
HOUSE BILL 2777

State of Washington

52nd Legislature

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By Representatives Nealey, Rayburn and Bray

Read first time 01/27/92. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to a pilot project for pesticide recordkeeping and
2 reporting; amending RCW 17.21.100; and adding a new section to chapter
3 17.21 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 17.21 RCW
6 to read as follows:

7 (1) The director of agriculture may require by rule that the
8 pesticide application information required by RCW 17.21.100 for an
9 application be submitted to the department by electronic means. Such
10 a filing shall be made within a short period of time, set by the
11 director by rule, following the application of the pesticide. For the
12 purposes of this section, "electronic means" includes, but is not
13 limited to, transmission over telephone lines. The director may, by
14 rule, determine the extent to which application information submitted

1 in this manner must be maintained by the applicator or the person on
2 whose property the application was made. The director may require the
3 submittal of such information by electronic means on a pilot project
4 basis.

5 (2) This section expires on July 1, 1996.

6 **Sec. 2.** RCW 17.21.100 and 1989 c 380 s 39 are each amended to read
7 as follows:

8 (1) Except as provided in subsections (7) and (8) of this section,
9 pesticide applicators licensed under the provisions of this chapter and
10 all persons applying pesticides to more than one acre of agricultural
11 land in a calendar year, including public entities engaged in roadside
12 spraying of pesticides, shall keep records on a form prescribed by the
13 director which shall include the following:

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

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

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

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

20 (e) The amount of pesticide applied per acre or other appropriate
21 measure.

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

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

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

27 (i) The direction and estimated velocity of the wind at the time
28 the pesticide was applied: PROVIDED, That this subsection (i) shall

1 not apply to applications of baits in bait stations and pesticide
2 applications within structures.

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

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

6 (3) Such records shall be kept for a period of seven years from the
7 date of the application of the pesticide to which such records refer,
8 and the director shall, upon request in writing, be furnished with a
9 copy of such records forthwith by the licensee: PROVIDED, That the
10 director may require the submission of such records within thirty days
11 of the application of any restricted use pesticide in prescribed areas
12 controlling the use of such restricted use pesticide.

13 (4) The pesticide records shall be readily available to: The
14 department; treating medical personnel initiating diagnostic testing or
15 therapy for a patient with a suspected case of pesticide poisoning; the
16 department of social and health services; the pesticide incident
17 reporting and tracking panel; and, in the case of an industrial
18 insurance claim filed under Title 51 RCW with the department of labor
19 and industries, the employee or the employee's designated
20 representative and the department of labor and industries.

21 (5) If a request for information is made under subsection (4) of
22 this section from an applicator referred to in subsection (1) of this
23 section and the applicator refuses to provide a copy of the records,
24 the department shall be notified of the request and the applicator's
25 refusal. Within seven working days, the department shall request that
26 the applicator provide the department with all pertinent copies, except
27 that in a medical emergency the request shall be made within two
28 working days. The applicator shall provide copies of the records to
29 the department within twenty-four hours after the department's request.

1 (6) The department of agriculture and the department of labor and
2 industries shall jointly adopt, by rule, one form that satisfies the
3 information requirements of this section and RCW 49.70.119. Records
4 kept on the prescribed form under RCW 49.70.119 may be used to comply
5 with this section.

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

9 (8) The form and duration for keeping records for information
10 submitted under section 1 of this act shall be established by the
11 director by rule under section 1 of this act. The provisions of this
12 section regarding such form and duration do not apply to information
13 submitted under section 1 of this act.