

# FINAL BILL REPORT

## SSB 5597

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Synopsis as Enacted

**Brief Description:** Creating a work group on aerial herbicide applications in forestlands.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Saldaña, McCoy, Conway and Hasegawa).

**Senate Committee on Agriculture, Water, Natural Resources & Parks**  
**House Committee on Rural Development, Agriculture, & Natural Resources**

**Background:** The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements.

State Trust Lands. Upon statehood, the United States granted the State of Washington over 3 million acres to support various public institutions. DNR now manages over 2 million acres of federally granted trust lands to provide revenue for public schools, state universities, buildings on the capitol campus, and correctional facilities. The largest acreage category is for common schools, with almost 1.8 million acres.

State Forest Lands. DNR also manages more than 600,000 acres of state forest lands, which were acquired primarily through tax foreclosures in the 1920s and 1930s, and to a lesser extent through purchases by the state or gifts to the state. State forest lands are managed for the benefit of the counties in which the lands are located.

Forest Practice Applications. The Forest Practices Act establishes four classes of forest practices based on the potential for a proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. This includes standards for forest practices such as timber harvest, pre-commercial thinning, road construction, fertilization, and forest chemical application. DNR processes and reviews applications and administers the forest practices program within the rules of the Board.

**Summary:** A work group is established to review all existing best management practices, and, if necessary, develop recommendations for improving the best management practices for aerial application of herbicides on state and private forestlands, including criteria to be used in evaluating best management practices. The work group is composed of one member and one alternate from each of the two largest caucuses in the House of Representatives and the Senate. The work group must be co-chaired by one representative from DNR and one

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representative from the Department of Agriculture (WSDA). The work group includes representatives from:

- DNR;
- WSDA;
- the Department of Fish and Wildlife;
- the Department of Ecology;
- the Department of Health; and
- the Washington State University Pesticide Safety Program.

The work group also includes representatives from the following groups, appointed by consensus of the co-chairs:

- a small forestland owner;
- two large-scale organic farming owners, one each from the east and west sides of the state;
- aerial applicators;
- environmental or community interests;
- someone with noxious weed control experience; and
- someone with pesticide registrant experience.

Additionally, Washington tribes that are involved in timber production must be invited to participate on the work group.

The work group must review the roles of all management and regulatory agencies in approving herbicides for use and application on forestlands in Washington State and review existing state and federal programs, policies, and regulations concerning aerial application of herbicides on forestlands. The work group must also review current herbicide application technology in the state and throughout the nation to increase herbicide application accuracy and other best management practices to minimize drift and exposure to humans, fish, and wildlife as well as impacts on drinking water, surface waters, and wetland areas.

The work group must review research, reports, and data from government agencies, research institutions, nongovernmental organizations, and landowners regarding the most frequently used herbicides in forest practices, to inform the development and update of strategies related to herbicides management on forestlands. The work group must develop recommendations, if appropriate, for managing working forestlands through an integrated pest management approach that combines traditional chemical and other vegetative control method means as well as other silvicultural practices to protect resource values from pests, while minimizing the effect on nontarget species as well as ensuring the protection of public safety and human health, while still offering effective control that is economically feasible on a commercial forestry scale.

Staff support for the work group must be provided by DNR and WSDA. The work group must submit any findings, recommendations, and draft legislation, to the Governor and the Legislature by December 31, 2019.

**Votes on Final Passage:**

Senate	47	0	
House	95	1	(House amended)
Senate	48	1	(Senate concurred)

**Effective:** July 28, 2019