

2 **E2SHB 1009** - S COMM AMD

3 By Committee on Agriculture & Agricultural Trade & Development

4 ADOPTED 4/11/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 15.92 RCW
8 to read as follows:

9 (1) A commission on pesticide registration is established. The
10 commission shall be composed of twelve voting members appointed by the
11 governor as follows:

12 (a) Eight members from the following segments of the state's
13 agricultural industry as nominated by a state-wide private agricultural
14 association or agricultural commodity commission formed under Title 15
15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato
16 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry
17 growers; (vii) wine grape growers; and (viii) the nursery and landscape
18 industry. Although members are appointed from various segments of the
19 agriculture industry, they are appointed to represent and advance the
20 interests of the industry as a whole.

21 (b) One member from each of the following: (i) Forest protection
22 industry; (ii) food processors; (iii) agricultural chemical industry;
23 and (iv) professional pesticide applicators. One member shall be
24 appointed for each such segment of the industry and shall be nominated
25 by a state-wide, private association of that segment of the industry.
26 The representative of the agricultural chemical industry shall be
27 involved in the manufacture of agricultural crop protection products.

28 The following shall be ex officio, nonvoting members of the
29 commission: The coordinator of the interregional project number four
30 at Washington State University; the director of the department of
31 ecology or the director's designee; the director of the department of
32 agriculture or the director's designee; the director of the department
33 of labor and industries or the director's designee, and the secretary
34 of the department of health or the secretary's designee.

35 (2) Each voting member of the commission shall serve a term of
36 three years. However, the first appointments in the first year shall

1 be made by the governor for one, two, and three-year terms so that, in
2 subsequent years, approximately one-third of the voting members shall
3 be appointed each year. The governor shall assign the initial one,
4 two, and three-year terms to members by lot. A vacancy shall be filled
5 by appointment for the unexpired term in the same manner provided for
6 an appointment to the full term. No member of the commission may be
7 removed by the governor during his or her term of office unless for
8 cause of incapacity, incompetence, neglect of duty, or malfeasance in
9 office. Each member of the commission shall receive travel expenses in
10 accordance with RCW 43.03.050 and 43.03.060 for attending meetings of
11 the commission and for performing special duties, in the way of
12 official commission business, specifically assigned to the person by
13 the commission. The voting members of the commission serve without
14 compensation from the state other than such travel expenses.

15 (3) Nominations for the initial appointments to the commission
16 under subsection (1) of this section shall be submitted by September 1,
17 1995. The governor shall make initial appointments to the commission
18 by October 15, 1995.

19 (4) The commission shall elect a chair from among its voting
20 members each calendar year. After its original organizational meeting,
21 the commission shall meet at the call of the chair. A majority of the
22 voting members of the commission constitutes a quorum and an official
23 action of the commission may be taken by a majority vote of the voting
24 members.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.92 RCW
26 to read as follows:

27 (1) The following apply to the use of state moneys appropriated to
28 Washington State University specifically and expressly for studies or
29 activities regarding the registration of pesticides:

30 (a) The moneys may not be expended without the express approval of
31 the commission on pesticide registration;

32 (b) The moneys may be used for: (i) Evaluations, studies, or
33 investigations approved by the commission on pesticide registration
34 regarding the registration or reregistration of pesticides for minor
35 crops or minor uses or regarding the availability of pesticides for
36 emergency uses. These evaluations, studies, or investigations may be
37 conducted by the food and environmental quality laboratory or may be
38 secured by the commission from other qualified laboratories,

1 researchers, or contractors by contract, which contracts may include,
2 but are not limited to, those purchasing the use of proprietary
3 information; (ii) the tracking system described in RCW 15.92.060; and
4 (iii) the support of the commission on pesticide registration and its
5 activities; and

6 (c) Not less than twenty-five percent of such moneys shall be
7 dedicated to studies or investigations concerning the registration or
8 use of pesticides for crops that are not among the top twenty
9 agricultural commodities in production value produced in the state, as
10 determined annually by the Washington agricultural statistics service.

11 (2) The commission on pesticide registration shall establish
12 priorities to guide it in approving the use of moneys for evaluations,
13 studies, and investigations under this section. Each biennium, the
14 commission shall prepare a contingency plan for providing funding for
15 laboratory studies or investigations that are necessary to pesticide
16 registrations or related processes that will address emergency
17 conditions for agricultural crops that are not generally predicted at
18 the beginning of the biennium.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.92 RCW
20 to read as follows:

21 The commission on pesticide registration shall:

22 (1) Provide guidance to the food and environmental quality
23 laboratory established in RCW 15.92.050 regarding the laboratory's
24 studies, investigations, and evaluations concerning the registration of
25 pesticides for use in this state for minor crops and minor uses and
26 concerning the availability of pesticides for emergency uses;

27 (2) Encourage agricultural organizations to assist in providing
28 funding, in-kind services, or materials for laboratory studies and
29 investigations concerning the registration of pesticides for minor
30 crops and minor uses that would benefit the organizations;

31 (3) Provide guidance to the laboratory regarding a program for:
32 Tracking the availability of effective pesticides for minor crops,
33 minor uses, and emergency uses; providing this information to
34 organizations of agricultural producers; and maintaining close contact
35 between the laboratory, the department of agriculture, and
36 organizations of agricultural producers regarding the need for research
37 to support the registration of pesticides for minor crops and minor
38 uses and the availability of pesticides for emergency uses;

1 (4) Ensure that the activities of the commission and the laboratory
2 are coordinated with the activities of other laboratories in the
3 Pacific Northwest, the United States department of agriculture, and the
4 United States environmental protection agency to maximize the
5 effectiveness of regional efforts to assist in the registration of
6 pesticides for minor crops and minor uses and in providing for the
7 availability of pesticides for emergency uses for the region and the
8 state; and

9 (5) Ensure that prior to approving any residue study that there is
10 written confirmation of registrant support and willingness or ability
11 to add the given minor crop to its label including any restrictions or
12 guidelines the registrant intends to impose.

13 **Sec. 4.** RCW 15.92.010 and 1991 c 341 s 2 are each amended to read
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Agricultural commodity" means any distinctive type of
18 agricultural, horticultural, viticultural, floricultural, vegetable, or
19 animal product, including but not limited to, products qualifying as
20 organic food products under chapter 15.86 RCW, private sector cultured
21 aquatic products as defined in RCW 15.85.020, bees and honey, and
22 Christmas trees but not including timber or timber products.

23 (2) "Center" means the center for sustaining agriculture and
24 natural resources established at Washington State University.

25 ~~((+2))~~ (3) "Laboratory" means the food and environmental quality
26 laboratory established at Washington State University at Tri-Cities.

27 ~~((+3))~~ (4) "Integrated pest management" is a strategy that uses
28 various combinations of pest control methods, biological, cultural, and
29 chemical, in a compatible manner to achieve satisfactory control and
30 ensure favorable economic and environmental consequences.

31 ~~((+4))~~ (5) "IR-4 program" means interregional research project
32 number four, clearances of chemicals and biologics for minor or special
33 uses, established in 1963 by the cooperative state research service of
34 the United States department of agriculture, the coordinated national
35 program involving land-grant universities and the United States
36 department of agriculture to provide data required for the registration
37 of pesticides needed for the production of minor crops.

38 ~~((+5))~~ (6) "Minor crop" means an agricultural crop considered to

1 be minor in the national context of registering pesticides.

2 (7) "Minor use" means a pesticide use considered to be minor in the
3 national context of registering pesticides including, but not limited
4 to, a use for a special local need.

5 (8) "Natural resources" means soil, water, air, forests, wetlands,
6 wildlands, and wildlife.

7 ~~((+6))~~ (9) "Pesticide" means chemical or biologic used to control
8 pests such as insect, rodent, nematode, snail, slug, weed, virus, or
9 any organism the director of agriculture may declare to be a pest.

10 ~~((+7))~~ (10) "Registration" means use of a pesticide approved by
11 the state department of agriculture.

12 ~~((+8))~~ (11) "Sustainable agriculture" means a systems approach to
13 farming, ranching, and natural resource production that builds on and
14 supports the physical, biological, and ecological resource base upon
15 which agriculture depends. The goals of sustainable agriculture are to
16 provide human food and fiber needs in an economically viable manner for
17 the agriculture industry and in a manner which protects the environment
18 and contributes to the overall safety and quality of life.

19 **Sec. 5.** RCW 15.92.060 and 1991 c 341 s 7 are each amended to read
20 as follows:

21 The responsibilities of the laboratory shall include:

22 (1) Evaluating regional requirements for minor crop registration
23 through the federal IR-4 program;

24 (2) Providing a program for tracking the availability of effective
25 pesticides for minor crops, minor uses, and emergency uses in this
26 state;

27 (3) Conducting studies on the fate of pesticides on crops and in
28 the environment, including soil, air, and water;

29 ~~((+3))~~ (4) Improving pesticide information and education programs;
30 ~~((and~~

31 ~~(+4))~~ (5) Assisting federal and state agencies with questions
32 regarding registration of pesticides which are deemed critical to crop
33 production, consistent with priorities established in RCW 15.92.070;
34 and

35 ~~((+5))~~ (6) Assisting in the registration of biopesticides,
36 pheromones, and other alternative chemical and biological methods.

37 NEW SECTION. **Sec. 6.** A new section is added to chapter 15.92 RCW

1 to read as follows:

2 By December 15, 2002, the commission shall file with the
3 legislature a report on the activities supported by the commission for
4 the period beginning on the effective date of this act and ending on
5 December 1, 2002. The report shall include an identification of: The
6 priorities that have been set by the commission; the state
7 appropriations made to Washington State University that have been
8 within the jurisdiction of the commission; the evaluations, studies,
9 and investigations funded in whole or in part by such moneys and the
10 registrations and uses of pesticides made possible in large part by
11 those evaluations, studies, and investigations; the matching moneys,
12 in-kind services, and materials provided by agricultural organizations
13 for those evaluations, studies, and investigations; and the program or
14 programs for tracking pesticide availability provided by the laboratory
15 under the guidance of the commission and the means used for providing
16 this information to organizations of agricultural producers.

17 During the regular session of the legislature in the year 2003, the
18 appropriate committees of the house of representatives and senate shall
19 evaluate the effectiveness of the commission in fulfilling its
20 statutory responsibilities.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 15.92 RCW
22 to read as follows:

23 The commission on pesticide registration, and Washington State
24 University on behalf of the commission, may receive such gifts, grants,
25 and endowments from public or private sources as may be used from time
26 to time, in trust or otherwise, for the use and benefit of the
27 commission and expend the same or any income therefrom according to the
28 terms of the gifts, grants, or endowments."

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31 ADOPTED 4/11/95

32 On page 1, line 1 of the title, after "registration;" strike the
33 remainder of the title and insert "amending RCW 15.92.010 and
34 15.92.060; and adding new sections to chapter 15.92 RCW."

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