

SENATE BILL REPORT

SB 5330

As of January 19, 2023

Title: An act relating to the Washington pesticide application act.

Brief Description: Concerning the Washington pesticide application act.

Sponsors: Senators Torres, Muzzall, Shewmake, Van De Wege, Warnick, Kuderer and Lovick;
by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/19/23.

Brief Summary of Bill

- Allows the director of the Washington Department of Agriculture (WSDA) to suspend or revoke a license or certification based on a license or certification from another jurisdiction under certain conditions.
- Removes the provision that applicants for certain applicator licenses must be at least 16 years old on the date the application is submitted.
- Requires WSDA to adopt by rule standards for pesticide applications made by noncertified applicators of restricted use pesticides under the direct supervision of a certified applicator.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs the registration, distribution, sale, and use of pesticides in the United States. FIFRA enforcement focuses on the sale, distribution, and use, including disposal of pesticides. Section 14(a) and (b) of FIFRA pertains to the assessment of civil or criminal penalties for

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violations of FIFRA and its implementing regulations. Under FIFRA, states have broad authority to regulate pesticides.

The Washington 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. To be certified, a person must attain a passing score of at least 70 percent on a certification examination. Examinations are administered by WSDA, and 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. There are also licenses for pest control operators, and structural pest inspectors.

For all classes of licenses except private applicator, limited private applicator, and rancher private applicator, applicants must be at least 18 years of age on the date the application is submitted. Applicants for a private applicator, limited private applicator, or rancher private applicator license must be at least 16 years of age on the date the application is submitted.

Summary of Bill: The director may elect to suspend or revoke any license or certification that is based, in whole or in part, on a license or certification from another state or jurisdiction upon notification that the applicator's original certification was terminated, because the certified applicator has been convicted under section 14(b) of FIFRA, or has been subject to a final order imposing a civil penalty under section 14(a) of FIFRA.

The provision that applicants for a private applicator, limited private applicator, or rancher private applicator license must be at least 16 years of age on the date the application is submitted is removed.

WSDA must adopt by rule standards for pesticide applications made by noncertified applicators of restricted use pesticides under the direct supervision of a certified applicator. Standards must be at least as effective as the federal certification and training standards for pesticide applicators and must include requirements for both the noncertified applicator and the certified applicator directly supervising the noncertified applicator.

Definitions. Apparatus is amended to mean any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply

pesticides that are mounted, attached to, pulled, or carried on any vehicle, trailer, aircraft, vessel, or all-terrain vehicle designed primarily for transportation and movement, but does not include a device that is handheld, carried by the applicator, or placed in position for a sedentary timed or metered application. Definitions for mishap, noncertified applicator, use, and use-specific instruction are added.

Appropriation: None.

Fiscal Note: Requested on January 12, 2023.

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: PRO: This bill is the first step in implementing the modified Washington State plan for certified applicators that was recently approved by the EPA. The plan increases standards for initial licensing and the continued certification of pesticide applicators to ensure that pesticides are used safely and reduce the likelihood of negative impact to human health and the environment. These changes are important for both pesticide users and those living in areas where pesticides are regularly applied. This bill adds and amends definitions, gives WSDA the authority to revoke licenses that have been revoked by the issuing jurisdiction, and increases the minimum age of all licensees to 18 years of age. The bill authorizes WSDA to conduct rulemaking to require noncertified applicators, working under the supervision of a certified applicator, be qualified as competent to use pesticides. The bill will allow the revocation of out of state licenses in Washington, align the minimum worker age with the state's worker protection standard, and offer training to unlicensed workers doing work under supervision.

Persons Testifying: PRO: Senator Nikki Torres, Prime Sponsor; Kelly McLain, Washington State Department of Agriculture.

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