

SENATE BILL REPORT

SB 5033

As Reported By Senate Committee On:
Agriculture & Agricultural Trade & Development, January 17, 1995
Ways & Means, March 2, 1995

Title: An act relating to the commission on pesticide registration.

Brief Description: Establishing a commission on pesticide registration.

Sponsors: Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter.

Brief History:

Committee Activity: Agriculture & Agricultural Trade & Development: 1/10/95; 1/17/95 [DPS-WM].

Ways & Means: 2/16/95, 3/2/95 [DP2S].

SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Staff: Bob Lee (786-7404)

Background: The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA. In general, a pesticide cannot be sold or distributed within the United States unless it has been registered with the U.S. Environmental Protection Agency (EPA). The pesticides regulated in this manner encompass herbicides, insecticides, and similar chemicals that control pests. In November 1984, the studies and data required in support of the registration of a pesticide were expanded. With the 1988 amendments to FIFRA, Congress required, with certain limited exceptions, that pesticides originally registered before November 1, 1984, be re-registered under the data requirements which apply to pesticides registered after that date.

State legislation enacted in 1991 created the Food and Environmental Quality Laboratory operated by Washington State University in the Tri-Cities to conduct pesticide residue studies regarding food, the environment, and safety. One of its responsibilities is evaluating regional requirements for minor crop registration through the federal InterRegional Research Project Number 4 (IR-4) program. The IR-4 program was established to provide residue and efficacy data in support of the registration or re-registration of minor use pesticides, and tolerances for residues of minor use chemicals in or on raw agricultural commodities.

There are a number of pesticides that have been used to produce crops in the state that have not been re-registered. There is concern that additional pesticide products will not be re-registered, thus leaving a number of crops grown in the state without an effective pest control alternative.

Summary of Substitute Bill: A Commission on Pesticide Registration is created. It is to provide guidance to WSU's Food Safety and Environmental Quality Lab in the area of pesticide registrations for minor crops and minor uses and regarding the availability of pesticides for emergency uses. The sum of \$1,000,000 is appropriated from the state's General Fund to WSU for the 1995-97 biennium for studies and activities regarding the registration of pesticides. Use of the monies must be approved by the commission. The appropriation may be used for: (1) conducting studies concerning the registration of pesticides for minor crops and minor uses, and the availability of pesticides for emergency uses; (2) a program for tracking the availability of pesticides for such crops and uses; and (3) the support of the commission. With the approval of the commission, these monies may be used for studies conducted by WSU's Lab or by other qualified labs. Not less than 25 percent of such appropriations must be dedicated to studies concerning the registration of pesticides for crops that are not among the top 20 agricultural commodities produced in the state.

The commission is made up of 11 voting members appointed by the Dean of the College of Agriculture at WSU and four nonvoting, ex-officio members. The voting members serve three year terms, although the first set of terms are for one, two and three years to provide staggered terms for the members. The commission selects a chair from its voting members. Among the nonvoting members is the coordinator of the IR-4 project at WSU.

WSU's Lab is directed to provide a program for tracking the availability of effective pesticides for minor crops, minor uses and emergency uses. In addition to approving expenditures of state monies appropriated to WSU for pesticide registration activities, the commission is to provide guidance to the Lab regarding this tracking program and the means of providing the tracking information to organizations of agricultural producers. The commission must also encourage agricultural organizations to provide assistance for studies regarding pesticide registrations and emergency uses, and must ensure that the activities of the Lab are coordinated with the work of other labs in the Pacific Northwest, the USDA, the EPA, and the state's Department of Agriculture. Each biennium, the commission must also prepare a contingency plan for providing studies that address emergency conditions which may arise.

Substitute Bill Compared to Original Bill: The original bill provided for seven members of the commission to be nominated by associations representing growers of specific commodities. The substitute bill provides that any agricultural commodity association may nominate persons to the Dean of the College of Agriculture. Specific timeframes are established for nominations to be submitted and for the Dean to make appointments to the commission.

The number of commission members required to approve an action is increased to a majority of the voting members of the commission.

A definition of agricultural commodity is provided.

The commission is required to file a report of the activities supported by the commission in December 2002. The appropriate legislative committees are required to evaluate the effectiveness of the commission activities in year 2003.

Appropriation: \$1 million for the 1995-97 biennium.

Fiscal Note: Available.

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

Testimony For: The state of Washington produces a large variety of crops. Each crop has its own unique set of pest control problems. The ability to continue to produce each of these crops is dependent upon having pest controls available.

The additional requirements imposed during the 1980s at the federal level mandate that additional studies and data be developed on new and on previously used pesticides. The purpose of these additional requirements is to provide a high degree of protection of the public health and environment. Some previously used pesticides have not been reregistered due to the high cost of complying with the significant registration process and due to the limited sales volumes upon which the investment can be recouped.

Additional research is needed if the state wishes to retain production of several of its minor crops. Action is needed now to get the needed research and a commission is needed to prioritize the research toward those areas with the most critical needs. Involvement of agricultural associations will result in matching funds being generated to help support the research efforts.

Testimony Against: In 1991, the Legislature approved the establishment of the Food and Environmental Quality Laboratory operated by Washington State University in Richland. The lab has a number of functions, one of which was to be involved in the reregistration of products for protection of minor crops. The legislation created an advisory committee to WSU. The advisory committee, with several nonagricultural members, could be utilized instead of creating a new commission.

Testified: PRO: Del Vanderhoff; Alan Schreiber, WSU; Ann George, Washington Hop Commission; Gaylord Enbom, Washington State Hort. Assn.; Jim Shigio, Jim Shigio Farms; Mike Youngquist, Western Washington Fruits and Veg.; Bryan Sakuma, Raspberry Commission; Ken Dahlstedt; Peter Sword, Western Washington Farm Crops Assn.; Chris Peters, Peters Orchards; Bob Hitt, Washington Cranberry Alliance; Earle Darst, NW Bulb Growers; Curtis Johnson, Western Washington Farms Crop Assn.; Duncan Wurm, WFFF; Terry Dorsey; CON: Cha Smith, Washington Toxics Coalition.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5033 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Susan Lucas (786-7711)

Second Substitute Bill Compared to Substitute Bill: The appropriation from the state general fund is deleted. The commission and WSU are authorized to receive gifts and grants from public and private sources.

Testimony For: Washington is the sole source or major source of many minor crops. Many of these crops are grown by family or small farms because there is not enough profit for large business. Pesticides for these crops are not registered because the cost of registration exceeds the potential revenue. Farmers can't afford the research required and have nowhere to do the research. Adequate, properly registered pesticides are needed to allow Washington farmers to compete, to keep food prices down and food safety up and to provide for the safety of workers. A commission is necessary to ensure proper representation of all agricultural products, to ensure accountability and to encourage agricultural commissions to donate money for research.

Testimony Against: The commission is not balanced, since all members will benefit from its decisions. There is no oversight, no regulation and no regular reporting requirements for the commission. An advisory committee exists which could be utilized instead of the commission.

Testified: Senator Marilyn Rasmussen; Bill Garvin, Washington State Farm Bureau; Del Vanderhoff, Wenatchee; Chris Cheney, Hop Growers of Washington and Washington Growers' League; Terry Dorsing, Othello; Cha Smith, Washington Toxics Coalition.