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ENGROSSED SUBSTITUTE SENATE BILL 5143

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State of Washington

68th Legislature

2023 Regular Session

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Torres, Dhingra, Rolfes, Saldaña, Shewmake, and Warnick)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to changing the name of and adding a member to  
2 the commission on pesticide registration; and amending RCW 15.92.090,  
3 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

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

5 **Sec. 1.** RCW 15.92.090 and 2011 1st sp.s. c 21 s 24 are each  
6 amended to read as follows:

7 (1) A commission on (~~(pesticide registration)~~) integrated pest  
8 management is established. The commission shall be composed of  
9 (~~(twelve)~~) 12 voting members appointed by the director as follows:

10 (a) Eight members from the following segments of the state's  
11 agricultural industry as nominated by a statewide private  
12 agricultural association or agricultural commodity commission formed  
13 under (~~(Title 15 RCW)~~) this title: (i) The tree fruit industry; (ii)  
14 hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable  
15 and seed growers; (vi) berry growers; (vii) wine grape growers; and  
16 (viii) the nursery and landscape industry. Although members are  
17 appointed from various segments of the agriculture industry, they are  
18 appointed to represent and advance the interests of the industry as a  
19 whole.

20 (b) One member from each of the following: (i) Forest protection  
21 industry; (ii) food processors; (iii) agricultural chemical industry;

1 and (iv) professional pesticide applicators. One member shall be  
2 appointed for each such segment of the industry and shall be  
3 nominated by a statewide, private association of that segment of the  
4 industry. The representative of the agricultural chemical industry  
5 shall be involved in the manufacture of agricultural crop protection  
6 products.

7 The following shall be ex officio, nonvoting members of the  
8 commission: The coordinator of the interregional project number four  
9 at Washington State University; the director of the department of  
10 ecology or the director's designee; the director of the department of  
11 agriculture or the director's designee; the director of the  
12 department of labor and industries or the director's designee;  
13 (~~and~~) the secretary of the department of health or the secretary's  
14 designee; and a representative of the United States environmental  
15 protection agency, region 10, who has working knowledge of federal  
16 pesticide policy issues.

17 (2) Each voting member of the commission shall serve a term of  
18 three years. A vacancy shall be filled by appointment for the  
19 unexpired term in the same manner provided for an appointment to the  
20 full term. No member of the commission may be removed by the director  
21 during his or her term of office unless for cause of incapacity,  
22 incompetence, neglect of duty, or malfeasance in office. Each member  
23 of the commission shall receive travel expenses in accordance with  
24 RCW 43.03.050 and 43.03.060 for attending meetings of the commission  
25 and for performing special duties, in the way of official commission  
26 business, specifically assigned to the person by the commission. The  
27 voting members of the commission serve without compensation from the  
28 state other than such travel expenses.

29 (3) The commission shall elect a chair from among its voting  
30 members each calendar year. After its original organizational  
31 meeting, the commission shall meet at the call of the chair. A  
32 majority of the voting members of the commission constitutes a quorum  
33 and an official action of the commission may be taken by a majority  
34 vote of the quorum.

35 **Sec. 2.** RCW 15.92.095 and 1999 c 247 s 2 are each amended to  
36 read as follows:

37 (1) This subsection applies to the use of state appropriations  
38 made to or legislatively intended for the commission on (~~pesticide~~  
39 ~~registration~~) integrated pest management and to any other moneys

1 appropriated by the state and received by the commission on  
2 (~~pesticide registration~~) integrated pest management:

3 (a) The moneys may not be expended without the express approval  
4 of the commission on (~~pesticide registration~~) integrated pest  
5 management;

6 (b) The moneys may be used for: (i) Evaluations, studies, or  
7 investigations approved by the commission on (~~pesticide~~  
8 ~~registration~~) integrated pest management regarding the registration  
9 or reregistration of pesticides for minor crops or minor uses or  
10 regarding the availability of pesticides for emergency uses. These  
11 evaluations, studies, or investigations may be conducted by the food  
12 and environmental quality laboratory or may be secured by the  
13 commission from other qualified laboratories, researchers, or  
14 contractors by contract, which contracts may include, but are not  
15 limited to, those purchasing the use of proprietary information; (ii)  
16 evaluations, studies, or investigations approved by the commission  
17 regarding research, implementation, and demonstration of any aspect  
18 of integrated pest management and pesticide resistance management  
19 programs; (iii) the tracking system described in RCW 15.92.060; and  
20 (iv) the support of the commission on (~~pesticide registration~~)  
21 integrated pest management and its activities; and

22 (c) Not less than (~~twenty-five~~) 25 percent of such moneys shall  
23 be dedicated to studies or investigations concerning the registration  
24 or use of pesticides for crops that are not among the top (~~twenty~~)  
25 20 agricultural commodities in production value produced in the  
26 state, as determined annually by the Washington agricultural  
27 statistics service.

28 (2) The commission on (~~pesticide registration~~) integrated pest  
29 management shall establish priorities to guide it in approving the  
30 use of moneys for evaluations, studies, and investigations under this  
31 section. Each biennium, the commission shall prepare a contingency  
32 plan for providing funding for laboratory studies or investigations  
33 that are necessary to pesticide registrations or related processes  
34 that will address emergency conditions for agricultural crops that  
35 are not generally predicted at the beginning of the biennium.

36 **Sec. 3.** RCW 15.92.100 and 1999 c 247 s 3 are each amended to  
37 read as follows:

38 The commission on (~~pesticide registration~~) integrated pest  
39 management shall:

1 (1) Provide guidance to the food and environmental quality  
2 laboratory established in RCW 15.92.050 regarding the laboratory's  
3 studies, investigations, and evaluations concerning the registration  
4 of pesticides for use in this state for minor crops and minor uses  
5 and concerning the availability of pesticides for emergency uses;

6 (2) Encourage agricultural organizations to assist in providing  
7 funding, in-kind services, or materials for laboratory studies and  
8 investigations concerning the registration of pesticides and  
9 research, implementation, and demonstration of any aspect of  
10 integrated pest management and pesticide resistance management  
11 programs for minor crops and minor uses that would benefit the  
12 organizations;

13 (3) Provide guidance to the laboratory regarding a program for:  
14 Tracking the availability of effective pesticides for minor crops,  
15 minor uses, and emergency uses; providing this information to  
16 organizations of agricultural producers; and maintaining close  
17 contact between the laboratory, the department of agriculture, and  
18 organizations of agricultural producers regarding the need for  
19 research to support the registration of pesticides for minor crops  
20 and minor uses and the availability of pesticides for emergency uses;

21 (4) Ensure that the activities of the commission and the  
22 laboratory are coordinated with the activities of other laboratories  
23 in the Pacific Northwest, the United States department of  
24 agriculture, and the United States environmental protection agency to  
25 maximize the effectiveness of regional efforts to assist in the  
26 registration of pesticides for minor crops and minor uses and in  
27 providing for the availability of pesticides for emergency uses for  
28 the region and the state; and

29 (5) Ensure that prior to approving any residue study that there  
30 is written confirmation of registrant support and willingness or  
31 ability to add the given minor crop to its label including any  
32 restrictions or guidelines the registrant intends to impose.

33 **Sec. 4.** RCW 15.92.105 and 1995 c 390 s 6 are each amended to  
34 read as follows:

35 By December 15, 2002, the commission on integrated pest  
36 management shall file with the legislature a report on the activities  
37 supported by the commission for the period beginning on July 23,  
38 1995, and ending on December 1, 2002. The report shall include an  
39 identification of: The priorities that have been set by the

1 commission; the state appropriations made to Washington State  
2 University that have been within the jurisdiction of the commission;  
3 the evaluations, studies, and investigations funded in whole or in  
4 part by such moneys and the registrations and uses of pesticides made  
5 possible in large part by those evaluations, studies, and  
6 investigations; the matching moneys, in-kind services, and materials  
7 provided by agricultural organizations for those evaluations,  
8 studies, and investigations; and the program or programs for tracking  
9 pesticide availability provided by the laboratory under the guidance  
10 of the commission and the means used for providing this information  
11 to organizations of agricultural producers.

12 During the regular session of the legislature in the year 2003,  
13 the appropriate committees of the house of representatives and senate  
14 shall evaluate the effectiveness of the commission in fulfilling its  
15 statutory responsibilities.

16 **Sec. 5.** RCW 15.92.110 and 1995 c 390 s 7 are each amended to  
17 read as follows:

18 The commission on (~~pesticide registration~~) integrated pest  
19 management, and Washington State University on behalf of the  
20 commission, may receive such gifts, grants, and endowments from  
21 public or private sources as may be used from time to time, in trust  
22 or otherwise, for the use and benefit of the commission and expend  
23 the same or any income therefrom according to the terms of the gifts,  
24 grants, or endowments.

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