
HOUSE BILL 2317

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Rayburn, McLean, Grant, Nealey, R. Johnson, Kremen, Paris, Chandler, Lisk, Fuhrman, Bray and Rasmussen

Read first time 01/15/92. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to pesticide posting and recordkeeping; amending
2 RCW 17.21.100, 49.70.117, and 49.70.119; and declaring an emergency.

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,~~
7 ~~pesticide applicators licensed under the provisions of this chapter~~
8 ~~and))~~ All persons applying pesticides to more than one acre of
9 agricultural land in a calendar year and all certified applicators,
10 including but not limited to public entities engaged in roadside
11 spraying of pesticides, shall keep records ~~((on a form prescribed by~~
12 ~~the director))~~ regarding each application which shall include the
13 following information:

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

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

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

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

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

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

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

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

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

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

18 (2)(a) Records shall be updated on the same day that a pesticide is
19 applied.

20 (b) A commercial pesticide applicator who applies a pesticide to an
21 agricultural crop or agricultural lands shall submit the information
22 for the application required under subsection (1) of this section to
23 the owner, or to the lessee if applied on behalf of the lessee, of the
24 lands to which the pesticide is applied.

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

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

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

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

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

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

9 (7)(a) Except as provided in (b) of this subsection, information
10 supplied to a person or entity under this section or under RCW
11 49.70.119 or made available for inspection or other access upon request
12 under this section or RCW 49.70.119 shall be supplied or made available
13 on a form adopted by the department under this section.

14 (b) Information submitted by a commercial pesticide applicator to
15 the owner or lessee of agricultural lands under subsection (2)(b) of
16 this section need not be submitted on a form adopted by the department.
17 However, if the information is not submitted on such a form, it must be
18 readily understandable to a reasonable person.

19 **Sec. 2.** RCW 49.70.117 and 1989 c 380 s 76 are each amended to read
20 as follows:

21 (1) If a pesticide having a reentry interval of greater than
22 twenty-four hours is applied to a labor-intensive agricultural crop,
23 the pesticide-treated area shall be posted with warning signs in
24 accordance with the requirements of this section.

25 (2) When pesticide warning signs are required under this section,
26 the employer shall post signs visible from all usual points of entry to
27 the pesticide-treated area. If there are no usual points of entry or
28 the area is adjacent to an unfenced public right of way, signs shall be
29 posted (a) at each corner of the pesticide-treated area, and (b) at

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

3 (3) The signs shall be posted (~~(no sooner than)~~) within twenty-four
4 hours before the scheduled application of the pesticide, remain posted
5 during application and throughout the applicable reentry interval, and
6 be removed within two days after the expiration of the applicable
7 reentry interval and before employee reentry is permitted. Employees
8 working in an area scheduled for a pesticide application shall be
9 informed of the application and shall vacate the area to be sprayed
10 prior to application of the pesticide.

11 (4) Signs shall be legible for the duration of use. Signs shall
12 contain a prominent symbol approved by the department of agriculture
13 and the department of labor and industries by rule, and wording shall
14 be in English and Spanish or other languages as required by the
15 department. Signs shall meet the minimum specifications of rules
16 adopted by the department, which rules shall include, at a minimum,
17 size and lettering requirements.

18 **Sec. 3.** RCW 49.70.119 and 1989 c 380 s 77 are each amended to read
19 as follows:

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

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

29 ~~(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 that was applied or stored;~~

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~~
9 ~~pesticide was applied;~~

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

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

17 ~~(2) The employer shall update the workplace pesticide list on the~~
18 ~~same day that a pesticide is applied or is first stored in a work area.~~

19 ~~(3) The workplace pesticide list may be prepared for the workplace~~
20 ~~as a whole or for each work area and must)) keep records regarding~~
21 ~~each application which shall include the information required under RCW~~
22 ~~17.21.100. This information shall be readily available to the~~
23 ~~employer's employees and their designated representatives. New or~~
24 ~~newly assigned employees shall be made aware of the ((pesticide~~
25 ~~chemical list before working with pesticides or in a work area~~
26 ~~containing pesticides)) availability of the information.~~

27 ~~((4) An employer subject to this section shall maintain one form~~
28 ~~for each crop, work area, or workplace as a whole, as appropriate, and~~
29 ~~shall add information to the form as different pesticides are applied~~
30 ~~or stored. The forms shall be accessible and available for copying~~

1 and)) The information shall be stored in a location suitable to
2 preserve ((~~their~~)) its physical integrity. The employer shall maintain
3 and preserve the ((~~forms~~)) information required under this section for
4 no less than seven years. ((~~The records shall include an estimation of~~
5 ~~the total amount of each pesticide listed on the forms.~~

6 (5)) After July 23, 1989, if an employer has failed to maintain
7 and preserve the ((~~forms~~)) information as required, the employer shall
8 be subject to any applicable penalties authorized under this chapter or
9 chapter 49.17 RCW. ((~~+6~~)) If activities for which ((~~forms are~~)) the
10 information is maintained cease ((~~at a workplace~~)) on a farm, the
11 ((~~forms~~)) information shall be filed with the department. If an
12 employer subject to this section is succeeded or replaced in that
13 function by another person, the person who succeeds or replaces the
14 employer shall retain the ((~~forms~~)) information as required by this
15 section but is not liable for violations committed by the former
16 employer under this chapter or rules adopted under this chapter,
17 including violations relating to the retention and preservation of
18 ((~~forms~~)) information.

19 ((~~+7~~)) (2) In addition to providing information under subsection
20 (1) of this section, the employer shall provide ((~~copies of the forms~~))
21 the information required under RCW 17.21.100 regarding the application
22 or applications of one or more pesticides, on request, to an employee
23 or the employee's designated representative in the case of an
24 industrial insurance claim filed under Title 51 RCW with the department
25 of labor and industries, treating medical personnel, the pesticide
26 incident reporting and tracking review panel, or department
27 representative. The designated representative or treating medical
28 personnel are not required to identify the employee represented or
29 treated. The department shall keep the name of any affected employee
30 confidential in accordance with RCW 49.17.080(1). If an employee, a

1 designated representative, treating medical personnel, or the pesticide
2 incident reporting and tracking review panel requests ((a copy of a
3 form)) such information and the employer refuses to provide ((a copy))
4 the information, the requester shall notify the department of the
5 request and the employer's refusal. Within seven working days, the
6 department shall request that the employer provide the department with
7 all pertinent ((copies)) information, except that in a medical
8 emergency the request shall be made within two working days. The
9 employer shall provide ((copies of the form)) the information to the
10 department within twenty-four hours after the department's request.

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

17 (3) Information provided to any person or entity under this section
18 or made available for inspection or other access upon request under
19 this section shall be provided or made available on a form adopted by
20 the department of agriculture under RCW 17.21.100.

21 NEW SECTION. Sec. 4. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect immediately.