
HOUSE BILL 2385

State of Washington

56th Legislature

2000 Regular Session

By Representatives Campbell, Lantz, Van Luven, Sullivan, Bush, Kastama, Veloria, McDonald, Conway, Rockefeller and Regala

Read first time 01/12/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the spraying of pesticides; amending RCW
2 17.21.410; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that herbicides and
5 pesticides can present serious risks to public health and to the
6 environment. The misapplication or overuse of these chemicals puts
7 drinking water supplies at risk of contamination, and has resulted in
8 unnecessary death of wildlife. The legislature recognizes that the
9 limited use of these chemicals may still be necessary, but there is a
10 need to increase the posting and notice requirements when they are
11 sprayed in areas of high population density.

12 **Sec. 2.** RCW 17.21.410 and 1994 c 283 s 33 are each amended to read
13 as follows:

14 (1) A certified applicator making a landscape application to:

15 (a) Residential property shall at the time of the application place
16 a marker at the usual point of entry to the property. If the
17 application is made to an isolated spot that is not a substantial
18 portion of the property, the applicator shall only be required to place

1 a marker at the application site. If the application is in a fenced or
2 otherwise isolated backyard, no marker is required.

3 (b) Commercial properties such as apartments or shopping centers
4 shall at the time of application place a marker in a conspicuous
5 location at or near each site being treated.

6 (c) A golf course shall at the time of the application place a
7 marker at the first tee and tenth tee or post the information in a
8 conspicuous location such as on a central message board.

9 (d) A school, nursery school, or licensed day care shall at the
10 time of the application place a marker at each primary point of entry
11 to the school grounds.

12 (e) A park, cemetery, rest stop, or similar property as may be
13 defined in rule shall at the time of the application place a marker at
14 each primary point of entry.

15 (2) An individual making a landscape application to a school
16 grounds, nursery school, or licensed day care, and not otherwise
17 covered by subsection (1) of this section, shall be required to comply
18 with the posting requirements in subsection (1)(d) of this section.

19 (3) The marker shall be a minimum of four inches by five inches.
20 It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the
21 headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger
22 size requirements for markers may be established in rule for specific
23 applications. The company name and service mark with the applicator's
24 telephone number where information can be obtained shall be included
25 between the headline and the footer on the marker. The letters and
26 service marks shall be printed in colors contrasting to the background.

27 (4) The property owner or tenant shall remove the marker according
28 to the schedule established in rule. A commercial applicator is not
29 liable for the removal of markers by unauthorized persons or removal
30 outside the designated removal time.

31 (5) A certified applicator who complies with this section cannot be
32 held liable for personal property damage or bodily injury resulting
33 from markers that are placed as required.

34 (6) After July 1, 2000, a certified applicator must meet the
35 additional requirements for posting and notice contained in subsection
36 (7) of this section, if:

37 (a) The certified applicator is making a landscape application or
38 otherwise spraying pesticides, except for commercial pesticide
39 applicators making structural applications; and

1 (b) The land application or spraying of the pesticides is within an
2 urban growth area as defined by RCW 36.70A.110, or within any
3 incorporated city or town located in a county not planning under
4 chapter 36.70A RCW.

5 (7) Before pesticides are applied or sprayed in accordance with
6 subsection (6) of this section, markers must be placed along the spray
7 route at least seven days prior to when the spraying occurs, and the
8 markers must remain for at least two days after the spraying occurs.
9 The marker must indicate the notice of intent to spray, the spray
10 route, and a telephone number for citizens in the area to contact for
11 answers to their questions. The markers must be prominently displayed
12 and easily readable from the road.

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