

SSB 5317 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/21/2021

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

3 **"Sec. 1.** RCW 15.58.070 and 2008 c 285 s 15 are each amended to
4 read as follows:

5 (1) All registrations issued by the department expire December
6 31st of the following year except that registrations issued by the
7 department to a registrant who is applying to register an additional
8 pesticide during the second year of the registrant's registration
9 period shall expire December 31st of that year.

10 (2) An application for registration must be accompanied by a fee
11 of ~~((three))~~ six hundred ~~((ninety))~~ fifty dollars for each pesticide,
12 except that a registrant who is applying to register an additional
13 pesticide during the year the registrant's registration expires shall
14 pay a fee of ~~((one))~~ three hundred ~~((ninety-five))~~ twenty-five
15 dollars for each additional pesticide.

16 (3) Fees must be deposited in the agricultural local fund to
17 support the activities of the pesticide program within the
18 department.

19 (4) Any registration approved by the director and in effect on
20 the last day of the registration period, for which a renewal
21 application has been made and the proper fee paid, continues in full
22 force and effect until the director notifies the applicant that the
23 registration has been renewed, or otherwise denied in accord with the
24 provision of RCW 15.58.110.

25 (5) The department must complete and post on its website a
26 timeline for processing completed pesticide registrations.

27 **Sec. 2.** RCW 15.58.180 and 2013 c 144 s 10 are each amended to
28 read as follows:

29 (1) Except as provided in subsections (4) and (5) of this
30 section, it is unlawful for any person to act in the capacity of a
31 pesticide dealer or advertise as or assume to act as a pesticide

1 dealer without first having obtained an annual license from the
2 director. The license expires on the business license expiration
3 date. A license is required for each location or outlet located
4 within this state from which pesticides are distributed. A
5 manufacturer, registrant, or distributor who has no pesticide dealer
6 outlet licensed within this state and who distributes pesticides
7 directly into this state must obtain a pesticide dealer license for
8 his or her principal out-of-state location or outlet, but such a
9 licensed out-of-state pesticide dealer is exempt from the pesticide
10 dealer manager requirements.

11 (2) Application for a license must be accompanied by a fee of
12 (~~sixty-seven~~) eighty-eight dollars and must be made through the
13 business licensing system and must include the full name of the
14 person applying for the license and the name of the individual within
15 the state designated as the pesticide dealer manager. If the
16 applicant is a partnership, association, corporation, or organized
17 group of persons, the full name of each member of the firm or
18 partnership or the names of the officers of the association or
19 corporation must be given on the application. The application must
20 state the principal business address of the applicant in the state
21 and elsewhere, the name of a person domiciled in this state
22 authorized to receive and accept service of summons of legal notices
23 of all kinds for the applicant, and any other necessary information
24 prescribed by the director.

25 (3) It is unlawful for any licensed dealer outlet to operate
26 without a pesticide dealer manager who has a license of
27 qualification.

28 (4) This section does not apply to (a) a licensed pesticide
29 applicator who sells pesticides only as an integral part of the
30 applicator's pesticide application service when pesticides are
31 dispensed only through apparatuses used for pesticide application, or
32 (b) any federal, state, county, or municipal agency that provides
33 pesticides only for its own programs.

34 (5) A user of a pesticide may distribute a properly labeled
35 pesticide to another user who is legally entitled to use that
36 pesticide without obtaining a pesticide dealer's license if the
37 exclusive purpose of distributing the pesticide is keeping it from
38 becoming a hazardous waste as defined in chapter (~~70.105~~) 70A.300
39 RCW.

1 **Sec. 3.** RCW 15.58.200 and 2008 c 285 s 17 are each amended to
2 read as follows:

3 The director shall require each pesticide dealer manager to
4 demonstrate to the director knowledge of pesticide laws and rules;
5 pesticide hazards; and the safe distribution, use and application,
6 and disposal of pesticides by satisfactorily passing a written
7 examination after which the director shall issue a license of
8 qualification. Application for a license must be accompanied by a fee
9 of (~~thirty-three~~) thirty-eight dollars. The pesticide dealer
10 manager license expires annually on a date set by rule by the
11 director.

12 **Sec. 4.** RCW 15.58.205 and 2008 c 285 s 18 are each amended to
13 read as follows:

14 (1) No individual may perform services as a structural pest
15 inspector or advertise that they perform services of a structural
16 pest inspector without obtaining a structural pest inspector license
17 from the director. The license expires annually on a date set by rule
18 by the director. Application for a license must be on a form
19 prescribed by the director and must be accompanied by a fee of
20 (~~sixty~~) seventy-eight dollars.

21 (2) The following are exempt from the application fee requirement
22 of this section when acting within the authorities of their existing
23 licenses issued under this chapter or chapter 17.21 RCW: Licensed
24 pest control consultants; licensed commercial pesticide applicators
25 and operators; licensed private-commercial applicators; and licensed
26 demonstration and research applicators.

27 (3) The following are exempt from the structural pest inspector
28 licensing requirement: Individuals inspecting for damage caused by
29 wood destroying organisms if the inspections are solely for the
30 purpose of: (a) Repairing or making specific recommendations for the
31 repair of the damage, or (b) assessing a monetary value for the
32 structure inspected. Individuals performing wood destroying organism
33 inspections that incorporate but are not limited to the activities
34 described in (a) or (b) of this subsection are not exempt from the
35 structural pest inspector licensing requirement.

36 (4) A structural pest inspector license is not valid for
37 conducting a complete wood destroying organism inspection unless the
38 inspector owns or is employed by a business with a structural pest
39 inspection company license.

1 **Sec. 5.** RCW 15.58.210 and 2008 c 285 s 19 are each amended to
2 read as follows:

3 (1) No individual may perform services as a pest control
4 consultant without obtaining a license from the director. The license
5 expires annually on a date set by rule by the director. Application
6 for a license must be on a form prescribed by the director and must
7 be accompanied by a fee of (~~sixty~~) sixty-eight dollars.

8 (2) The following are exempt from the licensing requirements of
9 this section when acting within the authorities of their existing
10 licenses issued under chapter 17.21 RCW: Licensed commercial
11 pesticide applicators and operators; licensed private-commercial
12 applicators; and licensed demonstration and research applicators. The
13 following are also exempt from the licensing requirements of this
14 section: Employees of federal, state, county, or municipal agencies
15 when acting in their official governmental capacities; and pesticide
16 dealer managers and employees working under the direct supervision of
17 the pesticide dealer manager and only at a licensed pesticide
18 dealer's outlet.

19 **Sec. 6.** RCW 15.58.220 and 2008 c 285 s 20 are each amended to
20 read as follows:

21 For the purpose of this section public pest control consultant
22 means any individual who is employed by a governmental agency or unit
23 to act as a pest control consultant. No person may act as a public
24 pest control consultant without first obtaining a license from the
25 director. The license expires annually on a date set by rule by the
26 director. Application for a license must be on a form prescribed by
27 the director and must be accompanied by a fee of (~~thirty-three~~)
28 forty-three dollars. Federal and state employees whose principal
29 responsibilities are in pesticide research, the jurisdictional health
30 officer or a duly authorized representative, public pest control
31 consultants licensed and working in the health vector field, and
32 public operators licensed under RCW 17.21.220 shall be exempt from
33 this licensing provision.

34 **Sec. 7.** RCW 15.58.411 and 1997 c 242 s 8 are each amended to
35 read as follows:

36 (~~All~~) (1) Except as otherwise provided for in this section, all
37 license fees collected under this chapter shall be paid to the
38 director for use exclusively in the enforcement of this chapter.

1 (2) In addition to any other fees the department may collect
2 under this chapter, the department shall collect a fee of seven
3 dollars for each license issued by the department under this chapter.
4 The department shall transmit the seven dollar fee required by this
5 subsection to Washington State University for the purpose of
6 providing a pesticide safety education program to educate and train
7 pesticide licensees and prospective licensees.

8 (3) The department shall engage with the regulated community on
9 the status of license fees established in this chapter, including
10 consideration of future increases, in coordination with a stakeholder
11 work group.

12 (4) All moneys collected for civil penalties levied under this
13 chapter shall be deposited in the state general fund.

14 **Sec. 8.** RCW 17.21.070 and 2008 c 285 s 21 are each amended to
15 read as follows:

16 It is unlawful for any person to engage in the business of
17 applying pesticides to the land of another without a commercial
18 pesticide applicator license. Application for a commercial applicator
19 license must be accompanied by a fee of two hundred (~~fifteen~~)
20 forty-three dollars and in addition a fee of twenty-seven dollars for
21 each apparatus, exclusive of one, used by the applicant in the
22 application of pesticides.

23 **Sec. 9.** RCW 17.21.110 and 2008 c 285 s 22 are each amended to
24 read as follows:

25 It is unlawful for any person to act as an employee of a
26 commercial pesticide applicator and apply pesticides manually or as
27 the operator directly in charge of any apparatus which is licensed or
28 should be licensed under this chapter for the application of any
29 pesticide, without having obtained a commercial pesticide operator
30 license from the director. The commercial pesticide operator license
31 is in addition to any other license or permit required by law for the
32 operation or use of any such apparatus. Application for a commercial
33 operator license must be accompanied by a fee of (~~sixty-seven~~)
34 seventy-eight dollars. This section does not apply to any individual
35 who is a licensed commercial pesticide applicator.

36 **Sec. 10.** RCW 17.21.122 and 2008 c 285 s 23 are each amended to
37 read as follows:

1 It is unlawful for any person to act as a private-commercial
2 pesticide applicator without having obtained a private-commercial
3 pesticide applicator license from the director. Application for a
4 private-commercial pesticide applicator license must be accompanied
5 by a fee of (~~thirty-three~~) thirty-eight dollars.

6 **Sec. 11.** RCW 17.21.126 and 2008 c 285 s 24 are each amended to
7 read as follows:

8 It is unlawful for any person to act as a private applicator,
9 limited private applicator, or rancher private applicator without
10 first complying with requirements determined by the director as
11 necessary to prevent unreasonable adverse effects on the environment,
12 including injury to the pesticide applicator or other persons, for
13 each specific pesticide use.

14 (1) Certification standards to determine the individual's
15 competency with respect to the use and handling of the pesticide or
16 class of pesticides for which the private applicator, limited private
17 applicator, or rancher private applicator is certified must be
18 relative to hazards of the particular type of application, class of
19 pesticides, or handling procedure. In determining these standards the
20 director must take into consideration standards of the EPA and is
21 authorized to adopt these standards by rule.

22 (2) Application for a private applicator (~~or a limited private~~
23 ~~applicator~~) license must be accompanied by a fee of (~~thirty-three~~)
24 thirty-eight dollars. Application for a limited private applicator
25 license must be accompanied by a fee of thirty-three dollars.
26 Application for a rancher private applicator license must be
27 accompanied by a fee of one hundred three dollars. Individuals with a
28 valid certified applicator license, pest control consultant license,
29 or dealer manager license who qualify in the appropriate statewide or
30 agricultural license categories are exempt from the private
31 applicator, limited private applicator, or rancher private applicator
32 fee requirements. However, licensed public pesticide operators,
33 otherwise exempted from the public pesticide operator license fee
34 requirement, are not also exempted from the fee requirements under
35 this subsection.

36 **Sec. 12.** RCW 17.21.129 and 2008 c 285 s 25 are each amended to
37 read as follows:

1 Except as provided in RCW 17.21.203, it is unlawful for a person
2 to use or supervise the use of any experimental use pesticide or any
3 restricted use pesticide on small experimental plots for research
4 purposes when no charge is made for the pesticide and its application
5 without a demonstration and research applicator's license.

6 (1) Application for a demonstration and research license must be
7 accompanied by a fee of (~~(thirty-three)~~) forty-three dollars.

8 (2) Persons licensed under this section are exempt from the
9 requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

10 **Sec. 13.** RCW 17.21.220 and 2008 c 285 s 26 are each amended to
11 read as follows:

12 (1) All state agencies, municipal corporations, and public
13 utilities or any other governmental agencies are subject to this
14 chapter and its rules.

15 (2) It is unlawful for any employee of a state agency, municipal
16 corporation, public utility, or any other government agency to use or
17 to supervise the use of any restricted use pesticide, or any
18 pesticide by means of an apparatus, without having obtained a public
19 operator license from the director. Application for a public operator
20 license must be accompanied by a fee of (~~(thirty-three)~~) forty-three
21 dollars. The fee does not apply to public operators licensed and
22 working in the health vector field. The public operator license is
23 valid only when the operator is acting as an employee of a government
24 agency.

25 (3) The jurisdictional health officer or his or her duly
26 authorized representative is exempt from this licensing provision
27 when applying pesticides that are not restricted use pesticides to
28 control pests other than weeds.

29 (4) Agencies, municipal corporations, and public utilities are
30 subject to legal recourse by any person damaged by such application
31 of any pesticide, and action may be brought in the county where the
32 damage or some part of the damage occurred.

33 **Sec. 14.** RCW 17.21.280 and 1997 c 242 s 18 are each amended to
34 read as follows:

35 (1) Except as provided in subsections (2) and (4) of this
36 section, all moneys collected under the provisions of this chapter
37 shall be paid to the director and deposited in the agricultural local

1 fund, RCW 43.23.230, for use exclusively in the enforcement of this
2 chapter.

3 (2) In addition to any other fees the department may collect
4 under this chapter, the department shall collect a fee of seven
5 dollars for each license issued by the department under this chapter.
6 The department shall transmit the seven dollar fee required by this
7 subsection to Washington State University for the purpose of
8 providing a pesticide safety education program to educate and train
9 pesticide licensees and prospective licensees.

10 (3) The department shall engage with the regulated community on
11 the status of license fees established in this chapter, including
12 consideration of future increases, in coordination with a stakeholder
13 work group.

14 (4) All moneys collected for civil penalties levied under RCW
15 17.21.315 shall be deposited in the state general fund. All fees,
16 fines, forfeitures and penalties collected or assessed by a district
17 court because of the violation of a state law shall be remitted as
18 provided in chapter 3.62 RCW.

19 NEW SECTION. Sec. 15. By December 31, 2022, the department of
20 agriculture shall report to the legislature, in accordance with RCW
21 43.01.036, on the status of the fee structure for pesticide licenses.
22 At a minimum, the report must include an outlook for potential future
23 fee needs and describe how the department of agriculture has engaged
24 with the regulated community on the topic of pesticide license fees
25 in coordination with a stakeholder work group.

26 NEW SECTION. Sec. 16. This act takes effect November 1, 2021.
27 All new or renewal applications for licensure, certification, or
28 registration under chapter 17.21 or 15.58 RCW received on or after
29 the effective date of this section are subject to the provisions of
30 this act, including all fees required by this act."

31 Correct the title.

EFFECT: Makes the following changes to the underlying Substitute
Senate Bill:

Directs the Department of Agriculture (WSDA) to engage with the
regulated community on the status of license fees and consideration
of future fee increases under both the Pesticide Control Act and
Pesticide Application Act.

Requires the WSDA to report to the Legislature by December 31, 2022, on the status of the fee structure, including an outlook for potential future fee needs, and a description of how the WSDA has engaged with the regulated community.

Changes the following license fees:

- (1) Pesticide Dealer Manager: From \$43 to \$38;
- (2) Pest Control Consultant: From \$78 to \$68;
- (3) Commercial Applicator: From \$278 to \$243;
- (4) Commercial Operator: From \$88 to \$78;
- (5) Private-Commercial Applicator: From \$43 to \$38;
- (6) Private Applicator: From \$43 to \$38.

Provides that the bill takes effect November 1, 2021, and specifies that all new applications or renewals of pesticide registration, licensing, or certification received on or after November 1, 2021, are subject to the provisions of the bill.

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