
HOUSE BILL 1701

State of Washington

55th Legislature

1997 Regular Session

By Representatives McMorris and Schoesler

Read first time 02/05/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to pesticide complaints; amending RCW 17.21.340;
2 adding a new section to chapter 15.58 RCW; and adding a new section to
3 chapter 17.21 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.58 RCW
6 to read as follows:

7 The department shall not accept, record, or in any manner process
8 or investigate under this chapter an anonymous complaint. For a
9 complaint to be accepted, recorded, processed, or investigated under
10 this chapter, the name and address of the complainant must be filed as
11 a part of the complaint.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21 RCW
13 to read as follows:

14 The department shall not accept, recorded, or in any manner process
15 or investigate under this chapter an anonymous complaint. For a
16 complaint to be accepted, recorded, processed, or investigated under
17 this chapter, the name and address of the complainant must be filed as
18 a part of the complaint.

1 **Sec. 3.** RCW 17.21.340 and 1989 c 380 s 63 are each amended to read
2 as follows:

3 (1) A person aggrieved by a violation of this chapter or the rules
4 adopted under this chapter:

5 (a) May request an inspection of the area in which the violation is
6 believed to have occurred. If there are reasonable grounds to believe
7 that a violation has occurred, the department shall conduct an
8 inspection as soon as practicable. However, the director may refuse to
9 act on a request for inspection concerning only property loss or damage
10 if the person suffering property damage fails to file a timely report
11 of loss under RCW 17.21.190. The department must not accept or in any
12 manner respond to a request that is made anonymously. If an inspection
13 is conducted, the person requesting the inspection shall((÷

14 (i))) be promptly notified in writing of the department's decision
15 concerning the assessment of any penalty pursuant to the inspection;
16 ((and

17 (ii) ~~Be entitled, on request, to have his or her name protected~~
18 ~~from disclosure in any communication with persons outside the~~
19 ~~department and in any record published, released, or made available~~
20 ~~pursuant to this chapter: PROVIDED, That in any appeal proceeding the~~
21 ~~identity of the aggrieved person who requests the inspection shall be~~
22 ~~disclosed to the alleged violator of the act upon request of the~~
23 ~~alleged violator;))~~

24 (b) Shall be notified promptly, on written application to the
25 director, of any penalty or other action taken by the department
26 pursuant to an investigation of the violation under this chapter; and

27 (c) May request, within ten days from the service of a final order
28 fixing a penalty for the violation, that the director reconsider the
29 entire matter if it is alleged that the penalty is inappropriate. If
30 the person is aggrieved by a decision of the director on
31 reconsideration, the person may request an adjudicative proceeding
32 under chapter 34.05 RCW. However, the procedures for a brief
33 adjudicative proceeding may not be used unless agreed to by the person
34 requesting the adjudicative proceeding. During the adjudicative
35 proceeding under ((÷~~of~~)) this subsection, the presiding officer
36 shall consider the interests of the person requesting the adjudicative
37 proceeding.

38 (2) Nothing in this chapter ((~~shall~~)) precludes any person
39 aggrieved by a violation of this chapter from bringing suit in a court

1 of competent jurisdiction for damages arising from the violation. A
2 request made under subsection (1)(a) of this section is subject to
3 public disclosure.

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