

# ANALYSIS OF HB 1775

---

---

House Agriculture & Ecology Committee  
1997

February 26,

---

---

## **BACKGROUND:**

***Pesticide Registration & Use.*** *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 (EPA). (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.) The use of pesticides in this state is also regulated by the Department.*

*For the purpose of the state's pesticide laws, the term "pesticide" is defined broadly. It includes: a substance intended to prevent, destroy, control, repel, or mitigate a pest or intended to be used as a plant regulator, defoliant or desiccant; and a spray adjuvant (such as a wetting agent or spreading agent), with or without toxic properties of its own, intended to be used with a pesticide as an aid to its application or effect and sold in a container separate from that of the pesticide with which it is to be used. The pests these products are designed to control are also defined broadly to include any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus that are pests, except a virus on or in a living person or other animal. (RCW 15.58.030 and 17.21.020.)*

*Some pesticides may be used only by persons who are licensed or certified by the Director of Agriculture to use them or supervise their use. They are the pesticides classified by the EPA or the state's Department of Agriculture as restricted use pesticides. (RCW 17.21.020(5)&(37).)*

***Landscape Applications - Markers.*** *A certified applicator who makes a landscape application of pesticides must place a marker regarding the application on the property if the property is: residential property; commercial property; a golf course; or a park, cemetery, rest stop, or similar property. If the application is in a fenced or otherwise isolated backyard of a residence, no marker is required. If the application is on a golf course, posting in a conspicuous location such as on a central message board is accepted. (RCW 17.21.410(1).) Any individual making a landscape application of pesticides to a school grounds, nursery school, or licensed day care must also post such a marker. (RCW 17.21.410(2).)*

*The marker must be a minimum of four inches by five inches and must have the words "THIS LANDSCAPE HAS BEEN TREATED BY" as the headline and "FORMORE INFORMATION PLEASE CALL" as the footer. Larger size requirements for markers may be established by rule for specific applications. (RCW 17.21.410(3).) The property owner or tenant must remove the marker according to the schedule established by rule. A commercial applicator is not liable for the removal of markers by unauthorized persons or removal outside the designated removal time. (RCW 17.21.410(4).)*

**SUMMARY:**

*If a certified pesticide applicator applies a pesticide registered with the EPA and the application is to the interior of any building other than a single-family home, the applicator must:*

- *Post a pesticide notification sign at every entry point at least 48 hours before the application and leave the sign posted at least one week after the application;*
- *Provide a pesticide label and material safety data sheet to the property owner or other person located on the site who has a responsibility to provide them upon request; and*
- *Provide pesticide notification signs in a language other than English if requested by the property owner, employer, administrator, building manager, or agent of the owner or employer. (Section 2(1).)*

*The director or chief administrator of a school, educational institution, or day care center must:*

- *Inform students, parents, and guardians at the time of registration, and employees at the time of employment, that the school, educational institution, or day care center periodically applies pesticides to the interior of the building and that information on the indoor application is available at the request of each student, parent, guardian, or employee; and*
- *Provide 48 hours written notice to students, parents, guardians, and employees of such an indoor application of pesticides. The notice must be substantially in the form required for a pesticide notification sign and may be distributed by mail or by hand delivery. (Section 2(2).)*

*The application of restricted use pesticides is prohibited. (Section 2(4).)*

*The notification sign must be at least 8.5 inches by 11 inches using bold, uppercase 12-point type with the following information: "WARNING PESTICIDES" as the header; the trade and generic name of the pesticide; the date and time of application; the rate of application expressed in pounds; the area to be treated; the name and phone number of the property owner, employer, administrator, building manager, or agent of the owner or employer; the name of the certified applicator; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained, if different from the*

*property owner, employer, administrator, building manager, or agent of the owner or employer; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to pesticide exposure." (Section 2(3)(b).)*

*The certified applicator, property owner, employer, administrator, building manager, or agent of the owner or employer must remove the pesticide notification sign no sooner than one week after the indoor application. A certified applicator is not liable for the removal of a pesticide notification sign by unauthorized persons. (Section 2(3)(a).) A certified applicator who complies with this may not be held liable for personal property damage or bodily injury resulting from pesticide notification signs that are placed as required. (Section 2(5).)*

*For these purposes, an application of a pesticide to the outside perimeter of a building is considered to be an indoor application of the pesticide if the primary purpose of the application is to treat the interior of the building. (Section 1(23).)*