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**SUBSTITUTE HOUSE BILL 1486**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Belcher, Horn, Valle, Brekke, Pruitt and Jacobsen).

Read first time February 21, 1991.

1            AN ACT Relating to integrated pest management; amending RCW  
2 17.21.020 and 17.21.134; and adding a new section to chapter 43.19 RCW.

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

4            **Sec. 1.** RCW 17.21.020 and 1989 c 380 s 33 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8            (1) "Agricultural commodity" means any plant or part of a plant, or  
9 animal, or animal product, produced by a person (including farmers,  
10 ranchers, vineyardists, plant propagators, Christmas tree growers,  
11 aquaculturists, floriculturists, orchardists, foresters, or other  
12 comparable persons) primarily for sale, consumption, propagation, or  
13 other use by people or animals.

14            (2) "Apparatus" means any type of ground, water, or aerial  
15 equipment, device, or contrivance using motorized, mechanical, or

1 pressurized power and used to apply any pesticide on land and anything  
2 that may be growing, habitating, or stored on or in such land, but  
3 shall not include any pressurized handsized household device used to  
4 apply any pesticide, or any equipment, device, or contrivance of which  
5 the person who is applying the pesticide is the source of power or  
6 energy in making such pesticide application, or any other small  
7 equipment, device, or contrivance that is transported in a piece of  
8 equipment licensed under this chapter as an apparatus.

9 (3) "Arthropod" means any invertebrate animal that belongs to the  
10 phylum arthropoda, which in addition to insects, includes allied  
11 classes whose members are wingless and usually have more than six legs;  
12 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

13 (4) "Certified applicator" means any individual who is licensed as  
14 a commercial pesticide applicator, commercial pesticide operator,  
15 public operator, private-commercial applicator, demonstration and  
16 research applicator, or certified private applicator, or any other  
17 individual who is certified by the director to use or supervise the use  
18 of any pesticide which is classified by the EPA as a restricted use  
19 pesticide or by the state as restricted to use by certified applicators  
20 only.

21 (5) "Commercial pesticide applicator" means any person who engages  
22 in the business of applying pesticides to the land of another.

23 (6) "Commercial pesticide operator" means any employee of a  
24 commercial pesticide applicator who uses or supervises the use of any  
25 pesticide and who is required to be licensed under provisions of this  
26 chapter.

27 (7) "Defoliant" means any substance or mixture of substances  
28 intended to cause the leaves or foliage to drop from a plant with or  
29 without causing abscission.

1 (8) "Department" means the Washington state department of  
2 agriculture.

3 (9) "Desiccant" means any substance or mixture of substances  
4 intended to artificially accelerate the drying of plant tissues.

5 (10) "Device" means any instrument or contrivance intended to trap,  
6 destroy, control, repel, or mitigate pests, or to destroy, control,  
7 repel, or mitigate fungi, nematodes, or such other pests, as may be  
8 designated by the director, but not including equipment used for the  
9 application of pesticides when sold separately from the pesticides.

10 (11) "Direct supervision" by certified private applicators shall  
11 mean that the designated restricted use pesticide shall be applied for  
12 purposes of producing any agricultural commodity on land owned or  
13 rented by the applicator or the applicator's employer, by a competent  
14 person acting under the instructions and control of a certified private  
15 applicator who is available if and when needed, even though such  
16 certified private applicator is not physically present at the time and  
17 place the pesticide is applied. The certified private applicator shall  
18 have direct management responsibility and familiarity of the pesticide,  
19 manner of application, pest, and land to which the pesticide is being  
20 applied. Direct supervision by all other certified applicators means  
21 direct on-the-job supervision. Direct supervision of an aerial  
22 apparatus means the pilot of the aircraft must be appropriately  
23 certified.

24 (12) "Director" means the director of the department or a duly  
25 authorized representative.

26 (13) "Engage in business" means any application of pesticides by  
27 any person upon lands or crops of another.

28 (14) "EPA" means the United States environmental protection agency.

1 (15) "EPA restricted use pesticide" means any pesticide with  
2 restricted uses as classified for restricted use by the administrator,  
3 EPA.

4 (16) "FIFRA" means the federal insecticide, fungicide and  
5 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

6 (17) "Fungi" means all nonchlorophyll-bearing thallophytes (all  
7 nonchlorophyll-bearing plants of lower order than mosses and  
8 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and  
9 bacteria, except those on or in a living person or other animals.

10 (18) "Fungicide" means any substance or mixture of substances  
11 intended to prevent, destroy, repel, or mitigate any fungi.

12 (19) "Herbicide" means any substance or mixture of substances  
13 intended to prevent, destroy, repel, or mitigate any weed.

14 (20) "Insect" means any of the numerous small invertebrate animals  
15 whose bodies are more or less obviously segmented, and which for the  
16 most part belong to the class insecta, comprising six-legged, usually  
17 winged forms, as, for example, beetles, bugs, bees, flies, and to other  
18 allied classes of arthropods whose members are wingless and usually  
19 have more than six legs, for example, spiders, mites, ticks,  
20 centipedes, and isopod crustaceans.

21 (21) "Insecticide" means any substance or mixture of substances  
22 intended to prevent, destroy, repel, or mitigate any insects which may  
23 be present in any environment whatsoever.

24 (22) "Integrated pest management" is a strategy that uses various  
25 combinations of pest control methods, biological, cultural, and  
26 chemical, in a compatible manner to achieve satisfactory control and  
27 ensure favorable economic and environmental consequences.

28 (23) "Land" means all land and water areas, including airspace and  
29 all plants, animals, structures, buildings, devices, and contrivances,

1 appurtenant to or situated on, fixed or mobile, including any used for  
2 transportation.

3 ~~((23))~~ (24) "Nematocide" means any substance or mixture of  
4 substances intended to prevent, destroy, repel, or mitigate nematodes.

5 ~~((24))~~ (25) "Nematode" means any invertebrate animal of the  
6 phylum nemathelminthes and class nematoda, that is, unsegmented round  
7 worms with elongated, fusiform, or saclike bodies covered with cuticle,  
8 and inhabiting soil, water, plants or plant parts, may also be called  
9 nemas or eelworms.

10 ~~((25))~~ (26) "Person" means any individual, partnership,  
11 association, corporation, or organized group of persons whether or not  
12 incorporated.

13 ~~((26))~~ (27) "Pest" means, but is not limited to, any insect,  
14 rodent, nematode, snail, slug, weed, and any form of plant or animal  
15 life or virus, except virus on or in a living person or other animal,  
16 which is normally considered to be a pest, or which the director may  
17 declare to be a pest.

18 ~~((27))~~ (28) "Pesticide" means, but is not limited to:

19 (a) Any substance or mixture of substances intended to prevent,  
20 destroy, control, repel, or mitigate any insect, rodent, snail, slug,  
21 fungus, weed, and any other form of plant or animal life or virus  
22 except virus on or in a living person or other animal which is normally  
23 considered to be a pest or which the director may declare to be a pest;

24 (b) Any substance or mixture of substances intended to be used as  
25 a plant regulator, defoliant or desiccant; and

26 (c) Any spray adjuvant, such as a wetting agent, spreading agent,  
27 deposit builder, adhesive, emulsifying agent, deflocculating agent,  
28 water modifier, or similar agent with or without toxic properties of  
29 its own intended to be used with any other pesticide as an aid to the

1 application or effect thereof, and sold in a package or container  
2 separate from that of the pesticide with which it is to be used.

3 ~~((28))~~ (29) "Pesticide advisory board" means the pesticide  
4 advisory board as provided for in this chapter.

5 ~~((29))~~ (30) "Plant regulator" means any substance or mixture of  
6 substances intended through physiological action, to accelerate or  
7 retard the rate of growth or maturation, or to otherwise alter the  
8 behavior of ornamental or crop plants or their produce, but shall not  
9 include substances insofar as they are intended to be used as plant  
10 nutrients, trace elements, nutritional chemicals, plant inoculants, or  
11 soil amendments.

12 ~~((30))~~ (31) "Private applicator" means a certified applicator who  
13 uses or is in direct supervision of the use of (a) any EPA restricted  
14 use pesticide; or (b) any restricted use pesticide restricted to use  
15 only by certified applicators by the director, for the purposes of  
16 producing any agricultural commodity and for any associated noncrop  
17 application on land owned or rented by the applicator or the  
18 applicator's employer or if applied without compensation other than  
19 trading of personal services between producers of agricultural  
20 commodities on the land of another person.

21 ~~((31))~~ (32) "Private-commercial applicator" means a certified  
22 applicator who uses or supervises the use of (a) any EPA restricted use  
23 pesticide or (b) any restricted use pesticide restricted to use only by  
24 certified applicators for purposes other than the production of any  
25 agricultural commodity on lands owned or rented by the applicator or  
26 the applicator's employer.

27 ~~((32))~~ (33) "Restricted use pesticide" means any pesticide or  
28 device which, when used as directed or in accordance with a widespread  
29 and commonly recognized practice, the director determines, subsequent  
30 to a hearing, requires additional restrictions for that use to prevent

1 unreasonable adverse effects on the environment including people,  
2 lands, beneficial insects, animals, crops, and wildlife, other than  
3 pests.

4 ~~((+33+))~~ (34) "Rodenticide" means any substance or mixture of  
5 substances intended to prevent, destroy, repel, or mitigate rodents, or  
6 any other vertebrate animal which the director may declare by rule to  
7 be a pest.

8 ~~((+34+))~~ (35) "Snails or slugs" include all harmful mollusks.

9 ~~((+35+))~~ (36) "Unreasonable adverse effects on the environment"  
10 means any unreasonable risk to people or the environment taking into  
11 account the economic, social, and environmental costs and benefits of  
12 the use of any pesticide, or as otherwise determined by the director.

13 ~~((+36+))~~ (37) "Weed" means any plant which grows where not wanted.

14 **Sec. 2.** RCW 17.21.134 and 1989 c 380 s 45 are each amended to read  
15 as follows:

16 (1) The director shall not issue a commercial pesticide applicator  
17 license until the applicant, if he or she is the sole owner of the  
18 business, or if there is more than one owner, the person managing the  
19 business, has passed an examination. The director shall not issue a  
20 commercial pesticide operator, public operator, private commercial  
21 applicator, or demonstration and research applicator license until the  
22 applicant has passed an examination. Such examinations shall require  
23 the applicant to demonstrate to the director knowledge of:

24 (a) How to apply pesticides under the classification he or she has  
25 applied for, manually or with the various apparatuses that he or she  
26 may operate;

27 (b) The nature and effect of pesticides he or she may apply under  
28 such classifications; ~~((and))~~

29 (c) Integrated pest management practices; and

1        (d) Any other matter the director determines to be a necessary  
2 subject for examination.

3        (2) The director shall charge an examination fee established by the  
4 director by rule when an examination is necessary before a license may  
5 be issued or when application for such license and examination is made  
6 at other than a regularly scheduled examination date as provided for by  
7 the director.

8        (3) The director may prescribe separate testing procedures and  
9 requirements for each license.

10        NEW SECTION.    **Sec. 3.** A new section is added to chapter 43.19 RCW  
11 to read as follows:

12        The director of general administration, through the state  
13 purchasing director, shall develop specifications for the purchase of  
14 pesticides consistent with integrated pest management practices as  
15 defined in RCW 17.21.020. Such specifications shall include a  
16 provision of education, and where appropriate, technical assistance for  
17 the use and application of pesticides.