

FINAL BILL REPORT

HB 2809

C 122 L 02

Synopsis as Enacted

Brief Description: Concerning the application of pesticides in a forest environment.

Sponsors: By Representatives Doumit, Chandler, Linville, Schoesler, Eickmeyer and Pearson.

House Committee on Agriculture & Ecology
Senate Committee on Agriculture & International Trade

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 encompass herbicides, insecticides, and similar chemicals that control pests. At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. The use or application of pesticides in the state is regulated under the Washington Pesticide Application Act. These state laws are administered by the Washington State Department of Agriculture (WSDA).

Among the persons who must be licensed by the WSDA to apply pesticides are persons who are in the business of applying pesticides to the lands of others and the applicator's employees, government employees who apply restricted use pesticides, persons who use restricted use pesticides on their own agricultural lands, persons who use restricted use pesticides on their own lands for non-agricultural purposes, and demonstration and research applicators.

A licenced commercial pesticide applicator may allow another person, known as an operator, to apply pesticides under the authority of his or her license if the WSDA has been notified. Most pesticides require that direct on-the-job supervision by the certified applicator be given to the operator conducting the application. This supervision requires that the person applying the pesticide be in visual and voice contact with the certified applicator at all times.

Summary:

Forest applications of pesticides do not require constant voice and visual contact when general use pesticides are applied using non-apparatus type equipment. This exemption

from the direct supervision requirements of the Washington Pesticide Application Act only applies if the certified applicator is physically present, readily available in the immediate application area, and directly observes the pesticide mixing and batching.

"Forest application" of pesticides is defined to mean the application of pesticides to agricultural land used to grow trees for specific commercial production purposes.

Votes on Final Passage:

House 98 0

Senate 41 1

Effective: June 13, 2002

March 26, 2002 (Section 1)

July 1, 2002 (Section 2)