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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1527**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

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

Read first time 03/10/97.

1       AN ACT Relating to pesticide registration and licensing; amending  
2 RCW 15.58.040, 15.58.070, 15.58.170, 15.58.180, 15.58.200, 15.58.210,  
3 15.58.220, 15.58.411, 15.58.420, 17.21.070, 17.21.110, 17.21.122,  
4 17.21.126, 17.21.129, 17.21.132, 17.21.220, 17.21.280, and 17.21.350;  
5 adding a new section to chapter 15.58 RCW; adding a new section to  
6 chapter 43.23 RCW; adding a new section to chapter 17.21 RCW; repealing  
7 RCW 15.58.245, 17.21.910, 15.58.415, and 17.21.360; and providing an  
8 effective date.

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

10       **Sec. 1.** RCW 15.58.040 and 1996 c 188 s 4 are each amended to read  
11 as follows:

12       (1) The director shall administer and enforce the provisions of  
13 this chapter and rules adopted under this chapter. All the authority  
14 and requirements provided for in chapter 34.05 RCW (Administrative  
15 Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the  
16 adoption of rules including those requiring due notice and a hearing  
17 for the adoption of permanent rules.

1 (2) The director is authorized to adopt appropriate rules for  
2 carrying out the purpose and provisions of this chapter, including but  
3 not limited to rules providing for:

4 (a) Declaring as a pest any form of plant or animal life or virus  
5 which is injurious to plants, people, animals (domestic or otherwise),  
6 land, articles, or substances;

7 (b) Determining that certain pesticides are highly toxic to people.  
8 For the purpose of this chapter, highly toxic pesticide means any  
9 pesticide that conforms to the criteria in 40 C.F.R. Sec. (~~162.10~~)  
10 156.10 for toxicity category I due to oral inhalation or dermal  
11 toxicity. The director shall publish a list of all pesticides,  
12 determined to be highly toxic, by their common or generic name and  
13 their trade or brand name if practical. Such list shall be kept  
14 current and shall, upon request, be made available to any interested  
15 party;

16 (c) Determining standards for denaturing pesticides by color,  
17 taste, odor, or form;

18 (d) The collection and examination of samples of pesticides or  
19 devices;

20 (e) The safe handling, transportation, storage, display,  
21 distribution, and disposal of pesticides and their containers;

22 (f) Restricting or prohibiting the use of certain types of  
23 containers or packages for specific pesticides. These restrictions may  
24 apply to type of construction, strength, and/or size to alleviate  
25 danger of spillage, breakage, misuse, or any other hazard to the  
26 public. The director shall be guided by federal regulations concerning  
27 pesticide containers;

28 (g) Procedures in making of pesticide recommendations;

29 (h) Adopting a list of restricted use pesticides for the state or  
30 for designated areas within the state if the director determines that  
31 such pesticides may require rules restricting or prohibiting their  
32 distribution or use. The director may include in the rule the time and  
33 conditions of distribution or use of such restricted use pesticides and  
34 may, if it is found necessary to carry out the purpose and provisions  
35 of this chapter, require that any or all restricted use pesticides  
36 shall be purchased, possessed, or used only under permit of the  
37 director and under the director's direct supervision in certain areas  
38 and/or under certain conditions or in certain quantities or  
39 concentrations. The director may require all persons issued such

1 permits to maintain records as to the use of all the restricted use  
2 pesticides;

3 (i) Label requirements of all pesticides required to be registered  
4 under provisions of this chapter;

5 (j) Regulating the labeling of devices;

6 (k) The establishment of criteria governing the conduct of a  
7 structural pest control inspection; and

8 (l) Declaring crops, when grown to produce seed specifically for  
9 crop reproduction purposes, to be nonfood and/or nonfeed sites of  
10 pesticide application. The director may include in the rule any  
11 restrictions or conditions regarding: (i) The application of  
12 pesticides to the designated crops; and (ii) the disposition of any  
13 portion of the treated crop.

14 (3) For the purpose of uniformity and to avoid confusion  
15 endangering the public health and welfare the director may adopt rules  
16 in conformity with the primary pesticide standards, particularly as to  
17 labeling, established by the United States environmental protection  
18 agency or any other federal agency.

19 **Sec. 2.** RCW 15.58.070 and 1995 c 374 s 66 are each amended to read  
20 as follows:

21 (1) (~~Except as provided in subsection (4) of this section,~~) Any  
22 person desiring to register a pesticide with the department shall pay  
23 to the director an annual registration fee for each pesticide  
24 registered by the department for such person. The registration fee  
25 (~~for the registration of pesticides for any one person during a~~  
26 ~~calendar year~~) shall be ~~((÷))~~ one hundred ~~((five))~~ forty-five dollars  
27 for each ~~((of the first twenty-five))~~ pesticide ~~((s))~~ registered ~~((÷ one~~  
28 ~~hundred dollars for each of the twenty-sixth through one hundredth~~  
29 ~~pesticides registered; seventy-five dollars for each of the one hundred~~  
30 ~~first through one hundred fiftieth pesticides registered; and fifty~~  
31 ~~dollars for each additional pesticide registered. In addition, the~~  
32 ~~department may establish by rule a registration fee not to exceed ten~~  
33 ~~dollars for each registered product labeled and intended for home and~~  
34 ~~garden use only)).~~

35 (2) The revenue generated by the ~~((pesticide))~~ registration fees  
36 shall be deposited in the agricultural local fund to support the  
37 activities of the pesticide program within the department. ~~((The~~  
38 ~~revenue generated by the home and garden use only fees shall be~~

1 deposited in the agriculture local fund, to be used to assist in  
2 funding activities of the pesticide incident reporting and tracking  
3 review panel.))

4 (3) All pesticide registrations expire on December 31st of each  
5 year. A registrant may elect to register a pesticide for a two-year  
6 period by prepaying for a second year at the time of registration.

7 (4) ((A person desiring to register a label where a special local  
8 need exists shall pay to the director a nonrefundable application fee  
9 of two hundred dollars upon submission of the registration request. In  
10 addition, a person desiring to renew an approved special local need  
11 registration shall pay to the director an annual registration fee of  
12 two hundred dollars for each special local needs label registered by  
13 the department for such person. The revenue generated by the special  
14 local needs application fees and the special local needs renewal fees  
15 shall be deposited in the agricultural local fund to be used to assist  
16 in funding the department's special local needs registration  
17 activities. All special local needs registrations expire on December  
18 31st of each year.

19 (5)) Any registration approved by the director and in effect on  
20 the 31st day of December for which a renewal application has been made  
21 and the proper fee paid, continues in full force and effect until the  
22 director notifies the applicant that the registration has been renewed,  
23 or otherwise denied in accord with the provision of RCW 15.58.110.

24 **Sec. 3.** RCW 15.58.170 and 1989 c 380 s 13 are each amended to read  
25 as follows:

26 (1) After service of a "stop sale, use or removal" order is made  
27 upon any person, either that person or the director may file an action  
28 in a court of competent jurisdiction in the county in which a violation  
29 of this chapter or rules adopted under this chapter is alleged to have  
30 occurred for an adjudication of the alleged violation. The court in  
31 such action may issue temporary or permanent injunctions mandatory or  
32 restraining, and such intermediate orders as it deems necessary or  
33 advisable. The court may order condemnation of any pesticide or device  
34 which does not meet the requirements of this chapter or rules adopted  
35 under this chapter: PROVIDED, That no authority is granted hereunder  
36 to affect the sale or use of products on which legally approved  
37 pesticides have been legally used.

1 (2) If the pesticide or device is condemned, it shall, after entry  
2 of decree, be disposed of by destruction or sale as the court directs,  
3 and the proceeds, if such pesticide or device is sold, less cost  
4 including legal costs, shall be paid to the state treasury (~~as~~  
5 ~~provided in RCW 15.58.410~~): PROVIDED, That the pesticide or device  
6 shall not be sold contrary to the provisions of this chapter or rules  
7 adopted under this chapter. Upon payment of costs and execution and  
8 delivery of a good and sufficient bond conditioned that the pesticide  
9 or device shall not be disposed of unlawfully, the court may direct  
10 that the pesticide or device be delivered to the owner thereof for  
11 relabeling or reprocessing as the case may be.

12 (3) When a decree of condemnation is entered against the pesticide,  
13 court costs, fees, and storage and other proper expenses shall be  
14 awarded against the person, if any, appearing as claimant of the  
15 pesticide.

16 **Sec. 4.** RCW 15.58.180 and 1989 c 380 s 14 are each amended to read  
17 as follows:

18 (1) Except as provided in subsections (4) and (5) of this section,  
19 it is unlawful for any person to act in the capacity of a pesticide  
20 dealer or advertise as or assume to act as a pesticide dealer without  
21 first having obtained an annual license from the director. The license  
22 shall expire on the master license expiration date. A license is  
23 required for each location or outlet located within this state from  
24 which pesticides are distributed. A manufacturer, registrant, or  
25 distributor who has no pesticide dealer outlet licensed within this  
26 state and who distributes such pesticides directly into this state  
27 shall obtain a pesticide dealer license for his or her principal out-  
28 of-state location or outlet, but such licensed out-of-state pesticide  
29 dealer is exempt from the pesticide dealer manager requirements.

30 (2) Application for a license shall be accompanied by a (~~thirty-~~  
31 ~~dollar annual license~~) fee of fifty dollars and shall be made through  
32 the master license system and shall include the full name of the person  
33 applying for the license and the name of the individual within the  
34 state designated as the pesticide dealer manager. If the applicant is  
35 a partnership, association, corporation, or organized group of persons,  
36 the full name of each member of the firm or partnership or the names of  
37 the officers of the association or corporation shall be given on the  
38 application. The application shall further state the principal

1 business address of the applicant in the state and elsewhere, the name  
2 of a person domiciled in this state authorized to receive and accept  
3 service of summons of legal notices of all kinds for the applicant, and  
4 any other necessary information prescribed by the director.

5 (3) It is unlawful for any licensed dealer outlet to operate  
6 without a pesticide dealer manager who has a license of qualification.  
7 The department shall be notified forthwith of any change in the  
8 pesticide dealer manager designee during the licensing period.

9 (4) This section does not apply to (a) a licensed pesticide  
10 applicator who sells pesticides only as an integral part of the  
11 applicator's pesticide application service when such pesticides are  
12 dispensed only through apparatuses used for such pesticide application,  
13 or (b) any federal, state, county, or municipal agency that provides  
14 pesticides only for its own programs.

15 (5) A user of a pesticide may distribute a properly labeled  
16 pesticide to another user who is legally entitled to use that pesticide  
17 without obtaining a pesticide dealer's license if the exclusive purpose  
18 of distributing the pesticide is keeping it from becoming a hazardous  
19 waste as defined in chapter 70.105 RCW.

20 **Sec. 5.** RCW 15.58.200 and 1992 c 170 s 2 are each amended to read  
21 as follows:

22 The director shall require each pesticide dealer manager to  
23 demonstrate to the director knowledge of pesticide laws and rules;  
24 pesticide hazards; and the safe distribution, use and application, and  
25 disposal of pesticides by satisfactorily passing a written examination  
26 after which the director shall issue a license of qualification.  
27 Application for a license shall be accompanied by a ~~((license))~~ fee of  
28 ~~((fifteen))~~ twenty-five dollars. The pesticide dealer manager license  
29 shall be an annual license expiring on a date set by rule by the  
30 director. ~~((License fees shall be prorated where necessary to  
31 accommodate staggering of expiration dates of a license or licenses.))~~

32 **Sec. 6.** RCW 15.58.210 and 1992 c 170 s 3 are each amended to read  
33 as follows:

34 (1) Except as provided in subsection (2) of this section, no  
35 individual may perform services as a pest control consultant without  
36 obtaining a license from the director ~~((an annual license, which)).~~  
37 The license shall expire annually on a date set by rule by the

1 director. (~~License fees shall be prorated where necessary to~~  
2 ~~accommodate staggering of expiration dates of a license or licenses.~~)  
3 Except as provided in subsection (3) of this section, no individual may  
4 act as a structural pest control inspector without first obtaining from  
5 the director a pest control consultant license in the special category  
6 of structural pest control inspector. Application for a license shall  
7 be on a form prescribed by the director and shall be accompanied by a  
8 fee of (~~thirty~~) forty-five dollars.

9 (2) The following are exempt from the licensing requirements of  
10 subsection (1) of this section when acting within the authorities of  
11 their existing licenses issued under chapter 17.21 RCW: Licensed  
12 commercial pesticide applicators and operators; licensed  
13 private-commercial applicators; and licensed demonstration and research  
14 applicators. The following are also exempt from the licensing  
15 requirements of subsection (1) of this section: Employees of federal,  
16 state, county, or municipal agencies when acting in their official  
17 governmental capacities; and pesticide dealer managers and employees  
18 working under the direct supervision of the pesticide dealer manager  
19 and only at a licensed pesticide dealer's outlet.

20 (3) The following are exempt from the structural pest control  
21 inspector licensing requirement: Individuals inspecting for damage  
22 caused by wood destroying organisms if such inspections are solely for  
23 the purpose of: (a) Repairing or making specific recommendations for  
24 the repair of such damage, or (b) assessing a monetary value for the  
25 structure inspected. Individuals performing wood destroying organism  
26 inspections that incorporate but are not limited to the activities  
27 described in (a) or (b) of this subsection are not exempt from the  
28 structural pest control inspector licensing requirement.

29 **Sec. 7.** RCW 15.58.220 and 1991 c 109 s 40 are each amended to read  
30 as follows:

31 For the purpose of this section public pest control consultant  
32 means any individual who is employed by a governmental agency or unit  
33 to act as a pest control consultant as defined in RCW 15.58.030(28).  
34 No person shall act as a public pest control consultant (~~on or after~~  
35 ~~February 28, 1973~~) without first obtaining (~~an annual~~) a license  
36 from the director. The license shall expire annually on a date set by  
37 rule by the director. (~~License fees shall be prorated where necessary~~  
38 ~~to accommodate staggering of expiration dates of a license or~~

1 ~~licenses-))~~ Application for a license shall be on a form prescribed by  
2 the director and shall be accompanied by ~~((an annual license))~~ a fee of  
3 ~~((fifteen))~~ twenty-five dollars. Federal and state employees whose  
4 principal responsibilities are in pesticide research, the  
5 jurisdictional health officer or a duly authorized representative,  
6 public pest control consultants licensed and working in the health  
7 vector field, and public operators licensed under RCW 17.21.220 shall  
8 be exempt from this licensing provision.

9 **Sec. 8.** RCW 15.58.411 and 1995 c 374 s 67 are each amended to read  
10 as follows:

11 All license fees collected under this chapter shall be paid to the  
12 director for use exclusively in the enforcement of this chapter. All  
13 moneys collected for civil penalties levied under this chapter shall be  
14 deposited in the state general fund.

15 **Sec. 9.** RCW 15.58.420 and 1989 c 380 s 30 are each amended to read  
16 as follows:

17 By ~~((December 1, 1989, and each subsequent December 1,))~~ February  
18 1st of each year the department shall report to the appropriate  
19 committees of the house of representatives and the senate on the  
20 activities of the department under this chapter. The report shall  
21 include, at a minimum, a review of the department's enforcement  
22 activities, with the number of cases investigated and the number and  
23 amount of civil penalties assessed.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 15.58 RCW  
25 to read as follows:

26 (1) The director may renew any license issued under this chapter  
27 subject to the recertification standards identified in subsection (2)  
28 of this section or an examination requiring new knowledge that may be  
29 required to apply pesticides.

30 (2) Except as provided in subsection (3) of this section, all  
31 individuals licensed under this chapter shall meet the recertification  
32 standards identified in (a) or (b) of this subsection, every five  
33 years, in order to qualify for continuing licensure.

34 (a) Licensed pesticide applicators may qualify for continued  
35 licensure through accumulation of recertification credits. Individuals  
36 licensed under this chapter shall accumulate a minimum of forty



1 department-approved credits every five years with no more than fifteen  
2 credits allowed per year.

3 (b) Licensed pesticide applicators may qualify for continued  
4 licensure through meeting the examination requirements necessary to  
5 become licensed in those areas in which the licensee operates.

6 (3) At the termination of a licensee's five-year recertification  
7 period, the director may waive the recertification requirements if the  
8 licensee can demonstrate that he or she is meeting comparable  
9 recertification standards through another state or jurisdiction or  
10 through a federal environmental protection agency-approved government  
11 agency plan.

12 **Sec. 11.** RCW 17.21.070 and 1994 c 283 s 6 are each amended to read  
13 as follows:

14 It shall be unlawful for any person to engage in the business of  
15 applying pesticides to the land of another without a commercial  
16 pesticide applicator license. Application for ~~((the))~~ a commercial  
17 applicator license shall be accompanied by a fee of one hundred  
18 ~~((thirty-six))~~ seventy dollars and in addition a fee of ~~((eleven))~~  
19 twenty dollars for each apparatus, exclusive of one, used by the  
20 applicant in the application of pesticides: PROVIDED, That the  
21 provisions of this section shall not apply to any person employed only  
22 to operate any apparatus used for the application of any pesticide, and  
23 in which such person has no financial interest or other control over  
24 such apparatus other than its day to day mechanical operation for the  
25 purpose of applying any pesticide.

26 **Sec. 12.** RCW 17.21.110 and 1994 c 283 s 10 are each amended to  
27 read as follows:

28 It shall be unlawful for any person to act as an employee of a  
29 commercial pesticide applicator and apply pesticides manually or as the  
30 operator directly in charge of any apparatus which is licensed or  
31 should be licensed under the provisions of this chapter for the  
32 application of any pesticide, without having obtained a commercial  
33 pesticide operator license from the director. The commercial pesticide  
34 operator license shall be in addition to any other license or permit  
35 required by law for the operation or use of any such apparatus.  
36 Application for a commercial operator license shall be accompanied by  
37 a ~~((license))~~ fee of ~~((thirty-three))~~ fifty dollars. The provisions of

1 this section shall not apply to any individual who is a licensed  
2 commercial pesticide applicator.

3 **Sec. 13.** RCW 17.21.122 and 1994 c 283 s 11 are each amended to  
4 read as follows:

5 It shall be unlawful for any person to act as a private-commercial  
6 pesticide applicator without having obtained a private-commercial  
7 pesticide applicator license from the director. Application for a  
8 private-commercial pesticide applicator license shall be accompanied by  
9 a ~~((license))~~ fee of ~~((seventeen))~~ twenty-five dollars ~~((before a~~  
10 ~~license may be issued))~~.

11 **Sec. 14.** RCW 17.21.126 and 1994 c 283 s 12 are each amended to  
12 read as follows:

13 It shall be unlawful for any person to act as a private pesticide  
14 applicator without first complying with ~~((the—certification))~~  
15 requirements determined by the director as necessary to prevent  
16 unreasonable adverse effects on the environment, including injury to  
17 the pesticide applicator or other persons, for each specific pesticide  
18 use.

19 (1) Certification standards to determine the individual's  
20 competency with respect to the use and handling of the pesticide or  
21 class of pesticides for which the private pesticide applicator is  
22 certified shall be relative to hazards of the particular type of  
23 application, class of pesticides, or handling procedure. In  
24 determining these standards the director shall take into consideration  
25 standards of the EPA and is authorized to adopt these standards by  
26 rule.

27 (2) Application for a private pesticide applicator  
28 ~~((certification))~~ license shall be accompanied by a ~~((license))~~ fee of  
29 ~~((seventeen))~~ twenty-five dollars. Individuals with a valid certified  
30 applicator license, pest control consultant license, or dealer manager  
31 license who qualify in the appropriate state-wide or agricultural  
32 license categories are exempt from the private applicator fee  
33 requirement. However, licensed public pesticide operators, otherwise  
34 exempted from the public pesticide operator license fee requirement,  
35 are not also exempted from the private pesticide applicator fee  
36 requirement.

1       **Sec. 15.** RCW 17.21.129 and 1994 c 283 s 14 are each amended to  
2 read as follows:

3       Except as provided in RCW 17.21.203, it is unlawful for a person to  
4 use or supervise the use of any experimental use pesticide or any  
5 restricted use pesticide on small experimental plots for research  
6 purposes when no charge is made for the pesticide and its application  
7 without a demonstration and research applicator's license.

8       (1) Application for a demonstration and research ~~((certification))~~  
9 license shall be accompanied by a ~~((license))~~ fee of ~~((seventeen))~~  
10 twenty-five dollars.

11       (2) Persons licensed in accordance with this section are exempt  
12 from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

13       **Sec. 16.** RCW 17.21.132 and 1994 c 283 s 16 are each amended to  
14 read as follows:

15       Any person applying for a license or certification authorized under  
16 the provisions of this chapter shall file an application on a form  
17 prescribed by the director.

18       (1) The application shall state the license or certification and  
19 the classification(s) for which the applicant is applying and the  
20 method in which the pesticides are to be applied.

21       (2) For all classes of licenses except private applicator, all  
22 applicants shall be at least eighteen years of age on the date that the  
23 application is made. Applicants for a private pesticide applicator  
24 license shall be at least sixteen years of age on the date that the  
25 application is made.

26       (3) Application for a license to apply pesticides shall be  
27 accompanied by the required fee. No license may be issued until the  
28 required ~~((license))~~ fee has been received by the department.  
29 ~~((License fees shall be prorated where necessary to accommodate~~  
30 ~~staggering of expiration dates of a license or licenses.))~~

31       (4) Each classification of license issued under this chapter shall  
32 expire annually on a date set by rule by the director. ~~((License~~  
33 ~~expiration dates may be staggered for administrative purposes.))~~  
34 Renewal applications shall be filed on or before the applicable  
35 expiration date.

36       **Sec. 17.** RCW 17.21.220 and 1994 c 283 s 25 are each amended to  
37 read as follows:

1 (1) All state agencies, municipal corporations, and public  
2 utilities or any other governmental agency shall be subject to the  
3 provisions of this chapter and rules adopted thereunder concerning the  
4 application of pesticides.

5 (2) It shall be unlawful for any employee of a state agency,  
6 municipal corporation, public utility, or any other government agency  
7 to use or to supervise the use of any restricted use pesticide, or any  
8 pesticide by means of an apparatus, without having obtained a public  
9 operator license from the director. (~~(A license)~~) Application for a  
10 public operator license shall be accompanied by a fee of ((seventeen))  
11 twenty-five dollars ((shall be paid before a public operator license  
12 may be issued)). The (~~(license)~~) fee shall not apply to public  
13 operators licensed and working in the health vector field. The public  
14 operator license shall be valid only when the operator is acting as an  
15 employee of a government agency.

16 (3) The jurisdictional health officer or his or her duly authorized  
17 representative is exempt from this licensing provision when applying  
18 pesticides that are not restricted use pesticides to control pests  
19 other than weeds.

20 (4) Such agencies, municipal corporations and public utilities  
21 shall be subject to legal recourse by any person damaged by such  
22 application of any pesticide, and such action may be brought in the  
23 county where the damage or some part thereof occurred.

24 **Sec. 18.** RCW 17.21.280 and 1994 c 283 s 29 are each amended to  
25 read as follows:

26 (1) Except as provided in subsection (2) of this section, all  
27 moneys collected under the provisions of this chapter shall be paid to  
28 the director and deposited in the agricultural local fund, RCW  
29 43.23.230, for use exclusively in the enforcement of this chapter.

30 (2) All moneys collected for civil penalties levied under RCW  
31 17.21.315 shall be deposited in the state general fund. All fees,  
32 fines, forfeitures and penalties collected or assessed by a district  
33 court because of the violation of a state law shall be remitted as  
34 provided in chapter 3.62 RCW.

35 **Sec. 19.** RCW 17.21.350 and 1989 c 380 s 64 are each amended to  
36 read as follows:

1 By (~~December 1, 1989, and each subsequent December 1,~~) February  
2 1st of each year the department shall report to the appropriate  
3 committees of the house of representatives and the senate on the  
4 activities of the department under this chapter. The report shall  
5 include, at a minimum: (1) A review of the department's pesticide  
6 incident investigation and enforcement activities, with the number of  
7 cases investigated and the number and amount of civil penalties  
8 assessed; and (2) a summary of the pesticide residue food monitoring  
9 program with information on the food samples tested and results of the  
10 tests, a listing of the pesticides for which (~~no~~) testing is done,  
11 and other pertinent information.

12 NEW SECTION. Sec. 20. A new section is added to chapter 43.23 RCW  
13 to read as follows:

14 The director of agriculture shall appoint an agricultural  
15 presidents' advisory council composed of the presidents of the major  
16 state agricultural organizations. The council shall provide advice to  
17 the director of agriculture regarding the administration of chapters  
18 15.58 and 17.21 RCW and the policies that guide the administration of  
19 those laws. The organizations represented on the council shall include  
20 the broad range of state associations of agricultural commodity  
21 producers, agricultural employers, silvicultural producers, suppliers  
22 of fertilizers and plant protection products, handlers of agricultural  
23 commodities, and food processors as well as those state agricultural  
24 associations organized for the support of the agricultural industry and  
25 agricultural families in general. As used in this section, an  
26 "agricultural commodity" includes, but is not limited to, a private  
27 sector cultured aquatic product as defined in RCW 15.85.020.

28 A member of the advisory council shall serve only as long as the  
29 person is also the president of the organization represented. The  
30 members shall serve without compensation or reimbursement for their  
31 travel expenses.

32 NEW SECTION. Sec. 21. A new section is added to chapter 17.21 RCW  
33 to read as follows:

34 (1) The purpose of this section is to establish a pilot project to  
35 evaluate the feasibility of establishing a limited private applicator  
36 license to facilitate the control of weeds, especially those defined as  
37 noxious weeds, in Washington state.

1 (2) "Limited private applicator" means a certified applicator who  
2 uses or is in direct supervision of the use of any herbicide classified  
3 by the EPA or the director as a restricted use pesticide, for the sole  
4 purpose of controlling weeds on nonproduction agricultural land owned  
5 or rented by the applicator or the applicator's employer.  
6 Nonproduction agricultural land includes pastures, range land,  
7 fencerows, and areas around farm buildings but not aquatic sites. A  
8 limited private applicator also may apply restricted use herbicides to  
9 nonproduction agricultural land of another person if applied without  
10 compensation other than trading of personal services between the  
11 applicator and the other person. A limited private applicator may not  
12 apply restricted use herbicides through any equipment defined under  
13 this chapter as an apparatus.

14 (3) A person may participate in the pilot project by applying to be  
15 licensed as a limited private applicator in 1998, 1999, or 2000. The  
16 application requirements, fee, and examination requirements for a  
17 limited private applicator are the same as for a private applicator.

18 (4)(a) A limited private applicator is exempt from the credit  
19 accumulation requirements of RCW 17.21.128(2)(a), and, upon  
20 application, begins a recertification period which ends on December 31,  
21 2002.

22 (i) Limited private pesticide applicators first applying for a  
23 license in 1998 shall accumulate a minimum of ten department-approved  
24 credits by the end of the recertification period.

25 (ii) Limited private pesticide applicators first applying for a  
26 license in 1999 shall accumulate a minimum of eight department-approved  
27 credits by the end of the recertification period.

28 (iii) Limited private pesticide applicators first applying for a  
29 license in 2000 shall accumulate a minimum of six department-approved  
30 credits by the end of the recertification period.

31 (b) All credits must be applicable to the control of weeds with at  
32 least half of the credits directly related to weed control.

33 (5) Any limited private applicator who successfully completes the  
34 recertification requirements of this section is deemed to have met the  
35 credit accumulation requirements of RCW 17.21.128(2)(a) for private  
36 applicators.

37 (6) This section applies only to certified applicators in Ferry and  
38 Okanogan counties, Washington and expires December 31, 2002.

1        NEW SECTION.    **Sec. 22.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 15.58.245 and 1992 c 170 s 4 & 1989 c 380 s 21; and

4        (2) RCW 17.21.910 and 1994 c 283 s 35, 1992 c 170 s 10, 1989 c 380  
5 s 65, & 1961 c 249 s 32.

6        NEW SECTION.    **Sec. 23.**    The following acts or parts of acts are  
7 each repealed:

8        (1) RCW 15.58.415 and 1993 sp.s. c 19 s 3 & 1989 c 380 s 32; and

9        (2) RCW 17.21.360 and 1994 c 283 s 31, 1993 sp.s. c 19 s 10, & 1989  
10 c 380 s 66.

11        NEW SECTION.    **Sec. 24.**    Sections 2, 4 through 7, 11 through 15, 17,  
12 and 23 of this act take effect January 1, 1998.

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