

HOUSE BILL REPORT

E2SSB 6529

As Passed House - Amended:

February 12, 2018

Title: An act relating to establishing a pesticide application safety work group.

Brief Description: Establishing a pesticide application safety work group.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege, Miloscia, Chase, Conway, McCoy, Hunt, Keiser and Hasegawa).

Brief History:

Committee Activity:

Health Care & Wellness: .

Floor Activity:

Senate Amended.

Passed Senate: 2/12/18, 45-2.

Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Establishes a work group to develop recommendations for improving the safety of pesticide applications.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Staff: Chris Blake (786-7392).

Background:

The Department of Agriculture (WSDA) administers and enforces the Federal Insecticide, Fungicide, and Rodenticide Act, as well as the state Pesticide Control Act and Pesticide Application Act. Pursuant to these laws, pesticides sold in Washington must be registered with the WSDA and applicators, operators, consultants, dealers, and commercial pesticide application equipment must be licensed. The WSDA also conducts pesticide safety training directly with the farmworkers. In addition, the WSDA conducts inspections of pesticide

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applicators, dealers, and producers, and conducts investigations of alleged misuse of pesticides.

The Department of Health (DOH) tracks and investigates pesticide-related illnesses in both home and occupational settings. In cases of suspected human pesticide poisoning that are determined to be an emergency, the DOH may assume control of the property and dispose of hazardous substances. Pesticide poisoning is a notifiable condition that must be reported directly to the DOH within three business days of a health care provider's diagnosis or suspected diagnosis. The pesticide poisoning must be reported immediately if it results in hospitalization or death, or is determined to be associated with a cluster.

Summary of Bill:

The Department of Health (DOH) and the Department of Agriculture (WSDA) must establish a work group to develop recommendations for improving the safety of pesticide applications. The work group must review laws regulating pesticide safety and application, arrange a presentation on new pesticide application technologies and review other technologies used to increase pesticide application safety, review the structure of the former Pesticide Incident Reporting and Tracking Review Panel and determine whether a similar group should be established, and review current data and reports from agencies in Washington and other states that may be helpful in developing strategies to improve pesticide application safety.

The work group includes a member and an alternate from each caucus of both chambers of the Legislature, and one representative each from the WSDA, the DOH, the Department of Labor and Industries, the Department of Natural Resources, and the Commission on Hispanic Affairs. The Secretary of the DOH and the Secretary of the WSDA may invite others to participate in an advisory capacity, including representatives of producers of crops that use airblast sprayers, producers of crops that use fumigation, producers or crops that use aerial applications, timber producers, aerial applicators or pilots, farmworkers, labor, children's health advocates, environmental interests, the University of Washington, and Washington State University.

By November 1, 2018, the work group must submit a report to the Governor and the appropriate legislative committees that includes findings, recommendations, and draft legislation.

Legislative findings are made related to the interest in minimizing human exposure to pesticide and the reduction in such exposure through scientific advancements, ongoing education and training, use of safety equipment, improved technologies, and monitoring and regulation. In addition, it is recognized that a 2014 work group made gains in reducing pesticide drift exposure and that collaboration between state agencies and the farming community can further minimize exposure to pesticide drift.

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 recognizes the importance of pesticide safety and the need for a collaborative approach between agricultural employer, labor, applicators, and health advocates. It is important to have a meaningful, collaborative work group comprised of representatives on both sides of the issue who can speak to the shared goals of reducing and eliminating pesticide drift, while being mindful of the needs of workers, industry, and health and safety. This bill will bring the right people together to discuss the research and impacts and make recommendations for policies that will allow agricultural businesses to use pesticides in a safe manner while alerting schools and day care centers within close proximity. This work group is a means to identify things that the Legislature can do to improve safety in the future.

There are about 27,000 applicators making about 500,000 applications per year and, on average, only 11 of them have led to human exposure. The Department of Agriculture (WSDA) records can only find one case of pesticide drift on to school grounds. Between 2010 and 2016 there were 537 incidents of pesticide illness among farmworkers and over half were the result of drift where the pesticides missed the intended target. This work group can help reduce the number of incidents of drift to zero. Only 5 percent of the root causes of pesticide illness are the result of the applicator not being properly trained or supervised. The two biggest causes of pesticide illness are drift and ineffective or lack of notification. Prior notification requirements could prevent exposure in about a third of the cases.

Socially just worker protection regulation is a basic element of agricultural sustainability, environmental stewardship, and economic viability. Many farmworkers may refrain from seeking health care for pesticide-related illness because of the cost of medical care and the cost of taking time off of work. This bill will make progress on health disparities, improve working conditions, and prevent pesticide exposure to children and staff in schools. Pesticides may have neurological, psychiatric, developmental, hormonal, reproductive, and carcinogenic effects.

There needs to be a review of strategies to mitigate health impacts as the result of a school being built next to a farm. School buildings and day care centers already exist next to agricultural land and the impact of chemicals and pesticides on children is much more severe than it is on adults.

It is against the law for a pesticide applicator to let a pesticide drift from the intended target. There is a very robust regulatory scheme around the use of pesticides in federal and state laws which are working and effective. Several agencies are involved in the regulation of pesticides, including the federal Environmental Protection Agency, the WSDA, and the Department of Labor and Industries.

(Opposed) None.

(Other) Aerial applicators approach drift and drift mitigation practices with the utmost seriousness and have developed a program to minimize potential adverse health and environmental effects of agricultural chemical applications. Aerial applicators are experienced, highly-trained professionals and receive continuing education on the latest precision aerial application practices. Aerial applicators have continuing education programs to educate pilots on key safety and drift minimization issues. The modern agricultural aircraft is equipped with an array of drift mitigation tools and technologies. This work group will hopefully allow for an opportunity to educate legislators and agency staff about safe, efficacious, and precise aerial applications and the substantial role that aerial application plays in Washington agriculture.

Persons Testifying: (In support) Eric Gonzalez, Washington State Labor Council; Megan Dunn, Northwest Center for Alternatives to Pesticides; Lucinda Young, Washington Education Association; Heather Hansen, Washington Friends of Farms and Forests; and Jim Jesernig, Washington Potato and Onion Association.

(Other) Gavin Morse, Association of Washington Aerial Applicators.

Persons Signed In To Testify But Not Testifying: None.