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SENATE BILL 5125

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State of Washington

56th Legislature

1999 Regular Session

By Senators Loveland, Rasmussen, Morton, Stevens, T. Sheldon and Honeyford

Read first time 01/13/1999. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to the duties of the commission on pesticide  
2 registration; and amending RCW 15.92.090, 15.92.095, and 15.92.100.

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

4 **Sec. 1.** RCW 15.92.090 and 1995 c 390 s 1 are each amended to read  
5 as follows:

6 (1) A commission on pesticide registration is established. The  
7 commission shall be composed of twelve voting members appointed by the  
8 governor as follows:

9 (a) Eight members from the following segments of the state's  
10 agricultural industry as nominated by a state-wide private agricultural  
11 association or agricultural commodity commission formed under Title 15  
12 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato  
13 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry  
14 growers; (vii) wine grape growers; and (viii) the nursery and landscape  
15 industry. Although members are appointed from various segments of the  
16 agriculture industry, they are appointed to represent and advance the  
17 interests of the industry as a whole.

18 (b) One member from each of the following: (i) Forest protection  
19 industry; (ii) food processors; (iii) agricultural chemical industry;

1 and (iv) professional pesticide applicators. One member shall be  
2 appointed for each such segment of the industry and shall be nominated  
3 by a state-wide, private association of that segment of the industry.  
4 The representative of the agricultural chemical industry shall be  
5 involved in the manufacture of agricultural crop protection products.

6 The following shall be ex officio, nonvoting members of the  
7 commission: The coordinator of the interregional project number four  
8 at Washington State University; the director of the department of  
9 ecology or the director's designee; the director of the department of  
10 agriculture or the director's designee; the director of the department  
11 of labor and industries or the director's designee; and the secretary  
12 of the department of health or the secretary's designee.

13 (2) Each voting member of the commission shall serve a term of  
14 three years. However, the first appointments in the first year shall  
15 be made by the governor for one, two, and three-year terms so that, in  
16 subsequent years, approximately one-third of the voting members shall  
17 be appointed each year. The governor shall assign the initial one,  
18 two, and three-year terms to members by lot. A vacancy shall be filled  
19 by appointment for the unexpired term in the same manner provided for  
20 an appointment to the full term. No member of the commission may be  
21 removed by the governor during his or her term of office unless for  
22 cause of incapacity, incompetence, neglect of duty, or malfeasance in  
23 office. Each member of the commission shall receive travel expenses in  
24 accordance with RCW 43.03.050 and 43.03.060 for attending meetings of  
25 the commission and for performing special duties, in the way of  
26 official commission business, specifically assigned to the person by  
27 the commission. The voting members of the commission serve without  
28 compensation from the state other than such travel expenses.

29 (3) Nominations for the initial appointments to the commission  
30 under subsection (1) of this section shall be submitted by September 1,  
31 1995. The governor shall make initial appointments to the commission  
32 by October 15, 1995.

33 (4) The commission shall elect a chair from among its voting  
34 members each calendar year. After its original organizational meeting,  
35 the commission shall meet at the call of the chair. A majority of the  
36 voting members of the commission constitutes a quorum and an official  
37 action of the commission may be taken by a majority vote of the  
38 (~~voting members~~) quorum.

1       **Sec. 2.** RCW 15.92.095 and 1995 c 390 s 2 are each amended to read  
2 as follows:

3       (1) (~~The following apply~~) This subsection applies to the use of  
4 state appropriations made for or received by the commission on  
5 pesticide registration and to the use of state moneys appropriated to  
6 Washington State University specifically and expressly for studies or  
7 activities regarding the registration of pesticides and the research,  
8 implementation, and demonstration of any aspect of integrated pest  
9 management and pesticide resistance management programs:

10       (a) The moneys may not be expended without the express approval of  
11 the commission on pesticide registration;

12       (b) The moneys may be used for: (i) Evaluations, studies, or  
13 investigations approved by the commission on pesticide registration  
14 regarding the registration or reregistration of pesticides for minor  
15 crops or minor uses or regarding the availability of pesticides for  
16 emergency uses. These evaluations, studies, or investigations may be  
17 conducted by the food and environmental quality laboratory or may be  
18 secured by the commission from other qualified laboratories,  
19 researchers, or contractors by contract, which contracts may include,  
20 but are not limited to, those purchasing the use of proprietary  
21 information; (ii) evaluations, studies, or investigations approved by  
22 the commission regarding research, implementation, and demonstration of  
23 any aspect of integrated pest management and pesticide resistance  
24 management programs; (iii) the tracking system described in RCW  
25 15.92.060; and (~~(iii)~~) (iv) the support of the commission on  
26 pesticide registration and its activities; and

27       (c) Not less than twenty-five percent of such moneys shall be  
28 dedicated to studies or investigations concerning the registration or  
29 use of pesticides for crops that are not among the top twenty  
30 agricultural commodities in production value produced in the state, as  
31 determined annually by the Washington agricultural statistics service.

32       (2) The commission on pesticide registration shall establish  
33 priorities to guide it in approving the use of moneys for evaluations,  
34 studies, and investigations under this section. Each biennium, the  
35 commission shall prepare a contingency plan for providing funding for  
36 laboratory studies or investigations that are necessary to pesticide  
37 registrations or related processes that will address emergency  
38 conditions for agricultural crops that are not generally predicted at  
39 the beginning of the biennium.

1       **Sec. 3.** RCW 15.92.100 and 1995 c 390 s 3 are each amended to read  
2 as follows:

3       The commission on pesticide registration shall:

4       (1) Provide guidance to the food and environmental quality  
5 laboratory established in RCW 15.92.050 regarding the laboratory's  
6 studies, investigations, and evaluations concerning the registration of  
7 pesticides for use in this state for minor crops and minor uses and  
8 concerning the availability of pesticides for emergency uses;

9       (2) Encourage agricultural organizations to assist in providing  
10 funding, in-kind services, or materials for laboratory studies and  
11 investigations concerning the registration of pesticides and research,  
12 implementation, and demonstration of any aspect of integrated pest  
13 management and pesticide resistance management programs for minor crops  
14 and minor uses that would benefit the organizations;

15       (3) Provide guidance to the laboratory regarding a program for:  
16 Tracking the availability of effective pesticides for minor crops,  
17 minor uses, and emergency uses; providing this information to  
18 organizations of agricultural producers; and maintaining close contact  
19 between the laboratory, the department of agriculture, and  
20 organizations of agricultural producers regarding the need for research  
21 to support the registration of pesticides for minor crops and minor  
22 uses and the availability of pesticides for emergency uses;

23       (4) Ensure that the activities of the commission and the laboratory  
24 are coordinated with the activities of other laboratories in the  
25 Pacific Northwest, the United States department of agriculture, and the  
26 United States environmental protection agency to maximize the  
27 effectiveness of regional efforts to assist in the registration of  
28 pesticides for minor crops and minor uses and in providing for the  
29 availability of pesticides for emergency uses for the region and the  
30 state; and

31       (5) Ensure that prior to approving any residue study that there is  
32 written confirmation of registrant support and willingness or ability  
33 to add the given minor crop to its label including any restrictions or  
34 guidelines the registrant intends to impose.

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