

HOUSE BILL REPORT

HB 2317

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to pesticide posting and recordkeeping.

Brief Description: Changing recordkeeping and posting requirements for pesticide use.

Sponsor(s): Representatives Rayburn, McLean, Grant, Nealey, R. Johnson, Kremen, Paris, Chandler, Lisk, Fuhrman, Bray and Rasmussen.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, January 21, 1992, DP.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *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: Kenneth Hirst (786-7105).

Background: Pesticide Records. 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 the Department 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 adopt jointly, 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.

Posting. The Worker and Community Right to Know Act requires that an area in which an agricultural crop is grown be posted with warning signs if a pesticide is applied to the crop. This requirement applies if the "reentry interval" (that is, the interval after which workers may enter the area after a pesticide is applied) assigned to the pesticide is more than 24 hours and the crop is a labor intensive crop. Such signs may be posted in the area not more than 24 hours before the pesticide is applied.

Summary of Bill: Pesticide Records Generally. The pesticide application records which are currently required under the state's Pesticide Application Act or Worker and Community Right to Know Act must no longer be maintained on forms adopted by the state. However, if a person who has access to those records under current law requests the information, the information must be supplied to the person on the state's forms. These forms must be adopted by the Department of Agriculture, not, as under current law, jointly by the Department of Agriculture and the Department of Labor and Industries.

Worker and Community Right to Know Act. The provisions of the Worker and Community Right to Know Act are repealed which require employers who apply or store pesticides in connection with the production of an agricultural crop to keep a workplace pesticide list. However, such an employer must keep records regarding each pesticide application which must include the information required under the Pesticide

Application Act. A person who currently has access to the workplace pesticide list has access to this application information.

The act no longer prohibits pesticide warning signs from being posted sooner than 24 hours before the scheduled application of a pesticide on a labor intensive crop. However, the signs must be posted within 24 hours before the application. Employees working in the area of the application must be informed of the application and must vacate the area prior to the application of the pesticide.

Pesticide Application Act. A commercial pesticide applicator who applies a pesticide to agricultural land must submit the pesticide application information required under the act to the owner or lessee of the land. The information need not be submitted on a form adopted by the Department of Agriculture, but if it is not submitted on such a form, it must be readily understandable. The information which must be maintained under the act must be readily available to the Department of Labor and Industries under this act whether an industrial insurance claim has or has not been filed. An exemption from recordkeeping requirements regarding pesticide applications currently provided to persons who own or operate dairy farms is repealed.

Fiscal Note: Requested January 17, 1992.

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

Testimony For: (1) When HB 2222 was passed in 1989, it was understood that some of its requirements would have to be adjusted in the future once the effects of the requirements were better known. This bill makes such adjustments. (2) Pesticide application records need no longer be kept on state forms so farmers can use alternative forms designed to suit their needs.

Testimony Against: None.

Witnesses: Steven Cant, Department of Labor and Industries (in favor of the posting provision); and Ray Shindler, state associations of wheat, asparagus and cranberry growers (in favor).