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HOUSE BILL 1152

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State of Washington

56th Legislature

1999 Regular Session

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

Read first time 01/15/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to a pilot project for limited private applicator  
2 licenses and rancher private applicator licenses; and amending RCW  
3 17.21.187.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 17.21.187 and 1997 c 242 s 20 are each amended to read  
6 as follows:

7 (1) The purpose of this section is to establish a pilot project to  
8 evaluate the feasibility of establishing a limited private applicator  
9 license and a rancher private applicator license to facilitate the  
10 control of weeds, especially those defined as noxious weeds, in  
11 Washington state.

12 (2) "Limited private applicator" means a certified applicator who  
13 uses or is in direct supervision, as defined for private applicators in  
14 RCW 17.21.020(12), of the use of any herbicide classified by the EPA or  
15 the director as a restricted use pesticide, for the sole purpose of  
16 controlling weeds on nonproduction agricultural land owned or rented by  
17 the applicator or the applicator's employer. Nonproduction  
18 agricultural land includes pastures, range land, fencerows, and areas  
19 around farm buildings but not aquatic sites. A limited private

1 applicator also may apply restricted use herbicides to nonproduction  
2 agricultural land of another person if applied without compensation  
3 other than trading of personal services between the applicator and the  
4 other person. (~~A limited private applicator may not apply restricted  
5 use herbicides through any equipment defined under this chapter as an  
6 apparatus.~~)

7 (3) "Rancher private applicator" means a certified applicator who  
8 uses or is in direct supervision, as defined for private applicators in  
9 RCW 17.21.020(12), of the use of any herbicide and/or any rodenticide  
10 classified by the environmental protection agency or the director as a  
11 restricted use pesticide for the purpose of controlling weeds and pest  
12 animals on the agricultural land owned or rented by the applicator or  
13 the applicator's employer. For the purpose of this subsection,  
14 "agricultural land" means nonproduction agricultural land and  
15 production agricultural land used to grow hay and grain crops that are  
16 consumed by the livestock on the farm where produced: PROVIDED, That  
17 up to ten percent of the crops grown on the agricultural land in a  
18 calendar year may be sold within the county of production.  
19 Nonproduction agricultural land includes pastures, rangeland,  
20 fencerows, and areas around farm buildings. For the purposes of this  
21 subsection, agricultural land does not include aquatic sites. A  
22 rancher private applicator also may apply restricted use herbicides and  
23 rodenticides to the agricultural land of another person if applied  
24 without compensation other than trading of personal services between  
25 the applicator and the other person.

26 (4) Limited private applicator and rancher private applicator  
27 licenses may be issued only in counties where the county cooperative  
28 extension service and/or the county weed board complete a memorandum of  
29 understanding with the department agreeing to conduct a minimum of two  
30 hours of department-approved weed control-related recertification  
31 coursework every year and to maintain the recertification credit  
32 records for the limited private applicators in their county.

33 (5) A person may participate in the pilot project by applying to be  
34 licensed as a limited private applicator or rancher private applicator  
35 in (~~1998, 1999, or~~) 2000, 2001, or 2002. The application  
36 (~~requirements, fee,~~) and examination requirements for a limited  
37 private applicator and a rancher private applicator are the same as for  
38 a private applicator.

1       ~~((4)(a)A)~~ (a) Applications for a limited private applicator  
2 license shall be accompanied by a fee of twenty-five dollars.

3       (b) Applications for a rancher private applicator shall be  
4 accompanied by a fee of seventy-five dollars.

5       (6) All limited private applicator and rancher private applicator  
6 licenses expire on December 31, 2004.

7       (7)(a) Limited private (~~applicator is~~) applicators and rancher  
8 private applicators are exempt from the credit accumulation  
9 requirements of RCW 17.21.128(2)(a), and, upon application, begins a  
10 recertification period which ends on December 31, (~~2002~~) 2004.

11       (i) Limited private (~~pesticide~~) applicators first applying for a  
12 license in (~~1998~~) 2000 shall accumulate a minimum of (~~ten~~) eight  
13 department-approved credits by the end of the recertification period.

14       (ii) Limited private (~~pesticide~~) applicators first applying for  
15 a license in (~~1999~~) 2001 or 2002 shall accumulate a minimum of  
16 (~~eight~~) six department-approved credits by the end of the  
17 recertification period.

18       (iii) ~~((Limited private pesticide applicators first applying for a~~  
19 ~~license in 2000 shall accumulate a minimum of six))~~ Rancher private  
20 applicators first applying for a license in 2000 shall accumulate a  
21 minimum of twelve department-approved credits by the end of the  
22 recertification period.

23       (iv) Rancher private applicators first applying for a license in  
24 2001 or 2002 shall accumulate a minimum of ten department-approved  
25 credits by the end of the recertification period.

26       (b) All credits for the limited private applicator license must be  
27 applicable to the control of weeds with at least half of the credits  
28 directly related to weed control and the remaining credits in topic  
29 areas indirectly related to weed control, such as the safe and legal  
30 use of pesticides.

31       ~~((5)Any)~~ (8) Limited private applicators and rancher private  
32 applicators who successfully complete(~~s~~) the recertification  
33 requirements of this section (~~is~~) are deemed to have met the credit  
34 accumulation requirements of RCW 17.21.128(2)(a) for private  
35 applicators and may reapply as a private applicator in 2005. A limited  
36 private applicator or rancher private applicator who applies for a  
37 private applicator license during the pilot project must meet the fee,  
38 annual renewal, and credit accumulation requirements for private  
39 applicators.

1        (~~(6)~~) (9) By September 1, 2003, the department shall report to  
2 the legislature on the results of the pilot project.

3        (10) This section applies only to certified applicators in Ferry,  
4 Stevens, Pend Orielle, and Okanogan counties, Washington and expires  
5 December 31, (~~(2002)~~) 2004.

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