
SENATE BILL 6444

State of Washington 53rd Legislature 1994 Regular Session

By Senators Prentice, Moyer, Pelz and M. Rasmussen

Read first time 01/24/94. Referred to Committee on Agriculture.

1 AN ACT Relating to worker safety and health in the use of extremely
2 toxic pesticides; and adding a new chapter to Title 49 RCW.

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

4 NEW SECTION. **Sec. 1.** The purpose of this chapter is to protect
5 Washington farm workers from extremely toxic pesticides in the
6 workplace. The legislature finds that:

7 (1) Certain pesticides dispersed in Washington workplaces are
8 extremely and acutely toxic even in small amounts. Exposure to only
9 small amounts of these pesticides may result in severe systemic
10 illness, blindness, severe burns, or death.

11 (2) There are less toxic substitutes for these pesticides.

12 (3) Principles of industrial hygiene require the substitution in
13 the workplace of less toxic materials or alternative practices, where
14 available, in order to protect workers from exposures to extremely
15 toxic substances.

16 (4) Principles of industrial hygiene should be applied to the
17 dispersed use of extremely toxic pesticides by requiring substitution
18 of less toxic substances or alternative practices, where available, and

1 by promoting the development of alternative substances or practices in
2 cases where they are not currently available.

3 NEW SECTION. **Sec. 2.** As used in this chapter, the words and
4 phrases defined in this section shall have the following meanings:

5 (1) "Director" means the director of the department of labor and
6 industries.

7 (2) "LD-50" means median lethal dose or concentration.

8 (3) "Extremely toxic pesticide" means a pesticide determined by the
9 director to:

10 (a) Have an inhalation LD-50 of 0.2 milligrams per liter or less
11 for a period of one hour;

12 (b) Have a dermal LD-50 of two hundred milligrams per kilogram or
13 less;

14 (c) Have an oral LD-50 of fifty milligrams per kilogram or less;

15 (d) Be corrosive to the eyes, or cause corneal opacity not
16 reversible within seven days; or

17 (e) Be corrosive to the skin.

18 For purposes of this subsection, the director may rely upon the
19 determination by another state or federal agency that a pesticide meets
20 the toxicity criteria described in this subsection.

21 (4) "Dispersed use" means the intentional application of an
22 extremely toxic pesticide by aircraft, power blast equipment, sprayer,
23 or other means to disseminate the pesticide in the workplace.

24 (5) "Labor-intensive crop" means a crop requiring substantial hand
25 labor for planting, thinning, cultivating, pruning, harvesting, or
26 other agricultural activities. Labor-intensive crops include but are
27 not limited to apples, cherries, peaches, berries, hops, grapes,
28 asparagus, pears, plums, nectarines, onions, cucumbers, cauliflower,
29 and squash. By virtue of mechanization, crops such as, but not limited
30 to, wheat, oats, and barley are excluded unless substantial hand-labor
31 is utilized.

32 (6) "Pesticide" means, but is not limited to:

33 (a) A substance or mixture of substances intended to prevent,
34 destroy, control, repel, or mitigate insects, rodents, snails, slugs,
35 fungi, weeds, and other forms of plant or animal life or virus, except
36 virus on or in a living person or other animal that is normally
37 considered to be a pest or that the director may declare to be a pest;

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

3 (c) A spray adjuvant.

4 NEW SECTION. **Sec. 3.** Except as provided in section 4 of this act,
5 no employer may engage in, or cause an employee to be engaged in, the
6 dispersed use of extremely toxic pesticides in a labor-intensive crop,
7 on or after January 1, 1996.

8 NEW SECTION. **Sec. 4.** (1) The director may authorize the dispersed
9 use of an extremely toxic pesticide if the director finds in writing,
10 by rule, that prohibition of the dispersed use of an extremely toxic
11 pesticide will cause severe economic hardship in the affected industry,
12 and that no feasible alternative substances or practices are available.

13 (2) Whenever the director authorizes an extension of the dispersed
14 use of an extremely toxic pesticide pursuant to subsection (1) of this
15 section, the director shall immediately notify appropriate research
16 institutions and programs of the state, including the University of
17 Washington and Washington State University, in order to facilitate
18 research into alternative substances and practices.

19 (3) This section expires on January 1, 2000, unless a later enacted
20 statute, enacted before January 1, 2000, deletes or extends that date.

21 NEW SECTION. **Sec. 5.** Notwithstanding section 3 of this act, an
22 institution of higher education that is otherwise authorized to use
23 extremely toxic pesticides may use these poisons for research purposes
24 only.

25 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall
26 constitute a new chapter in Title 49 RCW.

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