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SENATE BILL 5575

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State of Washington

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1991 Regular Session

By Senators Murray, Rinehart, Snyder, Vognild, Sutherland, Madsen, Skratek, L. Kreidler, Wojahn, A. Smith and Bauer.

Read first time February 8, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to urban hazardous waste prevention; adding new  
2 sections to chapter 70.105 RCW; creating new sections; and making an  
3 appropriation.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

6 (1) The urban environment, especially residential areas and where  
7 children gather, is the most sensitive and requires the strongest  
8 protection from toxics and hazardous wastes;

9 (2) In the populated, urban areas, the use of pesticides must be  
10 properly managed to protect public health by preventing hazardous and  
11 toxic waste contamination.

12 NEW SECTION. **Sec. 2.** (1) When a pesticide is applied to  
13 public and private school grounds, day care centers, parks and

1 playgrounds, and residential areas, the pesticide-treated area must be  
2 posted with warning signs provided by the applicator.

3 (2) The signs must be posted during application and for at least  
4 the following forty-eight hours. The owner or occupant of the property  
5 is responsible for disposition of the signs after the posting period.

6 (3) The department shall adopt by rule the warning sign  
7 specifications to include, but not limited to:

8 (a) Size;

9 (b) Warning message content;

10 (c) Posting requirements.

11 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
12 otherwise, the definitions in this section apply through this chapter.

13 (1) "Applicator" means any individual who is licensed as a  
14 commercial pesticide applicator, commercial pesticide operator, public  
15 operator, private-commercial applicator, demonstration and research  
16 applicator, or certified private applicator, or any other individual  
17 who is certified by the Washington state department of agriculture to  
18 use or supervise the use of any pesticide which is classified by the  
19 environmental protection agency as a redistricted-use pesticide or by  
20 the state as restricted to use by certified applicators only.

21 (2) "Department" means the department of ecology.

22 (3) "Director" means the director of the department or a duly  
23 authorized representative.

24 (4) "Pesticide" means, but is not limited to, any substance or  
25 mixture of substances intended to prevent, destroy, control, repel, or  
26 mitigate any insect, rodent, snail, slug, fungus, weed, and any other  
27 form of plant or animal life or virus, except virus on or in a living  
28 person or other animal, which is normally considered to be a pest.

1 (5) "Residential property" includes property less than one acre in  
2 size zoned as residential by the city, town, or county.

3 (6) "Dwelling" means a building or structure or portion of a  
4 building or structure that is occupied in whole or in part as the home,  
5 residence, or sleeping place for one or two families.

6 (7) "Multiple dwelling" means a dwelling occupied by or that is  
7 occupied as the residence or home of three or more families living  
8 independent of each other.

9 (8) "Multiple-dwelling unit" means that portion of a multiple  
10 dwelling occupied by one or more persons as the residence or home of  
11 such persons.

12 (9) "Premises" means land and improvements or appurtenances or any  
13 part of land and improvements or appurtenances.

14 NEW SECTION. **Sec. 4.** (1) Every applicator must, prior to the  
15 application of pesticide on or within a dwelling on residential  
16 property, supply the occupants with a written copy of the information,  
17 specifically for health warnings to humans and pets, contained on the  
18 label of the pesticide to be applied.

19 (2) Except as proved in subsection (3) of this section, every  
20 applicator must, prior to the application of pesticide within or on the  
21 premises of a multiple dwelling, building, or structure other than a  
22 dwelling in an area zoned as residential property, supply the owner or  
23 his or her agent with a written copy of the information, specifically  
24 for health warnings to humans and pets, contained on the label of the  
25 pesticide to be applied. Prior to an application of pesticide the  
26 owner or agent must inform the occupants or residents of the multiple  
27 dwelling, building, or structure of the impending application and must  
28 provide written information specifically for health warnings to humans

1 and pets in English or appropriate language as determined by the  
2 department.

3 (3) In the case where an occupant of a multiple-dwelling unit  
4 retains an applicator to apply pesticides within the unit, the  
5 applicator must, prior to the application of a pesticide, supply any  
6 information, specifically for health warnings for humans and pets,  
7 contained on the label of the pesticides to the occupants.

8 NEW SECTION. **Sec. 5.** (1) Prior to a pesticide application on  
9 public or private school grounds, day care centers, parks or  
10 playgrounds, or residential property, the applicator must provide in  
11 writing, as part of the contract to the owner of the property or his or  
12 her agent, the following:

13 (a) The approximate date or dates of application;

14 (b) The number of application and quantity;

15 (c) A list of substances to be applied, including brand names and  
16 generic names of active ingredients;

17 (d) Warnings that appear on the pesticide label pertinent to the  
18 protection of humans, animals, or the environment;

19 (e) The company name, address, telephone number, and the state  
20 applicator's license number.

21 (2) If the application date or dates specified become infeasible,  
22 the applicator must give the owner or his or her agent oral or written  
23 notice of the proposed alternative date or dates. The owner or his or  
24 her agent must approve the alternative date or dates before the  
25 pesticide is applied.

26 NEW SECTION. **Sec. 6.** The director shall administer and  
27 enforce the provisions of this chapter and rules adopted under this  
28 chapter. All authority and requirements provided for in chapters 34.05

1 and 42.30 RCW shall apply to this chapter in the adoption of rules  
2 including those requiring due notice and a hearing for adoption of  
3 permanent rules.

4 NEW SECTION. **Sec. 7.** State and local health departments and  
5 mosquito control districts when conducting mosquito control operations  
6 are exempt from the posting applications and notification provisions of  
7 this chapter.

8 NEW SECTION. **Sec. 8.** (1) The department shall establish  
9 pesticide use education and information programs for the public to  
10 include, but not be limited to, the following subjects:

- 11 (a) Hazardous waste impacts due to mismanagement of pesticides;
- 12 (b) Importance of following manufacturers' instructions for the  
13 product;
- 14 (c) Impacts upon human health, animals, and birds;
- 15 (d) Impacts on surface and ground water quality;
- 16 (e) Proper container storage or disposal after usage;
- 17 (f) A list of safeguards for commonly used pesticides offered for  
18 home and garden use.

19 (2) The department shall establish a home and garden pesticide  
20 product telephone hotline to respond to public inquiries.

21 (3) The department shall develop and produce informational  
22 materials, to include brochures, residential warning signs, and posters  
23 for distribution to retail outlets where home and garden pesticide  
24 products are sold.

25 NEW SECTION. **Sec. 9.** The department shall establish a home  
26 and garden pesticide product advisory board for the development of a  
27 public education program.

1       The advisory group shall include one representative each from: The  
2 pesticide manufacturing industry, certified applicators, the  
3 environmental community, the department of health, the superintendent  
4 of public instruction, and the department of agriculture.

5       The home and garden pesticide product advisory group shall report  
6 to the appropriate legislative committees by June 30, 1992, on the  
7 program needs and priorities.

8       NEW SECTION.   **Sec. 10.**       Sections 2 through 8 of this act are  
9 each added to chapter 70.105 RCW.

10       NEW SECTION.   **Sec. 11.**       The sum of forty-five thousand dollars,  
11 or as much thereof as may be necessary, is appropriated to the  
12 department of ecology for the biennium ending June 30, 1993, from the  
13 state toxics control account for the purposes of carrying out the  
14 provisions of this act.