

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1426

Chapter 341, Laws of 1991

52nd Legislature
1991 Regular Session

CENTER FOR SUSTAINING AGRICULTURE AND NATURAL RESOURCES

EFFECTIVE DATE: 7/28/91

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

JOE KING
Speaker of the
House of Representatives

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

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991

BOOTH GARDNER
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.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 11:11 a.m.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) Integrated pest management;

25 (b) Biological pest control;

26 (c) Plant and animal breeding;

27 (d) Conservation strategies; and

28 (e) Understanding the ecological basis of nutrient management;

1 (2) Extension programs which focus on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) Improving pesticide information and education programs; and

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

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

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

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

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

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

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

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

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

17 (d) Other chemicals vital to Washington agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (6) No person appointed to the minor uses advisory committee shall
13 receive a salary or other compensation as a member of the committee.
14 Each member shall receive travel expenses in accordance with RCW
15 43.03.050 and 43.03.060 for each day spent in actual attendance at or
16 traveling to and from meetings of the committee or special assignments
17 for the committee.

18 (7) The committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House March 19, 1991.

Passed the Senate April 9, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.