

HOUSE BILL REPORT

SHB 1527

As Passed Legislature

Title: An act relating to requiring the Washington state department of agriculture to approve the comparable recertification standards of private entities for the purposes of waiving the recertification requirements under the Washington pesticide control act.

Brief Description: Requiring the Washington state department of agriculture to approve the comparable recertification standards of private entities for the purposes of waiving the recertification requirements under the Washington pesticide control act.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Buys and Van De Wege).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/4/15, 2/10/15 [DPS].

Floor Activity:

Passed House: 3/3/15, 97-0.

Senate Amended.

Passed Senate: 4/8/15, 44-5.

House Concurred.

Passed House: 4/16/15, 96-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires the Washington State Department of Agriculture (WSDA) to waive licensing recertification requirements under the Washington Pesticide Control Act (Act) if a licensee demonstrates that the licensee is meeting comparable recertification standards through a private entity the WSDA has approved.
- Requires the WSDA to confer with private entities offering continuing education programs that include pest management credit accreditation and accumulation to develop a system to coordinate pest management credit accounting and, if the WSDA and the private entities agree on the system's substantive provisions, requires the WSDA to develop an implementation strategy for private entities pursuing pesticide credit reciprocity and to submit a report to the Legislature by December 31, 2015, on the collaborative efforts, the system, and the WSDA's implementation strategy.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Peter Clodfelter (786-7127).

Background:

The Washington Pesticide Control Act (Act) is administered by the Washington State Department of Agriculture (WSDA). The Act requires that pesticides distributed or transported within the state be registered with the WSDA and the Act imposes various license requirements related to working with pesticides.

Types of Licenses Issued Pursuant to the Act.

The following are types of licenses available with brief descriptions of each license type:

- *Pesticide dealer license:* Licensees are required to act in the capacity of a pesticide dealer or advertise as or assume to act as a pesticide dealer. Pesticide dealers are people who distribute certain toxic pesticides.
- *Pesticide dealer manager license:* Any licensed pesticide dealer must be managed by a licensed pesticide dealer manager. A pesticide dealer manager is the owner or supervisor of a pesticide distribution outlet holding a pesticide dealer license. Qualifications include having knowledge of pesticide laws and rules, pesticide hazards, and the safe distribution, use, application, and disposal of pesticides, as demonstrated by passing a written examination.
- *Structural pest inspector license:* Structural pest inspectors conduct wood-destroying-organism inspections. Qualifications for a license include having knowledge of applicable laws and regulations, structural pest identification and damage, and conditions conducive to the development of wood destroying organisms, as demonstrated by passing a written examination.
- *Pest control consultant license:* Pest control consultants offer or provide technical advice or recommendations to users of certain toxic pesticides, except pesticides for home and garden use. Qualifications include having knowledge of pesticide laws and regulations, pesticide hazards, and the safe distribution, use, application, and disposal of pesticides, as demonstrated by passing a written examination.
- *Public pest control consultant license:* A license is required of any person who is employed by a governmental agency or unit to act as a pest control consultant.

Renewal of Licenses.

The Act provides that the WSDA may renew any license issued pursuant to the Act subject to recertification requirements. Generally, every five years licensees must demonstrate that they meet the recertification standards to qualify for continuing licensure. Generally, licensees must earn 40 recertification credits every five years or retake the examination. Recertification credits are earned by attending WSDA-approved courses.

However, at the end of a licensee's five-year recertification period, the WSDA may waive the recertification requirements if the licensee demonstrates that the licensee is meeting comparable recertification standards through another state or jurisdiction or a government agency plan that the federal Environmental Protection Agency has approved.

Summary of Substitute Bill:

The Washington State Department of Agriculture (WSDA) is required waive the recertification requirement at the end of a licensee's five-year recertification period if the licensee demonstrates that the licensee meets comparable recertification standards through another state or jurisdiction, a government agency plan that the federal Environmental Protection Agency has approved, or through a private entity that the WSDA has approved. The WSDA is required to confer with private entities offering continuing education programs that include pest management credit accreditation and accumulation to develop an effective and efficient system to coordinate pest management credit accounting. The pest management credit accounting system must be consistent with the goals and other requirements of the WSDA's pesticide license recertification programs. If the WSDA and the private entities agree on the system's substantive provisions, the WSDA is required to develop an implementation strategy for private entities pursuing pesticide credit reciprocity. The WSDA is required to submit a report to the Legislature by December 31, 2015, on the collaborative efforts, the system, and the WSDA's implementation strategy.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill would help the pesticide industry; it would provide for a more efficient way for licensees to become recertified and for the Washington State Department of Agriculture (WSDA) to conduct licensing recertification. Currently, the WSDA recertifies people who meet other states recertification requirements and it should also recertify people who receive comparable training through a private entity.

(With concerns) The bill is a good idea, but it should be amended to say that the WSDA may disapprove a private entity that the WSDA has approved as providing comparable recertification standards.

(Opposed) None.

Persons Testifying: (In support) Representative Dent, prime sponsor; and John Rylaarsdam, Washington State Agriculture Forestry.

(With concerns) Ted Maxwell, Washington Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.