

SENATE BILL REPORT

ESHB 1019

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, March 27, 2023

Title: An act relating to creating the pesticide advisory board.

Brief Description: Creating the pesticide advisory board.

Sponsors: House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis).

Brief History: Passed House: 3/7/23, 95-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/23/23, 3/27/23 [DPA, DNP].

Brief Summary of Amended Bill

- Creates the Pesticide Advisory Board to advise the Washington State Department of Agriculture on certain issues relating to the use and application of pesticides.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Shewmake, Short, Wagoner and Warnick.

Minority Report: Do not pass.

Signed by Senators Rolfes and Stanford.

Staff: Delika Steele (786-7486)

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.

Background: The Washington State Department of Agriculture (WSDA) administers the state Pesticide Control Act and Pesticide Application Act. WSDA activities under both acts 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. WSDA is one of a variety of members of the Pesticide Application Safety Committee, which was created by the Legislature in 2019, to review several aspects related specifically to pesticide application including data tracking, dissemination of information, training, and reporting.

The Pesticide Advisory Board (Board) advised WSDA on pesticide-related actions and was eliminated in 2010. The Board consisted of members appointed by the WSDA Director (Director) for staggered four-year terms. Board members included:

- licensed pesticide applicators;
- members from the agricultural and food processing community, including a member representing agricultural labor;
- the environmental community;
- an entomologist;
- a toxicologist;
- a pesticide coordinator from Washington State University; and
- a health care practitioner.

The directors or other designated officials of several state agencies served as nonvoting members of the Board. Nonvoting members included the directors of the departments of Labor and Industries, Fish and Wildlife, Natural Resources, and Ecology, as well as the Environmental Health Specialist from the Department of Health, and the Assistant Director of the Pesticide Management Division of WSDA.

Summary of Amended Bill: The Board is established to advise the Director on any and all problems relating to the use and the application of pesticides in the state except for matters considered by the Pesticide Application Safety Committee. The Board is composed of both voting and nonvoting members appointed by the Director. Members appointed to the Board serve four-year terms and may be appointed for successive four year terms at the discretion of the Director. Board member terms must be staggered so that approximately one-fourth of the terms expire on June 30th each year. The Director must attempt to fill any vacancy on the Board within 30 days.

The 13 voting Board members appointed by the Director represent a variety of interests, including:

- licensed pesticide applicators, pest control professionals, and the agricultural chemical industry;
- agricultural producers;
- agricultural labor and migrant farmworkers;
- the environmental community;

- one representative from a federally recognized Indian tribe;
- a member representing the household and commercial products association;
- an at-large member to be determined by the Director; and
- state poison control, toxicology, occupational safety and health, and pesticide management officials.

The nonvoting members appointed by the Director include:

- an entomologist and a toxicologist in public service;
- a member from the National Pesticide Information Center;
- a pesticide coordinator from Washington State University;
- an agricultural health network advisor from the Pacific Northwest Agricultural Safety and Health Center;
- WSDA's pollinator health coordinator, apiarist, or both;
- a commercial beekeeper;
- a member representing the United States Environmental Protection Agency Region 10;
- a member representing the Department of Transportation with expertise in vegetation management;
- a member representing the Noxious Weed Control Board; and
- a member representing an organization made up of agricultural producers, timber producers, wood preservers, and others whose mission includes supporting the science behind the responsible use of pesticides in both agriculture and forestry.

Additional nonvoting members include:

- directors of the departments of Labor and Industries, Fish and Wildlife, and Ecology;
- the commissioners of Public Lands and the Employment Security Department;
- the Director of the Liquor and Cannabis Board; and
- the Environmental Health Specialist from the Department of Health.

The Director, in consultation with the Board, must form workgroups to inform the Board on issues relating to specific pesticides or uses. Workgroups must include individuals with the appropriate expertise and may include individuals who are not members of the Board.

The Board must select a chair from among its membership and meet from time to time at the call of the chair, director, or a majority of Board members.

EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

- Adds an at-large member to be determined by the Director of WSDA and a member representing the household and commercial products association to the voting membership of the Board.
- Adds wood preservers to the list of groups whose mission includes the responsible use of pesticides in agriculture and forestry who are represented by one nonvoting

member of the board.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill allows people who are using these products to be a part of the process and is a good way to include the public. The focus here is on pesticide usage and has nothing to do with application. There are many interested parties who want a seat on the board but it's important to avoid making the board too large so that it doesn't become unmanageable. There is a large group of nonvoting members where more groups and interested parties can be included.

OTHER: It's an important and a very thoughtful idea to bring stakeholders to the table to discuss pesticide issues. However, the advisory board as currently composed under this bill does not have all stakeholders at the table, including the stakeholder that pays the majority of pesticide fees. The board should have a voice as it relates to the pesticide market for household and institutional use. The board will take on household pesticide issues. Yet, there is no representative for this industry on the board despite there being six agricultural-related members on the board, and non-agricultural use of pesticide accounting for more than 50% of the market. The voices of the majority of pesticide products sold should be heard by including a representative from the household and commercial product industries.

The usage within the wood preserving industry is unique and should be taken into consideration. This group should be represented in the discussion.

Another environmentally focused person should also be added to the board. This could be someone from the Department of Ecology or Fish and Wildlife or another wildlife organization. This is important to achieve balance, and to aid in protecting differing animal species.

There is some concern about the group getting too large as it can become a bit unwieldy. In the absence of this group being created, the Department of Agriculture will continue to work closely with stakeholders to make sure their voices are heard if any major agency actions are taken.

Persons Testifying: PRO: Representative Tom Dent, Prime Sponsor.

OTHER: Brent Ludeman, Household & Commercial Products Association; Brandon Houskeeper, Western Wood Preservers Institute; Kelly McLain, Washington State Department of Agriculture; Tanea Stephens, Raptors Are The Solution.

Persons Signed In To Testify But Not Testifying: No one.