
SUBSTITUTE HOUSE BILL 1261

State of Washington

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By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Grant, Kremen, Rasmussen, Chandler, Lisk, P. Johnson, Fuhrman, Hochstatter, Wynne, Edmondson, Bowman, Inslee, R. Johnson and Bray).

Read first time February 1, 1991.

1 AN ACT Relating to pesticide records; and amending RCW 17.21.100
2 and 49.70.119.

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

4 **Sec. 1.** RCW 17.21.100 and 1989 c 380 s 39 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (7) of this section, pesticide
7 applicators licensed under the provisions of this chapter and all
8 persons applying pesticides to more than one acre of agricultural land
9 in a calendar year, including public entities engaged in roadside
10 spraying of pesticides, shall keep records on a form prescribed by the
11 director which shall include the following:

12 (a) The location of the land where the pesticide was applied.

13 (b) The year, month, day and time the pesticide was applied.

1 (c) The product name used on the registered label and the United
2 States environmental protection agency registration number, if
3 applicable, of the pesticide which was applied.

4 (d) The crop or site to which the pesticide was applied.

5 (e) The amount of pesticide applied per acre or other appropriate
6 measure.

7 (f) The concentration of pesticide that was applied.

8 (g) The number of acres, or other appropriate measure, to which the
9 pesticide was applied.

10 (h) The licensed applicator's name, address, and telephone number
11 and the name of the individual or individuals making the application.

12 (i) The direction and estimated velocity of the wind at the time
13 the pesticide was applied: PROVIDED, That this subsection (i) shall
14 not apply to applications of baits in bait stations and pesticide
15 applications within structures.

16 (j) Any other reasonable information required by the director.

17 (2) Records shall be updated on the same day that a pesticide is
18 applied. A commercial pesticide applicator who applies a pesticide to
19 an agricultural crop or agricultural lands shall submit a copy of the
20 records for the application to the owner, or to the lessee if applied
21 on behalf of the lessee, of the lands to which the pesticide is
22 applied.

23 (3) Such records shall be kept by the licensed applicator or such
24 other person or entity applying the pesticides for a period of seven
25 years from the date of the application of the pesticide to which such
26 records refer(~~(, and the director shall, upon request in writing, be~~
27 ~~furnished with a copy of such records forthwith by the licensee:~~
28 ~~PROVIDED, That the director may require the submission of such records~~
29 ~~within thirty days of the application of any restricted use pesticide~~
30 ~~in prescribed areas controlling the use of such restricted use~~

1 pesticide)). If the pesticide was applied by a commercial pesticide
2 applicator to the agricultural crop or agricultural lands of a person
3 who employs one or more employees, as "employee" is defined in RCW
4 49.70.020, such records shall also be kept by the employer for a period
5 of seven years from the date of the application of the pesticide to
6 which the records refer.

7 (4) The pesticide records shall be readily available to: The
8 department; the department of labor and industries; treating medical
9 personnel initiating diagnostic testing or therapy for a patient with
10 a suspected case of pesticide poisoning; the department of social and
11 health services; the pesticide incident reporting and tracking panel;
12 and, in the case of an industrial insurance claim filed under Title 51
13 RCW with the department of labor and industries, the employee or the
14 employee's designated representative and the department of labor and
15 industries. In addition, the director may require the submission of
16 such records on a routine basis within thirty days of the application
17 of any restricted use pesticide in prescribed areas controlling the use
18 of such restricted use pesticide.

19 (5) If a request for information is made under subsection (4) of
20 this section from an applicator referred to in subsection (1) of this
21 section and the applicator refuses to provide a copy of the records,
22 the department shall be notified of the request and the applicator's
23 refusal. Within seven working days, the department shall request that
24 the applicator provide the department with all pertinent copies, except
25 that in a medical emergency the request shall be made within two
26 working days. The applicator shall provide copies of the records to
27 the department within twenty-four hours after the department's request.

28 (6) The department of agriculture and the department of labor and
29 industries shall jointly adopt, by rule, ~~((one form that satisfies))~~
30 the forms that satisfy the information requirements of this section and

1 RCW 49.70.119. (~~Records kept on the prescribed form under RCW~~
2 ~~49.70.119 may be used to comply with this section.~~)

3 (7) This section shall not apply to the owner or operator of a
4 dairy farm with respect to his or her application of pesticides to the
5 farm.

6 **Sec. 2.** RCW 49.70.119 and 1989 c 380 s 77 are each amended to read
7 as follows:

8 (1) An employer who (~~applies or~~) stores pesticides in connection
9 with the production of an agricultural crop shall compile and maintain
10 a workplace pesticide list (~~by crop~~) for each pesticide that is
11 (~~applied to a crop or~~) stored in a work area. The workplace
12 pesticide list shall be kept on a form prescribed by the department and
13 shall contain at least the following information:

14 (a) The location of the (~~land where the pesticide was applied or~~)
15 site where the pesticide was stored;

16 (b) The year, month, day, and time the pesticide was (~~applied~~)
17 first stored; and

18 (c) The product name used on the registered label and the United
19 States environmental protection agency registration number, if
20 applicable, of the pesticide that was (~~applied or~~) stored(~~(;~~

21 ~~(d) The crop or site to which the pesticide was applied;~~

22 ~~(e) The amount of pesticide applied per acre, or other appropriate~~
23 ~~measure;~~

24 ~~(f) The concentration of pesticide that was applied;~~

25 ~~(g) The number of acres, or other appropriate measure, to which~~
26 ~~pesticide was applied;~~

27 ~~(h) If applicable, the licensed applicator's name, address, and~~
28 ~~telephone number and the name of the individual or individuals making~~
29 ~~the application; and~~

1 ~~(i) The direction and estimated velocity of the wind at the time~~
2 ~~the pesticide was applied: PROVIDED, That this subsection (i) shall~~
3 ~~not apply to applications of baits in bait stations and pesticide~~
4 ~~applications within structures)).~~

5 (2) The employer shall update the workplace pesticide list ((~~on the~~
6 ~~same~~)) within seven days of the day that a pesticide is ((~~applied or~~
7 ~~is~~)) first stored in a work area.

8 (3) The workplace pesticide list may be prepared for the workplace
9 as a whole or for each work area and must be readily available to
10 employees and their designated representatives. New or newly assigned
11 employees shall be made aware of the pesticide chemical list before
12 working with pesticides or in a work area containing pesticides.

13 (4) An employer subject to this section shall maintain one form for
14 each ((~~crop,~~) work area((~~,~~) or workplace as a whole, as appropriate,
15 and shall add information to the form as different pesticides are
16 ((~~applied or~~)) stored. The forms shall be accessible and available for
17 copying and shall be stored in a location suitable to preserve their
18 physical integrity. The employer shall maintain and preserve the forms
19 required under this section for no less than seven years. The records
20 shall include an estimation of the total amount of each pesticide
21 listed on the forms.

22 (5) After July 23, 1989, if an employer has failed to maintain and
23 preserve the forms as required, the employer shall be subject to any
24 applicable penalties authorized under this chapter or chapter 49.17
25 RCW.

26 (6) If activities for which forms are maintained cease at a
27 workplace, the forms shall be filed with the department. If an
28 employer subject to this section is succeeded or replaced in that
29 function by another person, the person who succeeds or replaces the
30 employer shall retain the forms as required by this section but is not

1 liable for violations committed by the former employer under this
2 chapter or rules adopted under this chapter, including violations
3 relating to the retention and preservation of forms.

4 (7) The employer shall provide copies of the forms, on request, to
5 an employee or the employee's designated representative in the case of
6 an industrial insurance claim filed under Title 51 RCW with the
7 department of labor and industries, treating medical personnel, the
8 pesticide incident reporting and tracking review panel, or department
9 representative. The designated representative or treating medical
10 personnel are not required to identify the employee represented or
11 treated. The department shall keep the name of any affected employee
12 confidential in accordance with RCW 49.17.080(1). If an employee, a
13 designated representative, treating medical personnel, or the pesticide
14 incident reporting and tracking review panel requests a copy of a form
15 and the employer refuses to provide a copy, the requester shall notify
16 the department of the request and the employer's refusal. Within seven
17 working days, the department shall request that the employer provide
18 the department with all pertinent copies, except that in a medical
19 emergency the request shall be made within two working days. The
20 employer shall provide copies of the form to the department within
21 twenty-four hours after the department's request.

22 (8) The department of labor and industries and the department of
23 agriculture shall jointly adopt, by rule, ~~((one form that satisfies))~~
24 the forms that satisfy the information requirements of this section and
25 RCW 17.21.100. ~~((Records kept by the employer on the prescribed form~~
26 ~~under RCW 17.21.100 may be used to comply with the workplace pesticide~~
27 ~~list information requirements under this section.))~~