

2 **ESSB 5424** - H COMM AMD
3 By Committee on Appropriations

4 ADOPTED AS AMENDED 4/16/99

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the
8 environmental, recreational, and aesthetic values of many of the
9 state's lakes are threatened by the invasion of nuisance and noxious
10 aquatic weeds. Once established, these nuisance and noxious aquatic
11 weeds can colonize the shallow shorelines and other areas of lakes with
12 dense surface vegetation mats that degrade water quality, pose a threat
13 to swimmers, and restrict use of lakes. Algae can generate health and
14 safety conditions dangerous to fish, wildlife, and humans. The current
15 environmental impact statement is causing difficulty in responding to
16 environmentally damaging weed and algae problems. Many commercially
17 available herbicides have been demonstrated to be effective in
18 controlling nuisance and noxious aquatic weeds and algae and do not
19 pose a risk to the environment or public health. The purpose of this
20 act is to allow the use of commercially available herbicides that have
21 been approved by the environmental protection agency and the department
22 of agriculture and subject to rigorous evaluation by the department of
23 ecology through an environmental impact statement for the aquatic plant
24 management program.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW
26 to read as follows:

27 (1) The department of ecology shall update the final supplemental
28 environmental impact statement completed in 1992 for the aquatic plant
29 management program to reflect new information on herbicides evaluated
30 in 1992 and new, commercially available herbicides. The department
31 shall maintain the currency of the information on herbicides and
32 evaluate new herbicides as they become commercially available.

33 (2) For the 1999 treatment season, the department shall permit by
34 May 15, 1999, municipal experimental application of herbicides such as
35 hydrothol 191 for algae control in lakes managed under chapter 90.24

1 RCW. If experimental use is determined to be ineffective, then the
2 department shall within fourteen days consult with other state,
3 federal, and local agencies and interested parties, and may permit the
4 use of copper sulfate. The Washington institute for public policy
5 shall contract for a study on the lake-wide effectiveness of any
6 herbicide used under this subsection. Prior to issuing the contract
7 for the study, the institute for public policy shall determine the
8 parameters of the study in consultation with licensed applicators who
9 have recent experience treating the lake and with the nonprofit
10 corporation that participated in centennial clean water fund phase one
11 lake management studies for the lake. The parameters must include
12 measurement of the lake-wide effectiveness of the application of the
13 herbicide in maintaining beneficial uses of the lake, including any
14 uses designated under state or federal water quality standards. The
15 effectiveness of the application shall be determined by objective
16 criteria such as turbidity of the water, the effectiveness in killing
17 algae, any harm to fish or wildlife, any risk to human health, or other
18 criteria developed by the institute. The results of the study shall be
19 reported to the appropriate legislative committees by December 1, 1999.
20 A general fund appropriation in the amount of \$35,000 is provided to
21 the Washington institute for public policy for fiscal year 1999 for the
22 study required under this subsection.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
24 to read as follows:

25 (1) Subject to restrictions in this section, a government entity
26 seeking to control a limited infestation of Eurasian water milfoil may
27 use the pesticide 2,4-D to treat the milfoil infestation, without
28 obtaining a permit under RCW 90.48.445, if the milfoil infestation is
29 either recently documented or remaining after the application of other
30 control measures, and is limited to twenty percent or less of the
31 littoral zone of the lake. Any pesticide application made under this
32 section must be made according to all label requirements for the
33 product and must meet the public notice requirements of subsection (2)
34 of this section.

35 (2) Before applying 2,4-D, the government entity shall: (a)
36 Provide at least twenty-one days' notice to the department of ecology,
37 the department of fish and wildlife, the department of agriculture, the
38 department of health, and all lake residents; (b) post notices of the

1 intent to apply 2,4-D at all public access points; and (c) place
2 informational buoys around the treatment area.

3 (3) The department of fish and wildlife may impose timing
4 restrictions on the use of 2,4-D to protect salmon and other fish and
5 wildlife.

6 (4) The department may prohibit the use of 2,4-D if the department
7 finds the product contains dioxin in excess of the standard allowed by
8 the United States environmental protection agency. Sampling protocols
9 and analysis used by the department under this section must be
10 consistent with those used by the United States environmental
11 protection agency for testing this product.

12 (5) Government entities using this section to apply 2,4-D may apply
13 for funds from the freshwater aquatic weeds account consistent with the
14 freshwater aquatic weeds management program as provided in RCW
15 43.21A.660.

16 (6) Government entities using this section shall consider
17 development of long-term control strategies for eradication and control
18 of the Eurasian water milfoil.

19 (7) For the purpose of this section, "government entities" includes
20 cities, counties, state agencies, tribes, special purpose districts,
21 and county weed boards.

22 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
23 act, referencing this act by bill or chapter number, is not provided by
24 June 30, 1999, in the omnibus appropriations act, this act is null and
25 void.

26 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately."

30 Correct the title.

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