
HOUSE BILL 2531

State of Washington

57th Legislature

2002 Regular Session

By Representatives Eickmeyer, Haigh, Jackley, Rockefeller and Lantz

Read first time 01/21/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to Eurasian water milfoil; and amending RCW
2 90.48.448.

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

4 **Sec. 1.** RCW 90.48.448 and 1999 c 255 s 3 are each amended to read
5 as follows:

6 (1)(a) Subject to restrictions in this section, a government entity
7 seeking to control a limited infestation of Eurasian water milfoil may
8 use the pesticide 2,4-D to treat the milfoil infestation, without
9 obtaining a permit under RCW 90.48.445, if the milfoil infestation is
10 either recently documented or remaining after the application of other
11 control measures, and is limited to twenty percent or less of the
12 littoral zone of the lake. Any pesticide application made under this
13 section must be made according to all label requirements for the
14 product and must meet the public notice requirements of (b) of this
15 subsection (~~((2) of this section)~~).

16 (~~((2))~~) (b) Before applying 2,4-D, the government entity shall:
17 (~~((a))~~) (i) Provide at least twenty-one days' notice to the department
18 of ecology, the department of fish and wildlife, the department of
19 agriculture, the department of health, and all lake residents; (~~((b))~~)

1 (ii) post notices of the intent to apply 2,4-D at all public access
2 points; and ~~((e))~~ (iii) place informational buoys around the
3 treatment area.

4 ~~((3))~~ (c) The department of fish and wildlife may impose timing
5 restrictions on the use of 2,4-D to protect salmon and other fish and
6 wildlife.

7 ~~((4))~~ (d) The department may prohibit the use of 2,4-D if the
8 department finds the product contains dioxin in excess of the standard
9 allowed by the United States environmental protection agency. Sampling
10 protocols and analysis used by the department under this section must
11 be consistent with those used by the United States environmental
12 protection agency for testing this product.

13 ~~((5))~~ (e) Government entities using this section to apply 2,4-D
14 may apply for funds from the freshwater aquatic weeds account
15 consistent with the freshwater aquatic weeds management program as
16 provided in RCW 43.21A.660.

17 ~~((6))~~ (f) Government entities using this section shall consider
18 development of long-term control strategies for eradication and control
19 of the Eurasian water milfoil.

20 ~~((7))~~ (g) For the purpose of this section, "government entities"
21 includes cities, counties, state agencies, tribes, special purpose
22 districts, and county weed boards.

23 (2)(a) A public or private individual or entity who received a
24 permit, license, or other form of permission issued by the department
25 in the 2001 calendar year for the application of an aquatic herbicide
26 to combat Eurasian water milfoil is allowed to conduct the same
27 application in the 2002 calendar year without applying for or receiving
28 additional permits, licenses, or permissions. An applicator of aquatic
29 herbicides complying with this section may not be held in violation of
30 any of the provisions found within this chapter for the 2002 calendar
31 year.

32 (b) Permits or licenses issued under this chapter for the use of
33 aquatic herbicides to combat Eurasian water milfoil in lakes, ponds, or
34 other freshwater bodies may not carry with them a fee paid by the
35 applicator of the herbicide or the applicant for the license or permit.

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