

2 **SB 5125** - H COMM AMD **ADOPTED 04/07/99**
3 By Committee on Agriculture & Ecology

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

7 "**Sec. 1.** RCW 15.92.090 and 1995 c 390 s 1 are each amended to read
8 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
24 (~~voting members~~) quorum.

25 **Sec. 2.** RCW 15.92.095 and 1995 c 390 s 2 are each amended to read
26 as follows:

27 (1) (~~The following apply~~) This subsection applies to the use of
28 (~~state moneys appropriated to Washington State University specifically~~
29 ~~and expressly for studies or activities regarding the registration of~~
30 ~~pesticides~~) state appropriations made to or legislatively intended for
31 the commission on pesticide registration and to any other moneys
32 appropriated by the state and received by the commission on pesticide
33 registration:

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

36 (b) The moneys may be used for: (i) Evaluations, studies, or
37 investigations approved by the commission on pesticide registration
38 regarding the registration or reregistration of pesticides for minor

1 crops or minor uses or regarding the availability of pesticides for
2 emergency uses. These evaluations, studies, or investigations may be
3 conducted by the food and environmental quality laboratory or may be
4 secured by the commission from other qualified laboratories,
5 researchers, or contractors by contract, which contracts may include,
6 but are not limited to, those purchasing the use of proprietary
7 information; (ii) evaluations, studies, or investigations approved by
8 the commission regarding research, implementation, and demonstration of
9 any aspect of integrated pest management and pesticide resistance
10 management programs; (iii) the tracking system described in RCW
11 15.92.060; and ~~((iii))~~ (iv) the support of the commission on
12 pesticide registration and its activities; and

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

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

26 **Sec. 3.** RCW 15.92.100 and 1995 c 390 s 3 are each amended to read
27 as follows:

28 The commission on pesticide registration shall:

29 (1) Provide guidance to the food and environmental quality
30 laboratory established in RCW 15.92.050 regarding the laboratory's
31 studies, investigations, and evaluations concerning the registration of
32 pesticides for use in this state for minor crops and minor uses and
33 concerning the availability of pesticides for emergency uses;

34 (2) Encourage agricultural organizations to assist in providing
35 funding, in-kind services, or materials for laboratory studies and
36 investigations concerning the registration of pesticides and research,
37 implementation, and demonstration of any aspect of integrated pest

1 management and pesticide resistance management programs for minor crops
2 and minor uses that would benefit the organizations;

3 (3) Provide guidance to the laboratory regarding a program for:
4 Tracking the availability of effective pesticides for minor crops,
5 minor uses, and emergency uses; providing this information to
6 organizations of agricultural producers; and maintaining close contact
7 between the laboratory, the department of agriculture, and
8 organizations of agricultural producers regarding the need for research
9 to support the registration of pesticides for minor crops and minor
10 uses and the availability of pesticides for emergency uses;

11 (4) Ensure that the activities of the commission and the laboratory
12 are coordinated with the activities of other laboratories in the
13 Pacific Northwest, the United States department of agriculture, and the
14 United States environmental protection agency to maximize the
15 effectiveness of regional efforts to assist in the registration of
16 pesticides for minor crops and minor uses and in providing for the
17 availability of pesticides for emergency uses for the region and the
18 state; and

19 (5) Ensure that prior to approving any residue study that there is
20 written confirmation of registrant support and willingness or ability
21 to add the given minor crop to its label including any restrictions or
22 guidelines the registrant intends to impose."

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26 On page 1, line 2 of the title, after "registration;" strike the
27 remainder of the title and insert "and amending RCW 15.92.090,
28 15.92.095, and 15.92.100."

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