

2 **ESSB 5424** - H COMM AMD **ADOPTED 04/16/99**
3 By Committee on Appropriations

4

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 noxious aquatic weeds.
10 Once established, these noxious aquatic weeds can colonize the shallow
11 shorelines of lakes with dense surface vegetation mats that degrade
12 water quality, pose a threat to swimmers, and restrict use of lakes.
13 Many commercially available herbicides have been demonstrated to be
14 effective in controlling noxious aquatic weeds and do not pose a risk
15 to the environment or public health. The purpose of this act is to
16 allow the use of commercially available herbicides that have been
17 approved by the environmental protection agency and the department of
18 agriculture and subject to rigorous evaluation by the department of
19 ecology through an environmental impact statement for the aquatic plant
20 management program.

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

23 The department of ecology shall update the final supplemental
24 environmental impact statement completed in 1992 for the aquatic plant
25 management program to reflect new information on herbicides evaluated
26 in 1992 and new, commercially available herbicides. The department
27 shall maintain the currency of the information on herbicides and
28 evaluate new herbicides as they become commercially available.

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

31 (1) Subject to restrictions in this section, a government entity
32 seeking to control a limited infestation of Eurasian water milfoil may
33 use the pesticide 2,4-D to treat the milfoil infestation, without
34 obtaining a permit under RCW 90.48.445, if the milfoil infestation is

1 either recently documented or remaining after the application of other
2 control measures, and is limited to twenty percent or less of the
3 littoral zone of the lake. Any pesticide application made under this
4 section must be made according to all label requirements for the
5 product and must meet the public notice requirements of subsection (2)
6 of this section.

7 (2) Before applying 2,4-D, the government entity shall: (a)
8 Provide at least twenty-one days' notice to the department of ecology,
9 the department of fish and wildlife, the department of agriculture, the
10 department of health, and all lake residents; (b) post notices of the
11 intent to apply 2,4-D at all public access points; and (c) place
12 informational buoys around the treatment area.

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

16 (4) The department may prohibit the use of 2,4-D if the department
17 finds the product contains dioxin.

18 (5) Government entities using this section to apply 2,4-D may apply
19 for funds from the freshwater aquatic weeds account consistent with the
20 freshwater aquatic weeds management program as provided in RCW
21 43.21A.660.

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

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

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

32 Correct the title.

--- END ---