
SUBSTITUTE SENATE BILL 5317

State of Washington

67th Legislature

2021 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Warnick; by request of Department of Agriculture)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to pesticide registration and pesticide licensing
2 fees; and amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205,
3 15.58.210, 15.58.220, 15.58.411, 17.21.070, 17.21.110, 17.21.122,
4 17.21.126, 17.21.129, 17.21.220, and 17.21.280.

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

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

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

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

19 (3) Fees must be deposited in the agricultural local fund to
20 support the activities of the pesticide program within the
21 department.

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

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

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

11 (1) Except as provided in subsections (4) and (5) of this
12 section, it is unlawful for any person to act in the capacity of a
13 pesticide dealer or advertise as or assume to act as a pesticide
14 dealer without first having obtained an annual license from the
15 director. The license expires on the business license expiration
16 date. A license is required for each location or outlet located
17 within this state from which pesticides are distributed. A
18 manufacturer, registrant, or distributor who has no pesticide dealer
19 outlet licensed within this state and who distributes pesticides
20 directly into this state must obtain a pesticide dealer license for
21 his or her principal out-of-state location or outlet, but such a
22 licensed out-of-state pesticide dealer is exempt from the pesticide
23 dealer manager requirements.

24 (2) Application for a license must be accompanied by a fee of
25 (~~sixty-seven~~) eighty-eight dollars and must be made through the
26 business licensing system and must include the full name of the
27 person applying for the license and the name of the individual within
28 the state designated as the pesticide dealer manager. If the
29 applicant is a partnership, association, corporation, or organized
30 group of persons, the full name of each member of the firm or
31 partnership or the names of the officers of the association or
32 corporation must be given on the application. The application must
33 state the principal business address of the applicant in the state
34 and elsewhere, the name of a person domiciled in this state
35 authorized to receive and accept service of summons of legal notices
36 of all kinds for the applicant, and any other necessary information
37 prescribed by the director.

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

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

10 (5) A user of a pesticide may distribute a properly labeled
11 pesticide to another user who is legally entitled to use that
12 pesticide without obtaining a pesticide dealer's license if the
13 exclusive purpose of distributing the pesticide is keeping it from
14 becoming a hazardous waste as defined in chapter ((70.105)) 70A.300
15 RCW.

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

18 The director shall require each pesticide dealer manager to
19 demonstrate to the director knowledge of pesticide laws and rules;
20 pesticide hazards; and the safe distribution, use and application,
21 and disposal of pesticides by satisfactorily passing a written
22 examination after which the director shall issue a license of
23 qualification. Application for a license must be accompanied by a fee
24 of ((~~thirty-three~~)) forty-three dollars. The pesticide dealer manager
25 license expires annually on a date set by rule by the director.

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

28 (1) No individual may perform services as a structural pest
29 inspector or advertise that they perform services of a structural
30 pest inspector without obtaining a structural pest inspector license
31 from the director. The license expires annually on a date set by rule
32 by the director. Application for a license must be on a form
33 prescribed by the director and must be accompanied by a fee of
34 ((~~sixty~~)) seventy-eight dollars.

35 (2) The following are exempt from the application fee requirement
36 of this section when acting within the authorities of their existing
37 licenses issued under this chapter or chapter 17.21 RCW: Licensed
38 pest control consultants; licensed commercial pesticide applicators

1 and operators; licensed private-commercial applicators; and licensed
2 demonstration and research applicators.

3 (3) The following are exempt from the structural pest inspector
4 licensing requirement: Individuals inspecting for damage caused by
5 wood destroying organisms if the inspections are solely for the
6 purpose of: (a) Repairing or making specific recommendations for the
7 repair of the damage, or (b) assessing a monetary value for the
8 structure inspected. Individuals performing wood destroying organism
9 inspections that incorporate but are not limited to the activities
10 described in (a) or (b) of this subsection are not exempt from the
11 structural pest inspector licensing requirement.

12 (4) A structural pest inspector license is not valid for
13 conducting a complete wood destroying organism inspection unless the
14 inspector owns or is employed by a business with a structural pest
15 inspection company license.

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

18 (1) No individual may perform services as a pest control
19 consultant without obtaining a license from the director. The license
20 expires annually on a date set by rule by the director. Application
21 for a license must be on a form prescribed by the director and must
22 be accompanied by a fee of (~~sixty~~) seventy-eight dollars.

23 (2) The following are exempt from the licensing requirements of
24 this section when acting within the authorities of their existing
25 licenses issued under chapter 17.21 RCW: Licensed commercial
26 pesticide applicators and operators; licensed private-commercial
27 applicators; and licensed demonstration and research applicators. The
28 following are also exempt from the licensing requirements of this
29 section: Employees of federal, state, county, or municipal agencies
30 when acting in their official governmental capacities; and pesticide
31 dealer managers and employees working under the direct supervision of
32 the pesticide dealer manager and only at a licensed pesticide
33 dealer's outlet.

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

36 For the purpose of this section public pest control consultant
37 means any individual who is employed by a governmental agency or unit
38 to act as a pest control consultant. No person may act as a public

1 pest control consultant without first obtaining a license from the
2 director. The license expires annually on a date set by rule by the
3 director. Application for a license must be on a form prescribed by
4 the director and must be accompanied by a fee of (~~thirty-three~~)
5 forty-three dollars. Federal and state employees whose principal
6 responsibilities are in pesticide research, the jurisdictional health
7 officer or a duly authorized representative, public pest control
8 consultants licensed and working in the health vector field, and
9 public operators licensed under RCW 17.21.220 shall be exempt from
10 this licensing provision.

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

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

16 (2) In addition to any other fees the department may collect
17 under this chapter, the department shall collect a fee of seven
18 dollars for each license issued by the department under this chapter.
19 The department shall transmit the seven dollar fee required by this
20 subsection to Washington State University for the purpose of
21 providing a pesticide safety education program to educate and train
22 pesticide licensees and prospective licensees.

23 (3) All moneys collected for civil penalties levied under this
24 chapter shall be deposited in the state general fund.

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

27 It is unlawful for any person to engage in the business of
28 applying pesticides to the land of another without a commercial
29 pesticide applicator license. Application for a commercial applicator
30 license must be accompanied by a fee of two hundred (~~fifteen~~)
31 seventy-eight dollars and in addition a fee of twenty-seven dollars
32 for each apparatus, exclusive of one, used by the applicant in the
33 application of pesticides.

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

36 It is unlawful for any person to act as an employee of a
37 commercial pesticide applicator and apply pesticides manually or as

1 the operator directly in charge of any apparatus which is licensed or
2 should be licensed under this chapter for the application of any
3 pesticide, without having obtained a commercial pesticide operator
4 license from the director. The commercial pesticide operator license
5 is in addition to any other license or permit required by law for the
6 operation or use of any such apparatus. Application for a commercial
7 operator license must be accompanied by a fee of ~~((sixty-seven))~~
8 eighty-eighty dollars. This section does not apply to any individual
9 who is a licensed commercial pesticide applicator.

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

12 It is unlawful for any person to act as a private-commercial
13 pesticide applicator without having obtained a private-commercial
14 pesticide applicator license from the director. Application for a
15 private-commercial pesticide applicator license must be accompanied
16 by a fee of ~~((thirty-three))~~ forty-three dollars.

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

19 It is unlawful for any person to act as a private applicator,
20 limited private applicator, or rancher private applicator without
21 first complying with requirements determined by the director as
22 necessary to prevent unreasonable adverse effects on the environment,
23 including injury to the pesticide applicator or other persons, for
24 each specific pesticide use.

25 (1) Certification standards to determine the individual's
26 competency with respect to the use and handling of the pesticide or
27 class of pesticides for which the private applicator, limited private
28 applicator, or rancher private applicator is certified must be
29 relative to hazards of the particular type of application, class of
30 pesticides, or handling procedure. In determining these standards the
31 director must take into consideration standards of the EPA and is
32 authorized to adopt these standards by rule.

33 (2) Application for a private applicator ~~((or a limited private~~
34 ~~applicator))~~ license must be accompanied by a fee of ~~((thirty-three))~~
35 forty-three dollars. Application for a limited private applicator
36 license must be accompanied by a fee of thirty-three dollars.
37 Application for a rancher private applicator license must be
38 accompanied by a fee of one hundred three dollars. Individuals with a

1 valid certified applicator license, pest control consultant license,
2 or dealer manager license who qualify in the appropriate statewide or
3 agricultural license categories are exempt from the private
4 applicator, limited private applicator, or rancher private applicator
5 fee requirements. However, licensed public pesticide operators,
6 otherwise exempted from the public pesticide operator license fee
7 requirement, are not also exempted from the fee requirements under
8 this subsection.

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

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

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

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

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

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

25 (2) It is unlawful for any employee of a state agency, municipal
26 corporation, public utility, or any other government agency to use or
27 to supervise the use of any restricted use pesticide, or any
28 pesticide by means of an apparatus, without having obtained a public
29 operator license from the director. Application for a public operator
30 license must be accompanied by a fee of (~~thirty-three~~) forty-three
31 dollars. The fee does not apply to public operators licensed and
32 working in the health vector field. The public operator license is
33 valid only when the operator is acting as an employee of a government
34 agency.

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

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

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

7 (1) Except as provided in subsections (2) and (3) of this
8 section, all moneys collected under the provisions of this chapter
9 shall be paid to the director and deposited in the agricultural local
10 fund, RCW 43.23.230, for use exclusively in the enforcement of this
11 chapter.

12 (2) In addition to any other fees the department may collect
13 under this chapter, the department shall collect a fee of seven
14 dollars for each license issued by the department under this chapter.
15 The department shall transmit the seven dollar fee required by this
16 subsection to Washington State University for the purpose of
17 providing a pesticide safety education program to educate and train
18 pesticide licensees and prospective licensees.

19 (3) All moneys collected for civil penalties levied under RCW
20 17.21.315 shall be deposited in the state general fund. All fees,
21 fines, forfeitures and penalties collected or assessed by a district
22 court because of the violation of a state law shall be remitted as
23 provided in chapter 3.62 RCW.

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