

HOUSE BILL REPORT

2SHB 1725

As Passed House:
March 11, 2019

Title: An act relating to implementing the recommendations of the pesticide application safety work group.

Brief Description: Implementing the recommendations of the pesticide application safety work group.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Dent, Valdez, Schmick, Pettigrew, Orcutt, Blake, Chandler, Springer, Pollet and Riccelli).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/14/19, 2/21/19 [DPS];
Appropriations: 2/27/19, 2/28/19 [DP2S(w/o sub LAWS)].

Floor Activity:

Passed House: 3/11/19, 98-0.

Brief Summary of Second Substitute Bill

- Establishes the Pesticide Application Safety Committee (Committee) to: (1) explore how state agencies collect and track data; and (2) consider the feasibility and requirements of developing a shared database.
- Creates an advisory work group to collect information and make recommendations to the Committee.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson, Hoff and Ormsby.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Jessica Van Horne (786-7288).

Background:

In 2018 the Legislature passed Engrossed Substitute Senate Bill 6529, which established a pesticide application safety work group to: review existing state and federal laws on pesticide safety and application; learn about new pesticide application technology; review the structure of the former application safety panel; and review current data and reports from Washington and other states.

Legislators from both chambers and caucuses were members of the work group, as well as representatives from state agencies and the Commission on Hispanic Affairs. The work group's report to the Legislature included recommendations to: (1) expand training; and (2) establish a new pesticide application safety panel. The report stated that the Washington State Department of Agriculture (WSDA) lacks sufficient resources to meet the training demand from pesticide applicators and handlers. The report also stated that a new pesticide application safety panel would provide an opportunity to evaluate and recommend policy options and investigate exposure cases.

Summary of Second Substitute Bill:

The Pesticide Application Safety Committee (Committee) is established. The 11-member Committee is composed of:

- legislative members from both chambers representing both caucuses;
- agency heads from the WSDA, the Washington State Department of Health (DOH), the Department of Labor and Industries (L&I), and Public Lands;
- the dean of the Washington State University's College of Agricultural, Human, and Natural Resource Sciences;
- the pesticide safety education coordinator at the Washington State University cooperative extension; and
- the director of the University of Washington Pacific Northwest Agricultural Safety and Health Center.

The Secretary of the DOH and Director of the WSDA must co-chair the Committee and convene the first meeting by September 2019. The Committee must meet at least three times each year. When determining the time and place of meetings, the co-chairs must consider costs and conduct meetings in Olympia if it would reduce costs to the state. The Committee must provide an annual report to the Legislature, with an initial progress report due January 2020.

The first priority of the Committee is to explore how the WSDA, the L&I, the DOH, and the Washington Poison Center collect and track data. The Committee must also consider the feasibility and requirements of developing a shared database, including how the DOH could use existing tools to better display multiagency data regarding pesticides.

The Committee may also evaluate and recommend policy options related to:

- improving agricultural pesticide application safety;
- establishing baseline data;
- improving communication, information, and education to and among members of the agricultural community, including developing materials in Spanish, using translation applications, and working with manufacturers regarding pesticide labeling;
- compiling industry's best practices to limit pesticide exposure;
- reporting of pesticide exposure, including gaining better understanding of why workers do not report exposures, and related issues;
- creating incentives for using new technology; and
- evaluating and exploring exposure prevention techniques and protocols and best practices for use of personal safety equipment and reflective gear.

An advisory work group is created to collect information and make recommendations to the full Committee on topics requiring unique expertise and perspectives on issues within the Committee's jurisdiction. The advisory group consists of: a representative from the WSDA; two representatives of employee organizations that represent farmworkers; two farmworkers with expertise on pesticide application; a representative of community and migrant health centers; a toxicologist; a representative of growers who use air blast sprayers; a representative of growers who use aerial pesticide application; a representative of growers who use fumigation to apply pesticides; and a representative of aerial applicators.

The advisory work group must hold meetings at the Committee's request. To reduce costs, the advisory work group must conduct meetings using teleconferencing or other methods and may hold one in-person meeting per fiscal year.

These provisions expire in 2025.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) This bill is a result of year-long work from many stakeholders. It brings together all agencies and encourages them to share data to make better decisions. The fiscal impact of the bill needs to be addressed. Pest management is critical.

(Opposed) None.

(Other) Pesticide exposure can be devastating to workers and their families. Exposures often go unreported. The scope of the Committee is too broad. The focus should be on pesticide use reporting. It is unclear how the advisory work group will be used.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill will bring together policymakers to consider pesticide application safety issues. The changes in the substitute bill will allow the advisory group to meet on an as-needed basis, which should reduce the fiscal impact of the bill. There is also an appropriation in the Governor's proposed budget to provide pesticide application safety trainings at the Department of Agriculture, which will complement this bill.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): (In support) Heather Hansen, Washington Friends of Farms and Forests; and Jim Jesernig, Washington Potato and Onion Association.

(Other) Andrea Schmitt, Columbia Legal Services.

Persons Testifying (Appropriations): Jim Jesernig, Washington Potato and Onion Association.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.