

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1527**

Chapter 242, Laws of 1997

55th Legislature  
1997 Regular Session

PESTICIDE REGISTRATION AND LICENSING

EFFECTIVE DATE: 7/27/97 - Except sections 2, 4 through 7, 11 through 15, 17, and 22 which become effective 1/1/98

Passed by the House April 19, 1997  
Yeas 63 Nays 29

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 14, 1997  
Yeas 42 Nays 6

BRAD OWEN  
**President of the Senate**

Approved May 1, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1527** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 1, 1997 - 11:16 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1527**

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Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville; by request of Department of Agriculture)

Read first time 03/10/97.

1            AN ACT Relating to pesticide registration and licensing; amending  
2 RCW 15.58.040, 15.58.070, 15.58.170, 15.58.180, 15.58.200, 15.58.210,  
3 15.58.220, 15.58.411, 15.58.420, 17.21.070, 17.21.110, 17.21.122,  
4 17.21.126, 17.21.129, 17.21.132, 17.21.220, 17.21.280, and 17.21.350;  
5 adding a new section to chapter 15.58 RCW; adding a new section to  
6 chapter 17.21 RCW; repealing RCW 15.58.245, 17.21.910, 15.58.415, and  
7 17.21.360; and providing an effective date.

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

9            **Sec. 1.** RCW 15.58.040 and 1996 c 188 s 4 are each amended to read  
10 as follows:

11            (1) The director shall administer and enforce the provisions of  
12 this chapter and rules adopted under this chapter. All the authority  
13 and requirements provided for in chapter 34.05 RCW (Administrative  
14 Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the  
15 adoption of rules including those requiring due notice and a hearing  
16 for the adoption of permanent rules.

17            (2) The director is authorized to adopt appropriate rules for  
18 carrying out the purpose and provisions of this chapter, including but  
19 not limited to rules providing for:

1 (a) Declaring as a pest any form of plant or animal life or virus  
2 which is injurious to plants, people, animals (domestic or otherwise),  
3 land, articles, or substances;

4 (b) Determining that certain pesticides are highly toxic to people.  
5 For the purpose of this chapter, highly toxic pesticide means any  
6 pesticide that conforms to the criteria in 40 C.F.R. Sec. (~~162.10~~)  
7 156.10 for toxicity category I due to oral inhalation or dermal  
8 toxicity. The director shall publish a list of all pesticides,  
9 determined to be highly toxic, by their common or generic name and  
10 their trade or brand name if practical. Such list shall be kept  
11 current and shall, upon request, be made available to any interested  
12 party;

13 (c) Determining standards for denaturing pesticides by color,  
14 taste, odor, or form;

15 (d) The collection and examination of samples of pesticides or  
16 devices;

17 (e) The safe handling, transportation, storage, display,  
18 distribution, and disposal of pesticides and their containers;

19 (f) Restricting or prohibiting the use of certain types of  
20 containers or packages for specific pesticides. These restrictions may  
21 apply to type of construction, strength, and/or size to alleviate  
22 danger of spillage, breakage, misuse, or any other hazard to the  
23 public. The director shall be guided by federal regulations concerning  
24 pesticide containers;

25 (g) Procedures in making of pesticide recommendations;

26 (h) Adopting a list of restricted use pesticides for the state or  
27 for designated areas within the state if the director determines that  
28 such pesticides may require rules restricting or prohibiting their  
29 distribution or use. The director may include in the rule the time and  
30 conditions of distribution or use of such restricted use pesticides and  
31 may, if it is found necessary to carry out the purpose and provisions  
32 of this chapter, require that any or all restricted use pesticides  
33 shall be purchased, possessed, or used only under permit of the  
34 director and under the director's direct supervision in certain areas  
35 and/or under certain conditions or in certain quantities or  
36 concentrations. The director may require all persons issued such  
37 permits to maintain records as to the use of all the restricted use  
38 pesticides;

1 (i) Label requirements of all pesticides required to be registered  
2 under provisions of this chapter;

3 (j) Regulating the labeling of devices;

4 (k) The establishment of criteria governing the conduct of a  
5 structural pest control inspection; and

6 (l) Declaring crops, when grown to produce seed specifically for  
7 crop reproduction purposes, to be nonfood and/or nonfeed sites of  
8 pesticide application. The director may include in the rule any  
9 restrictions or conditions regarding: (i) The application of  
10 pesticides to the designated crops; and (ii) the disposition of any  
11 portion of the treated crop.

12 (3) For the purpose of uniformity and to avoid confusion  
13 endangering the public health and welfare the director may adopt rules  
14 in conformity with the primary pesticide standards, particularly as to  
15 labeling, established by the United States environmental protection  
16 agency or any other federal agency.

17 **Sec. 2.** RCW 15.58.070 and 1995 c 374 s 66 are each amended to read  
18 as follows:

19 (1) (~~Except as provided in subsection (4) of this section,~~) Any  
20 person desiring to register a pesticide with the department shall pay  
21 to the director an annual registration fee for each pesticide  
22 registered by the department for such person. The registration fee  
23 (~~for the registration of pesticides for any one person during a~~  
24 ~~calendar year~~) shall be ~~(five)~~ one hundred forty-five dollars  
25 for each ~~(of the first twenty-five)~~ pesticide ~~(s)~~ registered ~~(one~~  
26 ~~hundred dollars for each of the twenty-sixth through one hundredth~~  
27 ~~pesticides registered; seventy-five dollars for each of the one hundred~~  
28 ~~first through one hundred fiftieth pesticides registered; and fifty~~  
29 ~~dollars for each additional pesticide registered. In addition, the~~  
30 ~~department may establish by rule a registration fee not to exceed ten~~  
31 ~~dollars for each registered product labeled and intended for home and~~  
32 ~~garden use only).~~

33 (2) The revenue generated by the ~~(pesticide)~~ registration fees  
34 shall be deposited in the agricultural local fund to support the  
35 activities of the pesticide program within the department. ~~(The~~  
36 ~~revenue generated by the home and garden use only fees shall be~~  
37 ~~deposited in the agriculture local fund, to be used to assist in~~

1 ~~funding activities of the pesticide incident reporting and tracking~~  
2 ~~review panel.))~~

3 (3) All pesticide registrations expire on December 31st of each  
4 year. A registrant may elect to register a pesticide for a two-year  
5 period by prepaying for a second year at the time of registration.

6 (4) ~~((A person desiring to register a label where a special local~~  
7 ~~need exists shall pay to the director a nonrefundable application fee~~  
8 ~~of two hundred dollars upon submission of the registration request. In~~  
9 ~~addition, a person desiring to renew an approved special local need~~  
10 ~~registration shall pay to the director an annual registration fee of~~  
11 ~~two hundred dollars for each special local needs label registered by~~  
12 ~~the department for such person. The revenue generated by the special~~  
13 ~~local needs application fees and the special local needs renewal fees~~  
14 ~~shall be deposited in the agricultural local fund to be used to assist~~  
15 ~~in funding the department's special local needs registration~~  
16 ~~activities. All special local needs registrations expire on December~~  
17 ~~31st of each year.~~

18 (5)) Any registration approved by the director and in effect on  
19 the 31st day of December for which a renewal application has been made  
20 and the proper fee paid, continues in full force and effect until the  
21 director notifies the applicant that the registration has been renewed,  
22 or otherwise denied in accord with the provision of RCW 15.58.110.

23 **Sec. 3.** RCW 15.58.170 and 1989 c 380 s 13 are each amended to read  
24 as follows:

25 (1) After service of a "stop sale, use or removal" order is made  
26 upon any person, either that person or the director may file an action  
27 in a court of competent jurisdiction in the county in which a violation  
28 of this chapter or rules adopted under this chapter is alleged to have  
29 occurred for an adjudication of the alleged violation. The court in  
30 such action may issue temporary or permanent injunctions mandatory or  
31 restraining, and such intermediate orders as it deems necessary or  
32 advisable. The court may order condemnation of any pesticide or device  
33 which does not meet the requirements of this chapter or rules adopted  
34 under this chapter: PROVIDED, That no authority is granted hereunder  
35 to affect the sale or use of products on which legally approved  
36 pesticides have been legally used.

37 (2) If the pesticide or device is condemned, it shall, after entry  
38 of decree, be disposed of by destruction or sale as the court directs,

1 and the proceeds, if such pesticide or device is sold, less cost  
2 including legal costs, shall be paid to the state treasury ((as  
3 ~~provided in RCW 15.58.410~~)): PROVIDED, That the pesticide or device  
4 shall not be sold contrary to the provisions of this chapter or rules  
5 adopted under this chapter. Upon payment of costs and execution and  
6 delivery of a good and sufficient bond conditioned that the pesticide  
7 or device shall not be disposed of unlawfully, the court may direct  
8 that the pesticide or device be delivered to the owner thereof for  
9 relabeling or reprocessing as the case may be.

10 (3) When a decree of condemnation is entered against the pesticide,  
11 court costs, fees, and storage and other proper expenses shall be  
12 awarded against the person, if any, appearing as claimant of the  
13 pesticide.

14 **Sec. 4.** RCW 15.58.180 and 1989 c 380 s 14 are each amended to read  
15 as follows:

16 (1) Except as provided in subsections (4) and (5) of this section,  
17 it is unlawful for any person to act in the capacity of a pesticide  
18 dealer or advertise as or assume to act as a pesticide dealer without  
19 first having obtained an annual license from the director. The license  
20 shall expire on the master license expiration date. A license is  
21 required for each location or outlet located within this state from  
22 which pesticides are distributed. A manufacturer, registrant, or  
23 distributor who has no pesticide dealer outlet licensed within this  
24 state and who distributes such pesticides directly into this state  
25 shall obtain a pesticide dealer license for his or her principal out-  
26 of-state location or outlet, but such licensed out-of-state pesticide  
27 dealer is exempt from the pesticide dealer manager requirements.

28 (2) Application for a license shall be accompanied by a ((~~thirty-~~  
29 ~~dollar annual license~~)) fee of fifty dollars and shall be made through  
30 the master license system and shall include the full name of the person  
31 applying for the license and the name of the individual within the  
32 state designated as the pesticide dealer manager. If the applicant is  
33 a partnership, association, corporation, or organized group of persons,  
34 the full name of each member of the firm or partnership or the names of  
35 the officers of the association or corporation shall be given on the  
36 application. The application shall further state the principal  
37 business address of the applicant in the state and elsewhere, the name  
38 of a person domiciled in this state authorized to receive and accept

1 service of summons of legal notices of all kinds for the applicant, and  
2 any other necessary information prescribed by the director.

3 (3) It is unlawful for any licensed dealer outlet to operate  
4 without a pesticide dealer manager who has a license of qualification.  
5 The department shall be notified forthwith of any change in the  
6 pesticide dealer manager designee during the licensing period.

7 (4) This section does not apply to (a) a licensed pesticide  
8 applicator who sells pesticides only as an integral part of the  
9 applicator's pesticide application service when such pesticides are  
10 dispensed only through apparatuses used for such pesticide application,  
11 or (b) any federal, state, county, or municipal agency that provides  
12 pesticides only for its own programs.

13 (5) A user of a pesticide may distribute a properly labeled  
14 pesticide to another user who is legally entitled to use that pesticide  
15 without obtaining a pesticide dealer's license if the exclusive purpose  
16 of distributing the pesticide is keeping it from becoming a hazardous  
17 waste as defined in chapter 70.105 RCW.

18 **Sec. 5.** RCW 15.58.200 and 1992 c 170 s 2 are each amended to read  
19 as follows:

20 The director shall require each pesticide dealer manager to  
21 demonstrate to the director knowledge of pesticide laws and rules;  
22 pesticide hazards; and the safe distribution, use and application, and  
23 disposal of pesticides by satisfactorily passing a written examination  
24 after which the director shall issue a license of qualification.  
25 Application for a license shall be accompanied by a ~~((license))~~ fee of  
26 ~~((fifteen))~~ twenty-five dollars. The pesticide dealer manager license  
27 shall be an annual license expiring on a date set by rule by the  
28 director. ~~((License fees shall be prorated where necessary to  
29 accommodate staggering of expiration dates of a license or licenses.))~~

30 **Sec. 6.** RCW 15.58.210 and 1992 c 170 s 3 are each amended to read  
31 as follows:

32 (1) Except as provided in subsection (2) of this section, no  
33 individual may perform services as a pest control consultant without  
34 obtaining a license from the director ~~((an annual license, which)).~~  
35 The license shall expire annually on a date set by rule by the  
36 director. ~~((License fees shall be prorated where necessary to  
37 accommodate staggering of expiration dates of a license or licenses.))~~

1 Except as provided in subsection (3) of this section, no individual may  
2 act as a structural pest control inspector without first obtaining from  
3 the director a pest control consultant license in the special category  
4 of structural pest control inspector. Application for a license shall  
5 be on a form prescribed by the director and shall be accompanied by a  
6 fee of ~~((thirty))~~ forty-five dollars.

7 (2) The following are exempt from the licensing requirements of  
8 subsection (1) of this section when acting within the authorities of  
9 their existing licenses issued under chapter 17.21 RCW: Licensed  
10 commercial pesticide applicators and operators; licensed  
11 private-commercial applicators; and licensed demonstration and research  
12 applicators. The following are also exempt from the licensing  
13 requirements of subsection (1) of this section: Employees of federal,  
14 state, county, or municipal agencies when acting in their official  
15 governmental capacities; and pesticide dealer managers and employees  
16 working under the direct supervision of the pesticide dealer manager  
17 and only at a licensed pesticide dealer's outlet.

18 (3) The following are exempt from the structural pest control  
19 inspector licensing requirement: Individuals inspecting for damage  
20 caused by wood destroying organisms if such inspections are solely for  
21 the purpose of: (a) Repairing or making specific recommendations for  
22 the repair of such damage, or (b) assessing a monetary value for the  
23 structure inspected. Individuals performing wood destroying organism  
24 inspections that incorporate but are not limited to the activities  
25 described in (a) or (b) of this subsection are not exempt from the  
26 structural pest control inspector licensing requirement.

27 **Sec. 7.** RCW 15.58.220 and 1991 c 109 s 40 are each amended to read  
28 as follows:

29 For the purpose of this section public pest control consultant  
30 means any individual who is employed by a governmental agency or unit  
31 to act as a pest control consultant as defined in RCW 15.58.030(28).  
32 No person shall act as a public pest control consultant ~~((on or after  
33 February 28, 1973))~~ without first obtaining ~~((an annual))~~ a license  
34 from the director. The license shall expire annually on a date set by  
35 rule by the director. ~~((License fees shall be prorated where necessary  
36 to accommodate staggering of expiration dates of a license or  
37 licenses.))~~ Application for a license shall be on a form prescribed by  
38 the director and shall be accompanied by ~~((an annual license))~~ a fee of



1 ((fifteen)) twenty-five dollars. Federal and state employees whose  
2 principal responsibilities are in pesticide research, the  
3 jurisdictional health officer or a duly authorized representative,  
4 public pest control consultants licensed and working in the health  
5 vector field, and public operators licensed under RCW 17.21.220 shall  
6 be exempt from this licensing provision.

7 **Sec. 8.** RCW 15.58.411 and 1995 c 374 s 67 are each amended to read  
8 as follows:

9 All license fees collected under this chapter shall be paid to the  
10 director for use exclusively in the enforcement of this chapter. All  
11 moneys collected for civil penalties levied under this chapter shall be  
12 deposited in the state general fund.

13 **Sec. 9.** RCW 15.58.420 and 1989 c 380 s 30 are each amended to read  
14 as follows:

15 By (~~(December 1, 1989, and each subsequent December 1,)~~) February  
16 1st of each year the department shall report to the appropriate  
17 committees of the house of representatives and the senate on the  
18 activities of the department under this chapter. The report shall  
19 include, at a minimum, a review of the department's enforcement  
20 activities, with the number of cases investigated and the number and  
21 amount of civil penalties assessed.

22 NEW SECTION. **Sec. 10.** A new section is added to chapter 15.58 RCW  
23 to read as follows:

24 (1) The director may renew any license issued under this chapter  
25 subject to the recertification standards identified in subsection (2)  
26 of this section or an examination requiring new knowledge that may be  
27 required to apply pesticides.

28 (2) Except as provided in subsection (3) of this section, all  
29 individuals licensed under this chapter shall meet the recertification  
30 standards identified in (a) or (b) of this subsection, every five  
31 years, in order to qualify for continuing licensure.

32 (a) Licensed pesticide applicators may qualify for continued  
33 licensure through accumulation of recertification credits. Individuals  
34 licensed under this chapter shall accumulate a minimum of forty  
35 department-approved credits every five years with no more than fifteen  
36 credits allowed per year.

1 (b) Licensed pesticide applicators may qualify for continued  
2 licensure through meeting the examination requirements necessary to  
3 become licensed in those areas in which the licensee operates.

4 (3) At the termination of a licensee's five-year recertification  
5 period, the director may waive the recertification requirements if the  
6 licensee can demonstrate that he or she is meeting comparable  
7 recertification standards through another state or jurisdiction or  
8 through a federal environmental protection agency-approved government  
9 agency plan.

10 **Sec. 11.** RCW 17.21.070 and 1994 c 283 s 6 are each amended to read  
11 as follows:

12 It shall be unlawful for any person to engage in the business of  
13 applying pesticides to the land of another without a commercial  
14 pesticide applicator license. Application for ~~((the))~~ a commercial  
15 applicator license shall be accompanied by a fee of one hundred  
16 ~~((thirty-six))~~ seventy dollars and in addition a fee of ~~((eleven))~~  
17 twenty dollars for each apparatus, exclusive of one, used by the  
18 applicant in the application of pesticides: PROVIDED, That the  
19 provisions of this section shall not apply to any person employed only  
20 to operate any apparatus used for the application of any pesticide, and  
21 in which such person has no financial interest or other control over  
22 such apparatus other than its day to day mechanical operation for the  
23 purpose of applying any pesticide.

24 **Sec. 12.** RCW 17.21.110 and 1994 c 283 s 10 are each amended to  
25 read as follows:

26 It shall be unlawful for any person to act as an employee of a  
27 commercial pesticide applicator and apply pesticides manually or as the  
28 operator directly in charge of any apparatus which is licensed or  
29 should be licensed under the provisions of this chapter for the  
30 application of any pesticide, without having obtained a commercial  
31 pesticide operator license from the director. The commercial pesticide  
32 operator license shall be in addition to any other license or permit  
33 required by law for the operation or use of any such apparatus.  
34 Application for a commercial operator license shall be accompanied by  
35 a ~~((license))~~ fee of ~~((thirty-three))~~ fifty dollars. The provisions of  
36 this section shall not apply to any individual who is a licensed  
37 commercial pesticide applicator.

1       **Sec. 13.** RCW 17.21.122 and 1994 c 283 s 11 are each amended to  
2 read as follows:

3       It shall be unlawful for any person to act as a private-commercial  
4 pesticide applicator without having obtained a private-commercial  
5 pesticide applicator license from the director. Application for a  
6 private-commercial pesticide applicator license shall be accompanied by  
7 a ~~((license))~~ fee of ~~((seventeen))~~ twenty-five dollars ~~((before a~~  
8 ~~license may be issued))~~.

9       **Sec. 14.** RCW 17.21.126 and 1994 c 283 s 12 are each amended to  
10 read as follows:

11       It shall be unlawful for any person to act as a private pesticide  
12 applicator without first complying with ~~((the certification))~~  
13 requirements determined by the director as necessary to prevent  
14 unreasonable adverse effects on the environment, including injury to  
15 the pesticide applicator or other persons, for each specific pesticide  
16 use.

17       (1) Certification standards to determine the individual's  
18 competency with respect to the use and handling of the pesticide or  
19 class of pesticides for which the private pesticide applicator is  
20 certified shall be relative to hazards of the particular type of  
21 application, class of pesticides, or handling procedure. In  
22 determining these standards the director shall take into consideration  
23 standards of the EPA and is authorized to adopt these standards by  
24 rule.

25       (2) Application for a private pesticide applicator  
26 ~~((certification))~~ license shall be accompanied by a ~~((license))~~ fee of  
27 ~~((seventeen))~~ twenty-five dollars. Individuals with a valid certified  
28 applicator license, pest control consultant license, or dealer manager  
29 license who qualify in the appropriate state-wide or agricultural  
30 license categories are exempt from the private applicator fee  
31 requirement. However, licensed public pesticide operators, otherwise  
32 exempted from the public pesticide operator license fee requirement,  
33 are not also exempted from the private pesticide applicator fee  
34 requirement.

35       **Sec. 15.** RCW 17.21.129 and 1994 c 283 s 14 are each amended to  
36 read as follows:

1 Except as provided in RCW 17.21.203, it is unlawful for a person to  
2 use or supervise the use of any experimental use pesticide or any  
3 restricted use pesticide on small experimental plots for research  
4 purposes when no charge is made for the pesticide and its application  
5 without a demonstration and research applicator's license.

6 (1) Application for a demonstration and research ~~((certification))~~  
7 license shall be accompanied by a ~~((license))~~ fee of ~~((seventeen))~~  
8 twenty-five dollars.

9 (2) Persons licensed in accordance with this section are exempt  
10 from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

11 **Sec. 16.** RCW 17.21.132 and 1994 c 283 s 16 are each amended to  
12 read as follows:

13 Any person applying for a license or certification authorized under  
14 the provisions of this chapter shall file an application on a form  
15 prescribed by the director.

16 (1) The application shall state the license or certification and  
17 the classification(s) for which the applicant is applying and the  
18 method in which the pesticides are to be applied.

19 (2) For all classes of licenses except private applicator, all  
20 applicants shall be at least eighteen years of age on the date that the  
21 application is made. Applicants for a private pesticide applicator  
22 license shall be at least sixteen years of age on the date that the  
23 application is made.

24 (3) Application for a license to apply pesticides shall be  
25 accompanied by the required fee. No license may be issued until the  
26 required ~~((license))~~ fee has been received by the department.  
27 ~~((License fees shall be prorated where necessary to accommodate  
28 staggering of expiration dates of a license or licenses.))~~

29 (4) Each classification of license issued under this chapter shall  
30 expire annually on a date set by rule by the director. ~~((License  
31 expiration dates may be staggered for administrative purposes.))~~  
32 Renewal applications shall be filed on or before the applicable  
33 expiration date.

34 **Sec. 17.** RCW 17.21.220 and 1994 c 283 s 25 are each amended to  
35 read as follows:

36 (1) All state agencies, municipal corporations, and public  
37 utilities or any other governmental agency shall be subject to the

1 provisions of this chapter and rules adopted thereunder concerning the  
2 application of pesticides.

3 (2) It shall be unlawful for any employee of a state agency,  
4 municipal corporation, public utility, or any other government agency  
5 to use or to supervise the use of any restricted use pesticide, or any  
6 pesticide by means of an apparatus, without having obtained a public  
7 operator license from the director. (~~(A license)~~) Application for a  
8 public operator license shall be accompanied by a fee of ((seventeen))  
9 twenty-five dollars ((shall be paid before a public operator license  
10 may be issued)). The (~~(license)~~) fee shall not apply to public  
11 operators licensed and working in the health vector field. The public  
12 operator license shall be valid only when the operator is acting as an  
13 employee of a government agency.

14 (3) The jurisdictional health officer or his or her duly authorized  
15 representative is exempt from this licensing provision when applying  
16 pesticides that are not restricted use pesticides to control pests  
17 other than weeds.

18 (4) Such agencies, municipal corporations and public utilities  
19 shall be subject to legal recourse by any person damaged by such  
20 application of any pesticide, and such action may be brought in the  
21 county where the damage or some part thereof occurred.

22 **Sec. 18.** RCW 17.21.280 and 1994 c 283 s 29 are each amended to  
23 read as follows:

24 (1) Except as provided in subsection (2) of this section, all  
25 moneys collected under the provisions of this chapter shall be paid to  
26 the director and deposited in the agricultural local fund, RCW  
27 43.23.230, for use exclusively in the enforcement of this chapter.

28 (2) All moneys collected for civil penalties levied under RCW  
29 17.21.315 shall be deposited in the state general fund. All fees,  
30 fines, forfeitures and penalties collected or assessed by a district  
31 court because of the violation of a state law shall be remitted as  
32 provided in chapter 3.62 RCW.

33 **Sec. 19.** RCW 17.21.350 and 1989 c 380 s 64 are each amended to  
34 read as follows:

35 By (~~(December 1, 1989, and each subsequent December 1,)~~) February  
36 1st of each year the department shall report to the appropriate  
37 committees of the house of representatives and the senate on the

1 activities of the department under this chapter. The report shall  
2 include, at a minimum: (1) A review of the department's pesticide  
3 incident investigation and enforcement activities, with the number of  
4 cases investigated and the number and amount of civil penalties  
5 assessed; and (2) a summary of the pesticide residue food monitoring  
6 program with information on the food samples tested and results of the  
7 tests, a listing of the pesticides for which ((~~no~~)) testing is done,  
8 and other pertinent information.

9 NEW SECTION. **Sec. 20.** A new section is added to chapter 17.21 RCW  
10 to read as follows:

11 (1) The purpose of this section is to establish a pilot project to  
12 evaluate the feasibility of establishing a limited private applicator  
13 license to facilitate the control of weeds, especially those defined as  
14 noxious weeds, in Washington state.

15 (2) "Limited private applicator" means a certified applicator who  
16 uses or is in direct supervision of the use of any herbicide classified  
17 by the EPA or the director as a restricted use pesticide, for the sole  
18 purpose of controlling weeds on nonproduction agricultural land owned  
19 or rented by the applicator or the applicator's employer.  
20 Nonproduction agricultural land includes pastures, range land,  
21 fencerows, and areas around farm buildings but not aquatic sites. A  
22 limited private applicator also may apply restricted use herbicides to  
23 nonproduction agricultural land of another person if applied without  
24 compensation other than trading of personal services between the  
25 applicator and the other person. A limited private applicator may not  
26 apply restricted use herbicides through any equipment defined under  
27 this chapter as an apparatus.

28 (3) A person may participate in the pilot project by applying to be  
29 licensed as a limited private applicator in 1998, 1999, or 2000. The  
30 application requirements, fee, and examination requirements for a  
31 limited private applicator are the same as for a private applicator.

32 (4)(a) A limited private applicator is exempt from the credit  
33 accumulation requirements of RCW 17.21.128(2)(a), and, upon  
34 application, begins a recertification period which ends on December 31,  
35 2002.

36 (i) Limited private pesticide applicators first applying for a  
37 license in 1998 shall accumulate a minimum of ten department-approved  
38 credits by the end of the recertification period.

1 (ii) Limited private pesticide applicators first applying for a  
2 license in 1999 shall accumulate a minimum of eight department-approved  
3 credits by the end of the recertification period.

4 (iii) Limited private pesticide applicators first applying for a  
5 license in 2000 shall accumulate a minimum of six department-approved  
6 credits by the end of the recertification period.

7 (b) All credits must be applicable to the control of weeds with at  
8 least half of the credits directly related to weed control.

9 (5) Any limited private applicator who successfully completes the  
10 recertification requirements of this section is deemed to have met the  
11 credit accumulation requirements of RCW 17.21.128(2)(a) for private  
12 applicators.

13 (6) This section applies only to certified applicators in Ferry and  
14 Okanogan counties, Washington and expires December 31, 2002.

15 NEW SECTION. **Sec. 21.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 15.58.245 and 1992 c 170 s 4 & 1989 c 380 s 21; and

18 (2) RCW 17.21.910 and 1994 c 283 s 35, 1992 c 170 s 10, 1989 c 380  
19 s 65, & 1961 c 249 s 32.

20 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 15.58.415 and 1993 sp.s. c 19 s 3 & 1989 c 380 s 32; and

23 (2) RCW 17.21.360 and 1994 c 283 s 31, 1993 sp.s. c 19 s 10, & 1989  
24 c 380 s 66.

25 NEW SECTION. **Sec. 23.** Sections 2, 4 through 7, 11 through 15, 17,  
26 and 22 of this act take effect January 1, 1998.

Passed the House April 19, 1997.

Passed the Senate April 14, 1997.

Approved by the Governor May 1, 1997.

Filed in Office of Secretary of State May 1, 1997.