

SENATE BILL REPORT

SB 6444

AS OF FEBRUARY 2, 1994

Brief Description: Regulating extremely toxic pesticides.

SPONSORS: Senators Prentice, Moyer, Pelz and M. Rasmussen

SENATE COMMITTEE ON AGRICULTURE

Staff: Vic Moon (786-7469)

Hearing Dates: February 3, 1994

BACKGROUND:

The Department of Labor and Industries has reported that 229 pesticide illness claims were filed in 1992 with 67 percent of those claims coming from the agricultural sector. Last summer, 27 farm workers were reported to have been poisoned by phosdrin which is a category 1 pesticide. Category 1 pesticides are the strongest pesticides and are used as insecticides and fungicides in Washington State for apples, pears, raspberries, grapes and sweet cherries in addition to some other labor intensive crops.

SUMMARY:

The purpose of the proposed law states the following legislative findings: certain pesticides dispersed in Washington work places are extremely and acutely toxic even in small amounts and that there are less toxic substitutes for these pesticides; principles of industrial hygiene require the substitution in the work place of less toxic materials or alternative practices; the Legislature finds that principles of industrial hygiene should be applied to the dispersed use of extremely toxic pesticides by requiring substitution or alternative practices where available.

Definitions include establishing the Director of the Department of Labor and Industries as the person implementing the Extremely Toxic Pesticides Act. LD-50 in the act means the median lethal dose of concentration. Extremely toxic pesticides are defined. For the purpose of the act, the director may rely upon the determination by another state agency or federal agency that a pesticide meets the toxicity criteria of this act. Dispersed use means the intentional application of an extremely toxic pesticide by aircraft, power blast equipment, sprayer or other means. Labor intensive crop means a crop requiring substantial hand labor for planting, thinning, cultivating, pruning, harvesting or other agricultural activities. Pesticide means any substance or mixture of substances intended to prevent, destroy, control,

repel or mitigate insects, rodents, snails, slugs, fungi, weeds and other forms of plant or animal virus.

No employer may engage in or cause an employee to be engaged in the dispersed use of extremely toxic pesticides in a labor intensive crop on or after January 1, 1996. The Director of the Department of Labor and Industries may authorize the use of an extremely toxic pesticide if the director finds in writing by rule that the prohibition will cause severe economic hardship to the affected industry and that no feasible alternative substances or practices are available.

Whenever the Director of the Department of Labor and Industries authorizes an extension of the dispersed use of an extremely toxic pesticide, the director will immediately notify the appropriate research institutions and programs of the state including University of Washington and Washington State University in order to facilitate research into alternative substances and practices. The ability of the director to authorize the dispersed use of an extremely toxic pesticide expires January 1, 2000.

An institution of higher education that is otherwise authorized to use extremely toxic pesticides may use these poisons for research purposes only.

Appropriation: none

Revenue: none

Fiscal Note: requested