

Agriculture & Ecology Committee

HB 1823

Brief Description: Authorizing the director of agriculture to consult with public entities on human health risks associated with any proposed pesticide use by the department.

Sponsors: Representatives Linville and Edwards; by request of Department of Agriculture.

Brief Summary of Bill

- *Allows the Director of Agriculture to consult with certain entities to assess the possible human health risks associated with any proposed pesticide use by the Department and to make public non-confidential aspects of the assessment.*
- *Requires the percentages of each active and inactive ingredient of a pesticide to be listed in an application to register the pesticide with the state.*

Hearing Date: 2/22/01

Staff: Kenneth Hirst (786-7105).

Background:

The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act. In general, a pesticide cannot be sold or distributed within the United States unless it has been registered with the U.S.

Environmental Protection Agency. The "pesticides" regulated in this manner include herbicides, insecticides, and other products that control pests. (7 U.S.C. Sec. 136 et seq.) At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. (Chapter 15.58 RCW.) The state act is administered by the Washington State Department of Agriculture (WSDA).

The Pesticide Control Act requires an applicant for a pesticide registration to reveal to the WSDA the complete formula of the pesticide, including the active and inert ingredients. The act prohibits this information from being revealed except to proper officials and employees of the state, state courts in response to subpoenas, and physicians or, in

emergencies, to other qualified persons for the preparation of antidotes. (RCW 15.58.060 and .150.)

The state act also prohibits confidential business information regarding the pesticide that is of a proprietary nature from being disclosed to any other person. However, when necessary to administer the act, information regarding unpublished formulas of products may be revealed to a state or federal agency that the USDA consults or, under certain circumstances, at a public hearing or in findings of fact. In such a case, the registrant of the pesticide is to be given the opportunity to institute an action in the superior court for a declaratory judgment regarding whether the information is subject to protection from disclosure. (RCW 15.58.060 and .065.)

Summary of Bill:

The Director of the WSDA may consult with public university personnel and federal, state, and local health agencies concerning unpublished formulas of products acquired under the Pesticide Control Act to obtain an independent assessment of the possible human health risks associated with any proposed pesticide use by the WSDA. In assessing this risk, the Director must reveal to the consulted individuals the confidential statement of formula. The individuals consulted must consider the confidential statement of formula, the proposed pesticide use, the impact on affected populations, and any other considerations that may bear on public health in making an assessment of the possible human health risks.

The Director must make such an assessment available to the public, except that the following cannot be disclosed:

- *the identity or identifying characteristics or percentages of inert ingredients in the pesticide;*
- *any other information marked as confidential by the registrant; and*
- *any information or documents used in preparation of an independent assessment that pertain to the confidential statement of formula and any protected trade secret information. (Section 3.)*

In applying for the registration of a pesticide, the applicant must list the percentages of each active and inert ingredient of the pesticide. (Section 1.)

Appropriation: *None.*

Fiscal Note: *Requested on February 14, 2001.*

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