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SENATE BILL 6327

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Prentice, Fraser and Sutherland

Read first time 01/19/94. Referred to Committee on Agriculture.

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; and adding a new  
5 section to chapter 70.104 RCW.

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 excessive pesticide  
17 exposure in public schools and libraries and other areas of high public  
18 use, the department of health has a responsibility to provide guidance

1 and technical assistance in developing programs for integrated pest  
2 management in such areas.

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

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

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

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

11 (2) "Integrated pest management" means the selection and  
12 implementation of the pest control strategy least hazardous to human  
13 health and the environment, that consists of:

14 (a) Prevention of pest problems;

15 (b) Monitoring and evaluation of pests, damage, and results of  
16 treatment;

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

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

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

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

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

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

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

30 (4) "Pesticide" includes:

31 (a) Any substance or mixture of substances intended to prevent,  
32 destroy, control, repel, or mitigate any insect, rodent, nematode,  
33 snail, slug, fungus, weed and any other form of plant or animal life or  
34 virus, except virus on or in living man or other animal, which is  
35 normally considered to be a pest or which the director of agriculture  
36 may declare to be a pest; or

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

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

8       (~~(+4)~~) (d) Any fungicide, rodenticide, herbicide, insecticide, and  
9 nematocide.

10       (5) "Public schools" shall have the definition under RCW  
11 28A.150.010.

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

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

21       In order to adequately investigate such cases, the department shall  
22 have the power to:

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

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

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

1 results may include recommendations for further action by the  
2 appropriate department or agency.

3 (3) The department shall adopt rules on or before June 30, 1995,  
4 requiring each public school district and each library to adopt an  
5 integrated pest management program to protect children and adults from  
6 excessive pesticide exposure. The rules shall include a model  
7 integrated pest management program that could be adopted in whole or in  
8 part by public school districts and libraries. The department shall  
9 consult with the center for sustaining agriculture and natural  
10 resources of the Washington State University, the Washington State  
11 University cooperative extension service, the office of the  
12 superintendent of public instruction, the pesticide incident review  
13 panel, the department of agriculture, and other agencies with expertise  
14 and interested members of the public in the development of the rules.  
15 The rules shall provide a period for phasing compliance with the rule  
16 requirements over no less than three years from the effective date of  
17 the rules.

18 (4) The department shall coordinate with the Washington State  
19 University cooperative extension service to provide technical  
20 assistance to all public school districts and libraries in the adoption  
21 of integrated pest management programs. The department and the  
22 Washington State University cooperative extension service shall also  
23 provide technical assistance to other public or private entities  
24 operating facilities for public use, in the development of integrated  
25 pest management programs.

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

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

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

3       The responsibilities of the review panel shall include, but not be  
4 limited to:

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

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

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

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

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

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

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

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

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

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

1 (6) Reviewing and approving an annual report prepared by the  
2 department of health to the governor, agency heads, and members of the  
3 legislature, with the same available to the public. The report shall  
4 include, at a minimum:

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

6 (b) A synopsis of the cases reviewed;

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

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

10 (e) An assessment of the effects of pesticide exposure in the  
11 workplace;

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

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

14 (7) Reviewing and making recommendations on rules by the department  
15 for the development of integrated pest management programs by public  
16 school districts and libraries.

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

19 Within one year of the effective date of the department of health  
20 rules on integrated pest management programs required by RCW  
21 70.104.030(3), each school district board of directors shall adopt an  
22 integrated pest management program to protect children and adults from  
23 excessive pesticide exposure in schools. The board may form an  
24 advisory committee to assist in developing the integrated pest  
25 management program, and shall hold a public hearing on the draft  
26 program.

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

29 Within one year of the effective date of the department of health  
30 rules on integrated pest management programs required by RCW  
31 70.104.030(3), the board of trustees of a library or library district  
32 shall adopt an integrated pest management program to protect children  
33 and adults from excessive pesticide exposure in libraries. The board  
34 may form an advisory committee to assist in developing the integrated  
35 pest management program, and shall hold a public hearing on the draft  
36 program.

1        NEW SECTION.   **Sec. 8.**   A new section is added to chapter 70.104 RCW  
2 to read as follows:

3        The department shall award grants, to the extent funds are  
4 available, to school districts or libraries for the development of  
5 integrated pest management plans under section 6 and 7 of this act.  
6 The department shall by rule establish grant award and allocation  
7 criteria.

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