

Agriculture & Ecology Committee

HB 1396

Brief Description: *Applying pesticides by aircraft.*

Sponsors: *Representatives Dickerson, Dunshee, Romero and Kenney.*

Brief Summary of Bill

- *Prohibits state and local government from acquiring a pesticide for an aerial application to an incorporated area or from making such an application unless: the formula of the product is available for public inspection, and the person for whom the pesticide is registered agrees to disclose the formula to the public.*

Hearing Date: *2/22/01*

Staff: *Kenneth Hirst (786-7105).*

Background:

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. The "pesticides" regulated in this manner include herbicides, insecticides, and other products that control pests. (7 U.S.C. Sec. 136 et seq.) At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. (Chapter 15.58 RCW.) The state act is administered by the Washington State Department of Agriculture (WSDA).

The Pesticide Control Act requires an applicant for a pesticide registration to reveal to the WSDA the complete formula of the pesticide, including the active and inert ingredients. However, the act prohibits information regarding any formulas of products submitted to the WSDA from being revealed except to proper officials and employees of the state, state courts in response to subpoenas, and physicians or, in emergencies, to other qualified persons for the preparation of antidotes. (RCW 15.58.060 and .150.)

The state act also prohibits confidential business information regarding the pesticide that is of a proprietary nature from being disclosed to any other person. However, when necessary to administer the act, information regarding unpublished formulas of products may be revealed to a state or federal agency it consults or, under certain circumstances, at a public hearing or in findings of fact. In such a case, the registrant of the pesticide is to be given the opportunity to institute an action in the superior court for a declaratory judgment regarding whether the information is subject to protection from disclosure. (RCW 15.58.060 and .065.)

Summary of Bill:

An entity of state or local government cannot purchase or otherwise acquire directly or indirectly a pesticide for an aerial application of the pesticide to any part of an incorporated area, nor may it make such an application of pesticides, unless:

- the formula of the product to be used, including both active and inert ingredients, is available for public inspection; and*
- the person for whom the pesticide is registered voluntarily agrees to disclose the formula to the public for the purpose of the aerial application.*

The information is to be available for disclosure beginning not more than 5 days after the purchase or acquisition of the pesticide for such an aerial application and in no case less than 20 days before the aerial application is to be made. As a minimum, the information is to be disclosed by providing the formula to any person who requests it. (Section 1(4).) Provisions of the Pesticide Control Act which prohibit the disclosure of certain information regarding registered pesticides do not apply to this type of a disclosure. (Sections 1(5), 2, and 3.)

Appropriation: *None.*

Fiscal Note: *Available.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*