

SENATE BILL REPORT

SSB 5317

As Amended by House, April 21, 2021

Title: An act relating to pesticide registration and pesticide licensing fees.

Brief Description: Concerning pesticide registration and pesticide licensing fees.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Warnick; by request of Department of Agriculture).

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/28/21, 2/04/21 [DPS-WM, DNP, w/oRec].

Ways & Means: 2/19/21, 2/22/21 [DPS (AWNP), DNP].

Floor Activity: Passed Senate: 3/8/21, 28-20.

Passed House: 4/21/21, 79-18.

Brief Summary of First Substitute Bill

- Increases fees under the Pesticide Control Act and the Pesticide Application Act.
- Requires a \$7 fee be charged on each license under the Pesticide Control Act and Pesticide Application Act used for providing a pesticide safety education program.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.
Signed by Senator Honeyford.

Minority Report: That it be referred without recommendation.
Signed by Senator Short.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5317 as recommended by Committee on Agriculture, Water, Natural Resources & Parks be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Lias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Minority Report: Do not pass.

Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon.

Staff: Jed Herman (786-7346)

Background: The Washington Department of Agriculture (WSDA) administers the state Pesticide Control Act and the state Pesticide Application Act. Its activities include adopting rules requiring the registration and restricted use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers.

All individuals who are licensed, or who are required to be licensed as pesticide applicators, pesticide operators, structural pest inspectors, and pest control consultants, must be certified through examination in the area in which they operate or consult. To be certified, a person must attain a passing score of at least 70 percent on a certification examination.

Examinations are administered by WSDA, and WSDA collects a fee from the applicant for each exam at an amount set in rule. License classifications address the control of a variety of pests, including insects and diseases, pest animals in agricultural situations, aquatic pests both generally and in irrigation systems, and weeds. There are also licenses for pest control operators and structural pest inspectors.

Summary of First Substitute Bill: Pesticide registration fees are increased from \$390 to \$650 and from \$195 to \$325 for a registrant who is applying to register an additional pesticide. Pesticide dealer license fees are increased from \$67 to \$88. Pesticide dealer manager license fees are increased from \$33 to \$43. Structural pest inspector license fees

are increased from \$60 to \$78. Pest control consultant license fees are increased from \$60 to \$78. Public pest control consultant license fees are increased from \$33 to \$43.

Commercial applicator license fees are increased from \$215 to \$278. A commercial operator license fee is increased from \$67 to \$88. Private-commercial pesticide applicator license fees are increased from \$33 to \$44. Private applicator license fees are increased from \$33 to \$43 and limited private applicator license fees are set at \$33. Rancher private applicator license fees are increased to \$103. Fees for a demonstration and research license are increased to \$43. Public operator license fees are increased from \$33 to \$43.

WSDA must collect a fee of \$7 for each license issued by WSDA under the Pesticide Control Act and the Pesticide Application Act and transmit the \$7 fee to Washington State University for providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees. WSDA must post a timeline for processing complete pesticide registrations on its website.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: License and registration fees have not been increased since 2008. This bill will establish a proactive and more robust approach to pesticide compliance and training, increase staff, and, through outreach and education, reduce risk from pesticide applications. Farmers are facing difficult economic times, but the benefits of this fee increase justify the expense. Industry asked WSDA to prioritize training and enforcement of pesticide application safety requirements. These additional resources are needed to ensure that all who want to be trained can be trained and those who are not can be identified and brought into compliance. The fees in the proposed substitute are at the level that have been discussed with WSDA over the last year. The fee increase will provide improved monitoring and training, will bring improved worker and public safety, and will bring an increased public confidence in having a robust pesticide enforcement system in the state.

CON: The bill does not contain language to require WSDA to deliver a more expedited service or commit resources to an expedited effort. At a 33 percent increase, it is appropriate to ensure that there is a more streamlined process for those taking on the increased fees. There is support for WSDA and the work they do, but there is not support for huge fee increases all at once. A gradual fee increase over time would be better.

OTHER: This fee increase will allow WSDA to upgrade to allow for electronic filing and electronic payments. The fee increases will allow WSDA to upgrade the license database. Both fee increases will support additional personnel for compliance and education. The programs funded by these fee increases are essential, critical to the state's agricultural industry. Under normal circumstances, industry would support these fee increases, but these are not normal circumstances. Delaying the increase in fees until January of next year would help farmers get through this year. There needs to be oversight of these products and the program needs to be funded adequately.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Judy Warnick, Prime Sponsor; Kelly McLain, Washington State Department of Agriculture; Jon DeVaney, Washington State Tree Fruit Association.

CON: Nora Burnes, Household and Commercial Products Association; James Connolly, Planet Turf.

OTHER: Heather Hansen, Washington Friends of Farms and Forests; Tom Davis, Washington Farm Bureau; Mike Schwisow, Washington Winegrowers Association.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: We know WSDA needs the resources to implement the standards in law and we support the role for WSU specified in the bill. WSDA requested this legislation to improve the way we administer the pesticide laws, to help us improve the way we interact with applicants, and to provide more training and conduct inspections. We believe WSDA needs the resources. No one likes increased fees, but these fees are necessary.

CON: The turf business is growing at a rate of 4 percent per year. This bill would increase fees by 30 percent. That is too much too soon. The increased costs should be spread over time.

OTHER: This bill brings about significant increases in cost. We understand the need to modernize processes and appreciate the increased transparency. The timing is not good given the pandemic. The bill will allow the program to accept electronic applications and payments. We fully support the plans for how to use the increased money.

Persons Testifying (Ways & Means): PRO: Billy Olesen, WSPMA and PestStop; Kelly McLain, Washington State Department of Agriculture; Jon DeVaney, Washington State Tree Fruit Association.

CON: James Connolly, Planet Turf.

OTHER: Nora Burnes, Household and Commercial Products Association; Heather Hansen,

Washington Friends of Farms & Forests.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Directs WSDA to engage with the regulated community on the status of license fees and consideration of future fee increases under the Pesticide Control Act and Pesticide Application Act.
- Requires WSDA to report to the Legislature by December 31, 2022, on the status of the fee structure, including an outlook for potential future fee needs, and a description of how WSDA has engaged with the regulated community.
- Changes the following license fees: Pesticide Dealer Manager - from \$43 to \$38; Pest Control Consultant - from \$78 to \$68; Commercial Applicator - from \$278 to \$243; Commercial Operator - from \$88 to \$78; Private-Commercial Applicator - from \$43 to \$38; Private Applicator - from \$43 to \$38.
- Sets an effective date of November 1, 2021, and specifies that all new applications or renewals of pesticide registration, licensing, or certification received on or after November 1, 2021, are subject to the provisions of the bill.