
SUBSTITUTE SENATE BILL 5851

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Franklin; by request of Department of Agriculture)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to authorizing the director of agriculture to
2 consult with public entities on human health risks associated with any
3 proposed pesticide use by the department; amending RCW 15.58.060 and
4 15.58.065; adding new sections to chapter 15.58 RCW; and prescribing
5 penalties.

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

7 **Sec. 1.** RCW 15.58.060 and 1989 c 380 s 4 are each amended to read
8 as follows:

9 (1) The applicant for registration shall file a statement with the
10 department which shall include:

11 (a) The name and address of the applicant and the name and address
12 of the person whose name will appear on the label, if other than the
13 applicant's;

14 (b) The name of the pesticide;

15 (c) The complete formula of the pesticide, including a listing of
16 the active and inert ingredients(~~(:—PROVIDED, That confidential~~
17 ~~business information of a proprietary nature is not made available to~~
18 ~~any other person and is exempt from disclosure as a public record, as~~
19 ~~provided by RCW 42.17.260)) and the percentages of each ingredient.~~

1 Except as provided in RCW 15.58.065 and section 3 of this act, this
2 information will be kept confidential and is exempt from disclosure as
3 a public record as provided by RCW 42.17.260. Information required by
4 this subsection may be submitted on company letterhead marked
5 "confidential" in red ink on each sheet or each "EPA Confidential
6 Statement of Formula" information sheet;

7 (d) Other necessary information required for completion of the
8 department's application for registration form; and

9 (e) A complete copy of the labeling accompanying the pesticide and
10 a statement of all claims to be made for it, including the directions
11 and precautions for use.

12 (2) The director may require a full description of the tests made
13 and the results thereof upon which the claims are based.

14 (3) The director may prescribe other necessary information by rule.

15 **Sec. 2.** RCW 15.58.065 and 1989 c 380 s 5 are each amended to read
16 as follows:

17 (1) In submitting data required by this chapter, the applicant may:

18 (a) Mark clearly any portions which in the applicant's opinion are
19 trade secrets or commercial or financial information; and

20 (b) Submit such marked material separately from other material
21 required to be submitted under this chapter.

22 (2) Except under section 3 of this act and notwithstanding any
23 other provision of this chapter or other law, the director shall not
24 make public information which in the director's judgment should be
25 privileged or confidential because it contains or relates to trade
26 secrets or commercial or financial information except that, when
27 necessary to carry out the provisions of this chapter, information
28 relating to unpublished formulas of products acquired by authorization
29 of this chapter may be revealed to any state or federal agency
30 consulted and may be revealed at a public hearing or in findings of
31 fact issued by the director when necessary under this chapter.

32 (3) Except under section 3 of this act, if the director proposes to
33 release for inspection information which the applicant or registrant
34 believes to be protected from disclosure under subsection (2) of this
35 section, the director shall notify the applicant or registrant in
36 writing, by certified mail. The director shall not thereafter make
37 available for inspection such data until thirty days after receipt of
38 the notice by the applicant or registrant. During this period, the

1 applicant or registrant may institute an action in the superior court
2 of Thurston county for a declaratory judgment as to whether such
3 information is subject to protection under subsection (2) of this
4 section.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.58 RCW,
6 to be codified between RCW 15.58.065 and 15.58.070, to read as follows:

7 (1) The director may consult with appropriate public university
8 health professionals and federal, state, and local health agencies
9 concerning unpublished formulas of products acquired by authorization
10 of this chapter for the purpose of obtaining an independent assessment
11 of the possible human health risks associated with any proposed
12 pesticide use by the department.

13 (a) The director shall reveal to consulted individuals the
14 confidential statement of formula for the purpose of assessing the
15 possible human health risks associated with the proposed pesticide use
16 by the department.

17 (b) Consulted individuals shall consider the confidential statement
18 of formula, the proposed pesticide use, the impact on affected
19 populations, and any other considerations that may bear on public
20 health in making an assessment of the possible human health risks.
21 Consulted individuals shall store this information in a secure locked
22 location and shall return all information and notes to the director
23 within fourteen days after the assessment is completed. Consulted
24 individuals shall not disseminate or disclose the confidential
25 statement of formula and associated information.

26 (2) The director shall make any independent assessment available to
27 the public except that the names, chemical abstract service numbers, or
28 other identifying characteristics or percentages of inert ingredients
29 in a pesticide, or any other information which in the director's
30 judgment should be confidential, shall not be disclosed. Additionally,
31 any information or documents used in preparation of an independent
32 assessment that pertain to the confidential statement of formula and
33 any protected trade secret information shall not be disclosed to the
34 public by any person.

35 (3) This section applies only to pesticide applications:

36 (a) To control or eradicate plant pests for which a quarantine has
37 been declared by rule under authority of chapter 17.24 RCW; or

38 (b) Performed under authority of chapter 17.26 RCW.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 15.58 RCW,
2 to be codified immediately following section 3 of this act, to read as
3 follows:

4 (1) The director shall impose a seven thousand five hundred dollar
5 fine on a consulted individual who unlawfully discloses the
6 confidential statement of formula and associated information described
7 in section 3 of this act.

8 (2) A person who unlawfully discloses such information is no longer
9 eligible to serve in the capacity of a consulted individual.

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