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**SUBSTITUTE SENATE BILL 6108**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Agriculture (originally sponsored by Senators Sheahan, Swecker, Rasmussen and Eide; by request of Department of Agriculture)

READ FIRST TIME 01/23/04.

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 county  
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 county 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, limited  
28 private applicator, or rancher private applicator license shall be  
29 accompanied by a fee ~~((of twenty five dollars))~~ established by the  
30 director by rule. Individuals with a valid certified applicator  
31 license, pest control consultant license, or dealer manager license who  
32 qualify in the appropriate statewide or agricultural license categories  
33 are exempt from the private applicator, limited private applicator, or  
34 rancher private applicator fee requirements. However, licensed public  
35 pesticide operators, otherwise exempted from the public pesticide  
36 operator license fee requirement, are not also exempted from the



1 (~~private pesticide applicator~~) fee requirements under this  
2 subsection.

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

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

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

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

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

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

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

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

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

33 (3) At the termination of a licensee's five-year recertification  
34 period, the director may waive the requirements identified in  
35 subsection (2) of this section if the licensee can demonstrate that he  
36 or she is meeting comparable recertification standards through another

1 state or jurisdiction or through a federal environmental protection  
2 agency approved government agency plan.

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

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

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

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

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

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

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

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

1 However, the penalty (~~shall~~) does not apply if the applicant  
2 furnishes an affidavit certifying that he or she has not acted as a  
3 licensee subsequent to the expiration of the license.

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

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

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

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

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

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

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

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

35 (6) "Department" means the Washington state department of  
36 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 ingredient  
34 statement (~~(need contain only the names of the principal functioning  
35 agents and the total percentage of the constituents ineffective as  
36 spray adjuvants. If more than three functioning agents are present,  
37 only the three principal ones need be named)~~) must be consistent with  
38 the labeling requirements adopted by rule.

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

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

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

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

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

20 (a) Upon the pesticide, device, or any of its containers or  
21 wrappers;

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

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

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

36 (25) "Master license system" means the mechanism established by  
37 chapter 19.02 RCW by which master licenses, endorsed for individual

1 state-issued licenses, are issued and renewed using a master  
2 application and a master license expiration date common to each  
3 renewable license endorsement.

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

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

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

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

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

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

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

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

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

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

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

36 (c) Any spray adjuvant.

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

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

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

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

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

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

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

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

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

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

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

35 (40) "Spray adjuvant" means any (~~wetting agent, spreading agent,~~  
36 ~~deposit builder, adhesive, emulsifying agent, deflocculating agent,~~  
37 ~~water modifier, or similar agent with or without toxic properties of~~  
38 ~~its own,~~) product intended to be used with (~~any other~~) a pesticide

1 as an aid to the application or to the effect of the pesticide, and  
2 which is in a package or container separate from (~~that of~~) the  
3 pesticide (~~with which it is to be used~~). Spray adjuvant includes,  
4 but is not limited to, acidifiers, compatibility agents, crop oil  
5 concentrates, defoaming agents, drift control agents, modified  
6 vegetable oil concentrates, nonionic surfactants, organosilicone  
7 surfactants, stickers, and water conditioning agents. Spray adjuvant  
8 does not include products that are only intended to mark the location  
9 where a pesticide is applied.

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

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

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

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

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

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

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

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