

SENATE BILL REPORT

E2SHB 1527

As Reported By Senate Committee On:
Agriculture & Environment, April 1, 1997
Ways & Means, April 4, 1997

Title: An act relating to pesticide registration and licensing.

Brief Description: Regulating pesticides.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville; by request of Department of Agriculture).

Brief History:

Committee Activity: Agriculture & Environment: 4/1/97 [DP-WM].
Ways & Means: 4/4/97 [DP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Staff: Cathy Baker (786-7708)

Background: The Department of Agriculture is responsible for the registration of all pesticides used in the state, and the licensing of pesticide dealers and applicators. Annual fees are established in statute for product registration and for each category of pesticide applicator. Examinations are required for both pesticide dealers and applicators. Recertification standards for pesticide applicators require continued education or testing every five years.

Revenue generated by the pesticide registration fees and pesticide dealer and applicator license fees are deposited in the agriculture local fund. This revenue is used to support the pesticide management program at the Department of Agriculture, which includes the following activities: product registration; inspection of manufacturers and distributors; pesticide use complaint investigation; applicator licensing and education; and field inspections

and technical assistance for pesticide applicators. The Department of Agriculture must report to the Legislature on the activities of the pesticide program by December 1 of each year.

The Department of Agriculture has suggested that past budget cuts and inflation have caused a decrease in personnel to the point where the pesticide program is not able to carry out its mandated activities.

Summary of Bill: Standards for recertification of pesticide dealers are established. In order to qualify for a continuing license every five years, a dealer must either accumulate training credits or meet examination requirements.

The date for an annual report to the Legislature on the activities of the pesticide program of the Department of Agriculture is changed from December 1 to February 1.

Money collected for civil penalties related to pesticide registration or pesticide application are deposited in the state general fund.

Fees for licensing of pesticide applicators and registration of pesticides are revised. The fees for licensing of pesticide applicators and dealers are revised as follows:

License	Previous Fee	Revised Fee
Registration and License Fee Surcharge (added to each license fee)	\$6	\$0
Pesticide Dealers	\$30	\$50
Dealer Manager	\$15	\$25
Pest Control Inspector	\$30	\$45
Public Pest Control Consultant	\$15	\$25
Commercial Applicator	\$136	\$170
Each Commercial Applicator Apparatus, after the first	\$11	\$20
Commercial Operator	\$33	\$50
Private Commercial Applicator	\$17	\$25
Private Applicator	\$17	\$25
Research and Demonstration	\$17	\$25
Public Operator	\$17	\$25

The fees for pesticide registration are revised as follows:

Product Registration	Previous Fee	Revised Fee
-----------------------------	---------------------	--------------------

Registration and License Fee Surcharge (added to each registration fee)	\$6	\$0
Each of the 1 st through 25 th Products	\$105	\$145
Each of the 26 th through 100 Products	\$100	\$145
Each of the 101 st through 150 th Products	\$75	\$145
Each of the 151 st Products and Beyond	\$50	\$145
Special Local Needs Registration	\$200	\$0
Home and Garden Use	\$10	\$0

A pilot project is established to provide a license for persons to apply restricted use herbicides for controlling weeds in Ferry and Okanogan counties. The pilot project expires December 31, 2002. The license is called a limited private applicator's license and it permits the licensee to apply herbicides to control weeds on his or her own non-production agricultural land and on the non-production agricultural land of another person if it is done without compensation other than the trading of personal services. The application of herbicides to aquatic sites is not permitted under the license. The application and examination requirements, as well as the fee, for a limited private applicator are the same as for a private applicator; however, the continuing education requirements are altered for this category of license.

The Director of Agriculture is to appoint a Presidents' Advisory Council composed of the presidents of state agricultural organizations to advise the director regarding the Pesticide Control and Pesticide Application Acts.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For (Agriculture & Environment): The Department of Agriculture needs more revenue to run an effective pesticide management program, and there is good justification for these fee increases. The agricultural Presidents' Advisory Council would provide oversight for the department and ensure accountability. The pilot program will help two counties address increasing problems with weeds in non-production agricultural areas.

Testimony Against (Agriculture & Environment): The decrease in funds from that requested by the Department of Agriculture will mean a decrease in three FTEs from the original proposal. The House budget would make up the difference with funds from the state toxics control account, but funding is not included in the Senate budget. The agricultural Presidents' Advisory Council is unnecessary and will duplicate the work of the Pesticide Advisory Board. The Pesticide Advisory Board was created by the Legislature to advise the director on all issues related to pesticides, and includes broad representation. The pilot project was originally intended for Ferry County, and not Okanogan County. To be an effective pilot, the program should be limited to just one county.

Testified (Agriculture & Environment): Mike Schwisow, Washington State Potato Commission (pro); Dan Coyne, Ag Chem Industry (pro); Chris C. Henry, Horticultural Growers (pro); Heather Hansen Rainey, Washington Friends of Farms and Forests (pro); Mary Beth Lang, Department of Agriculture (pro w/concerns).

Testimony For (Ways & Means): The Department of Agriculture needs more funding to run an effective pesticide management program. There is good justification for these fee increases.

Testimony Against (Ways & Means): The fee levels authorized in the amended bill won't generate as much revenue as the department originally requested. This lower funding level will not allow the department to keep up with increased workloads.

Testified (Ways & Means): Marty Beth Lang, Department of Agriculture (pro w/concerns); Dan Coyne, Ag Chem industry (pro).