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HOUSE BILL 2576

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Heavey, G. Cole, Jones and Bray; by request of Department of Agriculture, Department of Health and Department of Labor & Industries

Read first time 01/22/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to privileged information concerning registration  
2 of pesticides; and amending RCW 15.58.065.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.58.065 and 1989 c 380 s 5 are each amended to read  
5 as follows:

6 (1) In submitting data required by this chapter, the applicant may:

7 (a) Mark clearly any portions which in the applicant's opinion are  
8 trade secrets or commercial or financial information; and

9 (b) Submit such marked material separately from other material  
10 required to be submitted under this chapter.

11 (2) Notwithstanding any other provision of this chapter or other  
12 law, the director shall not make public information which in the  
13 director's judgment should be privileged or confidential because it  
14 contains or relates to trade secrets or commercial or financial

1 information except that, when necessary to carry out the provisions of  
2 this chapter, information relating to unpublished formulas of products  
3 acquired by authorization of this chapter may be revealed to any state  
4 or federal agency consulted and may be revealed at a public hearing or  
5 in findings of fact issued by the director when necessary under this  
6 chapter.

7 (3) If the director proposes to release for inspection information  
8 which the applicant or registrant believes to be protected from  
9 disclosure under subsection (2) of this section, the director shall  
10 notify the applicant or registrant in writing, by certified mail. The  
11 director shall not thereafter make available for inspection such data  
12 until thirty days after receipt of the notice by the applicant or  
13 registrant. During this period, the applicant or registrant may  
14 institute an action in the superior court of Thurston county for a  
15 declaratory judgment as to whether such information is subject to  
16 protection under subsection (2) of this section.

17 (4) Notwithstanding any other provisions of this chapter or other  
18 law, the director may make statements filed pursuant to RCW 15.58.060  
19 available to the department of labor and industries and the department  
20 of health. The department of labor and industries and the department  
21 of health shall comply with the terms of this section as well as RCW  
22 15.58.060(1)(c) regarding disclosure of any statement received from the  
23 department of agriculture pursuant to this section.