CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1426

52nd Legislature
1991 Regular Session

Passed by the House March 19, 1991
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 9, 1991
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1426** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1426

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Grant, Ballard, Rayburn, Nealey, Rust, Belcher, Ludwig, Prince, Heavey, Inslee, Bray, Rasmussen, Jacobsen, Lisk, Kremen, Spanel and Edmondson).

Read first time February 8, 1991.

AN ACT Relating to research and extension programs of Washington State University; adding new sections to chapter 15.58 RCW; adding a new chapter to Title 15 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** The legislature finds that public concerns are increasing about the need for significant efforts to develop sustainable systems in agriculture. The sustainable systems would address many anxieties, including the erosion of agricultural lands, the protection and wise utilization of natural resources, and the safety of food production. Consumers have demonstrated their apprehension in the marketplace by refusing to purchase products whose safety is suspect and consumer confidence is essential for a viable agriculture in Washington. Examples of surface and ground water contamination by pesticides and chemical fertilizers raise concerns

about deterioration of environmental quality. Reducing soil erosion would maintain water quality and protect the long-term viability of the soil for agricultural productivity. Both farmers and farm labor are apprehensive about the effects of pesticides on their health and personal safety. Development of sustainable farming systems would strengthen the economic viability of Washington's agricultural production industry.

Public anxieties over the use of chemicals in agriculture have resulted in congress amending the federal insecticide, fungicide and rodenticide act which requires all pesticides and their uses registered before November 1984 to be reregistered, complying with present standards, by the end of 1997. The legislature finds that the pesticide reregistration process and approval requirements could reduce the availability of chemical pesticides for use on minor crops in Washington and may jeopardize the farmers' ability to grow these crops in Washington.

The legislature recognizes that Washington State University supports research and extension programs that can lead to reductions in pesticide use where viable alternatives are both environmentally and economically sound. Yet, the legislature finds that a focused and coordinated program is needed to develop possible alternatives, increase public confidence in the safety of the food system, and educate farmers and natural resource managers on land stewardship.

The legislature further finds that growers, processors, and agribusiness depend upon pesticide laboratories associated with manufacturers, regional universities, state departments of agriculture, and the United States department of agriculture to provide residue data for registering essential pesticides. The registration of uses for minor crops, which include vegetables, fruits, nuts, berries, nursery and greenhouse crops, and reregistration of needed chemicals, are

activities of particular concern to ensure crop production. Furthermore, public demands for improved information and education on pesticides and risk assessment efforts justify these efforts.

The legislature further finds that multiple alternatives are needed for pest control, including programs for integrated pest management, genetic resistance to pests, biological control, cultural practices, and the use of appropriate approved chemicals.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

(2) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

(3) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(4) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

(5) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

(6) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

(7) "Registration" means use of a pesticide approved by the state department of agriculture.

(8) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

NEW SECTION. **Sec. 3.** A center for sustaining agriculture and natural resources is established at Washington State University. The center shall provide state-wide leadership in research, extension, and resident instruction programs to sustain agriculture and natural resources.

NEW SECTION. **Sec. 4.** The center is to work cooperatively with the University of Washington to maximize the use of financial resources in addressing forestry issues. The center’s primary activities include but are not limited to:

(1) Research programs which focus on developing possible alternative production and marketing systems through:

(a) Integrated pest management;

(b) Biological pest control;

(c) Plant and animal breeding;

(d) Conservation strategies; and

(e) Understanding the ecological basis of nutrient management;

(2) Extension programs which focus on:

(a) On-farm demonstrations and evaluation of alternative production practices;

(b) Information dissemination, and education concerning sustainable agriculture and natural resource systems; and

(c) Communication and training on sustainable agriculture strategies for consumers, producers, and farm and conservation-related organizations;

(3) On-farm testing and research to calculate and demonstrate costs and benefits, including economic and environmental benefits and trade-offs, inherent in farming systems and technologies;

(4) Crop rotation and other natural resource processes such as pest-predator interaction to mitigate weed, disease, and insect problems, thereby reducing soil erosion and environmental impacts;

(5) Management systems to improve nutrient uptake, health, and resistance to diseases and pests by incorporating the genetic and biological potential of plants and animals into production practices;

(6) Soil management, including conservation tillage and other practices to minimize soil loss and maintain soil productivity; and

(7) Animal production systems emphasizing preventive disease practices and mitigation of environmental pollution.

NEW SECTION. **Sec. 5.** The center is managed by an administrator. The administrator shall hold a joint appointment as an assistant director in the Washington State University agricultural research center and cooperative extension.

(1) A committee shall advise the administrator. The dean of the Washington State University college of agriculture and home economics shall make appointments to the advisory committee so the committee is representative of affected groups, such as the Washington department of

social and health services, the Washington department of ecology, the Washington department of agriculture, the chemical and fertilizer industry, food processors, marketing groups, consumer groups, environmental groups, farm labor, and natural resource and agricultural organizations.

(2) Each appointed member shall serve a term of three years, and one-third are appointed every year. The entire committee is appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies are filled by appointment for the unexpired term. The members of the advisory committee shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the committee as provided in RCW 43.03.050 and 43.03.060.

(3) It is the responsibility of the administrator, in consultation with the advisory committee, to:

(a) Recommend research and extension priorities for the center;

(b) Conduct a competitive grants process to solicit, review, and prioritize research and extension proposals; and

(c) Advise Washington State University on the progress of the development and implementation of research, teaching, and extension programs that sustain agriculture and natural resources of Washington.

NEW SECTION. **Sec. 6.** A food and environmental quality laboratory operated by Washington State University is established in the Tri-Cities area to conduct pesticide residue studies concerning fresh and processed foods, in the environment, and for human and animal safety. The laboratory shall cooperate with public and private laboratories in Washington, Idaho, and Oregon.

NEW SECTION. **Sec. 7.** The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

(3) Improving pesticide information and education programs; and

(4) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in section 8 of this act; and

(5) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. **Sec. 8.** The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and industry, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors, marketers, farm labor, environmental organizations, and

consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a data base exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

NEW SECTION. **Sec. 9.** The center for sustaining agriculture and natural resources at Washington State University shall prepare and present an annual report to the appropriate legislative committees. The report shall include the center’s priorities to find alternatives to the use of agricultural chemicals that pose human and environmental risks. The first report, due no later than November 1, 1992, shall use federal criteria of acceptable risk of human and environmental exposure

for establishing such priorities and for conducting responsive research and education programs. For each subsequent year, the report shall detail the center's progress toward meeting the goals identified in the center's plan.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of sections 6 through 8 of this act, referencing sections 6 through 8 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 8 of this act shall be null and void.

NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. **Sec. 12.** A new section is added to chapter 15.58 RCW to read as follows:

The legislature finds that agriculture is the largest industry in the state of Washington largely due to the tremendous diversity of agricultural crops produced in the state. The tremendous public benefit from this diversity takes many forms, including greater selection and quality of foods for consumers. This crop diversity is heavily reliant on the ability of producers to effectively control pests. While new technologies are being developed to aid in pest control, their effectiveness has yet to be proven, and immediate needs can only be met through the use of plant protection products.

The legislature further finds that in order to preserve the agricultural diversity of the state and the availability of abundant, high quality food for consumers, it is vital that the registration and production of plant protection products for minor uses be maintained. The high cost of developing the necessary scientific information to

support registration for these products for minor uses has caused many manufacturers to discontinue their involvement in these product development areas. As a result, growers who depend on the products for minor uses must now attempt to produce the necessary scientific information for product registration through other means to maintain an adequate array of products to produce the high quality crops demanded by processors and the consuming public. The registration procedure is so complex that it is beyond the ability of most small grower organizations to complete without technical assistance.

The purpose of this chapter is to enable the various agencies involved in pesticide registration to coordinate their activities to ensure the continued availability of plant protection products for minor uses. This coordination will promote the public welfare of the state of Washington by assuring the viability of farm operations, preventing the erosion of the tax base in rural areas, and enhancing the financial stability of the agricultural industry.

NEW SECTION. **Sec. 13.** A new section is added to chapter 15.58 RCW to read as follows:

(1) The minor uses advisory committee is created in the department. The committee shall consist of the coordinator of the interregional project number 4 program at Washington State University, who shall be a permanent member, and six members appointed by the director.

(2) The director shall make appointments to the advisory committee so that the committee is representative of affected segments of agriculture.

(3) Each appointed member shall serve a term of three years, and one-third shall be appointed every year. The entire committee shall be appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A

member shall continue to serve until a successor is appointed. Vacancies shall be filled by appointment for the unexpired term.

(4) The committee shall meet at the call of the chairperson or the director. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee. At the first meeting of each calendar year, the committee shall select a chairperson.

(5) The dean of the college of agriculture of Washington State University and the director, or their representatives, shall be ex officio members without the right to vote.

(6) No person appointed to the minor uses advisory committee shall receive a salary or other compensation as a member of the committee. Each member shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the committee or special assignments for the committee.

(7) The committee shall:

(a) Advise the department in the administration of this chapter as it relates to minor use registrations;

(b) Advise the department on ways to track the availability of effective pest control methods for minor crops or for any crops suffering unique conditions that require the minor use of plant protection products, and provide information to grower organizations;

(c) Cooperate with the United States department of agriculture's interregional project number 4 and the United States environmental protection agency in obtaining federal registrations of plant protection products for minor uses; and

(d) Maintain close contact between the department and agricultural producers regarding the need for research to support registration of plant protection products for minor uses.

NEW SECTION. **Sec. 14.** A new section is added to chapter 15.58 RCW to read as follows:

The department shall develop a program to provide assistance and information on the registration and reregistration process for pesticides under the federal insecticide, fungicide and rodenticide act and the 1988 amendments to the act to interested grower organizations. The department, in consultation with the minor uses advisory committee established under section 16 of this act, shall:

(1) Track the availability of effective pest control methods for the various minor crops produced in this state in addition to any crops suffering unique conditions that require the minor use of plant protection products;

(2) Provide information to grower organizations in the form of seminars or informational meetings and brochures. The information supplied shall include:

(a) The environmental protection agency's registration and reregistration processes; and

(b) Field and laboratory testing programs and procedures; and

(3) Provide technical and financial assistance to minor use research efforts at Washington State University.

NEW SECTION. **Sec. 15.** Sections 12 through 14 of this act shall cease to exist April 1, 1995, unless extended by law for an additional fixed period of time.

NEW SECTION. **Sec. 16.** If specific funding for the purposes of sections 12 through 14 of this act, referencing sections 12 through 14 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12 through 14 of this act shall be null and void.