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**SUBSTITUTE HOUSE BILL 1725**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Dent, Valdez, Schmick, Pettigrew, Orcutt, Blake, Chandler, Springer, Pollet, and Riccelli)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to implementing the recommendations of the  
2 pesticide application safety work group; adding a new section to  
3 chapter 70.104 RCW; creating a new section; and providing expiration  
4 dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

1 agricultural industry, and members of the agricultural workforce  
2 contributed valuable assistance and input.

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

6 (a) Expand training because the department of agriculture lacks  
7 sufficient resources to meet the training demand from pesticide  
8 applicators and handlers; and

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

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

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

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

18 (1) The pesticide application safety committee is established.  
19 Appointments to the committee must be made as soon as possible after  
20 the legislature convenes in regular session. The committee is  
21 composed of the following members:

22 (a) One member from each of the two largest caucuses of the house  
23 of representatives, appointed by the speaker of the house of  
24 representatives;

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

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

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

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

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

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

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

1 (i) The director of the University of Washington Pacific  
2 Northwest agricultural safety and health center, or an assistant  
3 designated by the director.

4 (2) The committee shall be cochaired by the secretary of the  
5 department of health, or the assistant secretary designated by the  
6 secretary, and the director of the department of agriculture, or the  
7 assistant director designated by the director.

8 (3) Primary responsibility for administrative support for the  
9 committee, including developing reports, research, and other  
10 organizational support, shall be provided by the department of health  
11 and the department of agriculture. The committee must hold its first  
12 meeting by September 2019. The committee must meet at least three  
13 times each year. The meetings shall be at a time and place specified  
14 by the cochairs, or at the call of a majority of the committee. When  
15 determining the time and place of meetings, the cochairs must  
16 consider costs and conduct committee meetings in Olympia when this  
17 choice would reduce costs to the state.

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

22 (b) The advisory work group shall consist of a representative  
23 from the department of agriculture, two representatives of employee  
24 organizations that represent farmworkers, two farmworkers with  
25 expertise on pesticide application, a representative of community and  
26 migrant health centers, a toxicologist, a representative of growers  
27 who use air blast sprayers, a representative of growers who use  
28 aerial pesticide application, a representative of growers who use  
29 fumigation to apply pesticides, and a representative of aerial  
30 applicators. The secretary of health, in consultation with the  
31 director of the department of agriculture and the full committee,  
32 must appoint members of the advisory work group, and the department  
33 of health must staff the advisory work group. The letter of  
34 appointment to the advisory work group members must be signed by both  
35 cochairs.

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

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

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

6 (5) The first priority of the committee is to explore how the  
7 departments of agriculture, labor and industries, and health, and the  
8 Washington poison center collect and track data. The committee must  
9 also consider the feasibility and requirements of developing a shared  
10 database, including how the department of health could use existing  
11 tools, such as the tracking network, to better display multiagency  
12 data regarding pesticides. The committee may also evaluate and  
13 recommend policy options that would take action to:

14 (a) Improve pesticide application safety with agricultural  
15 applications;

16 (b) Lead an effort to establish baseline data for the type and  
17 quantity of pesticide applications used in Washington to be able to  
18 compare the number of exposures with overall number of applications;

19 (c) Research ways to improve pesticide application communication  
20 among different members of the agricultural community, including  
21 educating the public in English and Spanish about acute and chronic  
22 health information about pesticides;

23 (d) Compile industry's best practices for use to improve  
24 pesticide application safety to limit pesticide exposure;

25 (e) Continue to investigate reasons why members of the  
26 agricultural workforce do not or may not report pesticide exposure;

27 (f) Explore new avenues for reporting with investigation without  
28 fear of retaliation;

29 (g) Work with stakeholders to consider trainings for how and when  
30 to report;

31 (h) Explore incentives for using new technology by funding a  
32 partial buy-out program for old spray technology;

33 (i) Consider developing an effective community health education  
34 plan;

35 (j) Consult with community partners to enhance educational  
36 initiatives that work with the agricultural workforce, their  
37 families, and surrounding communities to reduce the risk of pesticide  
38 exposure;

1 (k) Enhance efforts to work with pesticide manufacturers and the  
2 environmental protection agency to improve access to non-English  
3 pesticide labeling in the United States;

4 (l) Work with research partners to develop, or promote the use of  
5 translation apps for pesticide label safety information, or both;

6 (m) Evaluate prevention techniques to minimize exposure events;

7 (n) Develop more Spanish language and other language educational  
8 materials for distribution, including through social media and app-  
9 based learning for agricultural workforce communities;

10 (o) Explore development of an agricultural workforce education  
11 safety program to improve the understanding about leaving an area  
12 being sprayed; and

13 (p) Work with the industry and the agricultural workforce to  
14 improve protocols and best practices for use of personal safety  
15 equipment for applicators and reflective gear for the general  
16 workforce.

17 (6) The committee must provide a report to the appropriate  
18 committees of the legislature by May 1, 2020, and each year  
19 thereafter. An initial report on the progress of the committee must  
20 be provided in January 2020. The report may include recommendations  
21 the committee determines necessary, and must document the activities  
22 of the committee and report on the subjects listed in subsection (5)  
23 of this section. The department of health and the department of  
24 agriculture must provide staff support to the committee for the  
25 purpose of authoring the report and transmitting it to the  
26 legislature. Any member of the committee may provide a minority  
27 report as an appendix to the report submitted to the legislature  
28 under this section.

29 (7) This section expires July 1, 2025.

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