

FINAL BILL REPORT

ESB 6273

FULL VETO

AS PASSED LEGISLATURE

Brief Description: Clarifying the department of agriculture's authority.

SPONSORS: Senators Patterson, Snyder and Barr

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

BACKGROUND:

In 1991 the United States Supreme Court handed down its decision in Wisconsin v. Mortier. In this decision the court found that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) does not preclude local governments from regulating pesticides. The court also determined that a state may preempt local authorities from regulating pesticides by showing a specific intent to fill the field of law regarding pesticide regulation.

Many pesticide users have expressed concern as to the ability of local governments to regulate pesticide use because the court failed to clearly outline the extent of the rights of local government in this area.

SUMMARY:

Cities, towns, or counties may regulate pesticide use on agricultural lands, forest lands, or right of way/easement property for a state highway or public utility, only when implementing rules developed by the State Board of Health or the Department of Health to protect drinking water or when complying with water quality standards established by the Department of Ecology.

Prior to proposing pesticide regulating ordinances, the local government must consult with the Departments of Agriculture, Ecology, and Health.

Special purpose districts may only restrict pesticide use on property leased or owned by the special purpose districts.

The restrictions on pesticide regulation outlined in the act expire July 1, 1994.

VOTES ON FINAL PASSAGE:

Senate	36	13	
House	58	38	(House amended)
Senate	36	12	(Senate concurred)

FULL VETO (See VETO MESSAGE)