
**Economic Development,
Agriculture & Trade Committee**

HB 2611

Brief Description: Revising provisions relating to pesticide application notification of pesticide-sensitive individuals.

Sponsors: Representatives Sells, Appleton, Williams, Dunshee, Green, Moeller, Kenney, Hunt, Simpson and Hasegawa.

Brief Summary of Bill

- Revises notification requirements for pesticide applications to landscapes, rights of way, or structures within the pesticide notification area of a pesticide-sensitive individual registered with the Department of Agriculture.

Hearing Date: 1/25/06

Staff: Meg Van Schoorl (786-7105).

Background:

The Washington Pesticide Application Act governs the use and control of pesticides. The Department of Agriculture (Department) is responsible for its administration.

Pesticide-Sensitivity Notification Registry

The Department maintains a registry of pesticide-sensitive persons. Anyone who has a documented sensitivity to pesticides, certified by a Washington state-licensed physician, may apply for placement on the list. The applicant must provide his or her name, street address and telephone number as well as the same information for each owner of property abutting the applicant's principal residence. The Department distributes the list twice annually to certified applicators of pesticides likely to make landscape or right of way applications. There are currently 105 active members on the pesticide-sensitive registry, 17 of whom live in multi-family dwellings.

Prior Notification of Pesticide Application

A certified applicator of pesticides must notify a person on the registry at least two hours before applying pesticides to a landscape or right of way within the person's pesticide notification area. Notification must be in writing, in person, or by telephone, and must include the date and approximate time of the application. A certified applicator is not required to notify a person on

the registry prior to applying pesticides within a structure. Other applicators of pesticides such as property owners, managers, apartment handymen or maintenance workers at multi-family dwellings are not required to notify a person on the registry when applying pesticides to landscapes, rights of way, or structures in the person's pesticide notification area.

Summary of Bill:

Prior Notification of Pesticide Application

A person listed on the Department's pesticide-sensitive registry must be notified at least 10 hours in advance when pesticides are to be applied by a certified applicator or a maintenance applicator to landscapes, rights of way, or structures within his or her pesticide notification area.

In the case of a certified applicator, prior notification must be done by the certified applicator and must include the address or specific location of the application. The pesticide must be applied within 24 hours of the date and approximate time specified; if not, notification must be repeated. The routine application of anti-microbial pesticides such as chlorine and Lysol are exempt from notification requirements.

In the case of a maintenance applicator applying pesticides at multi-family dwellings, prior notification must be carried out by the property manager in accordance with the same requirements as the certified applicator.

The pesticide-sensitive person may request in writing, in person, or by telephone that the certified applicator or the maintenance applicator provide the name of each pesticide applied. The applicator must provide the information within 24 hours of the application or of receiving the request.

Failure to notify a person on the pesticide-sensitive list as required is a violation of this chapter.

Terms

- **Maintenance Applicator:** A person who, in the course of employment, applies pesticides to the pesticide notification area of a pesticide-sensitive individual living in a multifamily dwelling. The term does not include certified applicators but may include a property owner or manager.
- **Pesticide Notification Area:** For applications of pesticides to landscapes and rights of way at multi-family dwellings, the lands listed on the registry application will constitute the pesticide notification area. For applications of pesticides in structures at multi-family dwellings, the pesticide notification area will include:
 - the person's dwelling
 - all interior areas of the building that are accessible to the individual except the interior of other dwellings;
 - all common areas such as kitchens, laundry rooms, and recreational rooms; and
 - all exterior areas, including the structure's perimeter.

Pesticide-Sensitivity Notification Registry

An applicant for placement on the registry must provide the street address of each property abutting his or her principal residence, but not the name and telephone number of each property

owner. In the case of a multi-family dwelling, the applicant must provide the name, street address and telephone number of the property manager. The Department is responsible for informing the property manager in writing that the person's name is on the registry and that the manager has notification responsibilities. Requests for notification expire on December 31 of each year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on June 1, 2006.