

# ANALYSIS OF HB 1527

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House Agriculture & Ecology Committee  
1997

February 12,

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## **BACKGROUND:**

***Pesticide Registration.*** *The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act. (1 USCS úú 136 et seq.) 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. (7 USCS úú 136(a).) In general, a pesticide cannot be distributed in this state or transported in intrastate commerce unless it is registered with the state's Department of Agriculture. (RCW 15.58.050.)*

***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. It ranges from \$105/registration for each of the first 25 pesticides a person registers to \$75/registration for each of the 101st to 150th registered and \$50/registration for each additional registration beyond the 150th pesticide. (RCW 15.58.070(1).) 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/year. These fees regarding special local need registrations are dedicated to assisting in funding the Department's activities regarding special local need registrations. (RCW 15.18.070(4).) All of these registration fees are deposited in the Agricultural Local Fund for funding pesticide registration activities. (RCW 15.58.070(2).)*

*A special registration fee of \$10/registered product applies to any product labelled for home and garden use only. This fee is dedicated to assisting in funding the Pesticide Incident Reporting and Tracking (PIRT) Panel. (RCW 15.58.070(2).)*

*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. (RCW 15.58.415 and 17.21.360.)*

***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. (RCW 15.58.180.) The owner or supervisor of a pesticide distribution outlet is licensed as a dealer manager. (RCW 15.58.200.) Pesticide consultants are also licensed under the Pesticide Control Act. (RCW 15.58.210 and .220.)*

*With certain exceptions, those who apply pesticides commercially are licensed or certified under the state's Pesticide Application Act. (Chapter 17.21 RCW.) The Director of Agriculture may require any of these licensed persons to be also 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. (RCW 17.21.128.)*

**SUMMARY:**

***Pesticide Registration Fees.** The variable fee schedule set by statute 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 \$165/registration. (Section 2.) 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. (Sections 2 and 19.)*

***Licensing Fees.** Annual licensing fees for persons licensed under the state's Pesticide Control and Pesticide Application Acts are increased as follows:*

<b>LICENSE CATEGORY</b>	<b>CURRENT FEE Plus \$6 Surcharge</b>	<b>REVISED FEE</b>	<b>SECTION of the BILL for Revised Fee</b>
<i>Dealer</i>	<i>\$36</i>	<i>\$50</i>	<i>Section 4</i>
<i>Dealer Manager</i>	<i>21</i>	<i>25</i>	<i>Section 5</i>
<i>Pest Control Consultant</i>	<i>36</i>	<i>45</i>	<i>Section 6</i>
<i>Public Pest Control Consultant (Governmentally Employed)</i>	<i>21</i>	<i>25</i>	<i>Section 7</i>
<i>Commercial Applicator</i>	<i>142</i>	<i>170</i>	<i>Section 10</i>
<i>Pesticide Apparatus</i>	<i>17</i>	<i>20</i>	<i>Section 10</i>
<i>Commercial Operator</i>	<i>39</i>	<i>50</i>	<i>Section 11</i>
<i>Private-Commercial Applicator</i>	<i>23</i>	<i>25</i>	<i>Section 12</i>
<i>Private Pesticide Applicator</i>	<i>23</i>	<i>25</i>	<i>Section 13</i>
<i>Demonstration &amp; Research Applicator</i>	<i>23</i>	<i>25</i>	<i>Section 14</i>
<i>Public Operator (Governmentally Employed)</i>	<i>23</i>	<i>25</i>	<i>Section 16</i>

*The authority of the Director 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 Application 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. (Section 9.)*

*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. (Sections 8 and 17.) 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.*

***Effective Date:** Sections 1, 3, 8, 9, 15, 17, and 18 of the bill take effect 90 days after the Regular Session. These sections expressly authorize re-certification requirements for persons licensed under the Pesticide Control Act, delay the date that a report must be submitted to the Legislature, and make technical changes to statutes. All other sections of the bill take effect January 1, 1998.*