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ENGROSSED SUBSTITUTE SENATE BILL 5424

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State of Washington

56th Legislature

1999 Regular Session

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

Read first time 02/15/1999.

1 AN ACT Relating to aquatic plant management; adding new sections to  
2 chapter 90.48 RCW; 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 the  
5 environmental, recreational, and aesthetic values of many of the  
6 state's lakes are threatened by the invasion of noxious aquatic weeds.  
7 Once established, these noxious aquatic weeds can colonize the shallow  
8 shorelines of lakes with dense surface vegetation mats that degrade  
9 water quality, pose a threat to swimmers, and restrict use of lakes.  
10 Many commercially available herbicides have been demonstrated to be  
11 effective in controlling noxious aquatic weeds and do not pose a risk  
12 to the environment or public health. The purpose of this act is to  
13 allow the use of commercially available herbicides that have been  
14 approved by the environmental protection agency and the department of  
15 agriculture and subject to rigorous evaluation by the department of  
16 ecology through an environmental impact statement for the aquatic plant  
17 management program.

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

3        The department of ecology shall update the final supplemental  
4 environmental impact statement completed in 1992 for the aquatic plant  
5 management program to reflect new information on herbicides evaluated  
6 in 1992 and new, commercially available herbicides.    The department  
7 shall maintain the currency of the information on herbicides and  
8 evaluate new herbicides as they become commercially available.

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

11        (1) Subject to restrictions in this section, a government entity  
12 seeking to control a limited infestation of Eurasian water milfoil may  
13 use the pesticide 2,4-D to treat the milfoil infestation, without  
14 obtaining a permit under RCW 90.48.445, if the milfoil infestation is  
15 either recently documented or remaining after the application of other  
16 control measures, and is limited to twenty percent or less of the  
17 littoral zone of the lake.    Any pesticide application made under this  
18 section must be made according to all label requirements for the  
19 product and must meet the public notice requirements of subsection (2)  
20 of this section.

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

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

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

32        (5) Government entities using this section to apply 2,4-D may apply  
33 for funds from the freshwater aquatic weeds account consistent with the  
34 freshwater aquatic weeds management program as provided in RCW  
35 43.21A.660.

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

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

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