

1 1426-S.E AAS 4/9/91

2 ESHB 1426 - S COMM AMD

3 By Committee on Agriculture & Water Resources

4 Adopted as Amended 4/9/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that public
8 concerns are increasing about the need for significant efforts to
9 develop sustainable systems in agriculture. The sustainable systems
10 would address many anxieties, including the erosion of agricultural
11 lands, the protection and wise utilization of natural resources, and
12 the safety of food production. Consumers have demonstrated their
13 apprehension in the marketplace by refusing to purchase products whose
14 safety is suspect and consumer confidence is essential for a viable
15 agriculture in Washington. Examples of surface and ground water
16 contamination by pesticides and chemical fertilizers raise concerns
17 about deterioration of environmental quality. Reducing soil erosion
18 would maintain water quality and protect the long-term viability of the
19 soil for agricultural productivity. Both farmers and farm labor are
20 apprehensive about the effects of pesticides on their health and
21 personal safety. Development of sustainable farming systems would
22 strengthen the economic viability of Washington's agricultural
23 production industry.

24 Public anxieties over the use of chemicals in agriculture have
25 resulted in congress amending the federal insecticide, fungicide and
26 rodenticide act which requires all pesticides and their uses registered
27 before November 1984 to be reregistered, complying with present
28 standards, by the end of 1997. The legislature finds that the

1 pesticide reregistration process and approval requirements could reduce
2 the availability of chemical pesticides for use on minor crops in
3 Washington and may jeopardize the farmers' ability to grow these crops
4 in Washington.

5 The legislature recognizes that Washington State University
6 supports research and extension programs that can lead to reductions in
7 pesticide use where viable alternatives are both environmentally and
8 economically sound. Yet, the legislature finds that a focused and
9 coordinated program is needed to develop possible alternatives,
10 increase public confidence in the safety of the food system, and
11 educate farmers and natural resource managers on land stewardship.

12 The legislature further finds that growers, processors, and
13 agribusiness depend upon pesticide laboratories associated with
14 manufacturers, regional universities, state departments of agriculture,
15 and the United States department of agriculture to provide residue data
16 for registering essential pesticides. The registration of uses for
17 minor crops, which include vegetables, fruits, nuts, berries, nursery
18 and greenhouse crops, and reregistration of needed chemicals, are
19 activities of particular concern to ensure crop production.
20 Furthermore, public demands for improved information and education on
21 pesticides and risk assessment efforts justify these efforts.

22 The legislature further finds that multiple alternatives are needed
23 for pest control, including programs for integrated pest management,
24 genetic resistance to pests, biological control, cultural practices,
25 and the use of appropriate approved chemicals."

26 "NEW SECTION. Sec. 2. Unless the context clearly requires
27 otherwise, the definitions in this section apply throughout this
28 chapter.

1 (1) "Center" means the center for sustaining agriculture and
2 natural resources established at Washington State University.

3 (2) "Laboratory" means the food and environmental quality
4 laboratory established at Washington State University at Tri-Cities.

5 (3) "Integrated pest management" is a strategy that uses various
6 combinations of pest control methods, biological, cultural, and
7 chemical, in a compatible manner to achieve satisfactory control and
8 ensure favorable economic and environmental consequences.

9 (4) "IR-4 program" means interregional research project number
10 four, clearances of chemicals and biologics for minor or special uses,
11 established in 1963 by the cooperative state research service of the
12 United States department of agriculture, the coordinated national
13 program involving land-grant universities and the United States
14 department of agriculture to provide data required for the registration
15 of pesticides needed for the production of minor crops.

16 (5) "Natural resources" means soil, water, air, forests, wetlands,
17 wildlands, and wildlife.

18 (6) "Pesticide" means chemical or biologic used to control pests
19 such as insect, rodent, nematode, snail, slug, weed, virus, or any
20 organism the director of agriculture may declare to be a pest.

21 (7) "Registration" means use of a pesticide approved by the state
22 department of agriculture.

23 (8) "Sustainable agriculture" means a systems approach to farming,
24 ranching, and natural resource production that builds on and supports
25 the physical, biological, and ecological resource base upon which
26 agriculture depends. The goals of sustainable agriculture are to
27 provide human food and fiber needs in an economically viable manner for
28 the agriculture industry and in a manner which protects the environment
29 and contributes to the overall safety and quality of life."

1 "NEW SECTION. **Sec. 3.** A center for sustaining agriculture and
2 natural resources is established at Washington State University. The
3 center shall provide state-wide leadership in research, extension, and
4 resident instruction programs to sustain agriculture and natural
5 resources."

6 "NEW SECTION. **Sec. 4.** The center is to work cooperatively with
7 the University of Washington to maximize the use of financial resources
8 in addressing forestry issues. The center's primary activities include
9 but are not limited to:

10 (1) Research programs which focus on developing possible
11 alternative production and marketing systems through:

12 (a) Integrated pest management;

13 (b) Biological pest control;

14 (c) Plant and animal breeding;

15 (d) Conservation strategies; and

16 (e) Understanding the ecological basis of nutrient management;

17 (2) Extension programs which focus on:

18 (a) On-farm demonstrations and evaluation of alternative production
19 practices;

20 (b) Information dissemination, and education concerning sustainable
21 agriculture and natural resource systems; and

22 (c) Communication and training on sustainable agriculture
23 strategies for consumers, producers, and farm and conservation-related
24 organizations;

25 (3) On-farm testing and research to calculate and demonstrate costs
26 and benefits, including economic and environmental benefits and trade-
27 offs, inherent in farming systems and technologies;

1 (4) Crop rotation and other natural resource processes such as
2 pest-predator interaction to mitigate weed, disease, and insect
3 problems, thereby reducing soil erosion and environmental impacts;

4 (5) Management systems to improve nutrient uptake, health, and
5 resistance to diseases and pests by incorporating the genetic and
6 biological potential of plants and animals into production practices;

7 (6) Soil management, including conservation tillage and other
8 practices to minimize soil loss and maintain soil productivity; and

9 (7) Animal production systems emphasizing preventive disease
10 practices and mitigation of environmental pollution."

11 "NEW SECTION. Sec. 5. The center is managed by an
12 administrator. The administrator shall hold a joint appointment as an
13 assistant director in the Washington State University agricultural
14 research center and cooperative extension.

15 (1) A committee shall advise the administrator. The dean of the
16 Washington State University college of agriculture and home economics
17 shall make appointments to the advisory committee so the committee is
18 representative of affected groups, such as the Washington department of
19 social and health services, the Washington department of ecology, the
20 Washington department of agriculture, the chemical and fertilizer
21 industry, food processors, marketing groups, consumer groups,
22 environmental groups, farm labor, and natural resource and agricultural
23 organizations.

24 (2) Each appointed member shall serve a term of three years, and
25 one-third are appointed every year. The entire committee is appointed
26 the first year: One-third for a term of one year, one-third for a term
27 of two years, and one-third for a term of three years. A member shall
28 continue to serve until a successor is appointed. Vacancies are filled
29 by appointment for the unexpired term. The members of the advisory

1 committee shall serve without compensation but shall be reimbursed for
2 travel expenses incurred while engaged in the business of the committee
3 as provided in RCW 43.03.050 and 43.03.060.

4 (3) It is the responsibility of the administrator, in consultation
5 with the advisory committee, to:

6 (a) Recommend research and extension priorities for the center;

7 (b) Conduct a competitive grants process to solicit, review, and
8 prioritize research and extension proposals; and

9 (c) Advise Washington State University on the progress of the
10 development and implementation of research, teaching, and extension
11 programs that sustain agriculture and natural resources of Washington."

12 "NEW SECTION. **Sec. 6.** A food and environmental quality
13 laboratory operated by Washington State University is established in
14 the Tri-Cities area to conduct pesticide residue studies concerning
15 fresh and processed foods, in the environment, and for human and animal
16 safety. The laboratory shall cooperate with public and private
17 laboratories in Washington, Idaho, and Oregon."

18 "NEW SECTION. **Sec. 7.** The responsibilities of the laboratory
19 shall include:

20 (1) Evaluating regional requirements for minor crop registration
21 through the federal IR-4 program;

22 (2) Conducting studies on the fate of pesticides on crops and in
23 the environment, including soil, air, and water;

24 (3) Improving pesticide information and education programs; and

25 (4) Assisting federal and state agencies with questions regarding
26 registration of pesticides which are deemed critical to crop
27 production, consistent with priorities established in section 8 of this
28 act; and

1 (5) Assisting in the registration of biopesticides, pheromones, and
2 other alternative chemical and biological methods."

3 "NEW SECTION. Sec. 8. The laboratory is advised by a board
4 appointed by the dean of the Washington State University college of
5 agriculture and home economics. The dean shall cooperate with
6 appropriate officials in Washington, Idaho, and Oregon in selecting
7 board members.

8 (1) The board shall consist of one representative from each of the
9 following interests: A human toxicologist or a health professional
10 knowledgeable in worker exposure to pesticides, the Washington State
11 University vice-provost for research or research administrator,
12 representatives from the state department of agriculture, the
13 department of ecology, the department of health, the department of
14 labor and industry, privately owned Washington pesticide analytical
15 laboratories, federal regional pesticide laboratories, an Idaho and
16 Oregon laboratory, whether state, university, or private, a chemical
17 and fertilizer industry representative, farm organizations, food
18 processors, marketers, farm labor, environmental organizations, and
19 consumers. Each board member shall serve a three-year term. The
20 members of the board shall serve without compensation but shall be
21 reimbursed for travel expenses incurred while engaged in the business
22 of the board as provided in RCW 43.03.050 and 43.03.060.

23 (2) The board is in liaison with the pesticide advisory board and
24 the pesticide incident reporting and tracking panel and shall review
25 the chemicals investigated by the laboratory according to the following
26 criteria:

27 (a) Chemical uses for which a data base exists on environmental
28 fate and acute toxicology, and that appear safer environmentally than
29 pesticides available on the market;

1 (b) Chemical uses not currently under evaluation by public
2 laboratories in Idaho or Oregon for use on Washington crops;

3 (c) Chemicals that have lost or may lose their registration and
4 that no reasonably viable alternatives for Washington crops are known;
5 and

6 (d) Other chemicals vital to Washington agriculture.

7 (3) The laboratory shall conduct research activities using approved
8 good laboratory practices, namely procedures and recordkeeping required
9 of the national IR-4 minor use pesticide registration program.

10 (4) The laboratory shall coordinate activities with the national
11 IR-4 program."

12 "NEW SECTION. Sec. 9. The center for sustaining agriculture
13 and natural resources at Washington State University shall prepare and
14 present an annual report to the appropriate legislative committees.
15 The report shall include the center's priorities to find alternatives
16 to the use of agricultural chemicals that pose human and environmental
17 risks. The first report, due no later than November 1, 1992, shall use
18 federal criteria of acceptable risk of human and environmental exposure
19 for establishing such priorities and for conducting responsive research
20 and education programs. For each subsequent year, the report shall
21 detail the center's progress toward meeting the goals identified in the
22 center's plan."

23 "NEW SECTION. Sec. 10. (1) The legislature finds that the
24 center for sustaining agriculture and natural resources, established
25 under sections 1 through 5 and 9 of this act, will require an
26 appropriation in the 1991-93 omnibus appropriations act of one million
27 two hundred thousand dollars.

1 (2) The legislature finds that the food and environmental quality
2 laboratory established under sections 6 through 8 of this act will
3 require an appropriation in the 1991-93 omnibus appropriations act of
4 one million two hundred thousand dollars. If specific funding for the
5 purposes of sections 6 through 8 of this act, referencing sections 6
6 through 8 of this act by bill number, is not provided by June 30, 1991,
7 in the omnibus appropriations act, sections 6 through 8 of this act
8 shall be null and void.

9 "NEW SECTION. Sec. 11. " Sections 1 through 9 of this act shall
10 constitute a new chapter in Title 15 RCW."

11 "NEW SECTION. Sec. 12. A new section is added to chapter 15.58
12 RCW to read as follows:

13 The legislature finds that agriculture is the largest industry in
14 the state of Washington largely due to the tremendous diversity of
15 agricultural crops produced in the state. The tremendous public
16 benefit from this diversity takes many forms, including greater
17 selection and quality of foods for consumers. This crop diversity is
18 heavily reliant on the ability of producers to effectively control
19 pests. While new technologies are being developed to aid in pest
20 control, their effectiveness has yet to be proven, and immediate needs
21 can only be met through the use of plant protection products.

22 The legislature further finds that in order to preserve the
23 agricultural diversity of the state and the availability of abundant,
24 high quality food for consumers, it is vital that the registration and
25 production of plant protection products for minor uses be maintained.
26 The high cost of developing the necessary scientific information to
27 support registration for these products for minor uses has caused many
28 manufacturers to discontinue their involvement in these product

1 development areas. As a result, growers who depend on the products for
2 minor uses must now attempt to produce the necessary scientific
3 information for product registration through other means to maintain an
4 adequate array of products to produce the high quality crops demanded
5 by processors and the consuming public. The registration procedure is
6 so complex that it is beyond the ability of most small grower
7 organizations to complete without technical assistance.

8 The purpose of this chapter is to enable the various agencies
9 involved in pesticide registration to coordinate their activities to
10 ensure the continued availability of plant protection products for
11 minor uses. This coordination will promote the public welfare of the
12 state of Washington by assuring the viability of farm operations,
13 preventing the erosion of the tax base in rural areas, and enhancing
14 the financial stability of the agricultural industry."

15 "NEW SECTION. Sec. 13. A new section is added to chapter 15.58
16 RCW to read as follows:

17 (1) The minor uses advisory committee is created in the department.
18 The committee shall consist of the coordinator of the interregional
19 project number 4 program at Washington State University, who shall be
20 a permanent member, and six members appointed by the director.

21 (2) The director shall make appointments to the advisory committee
22 so that the committee is representative of affected segments of
23 agriculture.

24 (3) Each appointed member shall serve a term of three years, and
25 one-third shall be appointed every year. The entire committee shall be
26 appointed the first year: One-third for a term of one year, one-third
27 for a term of two years, and one-third for a term of three years. A
28 member shall continue to serve until a successor is appointed.
29 Vacancies shall be filled by appointment for the unexpired term.

1 (4) The committee shall meet at the call of the chairperson or the
2 director. A majority of the members present at any meeting shall
3 constitute a quorum, and a majority vote of the quorum at any meeting
4 shall constitute an official act of the committee. At the first
5 meeting of each calendar year, the committee shall select a
6 chairperson.

7 (5) The dean of the college of agriculture of Washington State
8 University and the director, or their representatives, shall be ex
9 officio members without the right to vote.

10 (6) No person appointed to the minor uses advisory committee shall
11 receive a salary or other compensation as a member of the committee.
12 Each member shall receive travel expenses in accordance with RCW
13 43.03.050 and 43.03.060 for each day spent in actual attendance at or
14 traveling to and from meetings of the committee or special assignments
15 for the committee.

16 (7) The committee shall:

17 (a) Advise the department in the administration of this chapter as
18 it relates to minor use registrations;

19 (b) Advise the department on ways to track the availability of
20 effective pest control methods for minor crops or for any crops
21 suffering unique conditions that require the minor use of plant
22 protection products, and provide information to grower organizations;

23 (c) Cooperate with the United States department of agriculture's
24 interregional project number 4 and the United States environmental
25 protection agency in obtaining federal registrations of plant
26 protection products for minor uses; and

27 (d) Maintain close contact between the department and agricultural
28 producers regarding the need for research to support registration of
29 plant protection products for minor uses."

1 "NEW SECTION. **Sec. 14.** A new section is added to chapter 15.58
2 RCW to read as follows:

3 The department shall develop a program to provide assistance and
4 information on the registration and reregistration process for
5 pesticides under the federal insecticide, fungicide and rodenticide act
6 and the 1988 amendments to the act to interested grower organizations.
7 The department, in consultation with the minor uses advisory committee
8 established under section 16 of this act, shall:

9 (1) Track the availability of effective pest control methods for
10 the various minor crops produced in this state in addition to any crops
11 suffering unique conditions that require the minor use of plant
12 protection products;

13 (2) Provide information to grower organizations in the form of
14 seminars or informational meetings and brochures. The information
15 supplied shall include:

16 (a) The environmental protection agency's registration and
17 reregistration processes; and

18 (b) Field and laboratory testing programs and procedures; and

19 (3) Provide technical and financial assistance to minor use
20 research efforts at Washington State University."

21 "NEW SECTION. **Sec. 15.** Sections 12 through 14 of this act shall
22 cease to exist April 1, 1995, unless extended by law for an additional
23 fixed period of time."

24 "NEW SECTION. **Sec. 16.** The sum of forty-nine thousand five
25 hundred dollars, or as much thereof as may be necessary, is
26 appropriated from the general fund to the department of agriculture for
27 the biennium ending June 30, 1993, for the purposes of administering
28 sections 12 through 14 of this act."

1 **ESHB 1426** - S COMM AMD

2 By Committee on Agriculture & Water Resources

3 Adopted as Amended 4/9/91 - Voice Vote

4 On page 1, line 2 of the title, after "University;" strike the
5 remainder of the title and insert "adding new sections to chapter 15.58
6 RCW; adding a new chapter to Title 15 RCW; creating a new section;
7 making an appropriation; and providing an expiration date."