

SSB 5550 - H COMM AMD

By Committee on Labor & Workplace Standards

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) In 2018, the legislature passed
4 Engrossed Second Substitute Senate Bill No. 6529. The bill recognized
5 that farmers, farmworkers, and the broader community share an
6 interest in minimizing human exposure to pesticides. It also
7 recognized that gains have been made in reducing human exposure to
8 pesticides and that collaboration between state agencies and the
9 farming community could further reduce agricultural workers exposure
10 to pesticide drift.

11 (2) The legislation established a pesticide application safety
12 work group that would make recommendations for improving pesticide
13 application safety. Work group members included legislators from both
14 chambers and caucuses, as well as representation from state agencies
15 and the commission on Hispanic affairs. The work group sought public
16 participation to learn more about pesticide application safety. Many
17 stakeholders including but not limited to local farm hosts, the
18 agricultural industry, and members of the agricultural workforce
19 contributed valuable assistance and input.

20 (3) The work group reached two noteworthy recommendations
21 regarding what can be done now to improve pesticide application
22 safety. The recommendations are to:

23 (a) Expand training because the department of agriculture lacks
24 sufficient resources to meet the training demand from pesticide
25 applicators and handlers; and

26 (b) Establish a new pesticide application safety panel to provide
27 an opportunity to evaluate and recommend policy options, and
28 investigate exposure cases.

29 (4) The work group concluded that legislation is warranted to
30 expand funding for a training program and set up a new pesticide
31 application safety panel with clear objectives.

32 (5) This section expires July 1, 2025.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.104
2 RCW to read as follows:

3 (1) The pesticide application safety committee is established.
4 Appointments to the committee must be made as soon as possible after
5 the legislature convenes in regular session. The committee is
6 composed of the following members:

7 (a) One member from each of the two largest caucuses of the house
8 of representatives, appointed by the speaker of the house of
9 representatives;

10 (b) One member from each of the two largest caucuses of the
11 senate, appointed by the president of the senate;

12 (c) The director of the department of agriculture, or an
13 assistant director designated by the director;

14 (d) The secretary of the department of health, or an assistant
15 secretary designated by the secretary;

16 (e) The director of the department of labor and industries, or an
17 assistant director designated by the director;

18 (f) The commissioner of public lands, or an assistant
19 commissioner designated by the commissioner;

20 (g) The dean of the college of agricultural, human, and natural
21 resource sciences at the Washington State University, or an assistant
22 dean designated by the dean;

23 (h) The pesticide safety education coordinator at the Washington
24 State University cooperative extension; and

25 (i) The director of the University of Washington Pacific
26 Northwest agricultural safety and health center, or an assistant
27 designated by the director.

28 (2) The committee shall be cochaired by the secretary of the
29 department of health, or the assistant secretary designated by the
30 secretary, and the director of the department of agriculture, or the
31 assistant director designated by the director.

32 (3) Primary responsibility for administrative support for the
33 committee, including developing reports, research, and other
34 organizational support, shall be provided by the department of health
35 and the department of agriculture. The committee must hold its first
36 meeting by September 2019. The committee must meet at least three
37 times each year. The meetings shall be at a time and place specified
38 by the cochairs, or at the call of a majority of the committee. When
39 determining the time and place of meetings, the cochairs must

1 consider costs and conduct committee meetings in Olympia when this
2 choice would reduce costs to the state.

3 (4) (a) An advisory work group is created to collect information
4 and make recommendations to the full committee on topics requiring
5 unique expertise and perspectives on issues within the jurisdiction
6 of the committee.

7 (b) The advisory work group shall consist of a representative
8 from the department of agriculture, two representatives of employee
9 organizations that represent farmworkers, two farmworkers with
10 expertise on pesticide application, a representative of community and
11 migrant health centers, a toxicologist, a representative of growers
12 who use air blast sprayers, a representative of growers who use
13 aerial pesticide application, a representative of growers who use
14 fumigation to apply pesticides, and a representative of aerial
15 applicators. The secretary of health, in consultation with the
16 director of the department of agriculture and the full committee,
17 must appoint members of the advisory work group, and the department
18 of health must staff the advisory work group. The letter of
19 appointment to the advisory work group members must be signed by both
20 cochairs.

21 (c) The advisory work group must hold meetings only upon the
22 committee's request. To reduce costs, the advisory work group must
23 conduct meetings using teleconferencing or other methods, but may
24 hold one in-person meeting per fiscal year.

25 (d) Members of the advisory work group shall be reimbursed for
26 mileage expenses in accordance with RCW 43.03.060.

27 (e) The advisory work group must provide a report on their
28 activities and recommendations to the full committee by November 9th
29 of each year.

30 (5) The first priority of the committee is to explore how the
31 departments of agriculture, labor and industries, and health, and the
32 Washington poison center collect and track data. The committee must
33 also consider the feasibility and requirements of developing a shared
34 database, including how the department of health could use existing
35 tools, such as the tracking network, to better display multiagency
36 data regarding pesticides. The committee may also evaluate and
37 recommend policy options that would take action to:

38 (a) Improve pesticide application safety with agricultural
39 applications;

- 1 (b) Lead an effort to establish baseline data for the type and
2 quantity of pesticide applications used in Washington to be able to
3 compare the number of exposures with overall number of applications;
- 4 (c) Research ways to improve pesticide application communication
5 among different members of the agricultural community, including
6 educating the public in English and Spanish about acute and chronic
7 health information about pesticides;
- 8 (d) Compile industry's best practices for use to improve
9 pesticide application safety to limit pesticide exposure;
- 10 (e) Continue to investigate reasons why members of the
11 agricultural workforce do not or may not report pesticide exposure;
- 12 (f) Explore new avenues for reporting with investigation without
13 fear of retaliation;
- 14 (g) Work with stakeholders to consider trainings for how and when
15 to report;
- 16 (h) Explore incentives for using new technology by funding a
17 partial buy-out program for old spray technology;
- 18 (i) Consider developing an effective community health education
19 plan;
- 20 (j) Consult with community partners to enhance educational
21 initiatives that work with the agricultural workforce, their
22 families, and surrounding communities to reduce the risk of pesticide
23 exposure;
- 24 (k) Enhance efforts to work with pesticide manufacturers and the
25 environmental protection agency to improve access to non-English
26 pesticide labeling in the United States;
- 27 (l) Work with research partners to develop, or promote the use of
28 translation apps for pesticide label safety information, or both;
- 29 (m) Evaluate prevention techniques to minimize exposure events;
- 30 (n) Develop more Spanish language and other language educational
31 materials for distribution, including through social media and app-
32 based learning for agricultural workforce communities;
- 33 (o) Explore development of an agricultural workforce education
34 safety program to improve the understanding about leaving an area
35 being sprayed; and
- 36 (p) Work with the industry and the agricultural workforce to
37 improve protocols and best practices for use of personal safety
38 equipment for applicators and reflective gear for the general
39 workforce.

1 (6) The committee must provide a report to the appropriate
2 committees of the legislature by May 1, 2020, and each year
3 thereafter. An initial report on the progress of the committee must
4 be provided in January 2020. The report may include recommendations
5 the committee determines necessary, and must document the activities
6 of the committee and report on the subjects listed in subsection (5)
7 of this section. The department of health and the department of
8 agriculture must provide staff support to the committee for the
9 purpose of authoring the report and transmitting it to the
10 legislature. Any member of the committee may provide a minority
11 report as an appendix to the report submitted to the legislature
12 under this section.

13 (7) This section expires July 1, 2025."

EFFECT: Removes the provision stating the committee must operate within appropriations from the Medical Aid Fund and the Accident Fund.

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