

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2300

58th Legislature
2004 Regular Session

Passed by the House March 9, 2004
Yeas 93 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 5, 2004
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2300** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2300

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture)

READ FIRST TIME 01/22/04.

1 AN ACT Relating to applying pesticides; amending RCW 17.21.020,
2 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 17.21.020 and 2002 c 122 s 2 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Agricultural commodity" means any plant or part of a plant, or
10 animal, or animal product, produced by a person (including farmers,
11 ranchers, vineyardists, plant propagators, Christmas tree growers,
12 aquaculturists, floriculturists, orchardists, foresters, or other
13 comparable persons) primarily for sale, consumption, propagation, or
14 other use by people or animals.

15 (2) "Agricultural land" means land on which an agricultural
16 commodity is produced or land that is in a government-recognized
17 conservation reserve program. This definition does not apply to
18 private gardens where agricultural commodities are produced for
19 personal consumption.

1 (3) "Antimicrobial pesticide" means a pesticide that is used for
2 the control of microbial pests, including but not limited to viruses,
3 bacteria, algae, and protozoa, and is intended for use as a
4 disinfectant or sanitizer.

5 (4) "Apparatus" means any type of ground, water, or aerial
6 equipment, device, or contrivance using motorized, mechanical, or
7 pressurized power and used to apply any pesticide on land and anything
8 that may be growing, habitating, or stored on or in such land, but
9 shall not include any pressurized handsized household device used to
10 apply any pesticide, or any equipment, device, or contrivance of which
11 the person who is applying the pesticide is the source of power or
12 energy in making such pesticide application, or any other small
13 equipment, device, or contrivance that is transported in a piece of
14 equipment licensed under this chapter as an apparatus.

15 (5) "Arthropod" means any invertebrate animal that belongs to the
16 phylum arthropoda, which in addition to insects, includes allied
17 classes whose members are wingless and usually have more than six legs;
18 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

19 (6) "Certified applicator" means any individual who is licensed as
20 a commercial pesticide applicator, commercial pesticide operator,
21 public operator, private-commercial applicator, demonstration and
22 research applicator, (~~or certified~~) private applicator, limited
23 private applicator, rancher private applicator, or any other individual
24 who is certified by the director to use or supervise the use of any
25 pesticide which is classified by the EPA or the director as a
26 restricted use pesticide.

27 (7) "Commercial pesticide applicator" means any person who engages
28 in the business of applying pesticides to the land of another.

29 (8) "Commercial pesticide operator" means any employee of a
30 commercial pesticide applicator who uses or supervises the use of any
31 pesticide and who is required to be licensed under provisions of this
32 chapter.

33 (9) "Defoliant" means any substance or mixture of substances
34 intended to cause the leaves or foliage to drop from a plant with or
35 without causing abscission.

36 (10) "Department" means the Washington state department of
37 agriculture.

1 (11) "Desiccant" means any substance or mixture of substances
2 intended to artificially accelerate the drying of plant tissues.

3 (12) "Device" means any instrument or contrivance intended to trap,
4 destroy, control, repel, or mitigate pests, but not including equipment
5 used for the application of pesticides when sold separately from the
6 pesticides.

7 (13) "Direct supervision" by certified private applicators shall
8 mean that the designated restricted use pesticide shall be applied for
9 purposes of producing any agricultural commodity on land owned or
10 rented by the applicator or the applicator's employer, by a competent
11 person acting under the instructions and control of a certified private
12 applicator who is available if and when needed, even though such
13 certified private applicator is not physically present at the time and
14 place the pesticide is applied. The certified private applicator shall
15 have direct management responsibility and familiarity of the pesticide,
16 manner of application, pest, and land to which the pesticide is being
17 applied. Direct supervision by all other certified applicators means
18 direct on-the-job supervision and shall require that the certified
19 applicator be physically present at the application site and that the
20 person making the application be in voice and visual contact with the
21 certified applicator at all times during the application. However,
22 direct supervision for forest application does not require constant
23 voice and visual contact when general use pesticides are applied using
24 nonapparatus type equipment, the certified applicator is physically
25 present and readily available in the immediate application area, and
26 the certified applicator directly observes pesticide mixing and
27 batching. Direct supervision of an aerial apparatus means the pilot of
28 the aircraft must be appropriately certified.

29 (14) "Director" means the director of the department or a duly
30 authorized representative.

31 (15) "Engage in business" means any application of pesticides by
32 any person upon lands or crops of another.

33 (16) "EPA" means the United States environmental protection agency.

34 (17) "EPA restricted use pesticide" means any pesticide classified
35 for restricted use by the administrator, EPA.

36 (18) "FIFRA" means the federal insecticide, fungicide and
37 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

1 (19) "Forest application" means the application of pesticides to
2 agricultural land used to grow trees for the commercial production of
3 wood or wood fiber for products such as dimensional lumber, shakes,
4 plywood, poles, posts, pilings, particle board, hardboard, oriented
5 strand board, pulp, paper, cardboard, or other similar products.

6 (20) "Fumigant" means any pesticide product or combination of
7 products that is a vapor or gas or forms a vapor or gas on application
8 and whose method of pesticidal action is through the gaseous state.

9 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all
10 nonchlorophyll-bearing plants of lower order than mosses and
11 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,
12 except those on or in a living person or other animals.

13 (22) "Fungicide" means any substance or mixture of substances
14 intended to prevent, destroy, repel, or mitigate any fungi.

15 (23) "Herbicide" means any substance or mixture of substances
16 intended to prevent, destroy, repel, or mitigate any weed or other
17 higher plant.

18 (24) "Immediate service call" means a landscape application to
19 satisfy an emergency customer request for service, or a treatment to
20 control a pest to landscape plants.

21 (25) "Insect" means any small invertebrate animal, in any life
22 stage, whose adult form is segmented and which generally belongs to the
23 class insecta, comprised of six-legged, usually winged forms, as, for
24 example, beetles, bugs, bees, and flies. The term insect shall also
25 apply to other allied classes of arthropods whose members are wingless
26 and usually have more than six legs, for example, spiders, mites,
27 ticks, centipedes, and isopod crustaceans.

28 (26) "Insecticide" means any substance or mixture of substances
29 intended to prevent, destroy, repel, or mitigate any insect.

30 (27) "Land" means all land and water areas, including airspace and
31 all plants, animals, structures, buildings, devices, and contrivances,
32 appurtenant to or situated on, fixed or mobile, including any used for
33 transportation.

34 (28) "Landscape application" means an application of any EPA
35 registered pesticide to any exterior landscape area around residential
36 property, commercial properties such as apartments or shopping centers,
37 parks, golf courses, schools including nursery schools and licensed day
38 cares, or cemeteries or similar areas. This definition shall not apply

1 to: (a) Applications made by (~~certified~~) private applicators,
2 limited private applicators, or rancher private applicators; (b)
3 mosquito abatement, gypsy moth eradication, or similar wide-area pest
4 control programs sponsored by governmental entities; and (c) commercial
5 pesticide applicators making structural applications.

6 (29) "Limited private applicator" means a certified applicator who
7 uses or is in direct supervision, as defined for private applicators in
8 this section, of the use of any herbicide classified by the EPA or the
9 director as a restricted use pesticide, for the sole purpose of
10 controlling weeds on nonproduction agricultural land owned or rented by
11 the applicator or the applicator's employer. Limited private
12 applicators may also use restricted use pesticides on timber areas,
13 excluding aquatic sites, to control weeds designated for mandatory
14 control under chapters 17.04, 17.06, and 17.10 RCW and state and local
15 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A
16 limited private applicator may apply restricted use herbicides to the
17 types of land described in this subsection of another person if applied
18 without compensation other than trading of personal services between
19 the applicator and the other person. This license is only valid when
20 making applications in counties of Washington located east of the crest
21 of the Cascade mountains.

22 (30) "Limited production agricultural land" means land used to grow
23 hay and grain crops that are consumed by the livestock on the farm
24 where produced. No more than ten percent of the hay and grain crops
25 grown on limited production agricultural land may be sold each crop
26 year. Limited production agricultural land does not include aquatic
27 sites.

28 (31) "Nematocide" means any substance or mixture of substances
29 intended to prevent, destroy, repel, or mitigate nematodes.

30 (~~(30)~~) (32) "Nematode" means any invertebrate animal of the
31 phylum nemathelminthes and class nematoda, that is, unsegmented round
32 worms with elongated, fusiform, or saclike bodies covered with cuticle,
33 and inhabiting soil, water, plants or plant parts. Nematodes may also
34 be called nemas or eelworms.

35 (~~(31)~~) (33) "Nonproduction agricultural land" means pastures,
36 rangeland, fencerows, and areas around farm buildings but not aquatic
37 sites.

1 (34) "Person" means any individual, partnership, association,
2 corporation, or organized group of persons whether or not incorporated.

3 ~~((32))~~ (35) "Pest" means, but is not limited to, any insect,
4 rodent, nematode, snail, slug, weed, and any form of plant or animal
5 life or virus, except virus, bacteria, or other microorganisms on or in
6 a living person or other animal or in or on processed food or beverages
7 or pharmaceuticals, which is normally considered to be a pest, or which
8 the director may declare to be a pest.

9 ~~((33))~~ (36) "Pesticide" means, but is not limited to:

10 (a) Any substance or mixture of substances intended to prevent,
11 destroy, control, repel, or mitigate any pest;

12 (b) Any substance or mixture of substances intended to be used as
13 a plant regulator, defoliant or desiccant; and

14 (c) Any spray adjuvant(~~(, such as a wetting agent, spreading agent,~~
15 ~~deposit builder, adhesive, emulsifying agent, deflocculating agent,~~
16 ~~water modifier, or similar agent with or without toxic properties of~~
17 ~~its own intended to be used with any pesticide as an aid to the~~
18 ~~application or effect thereof, and sold in a package or container~~
19 ~~separate from that of the pesticide with which it is to be used)) as
20 defined in RCW 15.58.030.~~

21 ~~((34))~~ (37) "Pesticide advisory board" means the pesticide
22 advisory board as provided for in this chapter.

23 ~~((35))~~ (38) "Plant regulator" means any substance or mixture of
24 substances intended through physiological action, to accelerate or
25 retard the rate of growth or maturation, or to otherwise alter the
26 behavior of ornamental or crop plants or their produce, but shall not
27 include substances insofar as they are intended to be used as plant
28 nutrients, trace elements, nutritional chemicals, plant inoculants, or
29 soil amendments.

30 ~~((36))~~ (39) "Private applicator" means a certified applicator who
31 uses or is in direct supervision of the use of any pesticide classified
32 by the EPA or the director as a restricted use pesticide, for the
33 purposes of producing any agricultural commodity and for any associated
34 noncrop application on land owned or rented by the applicator or the
35 applicator's employer or if applied without compensation other than
36 trading of personal services between producers of agricultural
37 commodities on the land of another person.

1 ~~((37))~~ (40) "Private-commercial applicator" means a certified
2 applicator who uses or supervises the use of any pesticide classified
3 by the EPA or the director as a restricted use pesticide for purposes
4 other than the production of any agricultural commodity on lands owned
5 or rented by the applicator or the applicator's employer.

6 ~~((38))~~ (41) "Rancher private applicator" means a certified
7 applicator who uses or is in direct supervision, as defined for private
8 applicators in this section, of the use of any herbicide or any
9 rodenticide classified by the EPA or the director as a restricted use
10 pesticide for the purpose of controlling weeds and pest animals on
11 nonproduction agricultural land and limited production agricultural
12 land owned or rented by the applicator or the applicator's employer.
13 Rancher private applicators may also use restricted use pesticides on
14 timber areas, excluding aquatic sites, to control weeds designated for
15 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state
16 and local regulations adopted under chapters 17.04, 17.06, and 17.10
17 RCW. A rancher private applicator may apply restricted use herbicides
18 and rodenticides to the types of land described in this subsection of
19 another person if applied without compensation other than trading of
20 personal services between the applicator and the other person. This
21 license is only valid when making applications in counties of
22 Washington located east of the crest of the Cascade mountains.

23 (42) "Residential property" includes property less than one acre in
24 size zoned as residential by a city, town, or county, but does not
25 include property zoned as agricultural or agricultural homesites.

26 ~~((39))~~ (43) "Restricted use pesticide" means any pesticide or
27 device which, when used as directed or in accordance with a widespread
28 and commonly recognized practice, the director determines, subsequent
29 to a hearing, requires additional restrictions for that use to prevent
30 unreasonable adverse effects on the environment including people,
31 lands, beneficial insects, animals, crops, and wildlife, other than
32 pests.

33 ~~((40))~~ (44) "Rodenticide" means any substance or mixture of
34 substances intended to prevent, destroy, repel, or mitigate rodents, or
35 any other vertebrate animal which the director may declare by rule to
36 be a pest.

37 ~~((41))~~ (45) "School facility" means any facility used for
38 licensed day care center purposes or for the purposes of a public

1 kindergarten or public elementary or secondary school. School facility
2 includes the buildings or structures, playgrounds, landscape areas,
3 athletic fields, school vehicles, or any other area of school property.

4 ~~((42))~~ (46) "Snails or slugs" include all harmful mollusks.

5 ~~((43))~~ (47) "Unreasonable adverse effects on the environment"
6 means any unreasonable risk to people or the environment taking into
7 account the economic, social, and environmental costs and benefits of
8 the use of any pesticide, or as otherwise determined by the director.

9 ~~((44))~~ (48) "Weed" means any plant which grows where it is not
10 wanted.

11 **Sec. 2.** RCW 17.21.126 and 1997 c 242 s 14 are each amended to read
12 as follows:

13 It ~~((shall be))~~ is unlawful for any person to act as a private
14 ~~((pesticide))~~ applicator, limited private applicator, or rancher
15 private applicator without first complying with requirements determined
16 by the director as necessary to prevent unreasonable adverse effects on
17 the environment, including injury to the pesticide applicator or other
18 persons, for each specific pesticide use.

19 (1) Certification standards to determine the individual's
20 competency with respect to the use and handling of the pesticide or
21 class of pesticides for which the private ~~((pesticide))~~ applicator,
22 limited private applicator, or rancher private applicator is certified
23 shall be relative to hazards of the particular type of application,
24 class of pesticides, or handling procedure. In determining these
25 standards the director shall take into consideration standards of the
26 EPA and is authorized to adopt these standards by rule.

27 (2) ~~((Application for a private pesticide applicator license shall~~
28 ~~be accompanied by a fee of twenty five dollars))~~ Application for a
29 private applicator or a limited private applicator license, or the
30 renewal of such licenses under RCW 17.21.132(4), shall be accompanied
31 by a fee of twenty-five dollars. Application for a rancher private
32 applicator license, or renewal of such license under RCW 17.21.132(4),
33 shall be accompanied by a fee of seventy-five dollars. Individuals
34 with a valid certified applicator license, pest control consultant
35 license, or dealer manager license who qualify in the appropriate
36 statewide or agricultural license categories are exempt from the
37 private applicator, limited private applicator, or rancher private

1 applicator fee requirements. However, licensed public pesticide
2 operators, otherwise exempted from the public pesticide operator
3 license fee requirement, are not also exempted from the (~~private~~
4 ~~pesticide applicator~~) fee requirements under this subsection.

5 **Sec. 3.** RCW 17.21.128 and 1994 c 283 s 13 are each amended to read
6 as follows:

7 (1) The director may renew any certification or license issued
8 under authority of this chapter subject to the recertification
9 standards identified in subsection (2) of this section or an
10 examination requiring new knowledge that may be required to apply
11 pesticides.

12 (2) Except as provided in subsection (3) of this section, all
13 individuals licensed under this chapter shall meet the recertification
14 standards identified in (a) or (b) of this subsection, every five
15 years, in order to qualify for continuing licensure.

16 (a) Licensed pesticide applicators may qualify for continued
17 licensure through accumulation of recertification credits.

18 (i) Private (~~pesticide~~) applicators shall accumulate a minimum of
19 twenty department-approved credits every five years with no more than
20 eight credits allowed per year;

21 (ii) Limited private applicators shall accumulate a minimum of
22 eight department-approved credits every five years. All credits must
23 be applicable to the control of weeds with at least one-half of the
24 credits directly related to weed control and the remaining credits in
25 topic areas indirectly related to weed control, such as the safe and
26 legal use of pesticides;

27 (iii) Rancher private applicators shall accumulate a minimum of
28 twelve department-approved credits every five years;

29 (iv) All other license types established under this chapter shall
30 accumulate a minimum of forty department-approved credits every five
31 years with no more than fifteen credits allowed per year.

32 (b) Certified pesticide applicators may qualify for continued
33 licensure through meeting the examination requirements necessary to
34 become licensed in those areas in which the licensee operates.

35 (3) At the termination of a licensee's five-year recertification
36 period, the director may waive the requirements identified in
37 subsection (2) of this section if the licensee can demonstrate that he

1 or she is meeting comparable recertification standards through another
2 state or jurisdiction or through a federal environmental protection
3 agency approved government agency plan.

4 **Sec. 4.** RCW 17.21.132 and 1997 c 242 s 16 are each amended to read
5 as follows:

6 Any person applying for a license or certification authorized under
7 the provisions of this chapter shall file an application on a form
8 prescribed by the director.

9 (1) The application shall state the license or certification and
10 the classification(s) for which the applicant is applying and the
11 method in which the pesticides are to be applied.

12 (2) For all classes of licenses except private applicator, limited
13 private applicator, and rancher private applicator, all applicants
14 shall be at least eighteen years of age on the date that the
15 application is made. Applicants for a private (~~pesticide~~)
16 applicator, limited private applicator, or rancher private applicator
17 license shall be at least sixteen years of age on the date that the
18 application is made.

19 (3) Application for a license to apply pesticides shall be
20 accompanied by the required fee. No license may be issued until the
21 required fee has been received by the department.

22 (4) Each classification of license issued under this chapter
23 (~~shall~~) except the limited private applicator and the rancher private
24 applicator expires annually on a date set by rule by the director.
25 Limited and rancher private applicator licenses expire on the fifth
26 December 31st after issuance. Renewal applications shall be filed on
27 or before the applicable expiration date.

28 **Sec. 5.** RCW 17.21.140 and 1991 c 109 s 36 are each amended to read
29 as follows:

30 (1) If the application for renewal of any license provided for in
31 this chapter is not filed on or prior to the expiration date of the
32 license under this chapter or as set by rule by the director, a penalty
33 of twenty-five dollars for the commercial pesticide applicator's
34 license and the rancher private applicator license, and a penalty
35 equivalent to the license fee for any other license, shall be assessed
36 and added to the original fee and shall be paid by the applicant before

1 the renewal license (~~shall be~~) is issued(~~(:—PROVIDED, That such)~~).
2 However, the penalty (~~shall~~) does not apply if the applicant
3 furnishes an affidavit certifying that he or she has not acted as a
4 licensee subsequent to the expiration of the license.

5 (2) Any license for which a timely renewal application has been
6 made, all other requirements have been met, and the proper fee paid,
7 continues in full force and effect until the director notifies the
8 applicant that the license has been renewed or the application has been
9 denied.

10 **Sec. 6.** RCW 15.58.030 and 2003 c 212 s 1 are each amended to read
11 as follows:

12 As used in this chapter the words and phrases defined in this
13 section shall have the meanings indicated unless the context clearly
14 requires otherwise.

15 (1) "Active ingredient" means any ingredient which will prevent,
16 destroy, repel, control, or mitigate pests, or which will act as a
17 plant regulator, defoliant, desiccant, or spray adjuvant.

18 (2) "Antidote" means the most practical immediate treatment in case
19 of poisoning and includes first aid treatment.

20 (3) "Arthropod" means any invertebrate animal that belongs to the
21 phylum arthropoda, which in addition to insects, includes allied
22 classes whose members are wingless and usually have more than six legs;
23 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

24 (4) "Complete wood destroying organism inspection" means inspection
25 for the purpose of determining evidence of infestation, damage, or
26 conducive conditions as part of the transfer, exchange, or refinancing
27 of any structure in Washington state. Complete wood destroying
28 organism inspections include any wood destroying organism inspection
29 that is conducted as the result of telephone solicitation by an
30 inspection, pest control, or other business, even if the inspection
31 would fall within the definition of a specific wood destroying organism
32 inspection.

33 (5) "Defoliant" means any substance or mixture of substances
34 intended to cause the leaves or foliage to drop from a plant with or
35 without causing abscission.

36 (6) "Department" means the Washington state department of
37 agriculture.

1 (7) "Desiccant" means any substance or mixture of substances
2 intended to artificially accelerate the drying of plant tissues.

3 (8) "Device" means any instrument or contrivance intended to trap,
4 destroy, control, repel, or mitigate pests, or to destroy, control,
5 repel or mitigate fungi, nematodes, or such other pests, as may be
6 designated by the director, but not including equipment used for the
7 application of pesticides when sold separately from the pesticides.

8 (9) "Director" means the director of the department or a duly
9 authorized representative.

10 (10) "Distribute" means to offer for sale, hold for sale, sell,
11 barter, or supply pesticides in this state.

12 (11) "EPA" means the United States environmental protection agency.

13 (12) "EPA restricted use pesticide" means any pesticide with
14 restricted uses as classified for restricted use by the administrator,
15 EPA.

16 (13) "FIFRA" means the federal insecticide, fungicide, and
17 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

18 (14) "Fungi" means all nonchlorophyll-bearing thallophytes (all
19 nonchlorophyll-bearing plants of a lower order than mosses and
20 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
21 bacteria, except those on or in living persons or other animals.

22 (15) "Fungicide" means any substance or mixture of substances
23 intended to prevent, destroy, repel, or mitigate any fungi.

24 (16) "Herbicide" means any substance or mixture of substances
25 intended to prevent, destroy, repel, or mitigate any weed.

26 (17) "Inert ingredient" means an ingredient which is not an active
27 ingredient.

28 (18) "Ingredient statement" means a statement of the name and
29 percentage of each active ingredient together with the total percentage
30 of the inert ingredients in the pesticide, and when the pesticide
31 contains arsenic in any form, the ingredient statement shall also
32 include percentages of total and water soluble arsenic, each calculated
33 as elemental arsenic. ~~((In the case of a spray adjuvant))~~ The
34 ingredient statement ~~((need contain only the names of the principal
35 functioning agents and the total percentage of the constituents
36 ineffective as spray adjuvants. If more than three functioning agents
37 are present, only the three principal ones need be named))~~ for a spray

1 adjuvant must be consistent with the labeling requirements adopted by
2 rule.

3 (19) "Insect" means any of the numerous small invertebrate animals
4 whose bodies are more or less obviously segmented, and which for the
5 most part belong to the class insecta, comprising six-legged, usually
6 winged forms, for example, beetles, bugs, bees, flies, and to other
7 allied classes of arthropods whose members are wingless and usually
8 have more than six legs, for example, spiders, mites, ticks,
9 centipedes, and isopod crustaceans.

10 (20) "Insecticide" means any substance or mixture of substances
11 intended to prevent, destroy, repel, or mitigate any insects which may
12 be present in any environment whatsoever.

13 (21) "Inspection control number" means a number obtained from the
14 department that is recorded on wood destroying organism inspection
15 reports issued by a structural pest inspector in conjunction with the
16 transfer, exchange, or refinancing of any structure.

17 (22) "Label" means the written, printed, or graphic matter on, or
18 attached to, the pesticide, device, or immediate container, and the
19 outside container or wrapper of the retail package.

20 (23) "Labeling" means all labels and other written, printed, or
21 graphic matter:

22 (a) Upon the pesticide, device, or any of its containers or
23 wrappers;

24 (b) Accompanying the pesticide, or referring to it in any other
25 media used to disseminate information to the public; and

26 (c) To which reference is made on the label or in literature
27 accompanying or referring to the pesticide or device except when
28 accurate nonmisleading reference is made to current official
29 publications of the department, United States departments of
30 agriculture; interior; education; health and human services; state
31 agricultural colleges; and other similar federal or state institutions
32 or agencies authorized by law to conduct research in the field of
33 pesticides.

34 (24) "Land" means all land and water areas, including airspace and
35 all plants, animals, structures, buildings, devices and contrivances,
36 appurtenant thereto or situated thereon, fixed or mobile, including any
37 used for transportation.

1 (25) "Master license system" means the mechanism established by
2 chapter 19.02 RCW by which master licenses, endorsed for individual
3 state-issued licenses, are issued and renewed using a master
4 application and a master license expiration date common to each
5 renewable license endorsement.

6 (26) "Nematocide" means any substance or mixture of substances
7 intended to prevent, destroy, repel, or mitigate nematodes.

8 (27) "Nematode" means any invertebrate animal of the phylum
9 nemathelminthes and class nematoda, that is, unsegmented round worms
10 with elongated, fusiform, or saclike bodies covered with cuticle, and
11 inhabiting soil, water, plants or plant parts, may also be called nemas
12 or eelworms.

13 (28) "Person" means any individual, partnership, association,
14 corporation, or organized group of persons whether or not incorporated.

15 (29) "Pest" means, but is not limited to, any insect, rodent,
16 nematode, snail, slug, weed and any form of plant or animal life or
17 virus, except virus on or in a living person or other animal, which is
18 normally considered to be a pest or which the director may declare to
19 be a pest.

20 (30) "Pest control consultant" means any individual who sells or
21 offers for sale at other than a licensed pesticide dealer outlet or
22 location where they are employed, or who offers or supplies technical
23 advice or makes recommendations to the user of:

24 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

25 (b) EPA restricted use pesticides or restricted use pesticides
26 which are restricted by rule to distribution by licensed pesticide
27 dealers only; or

28 (c) Any other pesticide except those pesticides which are labeled
29 and intended for home and garden use only.

30 (31) "Pesticide" means, but is not limited to:

31 (a) Any substance or mixture of substances intended to prevent,
32 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
33 fungus, weed, and any other form of plant or animal life or virus,
34 except virus on or in a living person or other animal which is normally
35 considered to be a pest or which the director may declare to be a pest;

36 (b) Any substance or mixture of substances intended to be used as
37 a plant regulator, defoliant or desiccant; and

38 (c) Any spray adjuvant.

1 (32) "Pesticide advisory board" means the pesticide advisory board
2 as provided for in the Washington pesticide application act.

3 (33) "Pesticide dealer" means any person who distributes any of the
4 following pesticides:

5 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

6 (b) EPA restricted use pesticides or restricted use pesticides
7 which are restricted by rule to distribution by licensed pesticide
8 dealers only; or

9 (c) Any other pesticide except those pesticides which are labeled
10 and intended for home and garden use only.

11 (34) "Pesticide dealer manager" means the owner or other individual
12 supervising pesticide distribution at one outlet holding a pesticide
13 dealer license.

14 (35) "Plant regulator" means any substance or mixture of substances
15 intended through physiological action, to accelerate or retard the rate
16 of growth or maturation, or to otherwise alter the behavior of
17 ornamental or crop plants or their produce, but shall not include
18 substances insofar as they are intended to be used as plant nutrients,
19 trace elements, nutritional chemicals, plant inoculants, or soil
20 amendments.

21 (36) "Registrant" means the person registering any pesticide under
22 the provisions of this chapter.

23 (37) "Restricted use pesticide" means any pesticide or device
24 which, when used as directed or in accordance with a widespread and
25 commonly recognized practice, the director determines, subsequent to a
26 hearing, requires additional restrictions for that use to prevent
27 unreasonable adverse effects on the environment including people,
28 lands, beneficial insects, animals, crops, and wildlife, other than
29 pests.

30 (38) "Rodenticide" means any substance or mixture of substances
31 intended to prevent, destroy, repel, or mitigate rodents, or any other
32 vertebrate animal which the director may declare by rule to be a pest.

33 (39) "Specific wood destroying organism inspection" means an
34 inspection of a structure for purposes of identifying or verifying
35 evidence of an infestation of wood destroying organisms prior to pest
36 management activities.

37 (40) "Spray adjuvant" means any (~~wetting agent, spreading agent,~~
38 ~~deposit builder, adhesive, emulsifying agent, deflocculating agent,~~

1 ~~water modifier, or similar agent with or without toxic properties of~~
2 ~~its own,~~) product intended to be used with (~~(any other)~~) a pesticide
3 as an aid to the application or to the effect of the pesticide, and
4 which is in a package or container separate from (~~(that of)~~) the
5 pesticide (~~(with which it is to be used)~~). Spray adjuvant includes,
6 but is not limited to, acidifiers, compatibility agents, crop oil
7 concentrates, defoaming agents, drift control agents, modified
8 vegetable oil concentrates, nonionic surfactants, organosilicone
9 surfactants, stickers, and water conditioning agents. Spray adjuvant
10 does not include products that are only intended to mark the location
11 where a pesticide is applied.

12 (41) "Special local needs registration" means a registration issued
13 by the director pursuant to provisions of section 24(c) of FIFRA.

14 (42) "Structural pest inspector" means any individual who performs
15 the service of conducting a complete wood destroying organism
16 inspection or a specific wood destroying organism inspection.

17 (43) "Unreasonable adverse effects on the environment" means any
18 unreasonable risk to people or the environment taking into account the
19 economic, social, and environmental costs and benefits of the use of
20 any pesticide, or as otherwise determined by the director.

21 (44) "Weed" means any plant which grows where not wanted.

22 (45) "Wood destroying organism" means insects or fungi that
23 consume, excavate, develop in, or otherwise modify the integrity of
24 wood or wood products. Wood destroying organism includes, but is not
25 limited to, carpenter ants, moisture ants, subterranean termites,
26 dampwood termites, beetles in the family Anobiidae, and wood decay
27 fungi (wood rot).

28 (46) "Wood destroying organism inspection report" means any written
29 document that reports or comments on the presence or absence of wood
30 destroying organisms, their damage, and/or conducive conditions leading
31 to the establishment of such organisms.

32 NEW SECTION. Sec. 7. This act takes effect January 1, 2005.

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