

# HOUSE BILL REPORT

## SB 5778

---

---

*As Passed Legislature*

**Title:** An act relating to the filing of a report of damage due to the use or application of a pesticide.

**Brief Description:** Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture.

**Sponsor(s):** Senators Newhouse and Hansen.

**Brief History:**

Reported by House Committee on:

Agriculture & Rural Development, March 28, 1991, DP;

Passed House, April 16, 1991, 94-0;

Passed Legislature, 94-0.

---

**HOUSE COMMITTEE ON  
AGRICULTURE & RURAL DEVELOPMENT**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; and Rasmussen.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The state's Pesticide Application Act permits a person who has suffered property loss or damage resulting from the use of pesticides by others to file a report of loss or damage with the director of the Department of Agriculture for investigation. The failure of a person to file a report with the director does not bar any criminal or civil action.

**Summary of Bill:** A person who files a report of loss under the Pesticide Application Act must cooperate with the Department of Agriculture in the department's investigation of the report. Such a person must provide the department or its authorized representatives access to any affected property and to any necessary information relevant to the report. If the person refuses to do so, the department may not act upon the report.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (1) Although employees of the Department of Agriculture have not been denied access to fields which were reportedly damaged, the department's response team of experts from Washington State University - which is assembled for more difficult cases - has been denied such access. (2) Prompt access to damaged areas is extremely important for investigating damage by pesticides which dissipate quickly. (3) Prompt investigation is the best protection for a person who has been falsely accused of causing damages.

**Testimony Against:** None.

**Witnesses:** Mike Schwisow, Department of Agriculture (in favor); and Randy Ray, Washington Association of Wheat Growers (in favor).