
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5033

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter)

Read first time 03/06/95.

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 eleven voting members appointed by the
9 governor as follows:

10 (a) Seven members nominated by associations of commercial producers
11 of agricultural commodities as defined in RCW 15.92.010. On making the
12 appointments, the governor shall provide for a balanced distribution of
13 commission representation between various commodities and from various
14 regions of the state. It is the responsibility of the members
15 appointed to the commission to give consideration to the research needs
16 for effective pest control for all of the various agricultural
17 commodities produced in the state.

18 (b) One member from each of the following: (i) Forest protection
19 industry; (ii) food processors; (iii) agricultural chemical industry;

1 and (iv) professional pesticide applicators. One member shall be
2 appointed for each such segment of the industry and shall be nominated
3 by a state-wide, private association of that segment of the industry.
4 The representative of the agricultural chemical industry shall be
5 involved in the manufacture of agricultural crop protection products.

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

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

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

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

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

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

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

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

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

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

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

35 The commission on pesticide registration shall:

36 (1) Provide guidance to the food and environmental quality
37 laboratory established in RCW 15.92.050 regarding the laboratory's
38 studies, investigations, and evaluations concerning the registration of

1 pesticides for use in this state for minor crops and minor uses and
2 concerning the availability of pesticides for emergency uses;

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

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

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

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

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

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "Agricultural commodity" means any distinctive type of
32 agricultural, horticultural, viticultural, floricultural, vegetable, or
33 animal product, including but not limited to, products qualifying as
34 organic food products under chapter 15.86 RCW, private sector cultured
35 aquatic products as defined in RCW 15.85.020, bees and honey, and
36 Christmas trees but not including timber or timber products.

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

1 (~~(2)~~) (3) "Laboratory" means the food and environmental quality
2 laboratory established at Washington State University at Tri-Cities.

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

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

14 (~~(5)~~) (6) "Minor crop" means an agricultural crop considered to
15 be minor in the national context of registering pesticides.

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

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

21 (~~(6)~~) (9) "Pesticide" means chemical or biologic used to control
22 pests such as insect, rodent, nematode, snail, slug, weed, virus, or
23 any organism the director of agriculture may declare to be a pest.

24 (~~(7)~~) (10) "Registration" means use of a pesticide approved by
25 the state department of agriculture.

26 (~~(8)~~) (11) "Sustainable agriculture" means a systems approach to
27 farming, ranching, and natural resource production that builds on and
28 supports the physical, biological, and ecological resource base upon
29 which agriculture depends. The goals of sustainable agriculture are to
30 provide human food and fiber needs in an economically viable manner for
31 the agriculture industry and in a manner which protects the environment
32 and contributes to the overall safety and quality of life.

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

35 The responsibilities of the laboratory shall include:

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

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

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

6 (~~(3)~~) (4) Improving pesticide information and education programs;
7 (~~and~~

8 (~~4~~) (5) Assisting federal and state agencies with questions
9 regarding registration of pesticides which are deemed critical to crop
10 production, consistent with priorities established in RCW 15.92.070;
11 and

12 (~~(5)~~) (6) Assisting in the registration of biopesticides,
13 pheromones, and other alternative chemical and biological methods.

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

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

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

35 NEW SECTION. Sec. 7. A new section is added to chapter 15.92 RCW
36 to read as follows:

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

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