

SENATE BILL REPORT

ESSB 5424

As Passed Senate, March 15, 1999

Title: An act relating to aquatic plant management.

Brief Description: Allowing the use of certain commercially approved herbicides for aquatic plant management.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen).

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/4/99, 2/12/99 [DPS-WM].

Ways & Means: 3/8/99 [DPS (EQWR)].

Passed Senate, 3/15/99, 48-0.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5424 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Staff: Richard Ramsey (786-7412)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5424 as recommended by Committee on Environmental Quality & Water Resources be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Wojahn and Zarelli.

Staff: Kari Guy (786-7437)

Background: The Department of Ecology authorizes and guides the use of pesticides to control aquatic plants and weeds based on information in the 1992 Aquatic Plant Management Program Environmental Impact Statement (EIS). The EIS reviewed the aquatic plant control methods available at the time and recommended conditions or prohibitions to be placed on pesticide use. Since 1992, the Environmental Protection Agency has approved aquatic plant pesticides for commercial use, but the state has not had an instrument to review these products or evaluate new information relevant to pesticides evaluated in the 1992 EIS.

Summary of Bill: The Department of Ecology must update the final environmental impact statement completed in 1992 for the aquatic plant management program to reflect new information on herbicides evaluated in 1992 and new, commercially available herbicides. The department must maintain the currency of the information on herbicides and evaluate new herbicides as they become commercially available.

Government entities are authorized to use the pesticide 2,4-D to treat an initial infestation of Eurasian water milfoil. If the entity complies with the pesticide label requirements and notifies lake residents of the intended pesticide use, the entity is exempt from the requirement of obtaining short-term water quality modification from the Department of Ecology. A 21-day notice is required to the Departments of Ecology, Health, Agriculture, and Fish and Wildlife prior to applying 2,4-D. The Department of Fish and Wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife. The Department of Ecology may prohibit the use of specific 2,4-D products if the department finds that the product contains dioxin. The use of funds from the freshwater aquatic weeds account for 2,4-D application is authorized.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Mason Lake is among the cleanest in the state. The state needs to update the list of approved herbicides. The state needs to update the EIS. Washington's fish species and lake chemistry differ from other states; rather than using other states' analyses, the state's analysis of appropriate herbicides must be specific to the state's resources. Fusion watermill is a growing problem in both eastern and western Washington. The state needs up-to-date information to combat aquatic needs.

Testimony Against: None.

Testified: Senator Shirley Winsley, prime sponsor (pro); Senator Tim Sheldon (pro); Terry McNabb, Resource Management Inc. (pro); Dick Wallace, Department of Ecology (budget concerns); April Cassell, Mason Lake (pro); Dan Robinson, Lake Limerick (pro); Warren Perkins, Washington State Lake Protection Association (pro).

House Amendment(s): The experimental use of hydrothol 191 is authorized during the 1999 treatment season to control algae in certain lakes. If the use of this herbicide is ineffective, then the Department of Ecology may permit the use of copper sulfate after consulting with federal, state, and local agencies as well as interested parties. The Washington Institute for Public Policy is directed to contract for a study on the effectiveness of any herbicide used on the lake. A general fund appropriation in the amount of \$35,000 is provided for the study. The Department of Ecology may prohibit the use of aquatic 2,4-D if it exceeds the standard for dioxin established by EPA. An emergency clause is added. The act is null and void if not funded in the budget.