
HOUSE BILL 1261

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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 January 25, 1991. Referred to Committee on Agriculture & Rural Development.

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.

19 (3) Such records shall be kept for a period of seven years from the
20 date of the application of the pesticide to which such records refer,
21 and the director shall, upon request in writing, be furnished with a
22 copy of such records forthwith by the licensee: PROVIDED, That the
23 director may require the submission of such records within thirty days
24 of the application of any restricted use pesticide in prescribed areas
25 controlling the use of such restricted use pesticide.

26 (4) The pesticide records shall be readily available to: The
27 department; treating medical personnel initiating diagnostic testing or
28 therapy for a patient with a suspected case of pesticide poisoning; the
29 department of social and health services; the pesticide incident
30 reporting and tracking panel; and, in the case of an industrial

1 insurance claim filed under Title 51 RCW with the department of labor
2 and industries, the employee or the employee's designated
3 representative and the department of labor and industries.

4 (5) If a request for information is made under subsection (4) of
5 this section from an applicator referred to in subsection (1) of this
6 section and the applicator refuses to provide a copy of the records,
7 the department shall be notified of the request and the applicator's
8 refusal. Within seven working days, the department shall request that
9 the applicator provide the department with all pertinent copies, except
10 that in a medical emergency the request shall be made within two
11 working days. The applicator shall provide copies of the records to
12 the department within twenty-four hours after the department's request.

13 (6) The department of agriculture and the department of labor and
14 industries shall jointly adopt, by rule, ~~((one form that satisfies))~~
15 the forms that satisfy the information requirements of this section and
16 RCW 49.70.119. ~~((Records kept on the prescribed form under RCW~~
17 ~~49.70.119 may be used to comply with this section.))~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (4) An employer subject to this section shall maintain one form for
30 each (~~crop,~~) work area(~~,~~) or workplace as a whole, as appropriate,

1 and shall add information to the form as different pesticides are
2 (~~applied or~~) stored. The forms shall be accessible and available for
3 copying and shall be stored in a location suitable to preserve their
4 physical integrity. The employer shall maintain and preserve the forms
5 required under this section for no less than seven years. The records
6 shall include an estimation of the total amount of each pesticide
7 listed on the forms.

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

12 (6) If activities for which forms are maintained cease at a
13 workplace, the forms shall be filed with the department. If an
14 employer subject to this section is succeeded or replaced in that
15 function by another person, the person who succeeds or replaces the
16 employer shall retain the forms as required by this section but is not
17 liable for violations committed by the former employer under this
18 chapter or rules adopted under this chapter, including violations
19 relating to the retention and preservation of forms.

20 (7) The employer shall provide copies of the forms, on request, to
21 an employee or the employee's designated representative in the case of
22 an industrial insurance claim filed under Title 51 RCW with the
23 department of labor and industries, treating medical personnel, the
24 pesticide incident reporting and tracking review panel, or department
25 representative. The designated representative or treating medical
26 personnel are not required to identify the employee represented or
27 treated. The department shall keep the name of any affected employee
28 confidential in accordance with RCW 49.17.080(1). If an employee, a
29 designated representative, treating medical personnel, or the pesticide
30 incident reporting and tracking review panel requests a copy of a form

1 and the employer refuses to provide a copy, the requester shall notify
2 the department of the request and the employer's refusal. Within seven
3 working days, the department shall request that the employer provide
4 the department with all pertinent copies, except that in a medical
5 emergency the request shall be made within two working days. The
6 employer shall provide copies of the form to the department within
7 twenty-four hours after the department's request.

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