
Health Care & Wellness Committee

HB 1564

Brief Description: Concerning pesticide exposure and notification of certain pesticide applications.

Sponsors: Representatives Ortiz-Self, Robinson, Stonier, Riccelli, Ryu, Fitzgibbon, Macri, Sells, Cody, Pettigrew, Doglio, Bergquist and Pollet.

Brief Summary of Bill

- Requires pesticide users to provide a notice of an intended pesticide application, and requires a person who receives a notice to inform a person who may be on the property at the time of application.
- Requires pesticide applicators to provide monthly reports to the Department of Health (DOH), and requires the DOH to make that information publicly available.

Hearing Date: 2/17/17

Staff: Alexa Silver (786-7190).

Background:

Pesticides are regulated by the state and federal government. At the state level, several state agencies have responsibilities.

The Worker and Community Right to Know Act (Right to Know Act), administered by the Department of Labor & Industries, requires that information regarding hazardous substances be provided to employees and community members. The Department of Agriculture (Agriculture) administers the federal Insecticide, Fungicide, and Rodenticide Act, as well as the state Pesticide Control Act and the state Pesticide Application Act. Its activities include adopting rules requiring the registration and restricting the use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers. The Department of Health (DOH)

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tracks and investigates pesticide-related illnesses, and provides education and technical assistance to physicians and other agencies.

Both the Pesticide Application Act and the Right to Know Act require recordkeeping for pesticide applications. The records must include the following: the location of the land where pesticide was applied; the year, month, day, and time of application; the product name and Environmental Protection Agency registration number; the crop or site to which pesticide was applied; the amount of pesticide applied per acre; the concentration of pesticide applied; the number of acres to which pesticide was applied; the applicator's name, address, and telephone number; the direction and estimated velocity of the wind during the time the pesticide was applied; and any other information reasonably required by rule. The records must be readily accessible to the respective agencies for inspection and must be provided upon request to other specified agencies and treating health care personnel.

Schools must notify interested parents or guardians of students and employees at least 48 hours before a pesticide application and must place signs regarding pesticide applications.

Summary of Bill:

Notice of Intended Pesticide Application.

A pesticide user must provide written notice of an intended pesticide application to a person who owns, manages, or controls any property adjacent to the property of intended pesticide application, such as a teacher or employer of persons on the property. The notice must be provided between two and 48 hours before the intended application and must be provided in person, by email, by text message, or by any other means approved by the Department of Health (DOH). A "pesticide user" is a person who applies pesticides (or causes pesticides to be applied) by aerial application, air-blast sprayer, or fumigation.

The notice must include:

- the time, date, and location of intended application;
- the name, address, and telephone number of the pesticide user;
- the name, address, and telephone number of a person who has contracted for the application;
- a list of pesticides to be applied, including the product name, Environmental Protection Agency registration number, and active ingredients;
- the telephone number of the DOH's pesticide program;
- the telephone number of the Poison Control Center;
- a statement that only protected pesticide handlers should be in the treated area during application and that pesticide should not contact workers or others, directly or through "pesticide drift" (defined as the movement of pesticide through the air away from the intended target);
- the restricted-entry interval on the pesticide label and a statement that if the pesticide lands in an area, people should stay out of the area for that interval. When multiple pesticides are applied at the same time, the restricted-entry interval must be the longest of the applicable intervals; and
- a statement in English and Spanish at the top of the notice in bold-face type that the notice pertains to pesticide application, that the pesticide user can provide further

information, and that the pesticide user may be reached at the telephone number provided.

The pesticide user may provide an initial notice containing information about the intended application, the pesticide user's contact information, and the telephone number of the Poison Control Center, so long as the initial notice refers the recipient to a complete notice that is immediately accessible through a method specified by the DOH.

A person who receives a notice of intended application must:

- inform any person the recipient knows will be (or should reasonably expect to be) on the property at the time of the application of the information in the initial notice;
- inform any person who is expected to be on the property that he or she may receive a complete notice upon request; and
- promptly provide a complete notice to such a person or his or her designated representative upon request.

The DOH must provide a notice form in English and Spanish and may adopt rules necessary to implement the notice requirements.

Monthly Reports.

A person who is required to keep records of pesticide applications under either the Worker and Community Right to Know Act or the Pesticide Application Act must provide the records to the DOH on a monthly basis. The DOH must make the data available to the public on its website in a searchable, aggregated form that does not identify the persons submitting the data. The DOH may adopt any rules necessary, including the date and form for submission of the reports and the means of public access to pesticide use data.

Enforcement.

The DOH may investigate and assess a civil fine of up to \$7,500 for violation of the notice and reporting requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2018.