

6273

Sponsor(s): Senators Patterson, Snyder and Barr

Brief Description: Clarifying the department of agriculture's authority.

**SB 6273.E - DIGEST**

(DIGEST AS PASSED LEGISLATURE)

Clarifies the department of agriculture's authority to regulate pesticides.

Prohibits local governmental regulation of pesticides on agricultural and forest lands, on right of ways for highways or utilities, and on lands regarding which pesticide use is regulated under chapter 76.09 RCW.

Grants some exceptions to the prohibition.

Expires July 1, 1994.

VETO MESSAGE ON SB 6273

April 1, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Senate Bill No. 6273, entitled:

"AN ACT Relating to clarifying the department of agriculture's authority to regulate pesticides."

A recent United States Supreme Court decision (Casey v. Mortier) clarified that local governments are permitted under the federal Insecticide, Fungicide, and Rodenticide Act to regulate the use of pesticides. This court decision did not alter the ability of state government to limit local government's ability to regulate pesticide use. Engrossed Senate Bill No. 6273 seeks to address the Supreme Court decision by pre-empting, to a limited extent, the ability of local government to regulate pesticide use.

The concern giving rise to this legislation was that local regulation of pesticides could, over time, become complex, unreasonable or oppressive and could burden vital segments of Washington's timber and agricultural economy. I, too, want to avoid this outcome. However, the Supreme Court's action occurred only last June. Few examples of local pesticide regulations of concern exist.

I believe that insufficient information exists to conclude the degree to which pre-emption of local authority, if any, is necessary to ensure pesticide use is regulated in a balanced manner to meet agricultural, forest products and other economic needs as well as the needs of the environment. For this reason, it is not clear that the level of pre-emption set forth in Engrossed Senate Bill No. 6273, is a sufficient or appropriate interim measure.

To address my concern, I am hereby directing the department of Agriculture to lead an inter-agency group including the departments of Labor and Industries, Community Development, Health and Ecology.

This group shall coordinate, among all affected interests, a process to review the issue of local pesticide regulation and develop a timely recommendation on the degree of pesticide regulation appropriate for state and local governments.

For the reasons stated above, I have vetoed Engrossed Senate Bill No. 6273 in its entirety.

Respectfully submitted,  
Booth Gardner  
Governor