

HOUSE BILL REPORT

HB 1261

*As Reported By House Committee on:
AGRICULTURE & RURAL DEVELOPMENT*

Title: An act relating to pesticide records.

Brief Description: Altering record-keeping requirements for pesticides.

Sponsor(s): Representatives Rayburn, Nealey, McLean, Grant, Kremen, Rasmussen, Chandler, Lisk, P. Johnson, Fuhrman, Hochstatter, Wynne, Edmondson, Bowman, Inslee, R. Johnson and Bray.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 1, 1991, DPS.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *That Substitute House Bill No. 1261 be substituted therefor, and the substitute bill do pass.*
Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Ken Hirst (786-7105).

Background: The Pesticide Application Act requires certain persons who use pesticides to be licensed. It requires all persons licensed under the Act, except dairy farmers applying pesticides to their own farms, and all persons who apply pesticides to more than one acre of agricultural land in a calendar year to keep records of their pesticide applications on forms prescribed by the Director of Agriculture. The records must be kept for seven years from the date of the application of a pesticide and must be readily available to: the Department of Agriculture; the Department of Social and Health Services; the Pesticide Incident and Reporting and Tracking Panel; treating medical personnel in a suspected case of pesticide poisoning; and, in the case of an industrial insurance claim filed with the Department of Labor and Industries, the employee or the employee's designated representative and that department.

Under the Worker and Community Right to Know Act, an employer who applies or stores pesticides in connection with the production of an agricultural crop must maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The list must be kept on a form prescribed by the Department of Labor and Industries for not less than seven years. The list must be updated on the day that a pesticide is applied or first stored. The list must be readily available to employees and their representatives. It must be accessible and available for copying. It must be provided, on request, to: the Department of Labor and Industries; the Pesticide Incident and Reporting and Tracking Panel; treating medical personnel; or an employee or the employee's designated representative in the case of an industrial insurance claim.

Both Acts require the Department of Agriculture and the Department of Labor and Industries to jointly adopt, by rule, one form that satisfies these information requirements. Pesticide records kept under one act may be used to satisfy the record-keeping requirements of the other.

Summary of Substitute Bill: The workplace pesticide list required under the Worker and Community Right to Know Act no longer must include information concerning the application of pesticides. It must be updated within seven days of the day that a pesticide is first stored in a work area. The Department of Labor and Industries and the Department of Agriculture must jointly adopt rules setting the forms (rather than one joint form) to be used to satisfy the pesticide record-keeping requirements of the Act and of the Pesticide Application Act. Such records kept under one act no longer satisfy the record-keeping requirements of the other act.

A commercial pesticide applicator who applies a pesticide to agricultural lands must supply the owner of the land (or lessee if applied on behalf of the lessee) a copy of the pesticide application record required by the Pesticide Application Act. If the owner or lessee is a person who employs one or more employees, as defined by the Worker and Community Right to Know Act, the person must maintain the record for seven years. Pesticide application records maintained under the Pesticide Application Act must be readily available to the Department of Labor and Industries. They are available to employees or their designated representatives only in the case of an industrial insurance claim.

Substitute Bill Compared to Original Bill: Added by the substitute bill are the provisions: granting the Department of Labor and Industries ready access to pesticide application records; requiring a commercial pesticide applicator who applies pesticides to agricultural lands to supply a copy of the application record to the owner or lessee of the lands; and requiring employers to keep such records for seven years.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after the adjournment of session in which bill passed.

Testimony For: (1) It is often impossible to update pesticide storage records within 24 hours. Since the Department of Labor and Industries cannot respond to a complaint within such a short period of time, farmers should be given a more reasonable period to update the records to be used by the Department. (2) Not just anyone should be permitted to inspect pesticide application records.

Testimony Against: (1) The bill limits access to pesticide application records by employees and by the Department of Labor and Industries. (2) Agricultural employers, not just pesticide applicators, should be required to maintain the application records. (3) The Department of Agriculture is not an effective worker safety regulator; inspections of records should be conducted by the Department of Labor and Industries.

Witnesses: Bruce Ellingson, Association of Washington Apple Growers (in favor of original bill); Steven Cant, Department of Labor and Industries (opposed to original bill); and Michelle Beso, Evergreen Legal Services (opposed to original bill).