

HOUSE BILL REPORT

SSB 5317

As Reported by House Committee On:
Rural Development, Agriculture & Natural Resources
Appropriations

Title: An act relating to pesticide registration and pesticide licensing fees.

Brief Description: Concerning pesticide registration and pesticide licensing fees.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Warnick; by request of Department of Agriculture).

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 3/19/21, 3/26/21 [DPA];
Appropriations: 3/31/21, 4/1/21 [DPA(APP w/o RDAN)].

**Brief Summary of Substitute Bill
(As Amended By Committee)**

- Increases pesticide registration and license fees under the Pesticide Control Act and Pesticide Application Act.
- Directs the Washington State Department of Agriculture to engage with the regulated community and report to the Legislature on the fee structure for pesticide licensing.
- Establishes a fee of \$7 on each pesticide license to provide a pesticide safety education program at Washington State University.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Assistant Ranking Minority Member; Fitzgibbon, Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

Staff: Rebecca Lewis (786-7339).

Background:

The Washington State Department of Agriculture (WSDA) administers the state Pesticide Control Act and Pesticide Application Act. Its activities include adopting rules requiring the registration and restricted use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers.

Pesticide Registration.

All pesticides distributed in the state, or transported in intrastate commerce or between two locations in the state, must be registered with the WSDA. Registrations apply for two years and expire on December 31. Registrations in the second year of a registration period expire December 31 of the second year of the applicant's registration period. The fee for a pesticide registration application is \$390, and \$195 for each additional pesticide applied for in the second year of the applicant's registration period. Registration is not required for: (1) pesticides transported between two locations operated by the same person and used solely as a constituent part to a registered pesticide; or (2) pesticides used for experimental purposes under a written permit from the Director of the WSDA.

Pesticide Licenses.

In order to apply pesticides in certain contexts, perform structural pest inspections, or sell or consult on pesticides not intended for personal use by the general public or around a residence, a person must be licensed by the WSDA. License classifications address the control of a variety of pests, including insects and diseases, pest animals in agricultural situations, aquatic pests both generally and in irrigation systems, and weeds. There are also licenses for pest control operators and structural pest inspectors. All individuals who are licensed or who are required to be licensed as pesticide applicators, pesticide operators, structural pest inspectors, and pest control consultants, must be certified through examination in the area in which they operate or consult. To be certified, a person must attain a passing score of at least 70 percent on a certification examination.

Summary of Amended Bill:

Pesticide Registration.

Pesticide registration fees are increased from \$390 to \$650 and from \$195 to \$325 for a

registrant who is applying to register an additional pesticide. The Washington State Department of Agriculture (WSDA) must post a timeline for processing complete pesticide registrations on its website.

Pesticide Licenses.

License Fee Changes.

Pesticide dealer license fees are increased from \$67 to \$88. Pesticide dealer manager license fees are increased from \$33 to \$38. Structural pest inspector license fees are increased from \$60 to \$78. Pest control consultant license fees are increased from \$60 to \$68. Public pest control consultant license fees are increased from \$33 to \$43.

Commercial applicator license fees are increased from \$215 to \$243. A commercial operator license fee is increased from \$67 to \$78. Private-commercial pesticide applicator license fees are increased from \$33 to \$38. Private applicator license fees are increased from \$33 to \$38 and limited private applicator license fees are set at \$33. Rancher private applicator license fees are increased to \$103. Fees for a demonstration and research license are increased to \$43. Public operator license fees are increased from \$33 to \$43.

Pesticide Safety Education Program Fee.

The WSDA must collect a fee of \$7 for each license issued by the WSDA and transmit the \$7 fee to Washington State University for providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees.

Fee Structure Review and Reporting.

The WSDA must 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. The WSDA must 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.

Amended Bill Compared to Substitute Bill:

In addition to the provisions of the substitute Senate bill, the amendment directs the Washington State 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.

The WSDA must also 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.

The amended bill changes the following license fees:

- Pesticide Dealer Manager: from \$43 to \$38.
- Pest Control Consultant: from \$78 to \$68.
- Commercial Applicator: from \$278 to \$243.
- Commercial Operator: from \$88 to \$78.
- Private-Commercial Applicator: from \$43 to \$38.
- Private Applicator: from \$43 to \$38.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 26, 2021.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington State Department of Agriculture (WSDA) does not take raising fees lightly and waited as long as possible to bring forward these fee increases. However, the WSDA is a fee-supported agency and has not raised these fees since 2008. Pesticide registration information needs to be collected and studied for safety reasons as well as efficiency. This bill would allow the WSDA to upgrade their pesticide registration and licensing database and allow for electronic applications and fee payment, and field-based training. The WSDA worked with the industry to establish a proactive approach to training. Human exposure to drift is uncommon, but still a threat. Elimination of drift issues entirely is a goal for all stakeholders. Washington has the third highest crop diversity in the country but ranks 24 in pesticide fees. Annual pesticide fees in New York are double the new fees in the bill, and California's fees are three times higher. State and federal pesticide safety laws are effective when they are properly followed. The board of the Washington State Tree Fruit Association unanimously supports this bill because of the safety and training benefits for the industry. The industry appreciates the new funding provided for a training program at Washington State University.

(Opposed) None.

(Other) This bill would allow the WSDA to upgrade their pesticide registration and licensing database and allow for electronic applications and fee payment. Washington's crop diversity means there are more potential pests and diseases, and different crops with different needs are often planted closer together. The WSDA has the best pesticide registration program in the country and works closely with other entities to monitor water quality, but it is hard to support a fee increase this year.

Persons Testifying: (In support) Senator Warnick, prime sponsor; Kelly McLain, Department of Agriculture; Billy Olesen, Washington State Pest Management Association; and Jon DeVaney, Washington State Tree Fruit Association.

(Other) Heather Hansen, Washington Friends of Farms and Forests.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Rural Development, Agriculture & Natural Resources. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Rural Development, Agriculture & Natural Resources:

The striking amendment takes effect November 1, 2021, and provides 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 striking amendment.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 30, 2021.

Effective Date of Amended Bill: The bill takes effect on November 1, 2021.

Staff Summary of Public Testimony:

(In support) Increasing pesticide registration fees will place Washington eleventh in the nation. Washington's pesticide program has lagged behind other states with regard to technology and the fee increases would make it possible for the Department of Agriculture (WSDA) to upgrade and allow online applications and payment processing, and hire 15 new staff to support the program. The WSDA worked with members of the policy committee to adjust the pesticide applicator fees. The WSDA supports an amendment to push the fee

increases to later in the year.

(Opposed) None.

Persons Testifying: Kelly McLain, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.