

# SENATE BILL REPORT

## SB 5597

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As of February 15, 2019

**Title:** An act relating to creating a work group on aerial pesticide applications in forestlands.

**Brief Description:** Creating a work group on aerial pesticide applications in forestlands.

**Sponsors:** Senators Rolfes, Saldaña, McCoy, Conway and Hasegawa.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/07/19.

**Brief Summary of Bill**

- Establishes a work group to develop recommendations for improving the best management practices for aerial application of pesticides on state and private forestlands.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements.

State Trust Lands. Upon statehood, the United States granted the State of Washington over 3 million acres to support various public institutions. DNR now manages over 2 million acres of federally granted trust lands to provide revenue for public schools, state universities, buildings on the capitol campus, and correctional facilities. The largest acreage category is for common schools, with almost 1.8 million acres.

State Forest Lands. DNR also manages more than 600,000 acres of state forest lands, which were acquired primarily through tax foreclosures in the 1920s and 1930s, and to a lesser extent through purchases by the state or gifts to the state. State forest lands are managed for the benefit of the counties in which the lands are located.

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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.*

Forest Practice Applications. The Forest Practices Act establishes four classes of forest practices based on the potential for a proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. This includes standards for forest practices such as timber harvest, pre-commercial thinning, road construction, fertilization, and forest chemical application. DNR processes and reviews applications and administers the forest practices program within the rules of the Board.

**Summary of Bill:** A work group is established to develop recommendations for improving the best management practices for aerial application of pesticides on state and private forestlands. The work group includes representatives from:

- DNR;
- the Department of Agriculture (WSDA);
- the Department of Ecology (DOE);
- the Department of Health;
- small forestland owners and large forestland owners;
- aerial applicators;
- environmental or community interests;
- the University of Washington; and
- any others that will provide scientific, policy, or economic information to the work group.

Additionally, Washington tribes must be invited to participate on the work group.

The work group must review the roles of all management and regulatory agencies in approving pesticides for use and application on forestlands in Washington State and review existing state and federal programs, policies, and regulations concerning aerial application of pesticides on forestlands. The work group must also review current pesticide application technology in the state and throughout the nation to increase pesticide application accuracy and other best management practices to minimize drift and exposure to humans, fish, and wildlife as well as impacts on drinking water, surface waters, and wetland areas.

The work group must review research, reports, and data from government agencies, research institutions, nongovernmental organizations, and landowners regarding the risks, environmental impacts, and forest management benefits of the most frequently used pesticides in forest practices, to inform the development and update of strategies related to pesticides management on forestlands. The work group must develop recommendations for managing working forestlands through an integrated pest management approach that combines chemical and natural control means as well as other silvicultural practices to protect resource values from pests while minimizing the effect on nontarget species as well as ensuring the protection of public safety and human health.

The work group must be co-chaired by representatives from DOE and DNR. Staff support for the work group must be provided by DNR and WSDA. The work group must submit any findings, recommendations, and draft legislation, to the Governor, the Legislature, and the Forest Practices Board, by November 10, 2019.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is based on a bill that the Legislature passed last year that brought the agricultural community together with folks with environmental concerns and that the process appeared to work well. This bill is designed to take a fresh look at forest practices in the state and pesticide use in the state as well as a bringing community members and environmental advocates together to share new technologies and new ideas. This bill is a step in the right direction, however pesticides that are toxic in general are completely unacceptable. It is time to move to sustainable practices. The concern is about exposure from well water consumption because wells, surface water, and water for the orcas and the salmon is being poisoned and there should be an outright ban. The work group should be formed but the goal should be to end aerial spraying of toxins on our ecosystems. The work group needs more organic farmers and environmentalists and members of the tribes on the group not only industry people.

OTHER: The questions raised in the bill for the work group to answer are pertinent and the answers to these questions will provide the Legislature with clear reassurances that the pesticide regulatory system governing applications in forest lands is robust and comprehensive. This bill will provide an opportunity for legislators and state agencies to learn more about the existing regulatory structure under the forest practices act and the public to learn more about forestry, and the existing pesticide regulatory process. The work group recommendations may provide some further reduction of unnecessary exposure to pesticides for both people and the environment and will assist the forest practice board when developing best management practices. This work group has the opportunity to dig deep into the technological advancements and scientific work completed in the forestry arena over the last decades. Knowing where forest practices have been will help state regulators determine where forest practices need to go and that is timely and valuable.

**Persons Testifying:** PRO: Senator Christine Rolfes, Prime Sponsor; Stephen Bernath, Deputy for Forest Practices, DNR; Pamela Keleey, Kitsap Environmental Coalition; Ellen O'Shea, Jefferson County Coalition to Stop Aerial Spraying and Eaglemount Farms; Chelsea Pronovost, Jefferson County Coalition to Stop Aerial Spraying.

OTHER: Jason Callahan, Washington Forest Protection Association; Heather Hansen, Washington Friends of Farms and Forest; Bruce Alber, Certified Forester; Lauren Jenks, Washington State Department of Health; Kelly McLain, WSDA.

**Persons Signed In To Testify But Not Testifying:** No one.