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SECOND SUBSTITUTE HOUSE BILL 1009

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State of Washington

54th Legislature

1995 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens)

Read first time 03/01/95.

1 AN ACT Relating to the commission on pesticide registration;  
2 amending RCW 15.92.010 and 15.92.060; and adding new sections to  
3 chapter 15.92 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.92 RCW  
6 to read as follows:

7 (1) A commission on pesticide registration is established. The  
8 commission shall be composed of twelve voting members appointed by the  
9 dean of the college of agriculture at Washington State University to  
10 represent the following segments of the state's agricultural industry:  
11 (a) The tree fruit industry, (b) hop growers, (c) potato growers, (d)  
12 the forest protection industry, (e) the agricultural chemical industry,  
13 (f) food processors, (g) wheat growers, (h) vegetable and seed growers,  
14 (i) berry growers, (j) wine grape growers, (k) the nursery and  
15 landscape industry, and (l) professional pesticide applicators. One  
16 member shall be appointed for each such segment of the industry and  
17 shall, except as provided by this subsection, be nominated by a state-  
18 wide, private association of that segment of the industry. The  
19 representative of the agricultural chemical industry shall be involved

1 in the manufacture of agricultural chemicals. The nomination for a  
2 representative of vegetable and seed growers shall be made jointly by  
3 the Washington portion of an association of vegetable growers that may  
4 be multistate in nature and associations of seed growers in this state.  
5 The nomination for a representative of berry growers shall be made  
6 jointly by associations of the berry industry.

7 The following shall be ex officio, nonvoting members of the  
8 commission: The coordinator of the interregional project number four  
9 at Washington State University; the director of the department of  
10 ecology or the director's designee; the director of the department of  
11 agriculture or the director's designee; the director of the department  
12 of labor and industries or the director's designee, and the secretary  
13 of the department of health or the secretary's designee.

14 (2) Each voting member of the commission shall serve a term of  
15 three years. However, the first appointments in the first year shall  
16 be made by the dean for one, two, and three-year terms so that, in  
17 subsequent years, approximately one-third of the voting members shall  
18 be appointed each year. The dean shall assign the initial one, two,  
19 and three-year terms to members by lot. A vacancy shall be filled by  
20 appointment for the unexpired term in the same manner provided for an  
21 appointment to the full term. Each member of the commission shall  
22 receive travel expenses in accordance with RCW 43.03.050 and 43.03.060  
23 for attending meetings of the commission and for performing special  
24 duties, in the way of official commission business, specifically  
25 assigned to the person by the commission. The voting members of the  
26 commission serve without compensation from the state other than such  
27 travel expenses.

28 (3) The commission shall elect a chair from among its voting  
29 members each calendar year. After its original organizational meeting,  
30 the commission shall meet at the call of the chair. A majority of the  
31 voting members of the commission constitutes a quorum and an official  
32 action of the commission may be taken by a majority vote of the voting  
33 members present at a meeting.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.92 RCW  
35 to read as follows:

36 (1) The following apply to the use of state general fund moneys  
37 appropriated to Washington State University specifically and expressly  
38 for studies or activities regarding the registration of pesticides:

1 (a) The moneys may not be expended without the express approval of  
2 the commission on pesticide registration;

3 (b) The moneys may be used for: (i) Evaluations, studies, or  
4 investigations approved by the commission on pesticide registration  
5 regarding the registration or reregistration of pesticides for minor  
6 crops or minor uses or regarding the availability of pesticides for  
7 emergency uses. These evaluations, studies, or investigations may be  
8 conducted by the food and environmental quality laboratory or may be  
9 secured by the commission from other qualified laboratories,  
10 researchers, or contractors by contract, which contracts may include,  
11 but are not limited to, those purchasing the use of proprietary  
12 information; (ii) the tracking system described in RCW 15.92.060; and  
13 (iii) the support of the commission on pesticide registration and its  
14 activities; and

15 (c) Not less than twenty-five percent of such moneys shall be  
16 dedicated to studies or investigations concerning the registration or  
17 use of pesticides for crops that are not among the top twenty  
18 agricultural commodities in production value produced in the state, as  
19 determined annually by the Washington agricultural statistics service.

20 (2) The commission on pesticide registration shall establish  
21 priorities to guide it in approving the use of moneys for evaluations,  
22 studies, and investigations under this section. Each biennium, the  
23 commission shall prepare a contingency plan for providing funding for  
24 laboratory studies or investigations that are necessary to pesticide  
25 registrations or related processes that will address emergency  
26 conditions for agricultural crops that are not generally predicted at  
27 the beginning of the biennium.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.92 RCW  
29 to read as follows:

30 The commission on pesticide registration shall:

31 (1) Provide guidance to the food and environmental quality  
32 laboratory established in RCW 15.92.050 regarding the laboratory's  
33 studies, investigations, and evaluations concerning the registration of  
34 pesticides for use in this state for minor crops and minor uses and  
35 concerning the availability of pesticides for emergency uses;

36 (2) Encourage agricultural organizations to assist in providing  
37 funding, in-kind services, or materials for laboratory studies and

1 investigations concerning the registration of pesticides for minor  
2 crops and minor uses that would benefit the organizations;

3 (3) Provide guidance to the laboratory regarding a program for:  
4 Tracking the availability of effective pesticides for minor crops,  
5 minor uses, and emergency uses; providing this information to  
6 organizations of agricultural producers; and maintaining close contact  
7 between the laboratory, the department of agriculture, and  
8 organizations of agricultural producers regarding the need for research  
9 to support the registration of pesticides for minor crops and minor  
10 uses and the availability of pesticides for emergency uses; and

11 (4) Ensure that the activities of the commission and the laboratory  
12 are coordinated with the activities of other laboratories in the  
13 Pacific Northwest, the United States department of agriculture, and the  
14 United States environmental protection agency to maximize the  
15 effectiveness of regional efforts to assist in the registration of  
16 pesticides for minor crops and minor uses and in providing for the  
17 availability of pesticides for emergency uses for the region and the  
18 state.

19 **Sec. 4.** RCW 15.92.010 and 1991 c 341 s 2 are each amended to read  
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Center" means the center for sustaining agriculture and  
24 natural resources established at Washington State University.

25 (2) "Laboratory" means the food and environmental quality  
26 laboratory established at Washington State University at Tri-Cities.

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

31 (4) "IR-4 program" means interregional research project number  
32 four, clearances of chemicals and biologics for minor or special uses,  
33 established in 1963 by the cooperative state research service of the  
34 United States department of agriculture, the coordinated national  
35 program involving land-grant universities and the United States  
36 department of agriculture to provide data required for the registration  
37 of pesticides needed for the production of minor crops.

1       (5) "Minor crop" means an agricultural crop considered to be minor  
2 in the national context of registering pesticides.

3       (6) "Minor use" means a pesticide use considered to be minor in the  
4 national context of registering pesticides including, but not limited  
5 to, a use for a special local need.

6       (7) "Natural resources" means soil, water, air, forests, wetlands,  
7 wildlands, and wildlife.

8       (~~(6)~~) (8) "Pesticide" means chemical or biologic used to control  
9 pests such as insect, rodent, nematode, snail, slug, weed, virus, or  
10 any organism the director of agriculture may declare to be a pest.

11       (~~(7)~~) (9) "Registration" means use of a pesticide approved by the  
12 state department of agriculture.

13       (~~(8)~~) (10) "Sustainable agriculture" means a systems approach to  
14 farming, ranching, and natural resource production that builds on and  
15 supports the physical, biological, and ecological resource base upon  
16 which agriculture depends. The goals of sustainable agriculture are to  
17 provide human food and fiber needs in an economically viable manner for  
18 the agriculture industry and in a manner which protects the environment  
19 and contributes to the overall safety and quality of life.

20       **Sec. 5.** RCW 15.92.060 and 1991 c 341 s 7 are each amended to read  
21 as follows:

22       The responsibilities of the laboratory shall include:

23       (1) Evaluating regional requirements for minor crop registration  
24 through the federal IR-4 program;

25       (2) Providing a program for tracking the availability of effective  
26 pesticides for minor crops, minor uses, and emergency uses in this  
27 state;

28       (3) Conducting studies on the fate of pesticides on crops and in  
29 the environment, including soil, air, and water;

30       (~~(3)~~) (4) Improving pesticide information and education programs;  
31 (~~and~~

32 ~~(4)~~) (5) Assisting federal and state agencies with questions  
33 regarding registration of pesticides which are deemed critical to crop  
34 production, consistent with priorities established in RCW 15.92.070;  
35 and

36       (~~(5)~~) (6) Assisting in the registration of biopesticides,  
37 pheromones, and other alternative chemical and biological methods.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 15.92 RCW  
2 to read as follows:

3        By December 15, 2002, the commission shall file with the  
4 legislature a report on the activities supported by the commission for  
5 the period beginning on the effective date of this act and ending on  
6 December 1, 2002. The report shall include an identification of: The  
7 priorities that have been set by the commission; the state  
8 appropriations made to Washington State University that have been  
9 within the jurisdiction of the commission; the evaluations, studies,  
10 and investigations funded in whole or in part by such moneys and the  
11 registrations and uses of pesticides made possible in large part by  
12 those evaluations, studies, and investigations; the matching moneys,  
13 in-kind services, and materials provided by agricultural organizations  
14 for those evaluations, studies, and investigations; and the program or  
15 programs for tracking pesticide availability provided by the laboratory  
16 under the guidance of the commission and the means used for providing  
17 this information to organizations of agricultural producers.

18        During the regular session of the legislature in the year 2003, the  
19 appropriate committees of the house of representatives and senate shall  
20 evaluate the effectiveness of the commission in fulfilling its  
21 statutory responsibilities. The commission shall cease operations as  
22 of June 30, 2003, unless legislation reauthorizing the commission is  
23 enacted by that date.

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