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HOUSE BILL 2244

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State of Washington                      52nd Legislature    1991 1st Special Session

By Representatives Prentice, Rust, Anderson, Leonard, Cole, Scott, Belcher, R. Fisher, Jacobsen, Brekke, Nelson, Valle, Fraser, R. King, Jones, Pruitt, Appelwick and Phillips.

Read first time June 30, 1991. Referred to Committee on Agriculture & Rural Development.

1            AN ACT Relating to pesticide application notification; amending RCW  
2 15.58.040; and adding new sections to chapter 17.21 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 17.21 RCW  
5 to read as follows:

6            (1) If a pesticide is applied to public and private school grounds,  
7 day care centers, public recreation areas, or residential property by  
8 a certified applicator, the pesticide-treated area shall be posted with  
9 warning signs provided by the applicator in accordance with the  
10 requirements of this section.

11            (2) When signs are required under this section, the certified  
12 applicator must post signs visible from all usual points of entry to  
13 the pesticide-treated area. If there are no usual points of entry or  
14 the areas is adjacent to an unfenced public right of way, signs must be  
15 posted (a) at each corner of the pesticide-treated area, and (b) at

1 intervals not exceeding one hundred feet, or (c) at other locations  
2 approved by the department that provide maximum visibility.

3 (3) The signs must be posted during application and for at least  
4 the following forty-eight hours. The owner or occupant of the property  
5 is responsible for the disposition of the signs after the posting  
6 period.

7 (4) Signs must be legible for the duration of use. Signs shall  
8 contain a prominent symbol approved by the department by rule, and  
9 wording shall be in English and other appropriate languages as  
10 determined by the department. Signs shall meet the minimum  
11 specifications adopted by rule by the department, which shall include,  
12 at a minimum, the following requirements:

13 (a) Signs must be at least eighteen by twelve inches in size;

14 (b) Signs must include lettering covering at least seventy percent  
15 of the area of the sign containing the words "NOTICE!--Area sprayed"  
16 and information identifying the applicator, including address and  
17 telephone number where additional information can be obtained. In  
18 addition, at least one sign shall have attached an original-sized copy  
19 of the record kept under RCW 17.21.100.

20 (c) The date of application must be indicated on the signs.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21 RCW  
22 to read as follows:

23 (1) Prior to a pesticide application on public or private school  
24 grounds, day care centers, public recreation areas, or residential  
25 property, the certified applicator must provide in writing, as part of  
26 the contract to the owner of the property or his or her agent, the  
27 following:

28 (a) The approximate date or dates of application;

29 (b) The number of applications and quantity;

1 (c) A list of substances to be applied, including brand names and  
2 generic names of active ingredients;

3 (d) The company name, address, telephone number, and the state-  
4 certified applicator's license number.

5 (2) If the application date or dates specified become infeasible,  
6 the applicator must give the owner or his or her agent oral or written  
7 notice of the proposed alternative date or dates. The owner or his or  
8 her agent must approve the alternative date or dates before the  
9 pesticide is applied.

10 (3) Whenever a highly toxic pesticide is applied, the certified  
11 applicator shall provide written notice, at least twenty-four hours  
12 prior to spraying, to all occupants of properties abutting the sprayed  
13 property. The notice shall include the name of the pesticide or  
14 pesticides applied, the estimated time and date of application, the  
15 address of the application and a telephone number that can be used to  
16 acquire additional information.

17 **Sec. 3.** RCW 15.58.040 and 1991 c 264 s 2 are each amended to read  
18 as follows:

19 (1) The director shall administer and enforce the provisions of  
20 this chapter and rules adopted under this chapter. All the authority  
21 and requirements provided for in chapter 34.05 RCW (Administrative  
22 Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the  
23 adoption of rules including those requiring due notice and a hearing  
24 for the adoption of permanent rules.

25 (2) The director is authorized to adopt appropriate rules for  
26 carrying out the purpose and provisions of this chapter, including but  
27 not limited to rules providing for:

1 (a) Declaring as a pest any form of plant or animal life or virus  
2 which is injurious to plants, people, animals (domestic or otherwise),  
3 land, articles, or substances;

4 (b) Determining that certain pesticides are highly toxic to people.  
5 For the purpose of this chapter, highly toxic pesticide means any  
6 pesticide that conforms to the criteria in 40 C.F.R. Sec. 162.10 for  
7 toxicity category I due to oral inhalation or dermal toxicity. The  
8 director shall publish a list annually of all pesticides, determined  
9 to be highly toxic, by their common or generic name and their trade or  
10 brand name if practical. Such list shall be (~~kept current and shall,~~  
11 ~~upon request, be made~~) published and made readily available to  
12 appropriate state and local agencies and any interested party;

13 (c) Determining standards for denaturing pesticides by color,  
14 taste, odor, or form;

15 (d) The collection and examination of samples of pesticides or  
16 devices;

17 (e) The safe handling, transportation, storage, display,  
18 distribution, and disposal of pesticides and their containers;

19 (f) Restricting or prohibiting the use of certain types of  
20 containers or packages for specific pesticides. These restrictions may  
21 apply to type of construction, strength, and/or size to alleviate  
22 danger of spillage, breakage, misuse, or any other hazard to the  
23 public. The director shall be guided by federal regulations concerning  
24 pesticide containers;

25 (g) Procedures in making of pesticide recommendations;

26 (h) Adopting a list of restricted use pesticides for the state or  
27 for designated areas within the state if the director determines that  
28 such pesticides may require rules restricting or prohibiting their  
29 distribution or use. The director may include in the rule the time and  
30 conditions of distribution or use of such restricted use pesticides and

1 may, if it is found necessary to carry out the purpose and provisions  
2 of this chapter, require that any or all restricted use pesticides  
3 shall be purchased, possessed, or used only under permit of the  
4 director and under the director's direct supervision in certain areas  
5 and/or under certain conditions or in certain quantities or  
6 concentrations. The director may require all persons issued such  
7 permits to maintain records as to the use of all the restricted use  
8 pesticides;

9 (i) Label requirements of all pesticides required to be registered  
10 under provisions of this chapter;

11 (j) Regulating the labeling of devices; (~~and~~)

12 (k) The establishment of criteria governing the conduct of a  
13 structural pest control inspection; and

14 (l) Public notice, including warning signs and information  
15 materials, for public distribution at retail sales outlets where  
16 pesticides are sold for home and garden use.

17 (3) For the purpose of uniformity and to avoid confusion  
18 endangering the public health and welfare the director may adopt rules  
19 in conformity with the primary pesticide standards, particularly as to  
20 labeling, established by the United States environmental protection  
21 agency or any other federal agency.