
SUBSTITUTE HOUSE BILL 2564

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Wolfe, Romero, Rust and Pruitt)

Read first time 02/04/94.

1 AN ACT Relating to the development of integrated pesticide
2 management programs; amending RCW 70.104.010, 70.104.020, 70.104.030,
3 70.104.060, and 70.104.090; adding a new section to chapter 28A.335
4 RCW; adding a new section to chapter 27.12 RCW; adding a new section to
5 chapter 17.21 RCW; and making appropriations.

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

7 **Sec. 1.** RCW 70.104.010 and 1991 c 3 s 356 are each amended to read
8 as follows:

9 (1) The department of health has responsibility to protect and
10 enhance the public health and welfare. As a consequence, it must be
11 concerned with both natural and artificial environmental factors which
12 may adversely affect the public health and welfare. Dangers to the
13 public health and welfare related to the use of pesticides require
14 specific legislative recognition of departmental authority and
15 responsibility in this area.

16 (2) To protect children and adults from unnecessary or
17 inappropriate pesticide exposure in public schools and libraries, the
18 department of health has a responsibility to provide a model for
19 developing integrated pest management programs in these areas.

1 **Sec. 2.** RCW 70.104.020 and 1971 ex.s. c 41 s 2 are each amended to
2 read as follows:

3 ~~((For the purposes of this chapter pesticide means, but is not~~
4 ~~limited to:~~

5 ~~(1))~~ The words and phrases defined in this section shall have the
6 meanings indicated when used in this chapter unless the context clearly
7 requires otherwise.

8 (1) "Department" means the department of health.

9 (2) "Integrated pest management" means the selection and
10 implementation of the pest control strategy least hazardous to human
11 health and the environment, that is a long-term ecologically based
12 systems approach to controlling pest populations utilizing a needs
13 assessment based on decision-making criteria. Integrated pest
14 management maximizes reliance on natural pest controls. Integrated
15 pest management consists of:

16 (a) Prevention of pest problems;

17 (b) Monitoring and evaluation of pests, damage, and results of
18 treatment;

19 (c) Acknowledgement of population levels of pests that can be
20 tolerated based on legal, economic, health, or aesthetic thresholds;

21 (d) Use of natural control agents in an ecosystem;

22 (e) Reliance to the maximum extent possible on nonhazardous
23 biological, mechanical, and cultural treatment of pests;

24 (f) Application of pesticides in a manner that minimizes damage to
25 the ecosystem's natural controls and integrity;

26 (g) Use of least toxic pesticides only after other methods have
27 been evaluated; and

28 (h) Selection of treatment methods that are most cost-effective in
29 the short and long-term.

30 (3) "Library" means a free public library supported in whole or in
31 part with money derived from taxation.

32 (4) "Pesticide" includes:

33 (a) Any substance or mixture of substances intended to prevent,
34 destroy, control, repel, or mitigate any insect, rodent, nematode,
35 snail, slug, fungus, weed and any other form of plant or animal life or
36 virus, except virus on or in living man or other animal, which is
37 normally considered to be a pest or which the director of agriculture
38 may declare to be a pest but not substances normally considered to be
39 disinfectants, such as common cleaning products; or

1 (~~(+2)~~) (b) Any substance or mixture of substances intended to be
2 used as a plant regulator, defoliant or desiccant; or

3 (~~(+3)~~) (c) Any spray adjuvant, such as a wetting agent, spreading
4 agent, deposit builder, adhesive, emulsifying agent, deflocculating
5 agent, water modifier, or similar agent with or without toxic
6 properties of its own intended to be used with any other pesticide as
7 an aid to the application or effect thereof, and sold in a package or
8 container separate from that of the pesticide with which it is to be
9 used; or

10 (~~(+4)~~) (d) Any fungicide, rodenticide, herbicide, insecticide, and
11 nematocide.

12 (5) "Public schools" shall have the definition under RCW
13 28A.150.010.

14 **Sec. 3.** RCW 70.104.030 and 1991 c 3 s 357 are each amended to read
15 as follows:

16 (1) The department of health shall investigate all suspected human
17 cases of pesticide poisoning and such cases of suspected pesticide
18 poisoning of animals that may relate to human illness. The department
19 shall establish time periods by rule to determine investigation
20 response time. Time periods shall range from immediate to forty-eight
21 hours to initiate an investigation, depending on the severity of the
22 case or suspected case of pesticide poisoning.

23 In order to adequately investigate such cases, the department shall
24 have the power to:

25 (a) Take all necessary samples and human or animal tissue specimens
26 for diagnostic purposes: PROVIDED, That tissue, if taken from a living
27 human, shall be taken from a living human only with the consent of a
28 person legally qualified to give such consent;

29 (b) Secure any and all such information as may be necessary to
30 adequately determine the nature and causes of any case of pesticide
31 poisoning.

32 (2) The department shall, by rule adopted pursuant to the
33 Administrative Procedure Act, chapter 34.05 RCW, with due notice and a
34 hearing for the adoption of permanent rules, establish procedures for
35 the prevention of any recurrence of poisoning and the department shall
36 immediately notify the department of agriculture, the department of
37 labor and industries, and other appropriate agencies of the results of
38 its investigation for such action as the other departments or agencies

1 deem appropriate. The notification of such investigations and their
2 results may include recommendations for further action by the
3 appropriate department or agency.

4 (3) The department shall develop a model integrated pest management
5 program to be adapted on a site-specific basis, in whole or in part, by
6 public school districts and libraries. The department shall consult
7 with the United States environmental protection agency, the center for
8 sustaining agriculture and natural resources of the Washington State
9 University, the Washington State University cooperative extension
10 service, the office of the superintendent of public instruction, the
11 state board of health, the department of agriculture, other agencies
12 with expertise in this area, and interested members of the public with
13 expertise in this area in the development of the model program. On or
14 before June 30, 1997, each public school district and each library
15 shall adopt an integrated pest management program, based on the model
16 developed by the department, to protect children and adults from
17 unnecessary or inappropriate pesticide exposure.

18 (4) The department shall coordinate with any entity listed in
19 subsection (3) of this section to provide technical assistance to all
20 public school districts and libraries in the adoption of integrated
21 pest management programs.

22 (5) Nothing in chapter . . . , Laws of 1994 (this act) affects
23 existing authority of local health officers or the department to
24 protect public health.

25 **Sec. 4.** RCW 70.104.060 and 1991 c 3 s 362 are each amended to read
26 as follows:

27 In order effectively to prevent human illness due to pesticides and
28 to carry out the requirements of this chapter, the department of health
29 is authorized to provide technical assistance and consultation
30 regarding health effects of pesticides to physicians, public schools,
31 libraries, and other agencies, and is authorized to operate an
32 analytical chemical laboratory and may provide analytical and
33 laboratory services to physicians and other agencies to determine
34 pesticide levels in human and other tissues, and appropriate
35 environmental samples.

36 **Sec. 5.** RCW 70.104.090 and 1991 c 3 s 364 are each amended to read
37 as follows:

1 The responsibilities of the review panel shall include, but not be
2 limited to:

3 (1) Establishing guidelines for centralizing the receipt of
4 information relating to actual or alleged health and environmental
5 incidents involving pesticides;

6 (2) Reviewing and making recommendations for procedures for
7 investigation of pesticide incidents, which shall be implemented by the
8 appropriate agency unless a written statement providing the reasons for
9 not adopting the recommendations is provided to the review panel;

10 (3) Monitoring the time periods required for response to reports of
11 pesticide incidents by the departments of agriculture, health, and
12 labor and industries;

13 (4) At the request of the chair or any panel member, reviewing
14 pesticide incidents of unusual complexity or those that cannot be
15 resolved;

16 (5) Identifying inadequacies in state and/or federal law that
17 result in insufficient protection of public health and safety, with
18 specific attention to advising the appropriate agencies on the adequacy
19 of pesticide reentry intervals established by the federal environmental
20 protection agency and registered pesticide labels to protect the health
21 and safety of farmworkers. The panel shall establish a priority list
22 for reviewing reentry intervals, which considers the following
23 criteria:

24 (a) Whether the pesticide is being widely used in labor-intensive
25 agriculture in Washington;

26 (b) Whether another state has established a reentry interval for
27 the pesticide that is longer than the existing federal reentry
28 interval;

29 (c) The toxicity category of the pesticide under federal law;

30 (d) Whether the pesticide has been identified by a federal or state
31 agency or through a scientific review as presenting a risk of cancer,
32 birth defects, genetic damage, neurological effects, blood disorders,
33 sterility, menstrual dysfunction, organ damage, or other chronic or
34 subchronic effects; and

35 (e) Whether reports or complaints of ill effects from the pesticide
36 have been filed following worker entry into fields to which the
37 pesticide has been applied; and

38 (6) Reviewing and approving an annual report prepared by the
39 department of health to the governor, agency heads, and members of the

1 legislature, with the same available to the public. The report shall
2 include, at a minimum:

3 (a) A summary of the year's activities;

4 (b) A synopsis of the cases reviewed;

5 (c) A separate descriptive listing of each case in which adverse
6 health or environmental effects due to pesticides were found to occur;

7 (d) A tabulation of the data from each case;

8 (e) An assessment of the effects of pesticide exposure in the
9 workplace;

10 (f) The identification of trends, issues, and needs; and

11 (g) Any recommendations for improved pesticide use practices.

12 (7) Reviewing and making recommendations on model programs
13 developed by the department for implementation of integrated pest
14 management programs by public school districts and libraries.

15 NEW SECTION. Sec. 6. A new section is added to chapter 28A.335
16 RCW to read as follows:

17 Within three years of the completion of the model program developed
18 under RCW 70.104.030 by the department of health, each school district
19 board of directors shall adopt an integrated pest management program to
20 protect children and adults from unnecessary or inappropriate pesticide
21 exposure in schools. The board may form an advisory committee to
22 assist in developing the integrated pest management program, and shall
23 hold a public hearing on the draft program.

24 NEW SECTION. Sec. 7. A new section is added to chapter 27.12 RCW
25 to read as follows:

26 Within three years of the completion of the model program developed
27 under RCW 70.104.030 by the department of health, the board of trustees
28 of a library or library district shall adopt an integrated pest
29 management program to protect children and adults from unnecessary or
30 inappropriate pesticide exposure in libraries. The board may form an
31 advisory committee to assist in developing the integrated pest
32 management program, and shall hold a public hearing on the draft
33 program.

34 NEW SECTION. Sec. 8. A new section is added to chapter 17.21 RCW
35 to read as follows:

1 Nothing in chapter . . . , Laws of 1994 (this act) shall affect the
2 powers, authority, or rules of the department of agriculture for pest
3 control on agricultural lands adopted pursuant to this chapter.

4 NEW SECTION. **Sec. 9.** The sum of one hundred seventy-five thousand
5 dollars, or as much thereof as may be necessary, is appropriated for
6 the biennium ending June 30, 1995, from the general fund to the
7 department of health for the purposes of this act.

8 NEW SECTION. **Sec. 10.** The sum of seventy-five thousand dollars,
9 or as much thereof as may be necessary, is appropriated for the
10 biennium ending June 30, 1995, from the general fund to the Washington
11 State University cooperative extension service for the purposes of this
12 act.

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