications.

Residential property is property less than one acre in size and zoned as residential. It specifically excludes agricultural land and agricultural homesites.

Application Vehicle Marking

Certified applicators making landscape applications must display the name and telephone number of the applicator or applicator's employer on any power application apparatus, and the applicator is to carry the material safety data sheet for the pesticide(s) being applied. For right of way applications, the applicator must also display the words "VEGETATION MANAGEMENT APPLICATION" on the apparatus.

If a written request for information on a spray application is received by an applicator, the applicator must provide the requestor with the name of the pesticide applied and either a copy of the material safety data sheet or a pesticide fact sheet developed by the Department of Agriculture.

Urban Posting

An applicator making a landscape application to residential property, schools, or parks must place a marker at the usual point of entry to the property. If a residential application is made to a small, isolated spot, then a marker need only be placed at the application site. If the application is made in a fenced backyard, no marker is required.

For applications made to golf courses, the applicator must place a marker at the first and tenth tee or notice must be posted in a conspicuous location such as a central message board.

Markers are to be at least four inches by five inches and are to include the words "THIS LANDSCAPE HAS BEEN TREATED BY," the name and telephone number of the applicator's company, and the words "FOR MORE INFORMATION PLEASE CALL."

Exemptions

State and local health departments, and mosquito control districts are exempt from all the provisions of the bill.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill is an industry sponsored measure; it is a responsible response to the community concern regarding urban pesticide use; it creates a workable program and is clear in its focus.

TESTIMONY AGAINST: None

TESTIFIED: Larry Treleven, Washington State Pest Control Association (pro); Robert Berger, Washington State Department of Transportation (pro); Galen Wright, Puget Sound Power and Light (pro); Ed Walters, Washington Tree Service/Interstate Professional Applicators Associations (pro); Vern Rollin, Western Washington Golf Course Superintendents Association (pro); Bob Mack, Washington Association of Cities; Tom Wolff, Northwest Turfgrass Association/Western Washington Golf Course Superintendents Association (pro); Richard Morton, Benton County Mosquito Control District (pro)

HOUSE AMENDMENT(S):

The Department of Agriculture is required to distribute application forms for the pesticide sensitive list prior to expiration of the list.