

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1009

54th Legislature  
1995 Regular Session

Passed by the House April 18, 1995  
Yeas 89 Nays 0

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Speaker of the  
House of Representatives

Passed by the Senate April 11, 1995  
Yeas 39 Nays 0

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President of the Senate

Approved

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Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1009** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Chief Clerk

FILED

Secretary of State  
State of Washington

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1009**

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AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

**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 governor as follows:

10           (a) Eight members from the following segments of the state's  
11 agricultural industry as nominated by a state-wide private agricultural  
12 association or agricultural commodity commission formed under Title 15  
13 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato  
14 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry  
15 growers; (vii) wine grape growers; and (viii) the nursery and landscape  
16 industry. Although members are appointed from various segments of the  
17 agriculture industry, they are appointed to represent and advance the  
18 interests of the industry as a whole.

1 (b) One member from each of the following: (i) Forest protection  
2 industry; (ii) food processors; (iii) agricultural chemical industry;  
3 and (iv) professional pesticide applicators. One member shall be  
4 appointed for each such segment of the industry and shall be nominated  
5 by a state-wide, private association of that segment of the industry.  
6 The representative of the agricultural chemical industry shall be  
7 involved in the manufacture of agricultural crop protection products.

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

15 (2) Each voting member of the commission shall serve a term of  
16 three years. However, the first appointments in the first year shall  
17 be made by the governor for one, two, and three-year terms so that, in  
18 subsequent years, approximately one-third of the voting members shall  
19 be appointed each year. The governor shall assign the initial one,  
20 two, and three-year terms to members by lot. A vacancy shall be filled  
21 by appointment for the unexpired term in the same manner provided for  
22 an appointment to the full term. No member of the commission may be  
23 removed by the governor during his or her term of office unless for  
24 cause of incapacity, incompetence, neglect of duty, or malfeasance in  
25 office. Each member of the commission shall receive travel expenses in  
26 accordance with RCW 43.03.050 and 43.03.060 for attending meetings of  
27 the commission and for performing special duties, in the way of  
28 official commission business, specifically assigned to the person by  
29 the commission. The voting members of the commission serve without  
30 compensation from the state other than such travel expenses.

31 (3) Nominations for the initial appointments to the commission  
32 under subsection (1) of this section shall be submitted by September 1,  
33 1995. The governor shall make initial appointments to the commission  
34 by October 15, 1995.

35 (4) The commission shall elect a chair from among its voting  
36 members each calendar year. After its original organizational meeting,  
37 the commission shall meet at the call of the chair. A majority of the  
38 voting members of the commission constitutes a quorum and an official

1 action of the commission may be taken by a majority vote of the voting  
2 members.

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

5 (1) The following apply to the use of state moneys appropriated to  
6 Washington State University specifically and expressly for studies or  
7 activities regarding the registration of pesticides:

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

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

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

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

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

37 The commission on pesticide registration shall:

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

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

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

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

26 (5) Ensure that prior to approving any residue study that there is  
27 written confirmation of registrant support and willingness or ability  
28 to add the given minor crop to its label including any restrictions or  
29 guidelines the registrant intends to impose.

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

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

34 (1) "Agricultural commodity" means any distinctive type of  
35 agricultural, horticultural, viticultural, floricultural, vegetable, or  
36 animal product, including but not limited to, products qualifying as  
37 organic food products under chapter 15.86 RCW, private sector cultured

1 aquatic products as defined in RCW 15.85.020, bees and honey, and  
2 Christmas trees but not including timber or timber products.

3 ~~(2)~~ (2) "Center" means the center for sustaining agriculture and  
4 natural resources established at Washington State University.

5 ~~((+2))~~ (3) "Laboratory" means the food and environmental quality  
6 laboratory established at Washington State University at Tri-Cities.

7 ~~((+3))~~ (4) "Integrated pest management" is a strategy that uses  
8 various combinations of pest control methods, biological, cultural, and  
9 chemical, in a compatible manner to achieve satisfactory control and  
10 ensure favorable economic and environmental consequences.

11 ~~((+4))~~ (5) "IR-4 program" means interregional research project  
12 number four, clearances of chemicals and biologics for minor or special  
13 uses, established in 1963 by the cooperative state research service of  
14 the United States department of agriculture, the coordinated national  
15 program involving land-grant universities and the United States  
16 department of agriculture to provide data required for the registration  
17 of pesticides needed for the production of minor crops.

18 ~~((+5))~~ (6) "Minor crop" means an agricultural crop considered to  
19 be minor in the national context of registering pesticides.

20 (7) "Minor use" means a pesticide use considered to be minor in the  
21 national context of registering pesticides including, but not limited  
22 to, a use for a special local need.

23 (8) "Natural resources" means soil, water, air, forests, wetlands,  
24 wildlands, and wildlife.

25 ~~((+6))~~ (9) "Pesticide" means chemical or biologic used to control  
26 pests such as insect, rodent, nematode, snail, slug, weed, virus, or  
27 any organism the director of agriculture may declare to be a pest.

28 ~~((+7))~~ (10) "Registration" means use of a pesticide approved by  
29 the state department of agriculture.

30 ~~((+8))~~ (11) "Sustainable agriculture" means a systems approach to  
31 farming, ranching, and natural resource production that builds on and  
32 supports the physical, biological, and ecological resource base upon  
33 which agriculture depends. The goals of sustainable agriculture are to  
34 provide human food and fiber needs in an economically viable manner for  
35 the agriculture industry and in a manner which protects the environment  
36 and contributes to the overall safety and quality of life.

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

1 The responsibilities of the laboratory shall include:

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

4 (2) Providing a program for tracking the availability of effective  
5 pesticides for minor crops, minor uses, and emergency uses in this  
6 state;

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

9 ~~((3))~~ (4) Improving pesticide information and education programs;

10 ~~((and~~

11 ~~(4))~~ (5) Assisting federal and state agencies with questions  
12 regarding registration of pesticides which are deemed critical to crop  
13 production, consistent with priorities established in RCW 15.92.070;  
14 and

15 ~~((5))~~ (6) Assisting in the registration of biopesticides,  
16 pheromones, and other alternative chemical and biological methods.

17 NEW SECTION. Sec. 6. A new section is added to chapter 15.92 RCW  
18 to read as follows:

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

34 During the regular session of the legislature in the year 2003, the  
35 appropriate committees of the house of representatives and senate shall  
36 evaluate the effectiveness of the commission in fulfilling its  
37 statutory responsibilities.

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

3        The commission on pesticide registration, and Washington State  
4 University on behalf of the commission, may receive such gifts, grants,  
5 and endowments from public or private sources as may be used from time  
6 to time, in trust or otherwise, for the use and benefit of the  
7 commission and expend the same or any income therefrom according to the  
8 terms of the gifts, grants, or endowments.

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