S-5369.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6488**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Rolfes, Saldaña, and Van De Wege

AN ACT Relating to aerial herbicides in forestlands; adding a new section to chapter 76.09 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature, through the enactment of Substitute Senate Bill No. 5597 (chapter 355, Laws of 2019), created the work group on aerial application of herbicides on state and private forestlands and directed a report back to the legislature with recommendations for any improvements to best management practices in herbicide application and nonchemical alternatives in vegetation management. The legislature intends by this act to adopt several of those recommendations appropriate for codification into the state's forest practices act.

NEW SECTION. **Sec.**  A new section is added to chapter 76.09 RCW to read as follows:

(1) The department, in consultation with the University of Washington, Washington State University, and the United States forest service, shall continue to evaluate and conduct trials of nonchemical vegetation management strategies. When possible, this should be completed using existing research cooperatives.

(2) The board shall develop interpretive guidance to clarify adjacent property buffer rules, including provisions for the board manual and the forest practices illustrated document that explain the buffer rules for the protection of private property, including adjacent residential and agricultural properties. The board must also update the manual to include best management practices and technical guidance consistent with current forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and information about alternatives to herbicides.

(3) The department must improve the herbicide application signage information included in the manual and forest practices illustrated document to reflect improvements to the legally required posting. The department must require that emergency contact information be included on the signage.

(4) Within existing resources, the department must work with the departments of agriculture, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders to evaluate pesticide investigation rules and processes. By October 1, 2020, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(5) The board must include herbicide applications into the biennial forest practices rules revisions regarding compliance monitoring sampling.

NEW SECTION. **Sec.**  By September 30, 2020, the departments of agriculture and natural resources must provide recommendations to the appropriate committees of the senate and house of representatives on the categorical exemptions and other thresholds relating to analysis under chapter 43.21C RCW of forest practices permit applications that include the aerial application of herbicides, including any recommendations for statutory or administrative revisions to the thresholds.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**