

House Bill Analysis

HB 2741

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February
2, 2000

BACKGROUND:

The Washington Pesticide Application Act requires certain applicators of pesticides to keep records for each application. Herbicides are included within the definition of pesticide— for purposes of this law. The information required for these records must be entered on the same day that the pesticide was applied.

The information that must be recorded on these records include:

- the location of the land where the pesticide was applied;
- the year, month, day, and beginning and ending time of the application of the pesticide each day it was applied;
- the product name used on the registered label, as well as the U.S. Environmental Protection Agency registration number of the pesticide if applicable;
- the crop or site to which the pesticide was applied;
- the amount of pesticide per acre or other appropriate measure;
- the concentration of pesticide that was applied;
- the number of acres, or other appropriate measure, to which the pesticide was applied;
- the licensed applicator's name, address, and telephone number, as well as the name of the individual making the application and their license number if applicable;
- the direction and estimated velocity of the wind during the time the pesticide was being applied; and
- other reasonable information required by agency rule.

These records must be kept for at least seven years from the date of the application. The person keeping the records must give the Department of Agriculture ready access to the records for inspection. Copies of the records must be provided on request to the Department of Agriculture, Department of Labor and Industries, Department of Health, treating health care personnel for a person who has a suspected case of pesticide poisoning, the pesticide incident reporting and tracking review panel, and the employee or employee's designated representative in case of an industrial insurance claim.

There is no central depository for information on pesticide spraying in Washington that allows people to obtain information and conduct research. Oregon enacted legislation during 1999 that will allow for tracking the use of pesticides.

Some recent studies suggest that pesticide use can affect the ability of salmon to survive.

The independent science panel responsible for helping to ensure that sound science is incorporated into state salmon recovery efforts, is currently developing criteria for monitoring of salmon recovery projects and other recovery efforts. The panel has not been specifically asked to develop recommendations for how in-stream monitoring practices can be developed for pesticides.

SUMMARY:

The Department of Agriculture is required to conduct a review of any issues that need resolving in order to establish a user-friendly and cost-effective pesticide use reporting system in the state. The department must appoint an advisory work group to assist in conducting the review. The advisory group must include representatives of the different affected interest groups as well as the general public, and must include a balanced representation from all areas of the state.

The review conducted by the advisory group must consider and include recommendations on at least: specific data to be gathered in addition to information already maintained under the Washington Pesticide Application Act; reporting frequency and data formats - including major categories of pesticide use; integration with other existing government data bases; the most appropriate hydrologic or geographic unit for compiling data based upon cost and the usability of the data; the correlation between the point of purchase of a pesticide and the place where it is ultimately used; practical methods for obtaining homeowner pesticide use data; the development of a mechanism to ensure the accuracy of the data base; and specific funding sources to support the operation of the state-wide pesticide use reporting system.

The review must be completed and transmitted to the appropriate legislative committees by January 1, 2001. The department provides the necessary administrative support to the advisory group. All meetings of the advisory group are open to the public and must include an opportunity for the general public to provide testimony.

By January 1, 2002, the Department of Agriculture must establish and implement a pesticide use reporting system. The system must allow data to be accessed on a watershed basis for each watershed resource inventory area (WRIA) as it existed on January 1, 2000. Any data and reports generated from the data must be accessible on an internet site maintained by the department, and must be readily accessible from the department. Pesticide use information maintained under the Washington Pesticide Application Act must be included as part of the reporting system.

Beginning on July 1, 2003, the Department of Agriculture must publish an annual report summarizing pesticide use in Washington on a watershed basis. The report must include an analysis of trends in pesticide use, and an assessment of the accuracy of the reporting data.

The Department of Agriculture must adopt rules regarding the release of pesticide use information. These rules must ensure that the identity of the owner or lessee of a specific property where a pesticide has been applied remains confidential, unless the release of the information is otherwise authorized by law. The department must also adopt rules regarding the transmittal of information already maintained under the Washington Pesticide Application Act, and any other information required to be included in the pesticide use data base. The department is required to adopt rules imposing civil penalties for failing to transmit required information.

The independent science panel responsible for assisting in salmon recovery efforts is directed to review available scientific literature on the impact of pesticides upon salmon. The panel is required to develop recommendations for how in-stream monitoring practices can be developed for pesticides, as well as how pesticides can be addressed in salmon recovery plans. The panel must consider how pesticides can affect swimming ability, schooling behavior, and migration patterns of salmon when reviewing the impact of pesticides upon salmon. The recommendations must be forwarded to the appropriate legislative committees and the Salmon Recovery Office by July 1, 2001.

Appropriation:	None
Fiscal Note:	Requested
Effective Date:	The bill contains an emergency clause and takes effect immediately.
Rule-making Authority:	The Department of Agriculture must adopt rules relating to the release of pesticide use information, the transmittal of information required for record keeping into the pesticide use data base, and for the imposition of civil penalties.