

HOUSE BILL REPORT

HB 1152

As Passed Legislature

Title: An act relating to a pilot project for limited private applicator licenses and rancher private applicator licenses.

Brief Description: Regulating private applicator licenses.

Sponsors: Representatives McMorris, G. Chandler, Linville and Cooper; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/26/99, 2/4/99 [DP].

Floor Activity:

Passed House: 2/12/99, 94-0.

Passed Senate: 4/12/99, 45-0.

Passed Legislature.

Brief Summary of Bill

- Expands a pilot program for pesticide use licensing by adding Stevens and Pend Oreille counties to the program, extends the program through the year 2004, and adds a new licensing category to the program.
- Requires certain cooperative extension service or weed board agreements for the program to apply in a county.
- Establishes licensing fees and coursework credit requirements.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Kenneth Hirst (786-7105).

Background:

A pesticide licensing pilot project was authorized under legislation enacted in 1997. It was for providing licenses to persons for applying restricted use herbicides to control weeds in Ferry and Okanogan counties. 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. Such non-production agricultural land is defined to include pastures, range land, fence rows, and areas around farm buildings. The application of herbicides to aquatic sites is not permitted under such a license. With certain exceptions, the use of a powered apparatus in applying the herbicides is also prohibited.

Continuing education requirements were established for this category of license. A person who successfully completes these requirements is deemed to have met the credit accumulation requirements for private applicators. The pilot project is to expire December 31, 2002.

Summary of Bill:

The pilot project authorized by 1997 legislation is altered and extended through the year 2004. The project is expanded to encompass a new licensing category, that of a rancher private applicator. A person licensed under this category has generally the same authorities as a person licensed as a limited private applicator under the pilot project except that rodenticides, not just herbicides, may be used under this license for controlling pest animals. The control is permitted on nonproduction agricultural land and production agricultural land used to grow certain hay and grain crops.

The project is also expanded to include Stevens and Pend Orielle Counties. However, it may be used only in a county where the county's cooperative extension service or its weed board complete a memorandum of understanding with the Department of Agriculture agreeing: (1) to conduct certain department-approved re-certification coursework every year; and (2) to maintain the re-certification credit records for the limited private applicators in the county.

The licensing fee for a limited private applicator is set at \$25. For a rancher private applicator, it is set at \$75. The application requirements currently set for a private applicator do not apply to a limited private applicator or a rancher private applicator. The examination requirements of a private applicator do apply. The number of department approved education credits required for a limited private applicator's license is reduced and the number needed for a rancher private applicator is set. A limited private applicator is no longer prohibited from using a powered apparatus to apply herbicides under the pilot project.

The Department must report to the Legislature on the results of the pilot project by September 1, 2003.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) The goal is to get more people trained and licensed to control non-native noxious weeds on their lands. The number of licenses for applicators in the pilot project area has dropped dramatically. The current licensing requirements are clearly too much for the area; the training received is often about growing crops or about other activities not relevant to the problems that need to be addressed in the area. (2) The pilot program was developed in cooperation with the weed control boards and districts in the area. It will provide more tools to fight some very difficult weed problems. (3) Products available without a license can worsen the problem by being non-specific and leaving bare soil to be repopulated, primarily by the non-native weeds. (4) The bill sets up a very targeted approach to solving a problem.

Testimony Against: None

Testified: (In Support): Representative McMorris, prime sponsor; Mary Beth Lang, Department of Agriculture; Margaret Tucker, Department of Agriculture; Sheilah Kennedy, Okanogan County Noxious Weed Control Board; Jim Davidson, Ferry County Weed Board; Bill Vogler, Washington State Association of Counties; Tip Hudson, Washington Cattlemen's Association; and Lisa Lantz, State Noxious Weed Control Board.