
HOUSE BILL 1823

State of Washington

57th Legislature

2001 Regular Session

By Representatives Linville and Edwards; by request of Department of Agriculture

Read first time 02/06/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to authorizing the director of agriculture to
2 consult with public entities on human health risks associated with any
3 proposed pesticide use by the department; amending RCW 15.58.060 and
4 15.58.065; and adding a new section to chapter 15.58 RCW.

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

6 **Sec. 1.** RCW 15.58.060 and 1989 c 380 s 4 are each amended to read
7 as follows:

8 (1) The applicant for registration shall file a statement with the
9 department which shall include:

10 (a) The name and address of the applicant and the name and address
11 of the person whose name will appear on the label, if other than the
12 applicant's;

13 (b) The name of the pesticide;

14 (c) The complete formula of the pesticide, including a listing of
15 the active and inert ingredients(~~(:—PROVIDED, That confidential~~
16 ~~business information of a proprietary nature is not made available to~~
17 ~~any other person and is exempt from disclosure as a public record, as~~
18 ~~provided by RCW 42.17.260)) and the percentages of each ingredient.
19 Except as provided in RCW 15.58.065 and section 3 of this act, this~~

1 information will be kept confidential and is exempt from disclosure as
2 a public record as provided by RCW 42.17.260. Information required by
3 this subsection may be submitted on company letterhead marked
4 "confidential" in red ink on each sheet or each "EPA Confidential
5 Statement of Formula" information sheet;

6 (d) Other necessary information required for completion of the
7 department's application for registration form; and

8 (e) A complete copy of the labeling accompanying the pesticide and
9 a statement of all claims to be made for it, including the directions
10 and precautions for use.

11 (2) The director may require a full description of the tests made
12 and the results thereof upon which the claims are based.

13 (3) The director may prescribe other necessary information by rule.

14 **Sec. 2.** RCW 15.58.065 and 1989 c 380 s 5 are each amended to read
15 as follows:

16 (1) In submitting data required by this chapter, the applicant may:

17 (a) Mark clearly any portions which in the applicant's opinion are
18 trade secrets or commercial or financial information; and

19 (b) Submit such marked material separately from other material
20 required to be submitted under this chapter.

21 (2) Except under section 3 of this act and notwithstanding any
22 other provision of this chapter or other law, the director shall not
23 make public information which in the director's judgment should be
24 privileged or confidential because it contains or relates to trade
25 secrets or commercial or financial information except that, when
26 necessary to carry out the provisions of this chapter, information
27 relating to unpublished formulas of products acquired by authorization
28 of this chapter may be revealed to any state or federal agency
29 consulted and may be revealed at a public hearing or in findings of
30 fact issued by the director when necessary under this chapter.

31 (3) Except under section 3 of this act, if the director proposes to
32 release for inspection information which the applicant or registrant
33 believes to be protected from disclosure under subsection (2) of this
34 section, the director shall notify the applicant or registrant in
35 writing, by certified mail. The director shall not thereafter make
36 available for inspection such data until thirty days after receipt of
37 the notice by the applicant or registrant. During this period, the
38 applicant or registrant may institute an action in the superior court

1 of Thurston county for a declaratory judgment as to whether such
2 information is subject to protection under subsection (2) of this
3 section.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.58 RCW,
5 to be codified between RCW 15.58.065 and 15.58.070, to read as follows:

6 (1) The director may consult with appropriate public university
7 personnel and federal, state, and local health agencies concerning
8 unpublished formulas of products acquired by authorization of this
9 chapter for the purpose of obtaining an independent assessment of the
10 possible human health risks associated with any proposed pesticide use
11 by the department.

12 (2) The director shall reveal to consulted individuals the
13 confidential statement of formula for the purpose of assessing the
14 possible human health risks associated with the proposed pesticide use
15 by the department.

16 (3) Consulted individuals shall consider the confidential statement
17 of formula, the proposed pesticide use, the impact on affected
18 populations, and any other considerations that may bear on public
19 health in making an assessment of the possible human health risks.

20 (4) The director shall make any independent assessment available to
21 the public except that the names, chemical abstract service numbers, or
22 other identifying characteristics or percentages of inert ingredients
23 in a pesticide, nor any other information marked as confidential by the
24 registrant, shall not be disclosed. Additionally, any information or
25 documents used in preparation of an independent assessment that pertain
26 to the confidential statement of formula and any protected trade secret
27 information shall not be disclosed to the public by any person.

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