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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1009

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State of Washington

54th Legislature

1995 Regular Session

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

Read first time 03/01/95.

1 AN ACT Relating to the commission on pesticide registration;  
2 amending RCW 15.92.010 and 15.92.060; and adding new sections to  
3 chapter 15.92 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.92 RCW  
6 to read as follows:

7 (1) A commission on pesticide registration is established. The  
8 commission shall be composed of twelve voting members appointed by the  
9 dean of the college of agriculture at Washington State University and  
10 approved by the governor from the following segments of the state's  
11 agricultural industry: (a) The tree fruit industry, (b) hop growers,  
12 (c) potato growers, (d) the forest protection industry, (e) the  
13 agricultural chemical industry, (f) food processors, (g) wheat growers,  
14 (h) vegetable and seed growers, (i) berry growers, (j) wine grape  
15 growers, (k) the nursery and landscape industry, and (l) professional  
16 pesticide applicators. One member shall be appointed for each such  
17 segment of the industry and shall, except as provided by this  
18 subsection, be nominated by a state-wide, private association of that  
19 segment of the industry. The representative of the agricultural

1 chemical industry shall be involved in the manufacture of agricultural  
2 chemicals. The nomination for a representative of vegetable and seed  
3 growers shall be made jointly by the Washington portion of an  
4 association of vegetable growers that may be multistate in nature and  
5 associations of seed growers in this state. The nomination for a  
6 representative of berry growers shall be made jointly by associations  
7 of the berry industry. Although members are appointed from various  
8 segments of the agricultural industry, they are appointed to represent  
9 and advance the interests of the industry as a whole.

10 The following shall be ex officio, nonvoting members of the  
11 commission: The coordinator of the interregional project number four  
12 at Washington State University; the director of the department of  
13 ecology or the director's designee; the director of the department of  
14 agriculture or the director's designee; the director of the department  
15 of labor and industries or the director's designee; and the secretary  
16 of the department of health or the secretary's designee.

17 (2) Each voting member of the commission shall serve a term of  
18 three years. However, the first appointments in the first year shall  
19 be made by the dean for one, two, and three-year terms so that, in  
20 subsequent years, approximately one-third of the voting members shall  
21 be appointed each year. The dean shall assign the initial one, two,  
22 and three-year terms to members by lot. A vacancy shall be filled by  
23 appointment for the unexpired term in the same manner provided for an  
24 appointment to the full term. The dean may remove any member of the  
25 commission for malfeasance or misfeasance in office or for having at  
26 least five unexcused absences during the person's term of office, which  
27 constitute twenty percent or more of the meetings that have been  
28 conducted by the commission during the term. A person's absence from  
29 a meeting may be excused: By the chair of the commission if a written  
30 request to do so is received by the chair before the meeting from which  
31 the member is to be absent; or by a majority vote of the members of the  
32 commission at the meeting during which the member is absent. Each  
33 member of the commission shall receive travel expenses in accordance  
34 with RCW 43.03.050 and 43.03.060 for attending meetings of the  
35 commission and for performing special duties, in the way of official  
36 commission business, specifically assigned to the person by the  
37 commission. The voting members of the commission serve without  
38 compensation from the state other than such travel expenses.

1 (3) The commission shall elect a chair from among its voting  
2 members each calendar year. After its original organizational meeting,  
3 the commission shall meet at the call of the chair. A majority of the  
4 voting members of the commission constitutes a quorum and an official  
5 action of the commission may be taken by a majority vote of the voting  
6 members present at a meeting.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.92 RCW  
8 to read as follows:

9 (1) The following apply to the use of state general fund moneys  
10 appropriated to Washington State University specifically and expressly  
11 for studies or activities regarding the registration of pesticides:

12 (a) The moneys may not be expended without the express approval of  
13 the commission on pesticide registration;

14 (b) The moneys may be used for: (i) Evaluations, studies, or  
15 investigations approved by the commission on pesticide registration  
16 regarding the registration or reregistration of pesticides for minor  
17 crops or minor uses or regarding the availability of pesticides for  
18 emergency uses. These evaluations, studies, or investigations may be  
19 conducted by the food and environmental quality laboratory or may be  
20 secured by the commission from other qualified laboratories,  
21 researchers, or contractors by contract, which contracts may include,  
22 but are not limited to, those purchasing the use of proprietary  
23 information; (ii) the tracking system described in RCW 15.92.060; and  
24 (iii) the support of the commission on pesticide registration and its  
25 activities; and

26 (c) Not less than twenty-five percent of such moneys shall be  
27 dedicated to studies or investigations concerning the registration or  
28 use of pesticides for crops that are not among the top twenty  
29 agricultural commodities in production value produced in the state, as  
30 determined annually by the Washington agricultural statistics service.

31 (2) The commission on pesticide registration shall establish  
32 priorities to guide it in approving the use of moneys for evaluations,  
33 studies, and investigations under this section. Each biennium, the  
34 commission shall prepare a contingency plan for providing funding for  
35 laboratory studies or investigations that are necessary to pesticide  
36 registrations or related processes that will address emergency  
37 conditions for agricultural crops that are not generally predicted at  
38 the beginning of the biennium.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 15.92 RCW  
2 to read as follows:

3        The commission on pesticide registration shall:

4        (1) Provide guidance to the food and environmental quality  
5 laboratory established in RCW 15.92.050 regarding the laboratory's  
6 studies, investigations, and evaluations concerning the registration of  
7 pesticides for use in this state for minor crops and minor uses and  
8 concerning the availability of pesticides for emergency uses;

9        (2) Encourage agricultural organizations to assist in providing  
10 funding, in-kind services, or materials for laboratory studies and  
11 investigations concerning the registration of pesticides for minor  
12 crops and minor uses that would benefit the organizations;

13        (3) Provide guidance to the laboratory regarding a program for:  
14 Tracking the availability of effective pesticides for minor crops,  
15 minor uses, and emergency uses; providing this information to  
16 organizations of agricultural producers; and maintaining close contact  
17 between the laboratory, the department of agriculture, and  
18 organizations of agricultural producers regarding the need for research  
19 to support the registration of pesticides for minor crops and minor  
20 uses and the availability of pesticides for emergency uses; and

21        (4) Ensure that the activities of the commission and the laboratory  
22 are coordinated with the activities of other laboratories in the  
23 Pacific Northwest, the United States department of agriculture, and the  
24 United States environmental protection agency to maximize the  
25 effectiveness of regional efforts to assist in the registration of  
26 pesticides for minor crops and minor uses and in providing for the  
27 availability of pesticides for emergency uses for the region and the  
28 state.

29        **Sec. 4.**    RCW 15.92.010 and 1991 c 341 s 2 are each amended to read  
30 as follows:

31        Unless the context clearly requires otherwise, the definitions in  
32 this section apply throughout this chapter.

33        (1) "Center" means the center for sustaining agriculture and  
34 natural resources established at Washington State University.

35        (2) "Laboratory" means the food and environmental quality  
36 laboratory established at Washington State University at Tri-Cities.

37        (3) "Integrated pest management" is a strategy that uses various  
38 combinations of pest control methods, biological, cultural, and

1 chemical, in a compatible manner to achieve satisfactory control and  
2 ensure favorable economic and environmental consequences.

3 (4) "IR-4 program" means interregional research project number  
4 four, clearances of chemicals and biologics for minor or special uses,  
5 established in 1963 by the cooperative state research service of the  
6 United States department of agriculture, the coordinated national  
7 program involving land-grant universities and the United States  
8 department of agriculture to provide data required for the registration  
9 of pesticides needed for the production of minor crops.

10 (5) "Minor crop" means an agricultural crop considered to be minor  
11 in the national context of registering pesticides.

12 (6) "Minor use" means a pesticide use considered to be minor in the  
13 national context of registering pesticides including, but not limited  
14 to, a use for a special local need.

15 (7) "Natural resources" means soil, water, air, forests, wetlands,  
16 wildlands, and wildlife.

17 ((+6)) (8) "Pesticide" means chemical or biologic used to control  
18 pests such as insect, rodent, nematode, snail, slug, weed, virus, or  
19 any organism the director of agriculture may declare to be a pest.

20 ((+7)) (9) "Registration" means use of a pesticide approved by the  
21 state department of agriculture.

22 ((+8)) (10) "Sustainable agriculture" means a systems approach to  
23 farming, ranching, and natural resource production that builds on and  
24 supports the physical, biological, and ecological resource base upon  
25 which agriculture depends. The goals of sustainable agriculture are to  
26 provide human food and fiber needs in an economically viable manner for  
27 the agriculture industry and in a manner which protects the environment  
28 and contributes to the overall safety and quality of life.

29 **Sec. 5.** RCW 15.92.060 and 1991 c 341 s 7 are each amended to read  
30 as follows:

31 The responsibilities of the laboratory shall include:

32 (1) Evaluating regional requirements for minor crop registration  
33 through the federal IR-4 program;

34 (2) Providing a program for tracking the availability of effective  
35 pesticides for minor crops, minor uses, and emergency uses in this  
36 state;

37 (3) Conducting studies on the fate of pesticides on crops and in  
38 the environment, including soil, air, and water;

1       (~~(3)~~) (4) Improving pesticide information and education programs;  
2   (~~and~~  
3       ~~(4)~~) (5) Assisting federal and state agencies with questions  
4 regarding registration of pesticides which are deemed critical to crop  
5 production, consistent with priorities established in RCW 15.92.070;  
6 and  
7       (~~(5)~~) (6) Assisting in the registration of biopesticides,  
8 pheromones, and other alternative chemical and biological methods.

9       NEW SECTION.   **Sec. 6.** A new section is added to chapter 15.92 RCW  
10 to read as follows:

11       By December 15, 2002, the commission shall file with the  
12 legislature a report on the activities supported by the commission for  
13 the period beginning on the effective date of this act and ending on  
14 December 1, 2002. The report shall include an identification of: The  
15 priorities that have been set by the commission; the state  
16 appropriations made to Washington State University that have been  
17 within the jurisdiction of the commission; the evaluations, studies,  
18 and investigations funded in whole or in part by such moneys and the  
19 registrations and uses of pesticides made possible in large part by  
20 those evaluations, studies, and investigations; the matching moneys,  
21 in-kind services, and materials provided by agricultural organizations  
22 for those evaluations, studies, and investigations; and the program or  
23 programs for tracking pesticide availability provided by the laboratory  
24 under the guidance of the commission and the means used for providing  
25 this information to organizations of agricultural producers.

26       During the regular session of the legislature in the year 2003, the  
27 appropriate committees of the house of representatives and senate shall  
28 evaluate the effectiveness of the commission in fulfilling its  
29 statutory responsibilities. The commission shall cease operations as  
30 of June 30, 2003, unless legislation reauthorizing the commission is  
31 enacted by that date.

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