

HOUSE BILL REPORT

ESB 6093

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to providing pesticide-sensitive individuals notification of urban pesticide applications.

Brief Description: Providing pesticide-sensitive individuals notification of urban pesticide applications.

Sponsor(s): Senators Barr, Murray, Anderson and Bauer.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 26, 1992, DPA.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass as amended.* Signed by 10 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

Staff: Chris Cordes (786-7117).

Background: The state Department of Agriculture regulates the registration, sale, and application of pesticides. Persons who apply restricted-use pesticides must be licensed.

The Department of Labor and Industries administers requirements for posting signs when pesticides are applied to labor-intensive agricultural crops. There is no state requirement for notification or posting when pesticides are applied in nonagricultural areas.

Summary of Amended Bill: Procedures are established for the Department of Agriculture to develop and administer a pesticide-sensitive register. Requirements are established for providing notification and information about landscape applications.

A "landscape application" is the application of a registered pesticide by a certified applicator to exterior landscape plants found around residential property, parks, golf

courses, or schools. The definition does not apply to certified private applicators, to commercial pesticide applicators making structural applications, or to state and local health departments or mosquito control districts conducting mosquito control. Residential property is property of less than one acre zoned as residential, but does not include agricultural homesites.

Pesticide-sensitive registry

The department is directed to develop a list of pesticide-sensitive individuals. The list will include any person who submits information on an application form developed by the department. The application may be submitted any time and will include, in addition to information about the applicant, the address of each property owner with property abutting the applicant's principal residence. The lands listed on the application constitute the pesticide notification area for the applicant. The department will distribute the list of pesticide-sensitive individuals by February 15 and June 15 of each year to applicators likely to make landscape applications. An updated list may be distributed as the department deems necessary. A person on the register is responsible for notifying the department of any changes in the information submitted. A new application must be submitted annually. The department must distribute new application forms each year to persons on the list at a reasonable time before the list expires.

Any applicator making a landscape application or a right of way application to the pesticide notification area of a person on the pesticide-sensitive list must notify the listed person at least two hours before the scheduled application, or at the time of the application if the application is made to satisfy an emergency customer request. Notice may be given by telephone, in writing, or in person. If unable to provide prior notice, the applicator must leave written notice at the residence of the pesticide-sensitive person.

Application vehicle marking

Certified applicators making landscape applications must display the name and telephone number of the applicator or applicator's employer on any power application apparatus. The applicator must carry the material safety data sheet for the pesticide being applied. For right of way applications, the applicator must also display the words "VEGETATION MANAGEMENT APPLICATION" on the apparatus.

If the applicator receives a written request for information on a spray application, the applicator must provide the

requestor with the name of the pesticide applied and either a copy of the material safety data sheet or a pesticide fact sheet developed by the department.

Landscape application posting

An applicator making a landscape application to residential property must place a marker at the usual point of entry to the property. If a residential application is made to a small isolated spot, then a marker need only be placed at the application site. No marker is required for applications made in a fenced or isolated backyard.

Markers are required at each primary point of entry for applications made at schools and parks. For applications made to golf courses, the applicator must place a marker at the first and tenth tee or notice must be posted in a conspicuous location, such as on a central message board.

Markers must be at least four inches by five inches and include the words "THIS LANDSCAPE HAS BEEN TREATED BY," the name and telephone number of the applicator's company, and the words "FOR MORE INFORMATION PLEASE CALL."

The property owner or tenant is responsible for removing the marker on the day following application. The commercial applicator is not liable for unauthorized removal of the markers, nor for personal property damage or bodily injury resulting from required markers.

Amended Bill Compared to Engrossed Bill: The amended bill deletes the requirement that the applicant for the pesticide-sensitive list must have his or her sensitivity certified by a physician. It adds a requirement that the Department of Agriculture mail out new application forms to the persons on the pesticide-sensitive list prior to the time the annual list expires.

Fiscal Note: Requested February 27, 1992.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Most urban dwellers are not able to protect themselves against accidental pesticide exposure because they have no notice of the pesticide application. The bill is a compromise that represents a first step toward giving notice to pesticide-sensitive persons. It is a responsible proposal that deals with certified, legitimate pesticide exposure concerns. The compromise provisions should not be changed.

Testimony Against: None.

Witnesses: Senator Scott Barr, prime sponsor; Senator Patty Murray; Donna DeJarnatt; Jeffrey Weier, Washington State Pest Control Association; Ed Walter, Washington Tree Service; and Duncan Wurm, Washington Friends of Farms and Forests.