
SUBSTITUTE HOUSE BILL 1451

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Cooper, G. Chandler, Linville, Marine, Rockefeller, Haigh, Simpson, Kagi and Keiser; by request of Department of Agriculture)

Read first time . Referred to Committee on .

1 AN ACT Relating to pesticide use in schools; amending RCW
2 17.21.020, 17.21.100, 17.21.126, 17.21.128, 17.21.250, and 17.21.410;
3 adding new sections to chapter 17.21 RCW; adding a new section to
4 chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW;
5 adding a new section to chapter 74.15 RCW; creating a new section; and
6 providing effective dates.

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

8 **Sec. 1.** RCW 17.21.020 and 1994 c 283 s 1 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Agricultural commodity" means any plant or part of a plant, or
13 animal, or animal product, produced by a person (including farmers,
14 ranchers, vineyardists, plant propagators, Christmas tree growers,
15 aquaculturists, floriculturists, orchardists, foresters, or other
16 comparable persons) primarily for sale, consumption, propagation, or
17 other use by people or animals.

18 (2) "Agricultural land" means land on which an agricultural
19 commodity is produced or land that is in a government-recognized

1 conservation reserve program. This definition does not apply to
2 private gardens where agricultural commodities are produced for
3 personal consumption.

4 (3) "Antimicrobial pesticide" means a pesticide that is used for
5 the control of microbial pests, including but not limited to viruses,
6 bacteria, algae, and protozoa, and is intended for use as a
7 disinfectant or sanitizer.

8 (4) "Apparatus" means any type of ground, water, or aerial
9 equipment, device, or contrivance using motorized, mechanical, or
10 pressurized power and used to apply any pesticide on land and anything
11 that may be growing, habitating, or stored on or in such land, but
12 shall not include any pressurized handsized household device used to
13 apply any pesticide, or any equipment, device, or contrivance of which
14 the person who is applying the pesticide is the source of power or
15 energy in making such pesticide application, or any other small
16 equipment, device, or contrivance that is transported in a piece of
17 equipment licensed under this chapter as an apparatus.

18 ((+4)) (5) "Arthropod" means any invertebrate animal that belongs
19 to the phylum arthropoda, which in addition to insects, includes allied
20 classes whose members are wingless and usually have more than six legs;
21 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

22 ((+5)) (6) "Certified applicator" means any individual who is
23 licensed as a commercial pesticide applicator, commercial pesticide
24 operator, public operator, private-commercial applicator, demonstration
25 and research applicator, or certified private applicator, or any other
26 individual who is certified by the director to use or supervise the use
27 of any pesticide which is classified by the EPA or the director as a
28 restricted use pesticide.

29 ((+6)) (7) "Commercial pesticide applicator" means any person who
30 engages in the business of applying pesticides to the land of another.

31 ((+7)) (8) "Commercial pesticide operator" means any employee of
32 a commercial pesticide applicator who uses or supervises the use of any
33 pesticide and who is required to be licensed under provisions of this
34 chapter.

35 ((+8)) (9) "Defoliant" means any substance or mixture of
36 substances intended to cause the leaves or foliage to drop from a plant
37 with or without causing abscission.

38 ((+9)) (10) "Department" means the Washington state department of
39 agriculture.

1 (~~(10)~~) (11) "Desiccant" means any substance or mixture of
2 substances intended to artificially accelerate the drying of plant
3 tissues.

4 (~~(11)~~) (12) "Device" means any instrument or contrivance intended
5 to trap, destroy, control, repel, or mitigate pests, but not including
6 equipment used for the application of pesticides when sold separately
7 from the pesticides.

8 (~~(12)~~) (13) "Direct supervision" by certified private applicators
9 shall mean that the designated restricted use pesticide shall be
10 applied for purposes of producing any agricultural commodity on land
11 owned or rented by the applicator or the applicator's employer, by a
12 competent person acting under the instructions and control of a
13 certified private applicator who is available if and when needed, even
14 though such certified private applicator is not physically present at
15 the time and place the pesticide is applied. The certified private
16 applicator shall have direct management responsibility and familiarity
17 of the pesticide, manner of application, pest, and land to which the
18 pesticide is being applied. Direct supervision by all other certified
19 applicators and licensed school facility applicators means direct on-
20 the-job supervision and shall require that the certified applicator or
21 licensed school facility applicator be physically present at the
22 application site and that the person making the application be in voice
23 and visual contact with the certified applicator or licensed school
24 facility applicator at all times during the application. Direct
25 supervision of an aerial apparatus means the pilot of the aircraft must
26 be appropriately certified.

27 (~~(13)~~) (14) "Director" means the director of the department or a
28 duly authorized representative.

29 (~~(14)~~) (15) "Engage in business" means any application of
30 pesticides by any person upon lands or crops of another.

31 (~~(15)~~) (16) "EPA" means the United States environmental
32 protection agency.

33 (~~(16)~~) (17) "EPA restricted use pesticide" means any pesticide
34 classified for restricted use by the administrator, EPA.

35 (~~(17)~~) (18) "FIFRA" means the federal insecticide, fungicide and
36 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

37 (~~(18)~~) (19) "Fumigant" means any pesticide product or combination
38 of products that is a vapor or gas or forms a vapor or gas on

1 application and whose method of pesticidal action is through the
2 gaseous state.

3 ~~((19))~~ (20) "Fungi" means all nonchlorophyll-bearing thallophytes
4 (all nonchlorophyll-bearing plants of lower order than mosses and
5 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,
6 except those on or in a living person or other animals.

7 ~~((20))~~ (21) "Fungicide" means any substance or mixture of
8 substances intended to prevent, destroy, repel, or mitigate any fungi.

9 ~~((21))~~ (22) "Herbicide" means any substance or mixture of
10 substances intended to prevent, destroy, repel, or mitigate any weed or
11 other higher plant.

12 ~~((22))~~ (23) "Immediate service call" means a landscape
13 application to satisfy an emergency customer request for service, or a
14 treatment to control a pest to landscape plants.

15 ~~((23))~~ (24) "Insect" means any small invertebrate animal, in any
16 life stage, whose adult form is segmented and which generally belongs
17 to the class insecta, comprised of six-legged, usually winged forms,
18 as, for example, beetles, bugs, bees, and flies. The term insect shall
19 also apply to other allied classes of arthropods whose members are
20 wingless and usually have more than six legs, for example, spiders,
21 mites, ticks, centipedes, and isopod crustaceans.

22 ~~((24))~~ (25) "Insecticide" means any substance or mixture of
23 substances intended to prevent, destroy, repel, or mitigate any insect.

24 ~~((25))~~ (26) "Land" means all land and water areas, including
25 airspace and all plants, animals, structures, buildings, devices, and
26 contrivances, appurtenant to or situated on, fixed or mobile, including
27 any used for transportation.

28 ~~((26))~~ (27) "Landscape application" means an application ~~((by a~~
29 ~~certified applicator))~~ of any EPA registered pesticide to any exterior
30 landscape ~~((plants found))~~ area around residential property, commercial
31 properties such as apartments or shopping centers, parks, golf courses,
32 schools including nursery schools and licensed day cares, or cemeteries
33 or similar areas. This definition shall not apply to: (a)
34 Applications made by certified private applicators; (b) mosquito
35 abatement, gypsy moth eradication, or similar wide-area pest control
36 programs sponsored by governmental entities; and (c) commercial
37 pesticide applicators making structural applications.

38 ~~((27))~~ (28) "Nematocide" means any substance or mixture of
39 substances intended to prevent, destroy, repel, or mitigate nematodes.

1 (~~(28)~~) (29) "Nematode" means any invertebrate animal of the
2 phylum nemathelminthes and class nematoda, that is, unsegmented round
3 worms with elongated, fusiform, or saclike bodies covered with cuticle,
4 and inhabiting soil, water, plants or plant parts. Nematodes may also
5 be called nemas or eelworms.

6 (~~(29)~~) (30) "Person" means any individual, partnership,
7 association, corporation, or organized group of persons whether or not
8 incorporated.

9 (~~(30)~~) (31) "Pest" means, but is not limited to, any insect,
10 rodent, nematode, snail, slug, weed, and any form of plant or animal
11 life or virus, except virus, bacteria, or other microorganisms on or in
12 a living person or other animal or in or on processed food or beverages
13 or pharmaceuticals, which is normally considered to be a pest, or which
14 the director may declare to be a pest.

15 (~~(31)~~) (32) "Pesticide" means, but is not limited to:

16 (a) Any substance or mixture of substances intended to prevent,
17 destroy, control, repel, or mitigate any pest;

18 (b) Any substance or mixture of substances intended to be used as
19 a plant regulator, defoliant or desiccant; and

20 (c) Any spray adjuvant, such as a wetting agent, spreading agent,
21 deposit builder, adhesive, emulsifying agent, deflocculating agent,
22 water modifier, or similar agent with or without toxic properties of
23 its own intended to be used with any pesticide as an aid to the
24 application or effect thereof, and sold in a package or container
25 separate from that of the pesticide with which it is to be used.

26 (~~(32)~~) (33) "Pesticide advisory board" means the pesticide
27 advisory board as provided for in this chapter.

28 (~~(33)~~) (34) "Plant regulator" means any substance or mixture of
29 substances intended through physiological action, to accelerate or
30 retard the rate of growth or maturation, or to otherwise alter the
31 behavior of ornamental or crop plants or their produce, but shall not
32 include substances insofar as they are intended to be used as plant
33 nutrients, trace elements, nutritional chemicals, plant inoculants, or
34 soil amendments.

35 (~~(34)~~) (35) "Private applicator" means a certified applicator who
36 uses or is in direct supervision of the use of any pesticide classified
37 by the EPA or the director as a restricted use pesticide, for the
38 purposes of producing any agricultural commodity and for any associated
39 noncrop application on land owned or rented by the applicator or the

1 applicator's employer or if applied without compensation other than
2 trading of personal services between producers of agricultural
3 commodities on the land of another person.

4 ~~((+35+))~~ (36) "Private-commercial applicator" means a certified
5 applicator who uses or supervises the use of any pesticide classified
6 by the EPA or the director as a restricted use pesticide for purposes
7 other than the production of any agricultural commodity on lands owned
8 or rented by the applicator or the applicator's employer.

9 ~~((+36+))~~ (37) "Residential property" includes property less than
10 one acre in size zoned as residential by a city, town, or county, but
11 does not include property zoned as agricultural or agricultural
12 homesites.

13 ~~((+37+))~~ (38) "Restricted use pesticide" means any pesticide or
14 device which, when used as directed or in accordance with a widespread
15 and commonly recognized practice, the director determines, subsequent
16 to a hearing, requires additional restrictions for that use to prevent
17 unreasonable adverse effects on the environment including people,
18 lands, beneficial insects, animals, crops, and wildlife, other than
19 pests.

20 ~~((+38+))~~ (39) "Rodenticide" means any substance or mixture of
21 substances intended to prevent, destroy, repel, or mitigate rodents, or
22 any other vertebrate animal which the director may declare by rule to
23 be a pest.

24 ~~((+39+))~~ (40) "School facility" means any facility used for
25 licensed day care center, kindergarten, or elementary or secondary
26 school purposes. School facility includes the buildings or structures,
27 playgrounds, landscape areas, athletic fields, school vehicles, or any
28 other area of school property.

29 (41) "School facility applicator" means a licensed applicator that
30 uses or supervises the use of any nonrestricted use pesticide, except
31 an antimicrobial pesticide, on any school facility. A school facility
32 applicator may not apply any pesticide by means of an apparatus as
33 defined in this section.

34 (42) "Snails or slugs" include all harmful mollusks.

35 ~~((+40+))~~ (43) "Unreasonable adverse effects on the environment"
36 means any unreasonable risk to people or the environment taking into
37 account the economic, social, and environmental costs and benefits of
38 the use of any pesticide, or as otherwise determined by the director.

1 (~~(41)~~) (44) "Weed" means any plant which grows where it is not
2 wanted.

3 **Sec. 2.** RCW 17.21.100 and 1994 c 283 s 9 are each amended to read
4 as follows:

5 (1) Certified applicators and school facility applicators licensed
6 under the provisions of this chapter, persons required to be licensed
7 under this chapter, all persons applying pesticides to more than one
8 acre of agricultural land in a calendar year, including public entities
9 engaged in roadside spraying of pesticides, and all other persons
10 making landscape applications of pesticides to types of property
11 listed in RCW 17.21.410(1) (b), (c), (d), and (e), shall keep records
12 for each application which shall include the following information:

- 13 (a) The location of the land where the pesticide was applied;
- 14 (b) The year, month, day and beginning and ending time of the
15 application of the pesticide each day the pesticide was applied;
- 16 (c) The product name used on the registered label and the United
17 States environmental protection agency registration number, if
18 applicable, of the pesticide which was applied;
- 19 (d) The crop or site to which the pesticide was applied;
- 20 (e) The amount of pesticide applied per acre or other appropriate
21 measure;
- 22 (f) The concentration of pesticide that was applied;
- 23 (g) The number of acres, or other appropriate measure, to which the
24 pesticide was applied;
- 25 (h) The licensed applicator's name, address, and telephone number
26 and the name of the individual or individuals making the application
27 and their license number, if applicable;
- 28 (i) The direction and estimated velocity of the wind during the
29 time the pesticide was applied. This subsection (1)(i) shall not apply
30 to applications of baits in bait stations and pesticide applications
31 within structures; and
- 32 (j) Any other reasonable information required by the director in
33 rule.

34 (2)(a) The required information shall be recorded on the same day
35 that a pesticide is applied.

36 (b) A commercial pesticide applicator who applies a pesticide to an
37 agricultural crop or agricultural lands shall provide a copy of the
38 records required under subsection (1) of this section for the

1 application to the owner, or to the lessee if applied on behalf of the
2 lessee, of the lands to which the pesticide is applied. Records
3 provided by a commercial pesticide applicator to the owner or lessee of
4 agricultural lands under this subsection need not be provided on a form
5 adopted by the department.

6 (c) A commercial pesticide applicator who applies a pesticide to a
7 school facility shall provide a copy of the records required under
8 subsection (1) of this section to the school within twenty-four hours
9 of when the pesticide is applied.

10 (3) The records required under this section shall be maintained and
11 preserved by the licensed pesticide applicator or such other person or
12 entity applying the pesticides for no less than seven years from the
13 date of the application of the pesticide to which such records refer.
14 If the pesticide was applied by a commercial pesticide applicator to
15 the agricultural crop or agricultural lands of a person who employs one
16 or more employees, as "employee" is defined in RCW 49.70.020, the
17 records shall also be kept by the employer for a period of seven years
18 from the date of the application of the pesticide to which the records
19 refer.

20 (4)(a) The pesticide records shall be readily accessible to the
21 department for inspection. Copies of the records shall be provided on
22 request to: The department; the department of labor and industries;
23 treating health care personnel initiating diagnostic testing or therapy
24 for a patient with a suspected case of pesticide poisoning; the
25 department of health; the pesticide incident reporting and tracking
26 review panel; and, in the case of an industrial insurance claim filed
27 under Title 51 RCW with the department of labor and industries, the
28 employee or the employee's designated representative. In addition, the
29 director may require the submission of the records on a routine basis
30 within thirty days of the application of any restricted use pesticide
31 in prescribed areas controlling the use of the restricted use
32 pesticide. When a request for records is made under this subsection by
33 treating health care personnel and the record is required for
34 determining treatment, copies of the record shall be provided
35 immediately. For all other requests, copies of the record shall be
36 provided within seventy-two hours.

37 (b) Copies of records provided to a person or entity under this
38 subsection (4) shall, if so requested, be provided on a form adopted
39 under subsection (7) of this section. Information for treating health

1 care personnel shall be made immediately available by telephone, if
2 requested, with a copy of the records provided within twenty-four
3 hours.

4 (5) If a request for a copy of the record is made under this
5 section from an applicator referred to in subsection (1) of this
6 section and the applicator refuses to provide a copy, the requester may
7 notify the department of the request and the applicator's refusal.
8 Within seven working days, the department shall request that the
9 applicator provide the department with all pertinent copies of the
10 records, except that in a medical emergency the request shall be made
11 within two working days. The applicator shall provide copies of the
12 records to the department within twenty-four hours after the
13 department's request.

14 (6) The department shall include inspection of the records required
15 under this section as part of any on-site inspection conducted under
16 this chapter on agricultural lands. The inspection shall determine
17 whether the records are readily transferable to a form adopted by the
18 department and are readily accessible to employees. However, no person
19 subject to a department inspection may be inspected under this
20 subsection (6) more than once in any calendar year, unless a previous
21 inspection has found recordkeeping violations. If recordkeeping
22 violations are found, the department may conduct reasonable multiple
23 inspections, pursuant to rules adopted by the department. Nothing in
24 this subsection (6) limits the department's inspection of records
25 pertaining to pesticide-related injuries, illnesses, fatalities,
26 accidents, or complaints.

27 (7) The department of agriculture and the department of labor and
28 industries shall jointly adopt, by rule, forms that satisfy the
29 information requirements of this section.

30 (8) The recordkeeping requirements of this section do not apply to
31 applications of antimicrobial pesticides to school facilities.

32 NEW SECTION. Sec. 3. A new section is added to chapter 17.21 RCW,
33 to be codified between RCW 17.21.126 and 17.21.128, to read as follows:

34 It is unlawful for any person to act as a school facility
35 applicator without having obtained a school facility applicator license
36 from the director. Application for a school facility applicator
37 license must be accompanied by a fee of twenty-five dollars. Private
38 commercial applicators and public operators are exempt from the

1 requirements of this section when acting under the authority of their
2 existing license.

3 **Sec. 4.** RCW 17.21.126 and 1997 c 242 s 14 are each amended to read
4 as follows:

5 It shall be unlawful for any person to act as a private pesticide
6 applicator without first complying with requirements determined by the
7 director as necessary to prevent unreasonable adverse effects on the
8 environment, including injury to the pesticide applicator or other
9 persons, for each specific pesticide use.

10 (1) Certification standards to determine the individual's
11 competency with respect to the use and handling of the pesticide or
12 class of pesticides for which the private pesticide applicator is
13 certified shall be relative to hazards of the particular type of
14 application, class of pesticides, or handling procedure. In
15 determining these standards the director shall take into consideration
16 standards of the EPA and is authorized to adopt these standards by
17 rule.

18 (2) Application for a private pesticide applicator license shall be
19 accompanied by a fee of twenty-five dollars. Individuals with a valid
20 certified applicator license, school facility applicator license, pest
21 control consultant license, or dealer manager license who qualify in
22 the appropriate statewide or agricultural license categories are exempt
23 from the private applicator fee requirement. However, licensed public
24 pesticide operators, otherwise exempted from the public pesticide
25 operator license fee requirement, are not also exempted from the
26 private pesticide applicator fee requirement.

27 **Sec. 5.** RCW 17.21.128 and 1994 c 283 s 13 are each amended to read
28 as follows:

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

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

1 (a) Licensed pesticide applicators may qualify for continued
2 licensure through accumulation of recertification credits.

3 (i) Private pesticide applicators and school facility applicators
4 shall accumulate a minimum of twenty department-approved credits every
5 five years with no more than eight credits allowed per year provided
6 that school facility applicators must obtain a minimum of four credits
7 on integrated pest management in schools as designated by the
8 department;

9 (ii) All other license types established under this chapter shall
10 accumulate a minimum of forty department-approved credits every five
11 years with no more than fifteen credits allowed per year.

12 (b) Certified pesticide applicators may qualify for continued
13 licensure through meeting the examination requirements necessary to
14 become licensed in those areas in which the licensee operates.

15 (3) At the termination of a licensee's five-year recertification
16 period, the director may waive the requirements identified in
17 subsection (2) of this section if the licensee can demonstrate that he
18 or she is meeting comparable recertification standards through another
19 state or jurisdiction or through a federal environmental protection
20 agency approved government agency plan.

21 **Sec. 6.** RCW 17.21.150 and 1994 c 283 s 18 are each amended to read
22 as follows:

23 A person who has committed any of the following acts is declared to
24 be in violation of this chapter:

25 (1) Made false or fraudulent claims through any media,
26 misrepresenting the effect of materials or methods to be utilized;

27 (2) Applied worthless or improper pesticides;

28 (3) Operated a faulty or unsafe apparatus;

29 (4) Operated in a faulty, careless, or negligent manner;

30 (5) Refused or neglected to comply with the provisions of this
31 chapter, the rules adopted hereunder, or of any lawful order of the
32 director including a final order of the director directing payment of
33 a civil penalty. In an adjudicative proceeding arising from the
34 department's denial of a license for failure to pay a civil penalty the
35 subject shall be limited to whether the payment was made and the
36 proceeding may not be used to collaterally attack the final order;

1 (6) Refused or neglected to keep and maintain the pesticide
2 application records required by rule, or to make reports when and as
3 required;

4 (7) Made false or fraudulent records, invoices, or reports;

5 (8) Acted as a certified applicator or school facility applicator
6 without having provided direct supervision to an unlicensed person as
7 defined in RCW 17.21.020(12);

8 (9) Operated an unlicensed apparatus or an apparatus without a
9 license plate issued for that particular apparatus;

10 (10) Used fraud or misrepresentation in making an application for
11 a license or renewal of a license;

12 (11) Is not qualified to perform the type of pest control under the
13 conditions and in the locality in which he or she operates or has
14 operated, regardless of whether or not he or she has previously passed
15 a pesticide license examination;

16 (12) Aided or abetted a licensed or an unlicensed person to evade
17 the provisions of this chapter, combined or conspired with such a
18 licensed or an unlicensed person to evade the provisions of this
19 chapter, or allowed one's license to be used by an unlicensed person;

20 (13) Knowingly made false, misleading or erroneous statements or
21 reports during or after an inspection concerning any infestation or
22 infection of pests found on land or in connection with any pesticide
23 complaint or investigation;

24 (14) Impersonated any state, county or city inspector or official;

25 (15) Applied a restricted use pesticide without having a certified
26 applicator in direct supervision;

27 (16) Operated a commercial pesticide application business: (a)
28 Without an individual licensed as a commercial pesticide applicator or
29 (b) with a licensed commercial pesticide applicator not licensed in the
30 classification or classifications in which the business operates; or

31 (17) Operated as a commercial pesticide applicator without meeting
32 the financial responsibility requirements including not having a
33 properly executed financial responsibility insurance certificate or
34 surety bond form on file with the department.

35 **Sec. 7.** RCW 17.21.410 and 1994 c 283 s 33 are each amended to read
36 as follows:

37 (1) A certified applicator making a landscape application to:

1 (a) Residential property shall at the time of the application place
2 a marker at the usual point of entry to the property. If the
3 application is made to an isolated spot that is not a substantial
4 portion of the property, the applicator shall only be required to place
5 a marker at the application site. If the application is in a fenced or
6 otherwise isolated backyard, no marker is required.

7 (b) Commercial properties such as apartments or shopping centers
8 shall at the time of application place a marker in a conspicuous
9 location at or near each site being treated.

10 (c) A golf course shall at the time of the application place a
11 marker at the first tee and tenth tee or post the information in a
12 conspicuous location such as on a central message board.

13 (d) A school, nursery school, or licensed day care shall at the
14 time of the application place a marker at each primary point of entry
15 to the school grounds. A school employee making an application to a
16 school facility shall comply with the posting requirements in section
17 8 of this act.

18 (e) A park, cemetery, rest stop, or similar property as may be
19 defined in rule shall at the time of the application place a marker at
20 each primary point of entry.

21 (2) An individual making a landscape application to a school
22 grounds, nursery school, or licensed day care, and not otherwise
23 covered by subsection (1) of this section, shall ~~((be required to~~
24 ~~comply with the posting requirements in subsection (1)(d) of this~~
25 ~~section))~~ at the time of the application place a marker at each primary
26 point of entry to the school grounds.

27 (3) The marker shall be a minimum of four inches by five inches.
28 It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the
29 headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger
30 size requirements for markers may be established in rule for specific
31 applications. The company name and service mark ~~((with the~~
32 ~~applicator's telephone number where information can be obtained))~~ shall
33 be included between the headline and the footer on ~~((the marker. The~~
34 ~~letters and service marks))~~ a marker placed by a commercial applicator.
35 The applicator's telephone number where information can be obtained
36 about the application shall be included in the footer of the marker.
37 Markers shall be printed in colors contrasting to the background.

38 (4) The property owner or tenant shall remove the marker according
39 to the schedule established in rule. A ~~((commercial))~~ certified

1 applicator or individual who complies with this section is not liable
2 for the removal of markers by unauthorized persons or removal outside
3 the designated removal time.

4 (5) A certified applicator or individual who complies with this
5 section cannot be held liable for personal property damage or bodily
6 injury resulting from markers that are placed as required.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 17.21 RCW
8 to read as follows:

9 (1) As used in this section, "school" means a licensed day care
10 center, kindergarten, and elementary or secondary school.

11 (2) A school shall provide written notification annually or upon
12 enrollment to parents or guardians of students and employees describing
13 the school's pest control policies and methods, including the posting
14 and notification requirements of this section.

15 (3) A school shall establish a notification system that, as a
16 minimum, notifies interested parents or guardians of students and
17 employees at least forty-eight hours before a pesticide application to
18 a school facility. The notification system shall include posting of
19 the notification in a prominent place in the main office of the school.

20 (4) All notifications to parents, guardians, and employees shall
21 include the heading "Notice: Pesticide Application" and, at a minimum,
22 shall state:

23 (a) The product name of the pesticide to be applied;

24 (b) The intended date and time of application;

25 (c) The location to which the pesticide is to be applied;

26 (d) The pest to be controlled; and

27 (e) The name and phone number of a contact person at the school.

28 (5) A school facility application must be made within forty-eight
29 hours following the intended date and time stated in the notification
30 or the notification process shall be repeated.

31 (6) A school shall, at the time of application, post notification
32 signs for all pesticide applications made to school facilities unless
33 the application is otherwise required to be posted by a certified
34 applicator under the provisions of RCW 17.21.410(1)(d).

35 (a) Notification signs for applications made to school grounds by
36 school employees shall be placed at the location of the application and
37 at each primary point of entry to the school grounds. The signs shall
38 be a minimum of four inches by five inches and shall include the words:

1 "THIS LANDSCAPE HAS BEEN TREATED BY YOUR SCHOOL" as the headline and
2 "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall
3 provide the name and telephone number of a contact person at the
4 school.

5 (b) Notification signs for applications made to school facilities
6 other than school grounds shall be posted at the location of the
7 application. The signs shall be a minimum of eight and one-half by
8 eleven inches and shall include the heading "Notice: Pesticide
9 Application" and, at a minimum, shall state:

10 (i) The product name of the pesticide applied;

11 (ii) The date and time of application;

12 (iii) The location to which the pesticide was applied;

13 (iv) The pest to be controlled; and

14 (v) The name and phone number of a contact person at the school.

15 (c) Notification signs shall be printed in colors contrasting to
16 the background.

17 (d) Notification signs shall remain in place for at least
18 twenty-four hours from the time the application is completed. In the
19 event the pesticide label requires a restricted entry interval greater
20 than twenty-four hours, the notification sign shall remain in place
21 consistent with the restricted entry interval time as required by the
22 label.

23 (7) A school facility application does not include the application
24 of antimicrobial pesticides or the placement of insect or rodent baits
25 that are not accessible to children.

26 (8) The prenotification requirements of this section do not apply
27 if the school facility application is made when the school is not
28 occupied by students for at least two consecutive days after the
29 application.

30 (9) The prenotification requirements of this section do not apply
31 to any emergency school facility application for control of any pest
32 that poses an immediate human health or safety threat, such as an
33 application to control stinging insects. When an emergency school
34 facility application is made, notification consistent with the school's
35 notification system shall occur as soon as possible after the
36 application. The notification shall include information consistent
37 with subsection (6)(b) of this section.

1 (10) A school shall make the records of all pesticide applications
2 to school facilities required under this chapter, including an annual
3 summary of the records, readily accessible to interested persons.

4 (11) A school is not liable for the removal of signs by
5 unauthorized persons. A school that complies with this section may not
6 be held liable for personal property damage or bodily injury resulting
7 from signs that are placed as required.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.320
9 RCW to read as follows:

10 Schools as defined in section 8 of this act shall provide notice of
11 pesticide use to parents or guardians of students and employees
12 pursuant to chapter 17.21 RCW.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.195
14 RCW to read as follows:

15 Schools as defined in section 8 of this act shall provide notice of
16 pesticide use to parents or guardians of students and employees
17 pursuant to chapter 17.21 RCW.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.15 RCW
19 to read as follows:

20 Licensed day care centers shall provide notice of pesticide use to
21 parents or guardians of students and employees pursuant to chapter
22 17.21 RCW.

23 NEW SECTION. **Sec. 12.** (1) Sections 1 and 3 through 6 of this act
24 take effect January 1, 2002.

25 (2) Sections 2 and 7 through 11 of this act take effect September
26 1, 2001.

27 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
28 this act, referencing this act by bill or chapter number, is not
29 provided by June 30, 2001, in the omnibus appropriations act, this act
30 is null and void.

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