

FINAL BILL REPORT

SHB 2300

C 100 L 04

Synopsis as Enacted

Brief Description: Applying pesticides.

Sponsors: By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture).

House Committee on Agriculture & Natural Resources
Senate Committee on Agriculture

Background:

The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act. In general, a pesticide may not 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. At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. The use or application of pesticides in the state is regulated under the Washington Pesticide Application Act. These state laws are administered by the Washington State Department of Agriculture (WSDA).

A pilot project establishing licenses for certain limited applications of pesticides was authorized by legislation enacted in 1997. As expanded in 1999, the pilot project provided for limited private applicator and rancher private applicator licenses for applications of pesticides on certain lands in Ferry, Okanogan, Stevens, and Pend Oreille counties. The application of herbicides to aquatic sites is not permitted under these licenses, and continuing education requirements apply to these licenses. The pilot project is to expire December 31, 2004.

Summary:

Licensing Categories. On January 1, 2005, the licensing categories of a limited private applicator and rancher private applicator no longer exist on just a pilot project basis, and they apply in all of eastern Washington.

A limited private applicator is one who uses or is in direct supervision of the use of any herbicide classified as a restricted use pesticide, for the sole purpose of controlling weeds on non-production agricultural land owned or rented by the applicator or the applicator's employer. (Non-production agricultural lands are pastures, rangeland, fence rows, and areas around farm buildings, but not aquatic sites.) Such an applicator may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under the state's noxious weed control or weed district laws or under state and local regulations adopted under those laws. A limited private applicator may apply restricted use

herbicides to these types of land that belong to another person if the herbicides are applied without compensation other than trading of personal services between the applicator and the other person.

A rancher private applicator is one who uses or is in direct supervision of the use of any herbicide or any rodenticide classified as a restricted use pesticide for the purpose of controlling weeds and pest animals on non-production agricultural land and limited production agricultural land owned or rented by the applicator or the applicator's employer. (Limited production agricultural land is land, other than aquatic sites, used to grow hay and grain crops that are consumed by the livestock on the farm where produced. Not more than 10 percent of the hay and grain crops grown on limited production agricultural land may be sold each crop year.) Rancher private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under the state's noxious weed control or weed district laws or under state and local regulations adopted under those laws. A rancher private applicator may apply restricted use herbicides and rodenticides to these types of land that belong to another person if they are applied without compensation other than trading of personal services between the applicator and the other person.

Applicants for licenses in the two licensing categories must be at least 16 years of age. The licenses expire on the last day of the fifth year after they are issued. Renewing a rancher private applicator license after its expiration is subject to a penalty of \$25; for a limited private applicator, it is equal to the licensing fee. The landscape application of pesticides does not include applications by limited private applicators or rancher private applicators.

Licensing Fees. The licensing fees for a limited private applicator and rancher private applicator under the pilot program are retained in statute for the permanent program. The exemptions from the fee requirement provided by statute for a private applicator also apply to the two new licensing categories.

Recertification Requirements. Limited private applicators must accumulate a minimum of eight WSDA-approved credits every five years. All credits must be applicable to the control of weeds. At least one-half of the credits must be directly related to weed control and the remaining must be in topic areas indirectly related to weed control, such as the safe and legal use of pesticides. Rancher private applicators must accumulate a minimum of 12 WSDA-approved credits every five years.

Pesticide Control and Pesticide Application Acts - Generally. The ingredient statement required for a pesticide under the state's Pesticide Control Act for a spray adjuvant is not expressly limited to containing only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants, nor, if more than three functioning agents are present, to only the names of the three principal agents. The statement must be consistent with labeling requirements adopted by rule.

The description of a spray adjuvant regulated under the state's Pesticide Control Act and Pesticide Application Act is altered and expressly does not include a product that is only intended to mark the location where a pesticide is applied.

Votes on Final Passage:

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| House | 95 | 0 | |
| Senate | 49 | 0 | (Senate amended) |
| House | 93 | 0 | (House concurred) |

Effective: January 1, 2005