

# HOUSE BILL REPORT

## HB 2809

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### As Passed Legislature

**Title:** An act relating to forest pesticide application.

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

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

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/5/02, 2/7/02 [DP].

**Floor Activity:**

Passed House: 2/14/02, 98-0.

Passed Senate: 3/2/02, 41-1.

Passed Legislature.

<h3>Brief Summary of Bill</h3>
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- Allows for the direct supervision requirement for forest pesticide application to be met without visual and voice contact being sustained.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

**Staff:** Jason Callahan (786-7117).

**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, their 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.

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**Summary of Bill:**

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

Forest applications of pesticides does 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.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The current voice and visual contact requirement was originally written to be applied in urban settings, and it was never intended to be required for forest pesticide application. Maintaining constant contact is difficult in a forested landscape, especially when the terrain is rough. Often in forests brief lapses in contact are unavoidable, but it is still maintained approximately 90-95 percent of the time.

The Forest and Fish legislation has made aerial pesticide application more difficult, and as a result, more and more landowners are relying on hand application. This method of application is where the voice and visual contact is required, but nearly impossible to maintain.

Forest pesticide applicators generally have a clean record with no safety complaints or accidents. Applicators want to be able to do their job safely and in compliance with the law. This bill allows them to do that.

This is a justified, reasonable approach to a relatively low-risk activity.

**Testimony Against:** None.

**Testified:** (In support) Heather Hansen, Washington Friends of Farms and Forest; Court Stanley, Port Blakely Tree Farms; Jeff Fredson, Fredson Forestry; Bill Gatwin, WFPA; Nels Hanson, Washington Farm Forestry Association; Leslie Emerick, Washington State Department of Agriculture; and Dan Coyne, Croplife America Far West Agribusiness.