

SENATE BILL REPORT

SB 6100

AS REPORTED BY COMMITTEE ON AGRICULTURE, JANUARY 18, 1994

Brief Description: Modifying the Washington pesticide application act.

SPONSORS: Senators M. Rasmussen, Newhouse, Snyder, Prentice and Fraser; by request of Department of Agriculture

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Bauer, Morton, Newhouse and Snyder.

Staff: Bob Lee (786-7404)

Hearing Dates: January 18, 1994

BACKGROUND:

The federal Insecticide, Fungicide and Rodenticide Act sets the framework for the registration and regulation of pesticides. The state administers the federal act through the Washington Pesticide Control Act and the Washington Pesticide Application Act.

Currently, all applicators who are licensed or who apply pesticides to over one acre of agricultural land must keep records to better keep track of times, locations and potential exposures to pesticides. Posting is done to inform the public that an area is treated with pesticides.

To maintain a continued level of competency, the continuing education program is administered for pesticide licensees.

Currently, the Governor appoints members to the Pesticide Advisory Board and one member must be from the environmental community.

Persons who violate pesticide laws or rules are subject to a civil fine of up to \$7,500, and suspension or revocation of their license. Also, persons who violate the act or rules are guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense.

The criminal code provides that a person who, with criminal negligence, causes bodily harm to another is guilty of a class C felony.

SUMMARY:

Added to those that must keep records are those who fail to license or who perform landscape applications such as schools, day cares, apartment complexes, golf courses and parks.

In addition to the current areas that are required to be posted are apartment complexes, day cares, nursery schools, rest areas, cemeteries and similar areas. The requirement is extended to people whether or not they are licensed applicators.

Commercial applicators must provide prior notification to the department of individuals employed to apply pesticides. Violations by the employee may be treated as a violation by the commercial pesticide applicator. Commercial applicators must themselves be licensed in all classifications in which the business operates.

Specific requirements as to the number of hours of training and the frequency of recertification are set forth.

In addition to application of pesticides, the act of mixing and loading is subject to regulation by the department. Authority is provided to the department to establish a training program by employers of employees who mix and load pesticides.

In addition to regulating nozzle sizes, authority is provided for the department to establish minimum performance standards for pesticide spray booms and nozzles.

The director is provided the authority to appoint members of the Pesticide Advisory Board and two must be from the environmental community.

Authority is conveyed to the director to impose a suspension of a license that coincides with the time of year during which the violation occurred.

Persons who knowingly expose others to harm by means of a pesticide application are guilty of a class C felony. Class C felonies are punishable by up to five years in jail and/or up to a \$10,000 fine.

EFFECT OF PROPOSED SUBSTITUTE:

Two members are added to the Pesticide Advisory Board: an urban landscape applicator and a producer of aquacultural products.

The provision that established a class C felony for those who knowingly expose others to harm as a separate offense under the pesticide laws is removed.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The Department of Agriculture proposes the legislation to address a number of issues including pesticide drift, worker protection, applicator recordkeeping, applicator posting, licensing requirements, and changes to the Pesticide Advisory Board. The legislation will provide the department with the tools to better regulate the application of pesticides.

TESTIMONY AGAINST:

The class C felony section is unnecessary because such actions are currently covered by other criminal code provisions, specifically RCW 9A.36.031.

TESTIFIED: Enid Hayes, Washington AgriBusiness Coalition (pro); William E. Brookreson, WSDA (pro); Ed Walter, Washington Tree Service, Inc. (pro); Duncan Wurm, WFFT (pro); Bruce Briggs, WSNLA (pro); Chris Cheney, WSFB (pro)