

# SENATE BILL REPORT

## E2SHB 1009

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As Reported By Senate Committee On:  
Agriculture & Agricultural Trade & Development, March 29, 1995

**Title:** An act relating to the commission on pesticide registration.

**Brief Description:** Establishing a commission on pesticide registration.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens).

**Brief History:**

**Committee Activity:** Agriculture & Agricultural Trade & Development: 3/21/95, 3/29/95 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Background:** The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA. In general, a pesticide cannot be sold or distributed within the United States unless it has been registered with the U.S. Environmental Protection Agency (EPA). The pesticides regulated in this manner encompass herbicides, insecticides, and similar chemicals that control pests. In November 1984, the studies and data required in support of the registration of a pesticide were expanded. With the 1988 amendments to FIFRA, Congress required, with certain limited exceptions, that pesticides originally registered before November 1, 1984, be re-registered under the data requirements which apply to pesticides registered after that date.

State legislation enacted in 1991 created the Food and Environmental Quality Laboratory operated by Washington State University in the Tri-Cities to conduct pesticide residue studies regarding food, the environment, and safety. One of its responsibilities is evaluating regional requirements for minor crop registration through the federal Interregional Research Project Number 4 (IR-4) program. The IR-4 program was established to provide residue and efficacy data in support of the registration or re-registration of minor use pesticides, and tolerances for residues of minor use chemicals in or on raw agricultural commodities.

There are a number of pesticides that have been used to produce crops in the state that have not been re-registered. There is concern that additional pesticide products will not be re-

registered, thus leaving a number of crops grown in the state without an effective pest control alternative.

**Summary of Amended Bill:** A Commission on Pesticide Registration is created. It provides guidance to WSU's Food Safety and Environmental Quality Laboratory in the area of pesticide registrations for minor crops and minor uses and regarding the availability of pesticides for emergency uses. Use of the monies must be approved by the commission. The appropriation may be used for: (1) conducting studies concerning the registration of pesticides for minor crops and minor uses, and the availability of pesticides for emergency uses; (2) a program for tracking the availability of pesticides for such crops and uses; and (3) the support of the commission. With the approval of the commission, these monies may be used for studies conducted by WSU's Lab or by other qualified labs. Not less than 25 percent of such appropriations must be dedicated to studies concerning the registration of pesticides for crops that are not among the top 20 agricultural commodities produced in the state.

The commission is made up of 12 voting members, nominated by specified associations, appointed by the Governor. The voting members serve three year terms, although the first set of terms are for one, two and three years to provide staggered terms for the members. The commission selects a chair from its voting members. Among the nonvoting members is the coordinator of the IR-4 project at WSU.

WSU's Lab is directed to provide a program for tracking the availability of effective pesticides for minor crops, minor uses and emergency uses. In addition to approving expenditures of state monies appropriated to WSU for pesticide registration activities, the commission must provide guidance to the Lab regarding this tracking program and the means of providing the tracking information to organizations of agricultural producers. The commission must also encourage agricultural organizations to provide funding assistance for studies regarding pesticide registrations and emergency uses, and must ensure that the activities of the Lab are coordinated with the work of other labs in the Pacific Northwest, the USDA, the EPA, and the state's Department of Agriculture. Each biennium, the commission must also prepare a contingency plan for providing studies that address emergency conditions that may arise.

The appropriate legislative committees are required to evaluate the effectiveness of the commission activities in year 2003.

**Amended Bill Compared to Substitute Bill:** Appointment of commission members is made by the Governor after nominations are submitted. Commodity commissions may also submit nominations.

Time frames are established for nomination and appointment of commission members.

Written confirmation is required from registrants of their willingness to add a crop to a pesticide label before the commission may expend funds on studies necessary to add the crop to the label.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The importance of moving to obtain approval of pesticides for minor crops is needed to maintain the ability to produce those crops in this state.

**Testimony Against:** None.

**Testified:** PRO: Bill Garvin, Washington Farm Bureau; Mike Schwisow, Washington State Potato Commission; Chris Cheney, Washington Growers League/Hop Growers of Washington.