

HOUSE BILL REPORT

SSB 5597

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources

Title: An act relating to creating a work group on aerial herbicide applications in forestlands.

Brief Description: Creating a work group on aerial herbicide applications in forestlands.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Saldaña, McCoy, Conway and Hasegawa).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/22/19, 4/3/19 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Establishes a legislative work group to study and, if appropriate, provide recommendations regarding the aerial application of herbicides on state and private forestlands.
- Requires the legislative work group to report its findings, recommendations, and any draft legislation to the Governor and the Legislature by November 10, 2019.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements.

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.

State Trust Lands.

Upon statehood, the United States granted the State of Washington over 3 million acres to support various public institutions. The DNR now manages over 2 million acres of federally granted trust lands to provide revenue for public schools, state universities, buildings on the capitol campus, and correctional facilities. The largest acreage category is for common schools, with almost 1.8 million acres.

State Forestlands.

The DNR also manages more than 600,000 acres of state forestlands, which were acquired primarily through tax foreclosures in the 1920s and 1930s, and to a lesser extent through purchases by the state or gifts to the state. State forestlands are managed for the benefit of the counties in which the lands are located.

Forest Practice Applications.

The Forest Practices Act establishes four classes of forest practices based on the potential for a proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. This includes standards for forest practices such as timber harvest, pre-commercial thinning, road construction, fertilization, and forest chemical application. The DNR processes and reviews applications and administers the forest practices program within the rules of the Board.

Summary of Amended Bill:

A legislative work group is created to study best practices and, if appropriate, provide recommendations regarding the aerial application of herbicides on forestlands. The work group is composed of four members and one alternate from each of the two largest caucuses in the House of Representatives and the Senate. One co-chair must be a member of the majority caucus of one chamber of the Legislature and one co-chair must be from the minority caucus of the other chamber. The work group includes representatives from:

- the Department of Natural Resources (DNR);
- the Department of Agriculture (WSDA);
- the Department of Fish and Wildlife;
- the Department of Ecology;
- the Department of Health;
- the Pacific Northwest Agricultural Safety and Health Center at the University of Washington; and
- the Washington State University Pesticide Safety Program.

The work group also includes representatives from the following groups, appointed by consensus of the co-chairs:

- a small forestland owner;

- two large forestland owners, one each from the east and west sides of the state;
- large-scale organic farming owners;
- aerial applicators;
- environmental or community interests;
- someone with noxious weed control experience; and
- someone with pesticide registrant experience.

Additionally, Washington tribes that are involved in timber production must be invited to participate in the work group.

The work group must review the roles of all management and regulatory agencies in approving herbicides for use and application on forestlands in Washington and review existing state and federal programs, policies, and regulations concerning aerial application of herbicides on forestlands. The work group must also review current herbicide application technology in the state and throughout the nation to increase herbicide application accuracy and other best management practices to minimize drift and exposure to humans, fish, and wildlife, as well as impacts on drinking water, surface waters, and wetland areas.

The work group must review research, reports, and data from government agencies, research institutions, nongovernmental organizations, and landowners regarding the most frequently used herbicides in forest practices in order to inform the development and update of strategies related to herbicides management on forestlands. If appropriate, the work group must develop recommendations for managing working forestlands through an Integrated Pest Management approach that combines traditional chemical and other vegetative control methods as well as other silvicultural practices to protect resource values from pests, while: (1) minimizing the effect on nontarget species and ensuring the protection of public safety and human health; and (2) offering effective control that is economically feasible on a commercial forestry scale. Staff support for the work group must be provided by the WSDA and the DNR.

The first meeting of the work group must take place no later than June 30, 2019. The work group must submit any findings, recommendations, and draft legislation, to the Governor and the Legislature by November 10, 2019, and the work group expires December 31, 2020.

Amended Bill Compared to Substitute Bill:

Two members are added to the work group: (1) an industrial forestland owner; and (2) a representative from the Pacific Northwest Agricultural Safety and Health Center at the University of Washington. The provisions for staff support of the work group are changed to specify that the Department of Natural Resources and the Department of Agriculture will provide staff support to the work group. The first meeting of the work group must take place by June 30, 2019, and the members representing the majority caucus in the Senate and the minority caucus in the House of Representatives must convene the first meeting. The requirement that the work group submit the report to the Forest Practices Board is removed, an emergency clause is added with an immediate effective date, and the work group expires December 31, 2020, instead of 2019.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Over this past summer there were concerns about some pesticide application in forests. This work group will provide a meaningful way to move forward, review new science, and is an opportunity for various parties to work together. Forest pesticide use is an important management tool and can be less complicated than agricultural pesticide use. This process could result in valuable information to inform Best Management Practices, which are due for updates. Rural population growth is changing the face of some local communities. Forestland owners want to be good neighbors and community members. The work group is structured similarly to the Pesticide Application Safety Workgroup that met over the 2018 interim. Recommendations from the Pesticide Application Safety Workgroup are making their way through the legislative process this session.

(Opposed) None.

(Other) This work group is not funded in the Governor's budget proposal. The Department of Agriculture works closely with the Department of Natural Resources with regard to pesticide and herbicide application. A work group like this will provide an opportunity for the various parties to dig into the issue of pesticide and herbicide application and help state regulators update herbicide application standards. This is modeled after a different task force which met over the 2018 interim with similar deadlines, and there is concern that the proposed timeline is compressed.

Persons Testifying: (In support) Senator Rolfes, prime sponsor; Stephen Bernath, Department of Natural Resources; Heather Hansen, Washington Friends of Farms and Forests; and Jason Callahan, Washington Forest Protection Association.

(Other) Lauren Jenks, Department of Health; and Kelly McLain, Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.