

# HOUSE BILL REPORT

## SSB 5601

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**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:** Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Rivers, Schoesler and Honeyford).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/25/15, 3/26/15 [DP].

**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) when a licensee meets comparable recertification standards, instead of allowing the WSDA to waive the licensing recertification requirements.
- Requires the WSDA to waive licensing recertification requirements under the Act if a licensee demonstrates that the licensee is meeting comparable recertification standards through a private entity that the WSDA has approved and authorizes the WSDA to establish both the comparable recertification standards a private entity must meet to be approved and the procedures for private entity recertification waiver revocation.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 9 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

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*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.*

**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:* This license is 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:* Any person who is employed by a governmental agency or unit to act as a pest control consultant must have a public pest control consultant license.

### 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 Bill:**

The Washington State Department of Agriculture (WSDA) is required to 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 or a government agency plan that the federal Environmental Protection Agency has approved. Additionally, the WSDA must also waive the recertification requirement for a licensee that demonstrates that the licensee is meeting comparable recertification standards through a private entity that the WSDA has approved.

The WSDA is authorized to adopt rules establishing the comparable recertification standards a private entity must meet. The WSDA is also authorized to establish procedures for private entity recertification waiver revocation.

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**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) This bill would allow the Washington State Department of Agriculture (WSDA) to more efficiently recertify certain pesticide license holders. The bill helps both people who work with pesticides and the WSDA. The bill protects the WSDA because the WSDA can revoke a private entity's authority to offer comparable recertification standards if necessary. A Senate committee amendment to the House companion bill in the Senate requires the WSDA to work with private entities on the license recertification process, which could be added to this bill also. The WSDA supports that amendment.

(Opposed) None.

**Persons Testifying:** Senator Warnick, prime sponsor; and Patrick Capper, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.