

HOUSE BILL REPORT

SSB 5972

As Passed House - Amended:

March 1, 2024

Title: An act relating to the use of neonicotinoid pesticides.

Brief Description: Concerning the use of neonicotinoid pesticides.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Liias, Van De Wege, Billig, Nobles, Pedersen and Salomon).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/24, 2/21/24 [DPA];

Appropriations: 2/23/24, 2/26/24 [DPA(AGNR)].

Floor Activity:

Passed House: 3/1/24, 78-16.

Brief Summary of Substitute Bill (As Amended by House)

- Prohibits a person from using neonicotinoid insecticides on nonproduction outdoor ornamental plants, trees, and turf, beginning January 1, 2026, unless the application is made as part of a licensed application, a tree injection, or during the production of an agricultural commodity.
- Allows the Director of the Washington State Department of Agriculture (WSDA) to authorize the use of neonicotinoid insecticides upon identification of an urgent pest threat.
- Requires the WSDA to review and update rules related to neonicotinoid insecticides by June 30, 2025, and every four years thereafter.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

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.

Majority Report: Do pass as amended. Signed by 8 members: Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba, Lekanoff, Orcutt, Schmick and Springer.

Staff: Robert Hatfield (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by 25 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Callan, Chopp, Davis, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Couture, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 3 members: Representatives Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member.

Staff: Dan Jones (786-7118).

Background:

Pesticide Control Act and Pesticide Application Act.

The Washington State Department of Agriculture (WSDA) administers the state Pesticide Control Act and the state 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.

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.

Examinations are administered by the WSDA, and the WSDA collects a fee from the applicant for each exam at an amount set in rule. 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.

Summary of Amended Bill:

Restrictions on the Use of Neonicotinoid Insecticides.

Beginning January 1, 2026, a person may not use neonicotinoid insecticides on nonproduction outdoor ornamental plants, trees, and turf in this state, unless the application is made as part of a licensed application, a tree injection, or during the production of an agricultural commodity.

Upon identification of an urgent pest threat, the Director of the WSDA (Director) may authorize the sale, possession, or use of restricted neonicotinoid insecticides by written order. The Director must make reasonable efforts to inform the public of the urgent pest threat identified. The written order must include certain information, including:

- identification of the urgent pest threat and the neonicotinoid insecticide to be used in addressing the urgent pest threat;
- a description of all other less harmful insecticides or pest management practices considered that were not deemed to be effective in addressing the urgent pest threat;
- a description of the geographic scope of the written order; and
- the duration the order is in effect, not to exceed one year.

The WSDA must review and update rules related to neonicotinoid insecticides by June 30, 2025, and every four years thereafter.

Definitions.

"Neonicotinoid insecticide" means any insecticide containing a chemical belonging to the neonicotinoid class of chemicals including, but not limited to: acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine, thiacloprid, thiamethoxam, or any other chemical designated by the WSDA as belonging to the neonicotinoid class of chemicals.

"Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other persons primarily for sale, consumption, propagation, or other use by people or animals.

"Urgent pest threat" means an occurrence of a pest that presents a significant risk of harm or injury to the environment or human health or significant harm, injury, or loss to agricultural crops including, but not limited to, an invasive species.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Agriculture & Natural Resources):

(In support) Pesticides are not good or bad; they are a tool. When they are used properly,

they can do good, but when they are used improperly, they can do harm. This bill is focused on people who do not know how to properly apply these pesticides. The state has seen a decline in native pollinator species, especially in urban areas. Where habitat is becoming scarcer, the improper use of neonicotinoid pesticides makes it that much harder for pollinators.

Washington has seven pollinator species that are candidates for listing as threatened or endangered at the state or federal level. All of these species are susceptible to threats from improperly applied pesticides, especially instances of excessive application. Neonicotinoid pesticides found in runoff are a threat to insect communities, which are an important food source for many species, including salmon.

Neonicotinoids are less toxic to mammals and other vertebrates, but still pose direct and indirect impacts on birds and invertebrates, especially by impacting the insects that are a food source for birds. By restricting neonicotinoid use to licensed applicators, the bill would reduce the risks posed by neonicotinoids.

Honey bees are just one of hundreds of different pollinators. Other tiny but mighty animals are just as critical to pollinating plants and crops as honey bees. It is important to help people make informed decisions about the pesticides they use.

One challenge with neonicotinoids is that they are persistent and can remain in the environment for up to seven years. Often, their impact is sublethal: they impair navigational abilities, feeding behavior, and breeding productivity. Twenty five percent of bee species that were once in Washington have not been seen since 1990. There has also been a decline in birds that depend on insects.

(Opposed) None.

(Other) One of the things identified by the state's Pollinator Health Task Force is that pesticides can pose a risk to pollinator health, including neonicotinoids if not applied according to the label. There are no negative impacts if they are applied according to the label. Neonicotinoids are commonly used in consumer pesticides.

Neonicotinoids were brought to market because they are a safer alternative compared to other pesticides. Every pesticide must undergo extensive testing and trials before it may be brought to market. It is important to align the definition of plants subject to the bill with laws in other states.

Ten other states have restricted use of neonicotinoids in residential and noncommercial applications. Other states also have an exemption for urgent pest threats. Hawaii is considering similar legislation this year.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Agriculture & Natural Resources): (In support) Senator Marko Lias, prime sponsor; Adam Maxwell, Audubon Washington; Taylor Cotten, Department of Fish and Wildlife; Rosemary Malfi, The Xerces Society for Invertebrate Conservation; David Jennings, Washington Native Bee Society; and Erin Sullivan, Woodland Park Zoo.

(Other) Kelly McLain, Washington State Department of Agriculture; Christopher Finarelli, The Household & Commercial Products Association; and Justin Gulino.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Agriculture & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.