

# FINAL BILL REPORT

## E2SHB 1527

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C 242 L 97

Synopsis as Enacted

**Brief Description:** Regulating pesticides.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville; by request of Department of Agriculture).

**House Committee on Agriculture & Ecology**  
**House Committee on Appropriations**  
**Senate Committee on Agriculture & Environment**  
**Senate Committee on Ways & Means**

**Background:** Pesticide Registration. The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act. 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. In general, a pesticide cannot be distributed in this state or transported in intrastate commerce unless it is registered with the state Department of Agriculture.

Registration Fees. The fee paid by a person for registering a pesticide with the department is dependent on the number of pesticides the person registers annually. The fee ranges from \$105 per registration for each of the first 25 pesticides a person registers to \$75 per registration for each of the 101st to 150th registered and \$50 for each additional registration beyond the 150th pesticide. A non-refundable application fee of \$200 is charged for each application for registering a label for a special local need. The fee for such a special local need registration is \$200 per year. These fees regarding special local need registrations are dedicated to assisting in funding the department's activities regarding special local need registrations. All of these registration fees are deposited in the Agricultural Local Fund for funding pesticide registration activities.

A special registration fee of \$10 per registered product applies to any pesticide product labeled for home and garden use only. This fee is dedicated to assisting in funding the Pesticide Incident Reporting and Tracking (PIRT) Panel. A surcharge of \$6 is added to each pesticide registration and licensing fee. This surcharge is dedicated to assisting in funding the PIRT Panel and the pesticide investigations of the Department of Agriculture and those of the Department of Health. However, beginning with the 1994 supplemental budget, the fees dedicated to the support of the PIRT Panel and investigations by the Department of Health have been retained by the

Department of Agriculture, and other funding has been provided to the PIRT Panel and the Department of Health.

Pesticide Licenses. Persons who distribute pesticides, other than those labeled for home and garden use only, must be licensed as pesticide dealers under the state's Pesticide Control Act. The owner or supervisor of a pesticide distribution outlet is licensed as a dealer manager. Pesticide consultants are also licensed under the Pesticide Control Act.

With certain exceptions, those who apply pesticides commercially are licensed or certified under the state's Pesticide Application Act. The director of the Department of Agriculture may require any of these licensed persons to be re-certified as to their knowledge regarding pesticides and the application of pesticides. This requirement may be met by securing a certain number of approved continuing education credits over a 5-year period or by taking a licensing examination. For most licenses governed by this act, 40 approved credits must be accumulated in five years with not more than 15 in any one year.

Monies collected from civil penalties imposed under the Pesticide Application Act are deposited in the agricultural local fund and used for the enforcement of the act.

**Summary:** Pesticide Registration Fees. The variable fee schedule for registering pesticides with the department and the annual \$200 registration fee for registering pesticides for special local use are replaced by a flat annual fee of \$145 per registration. Repealed are the dedication of a \$10 registration fee to the support of the PIRT Panel, the \$6 surcharge on pesticide registrations and licenses, and the \$200 non-refundable application fee for applications for registrations for special local needs.

Licensing Fees. Annual licensing fees for persons licensed under the state's Pesticide Control and Pesticide Application Acts are increased. The licensing fee for a pesticide dealer is increased to \$50 from the current level of \$36, which includes the \$6 surcharge. The fees for a dealer manager and a public pest control consultant are each increased to \$25 from \$21. For a pest control consultant, the fee increased to \$45 from \$36; for a commercial applicator, to \$170 from \$142; and for a commercial operator, to \$50 from \$39. For private-commercial applicators, private pesticide applicators, demonstration and research applicators, and public operators, the fees are each increased to \$25 from \$23. The fee for licensing a pesticide apparatus is increased to \$20 from \$17.

The authority of the director of agriculture to require re-certification of a licensee's pesticide knowledge every five years for those licensed under the Pesticide Application Act is extended to those licensed under the Pesticide Control Act as well.

If continuing education is used for this re-certification, 40 approved credits must be accumulated with not more than 15 credits in any one year.

Pilot Project. A pilot project is established to provide a license for persons to apply restricted use herbicides for controlling weeds in Ferry and Okanogan counties. The pilot project expires December 31, 2002. The license is called a limited private applicator's license and it permits the licensee to apply herbicides to control weeds on his or her own non-production agricultural land and on the non-production agricultural land of another person if it is done without compensation other than the trading of personal services. The application of herbicides to aquatic sites is not permitted under such a license. The application and examination requirements, as well as the fee, for a limited private applicator are the same as for a private applicator; however, the continuing education requirements are altered for this category of license. A person who successfully completes these requirements is deemed to have met the credit accumulation requirements for private applicators.

Administration. Monies collected from civil penalties imposed under the Pesticide Control and Pesticide Application Acts are to be deposited in the general fund. The date by which the Department of Agriculture must submit its annual report to the Legislature regarding its pesticide related activities, including food monitoring for pesticide residues, is changed from December 1, to February 1. The report no longer includes a listing of the pesticides for which testing was not done. It is to list the pesticides for which testing was done. Provisions throughout the Pesticide Control and Pesticide Application Acts which facilitated the changing of licenses of various durations to annual licenses and facilitated the staggering of the expiration dates for the licenses are repealed.

**Votes on Final Passage:**

House 68 29  
Senate 42 6 (Senate amended)  
House 63 29 (House concurred)

**Effective:** July 27, 1997  
January 1, 1998 ( Sections 2, 4-7, 11-15, 17, and 22)