

SENATE BILL REPORT

SJM 8046

As Reported By Senate Committee On:
Agriculture, February 5, 2004

Brief Description: Requesting federal consultation on pest control products.

Sponsors: Senators Swecker, Rasmussen, Sheahan, Parlette, Jacobsen and Shin.

Brief History:

Committee Activity: Agriculture: 2/5/04 [DP].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: Several salmonid species native to Washington State have been listed by the federal government under the federal Endangered Species Act (ESA). Under ESA, the Environmental Protection Agency (EPA) must ensure that its regulatory actions are not likely to jeopardize threatened and endangered species or destroy or adversely modify their critical habitats. EPA must make these determinations in consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service, which is now known as NOAA Fisheries (NOAA-Fish/NMFS), as appropriate.

Recent litigation in the U.S. District Court for Western Washington found that EPA failed to meet the interagency consultation requirement contained in Section 7 of the federal Endangered Species Act in approving certain pest control products. This decision imposes buffer restrictions on the use of certain pesticides along northwest salmon and steelhead streams until Section 7 consultation requirements are met. Judge Coughenour ordered EPA to begin bringing its pesticide authorizations into compliance with consultation requirements.

On January 30, 2004, USFWS and NMFS jointly published proposed "counterpart regulations" to make the ESA consultation process for pesticides more efficient and timely.

Summary of Bill: Whereas retention of both salmon and viable family farm operations that depend upon pest control products are important goals, the Memorialists pray to their federal counterparts that a process be established by federal rule that provides for a transparent, efficient and properly funded consultation process between the EPA and either the USFWS or NOAA-FISH (NMFS) for listed salmonid species.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: None.

Testimony Against: None.

Testified: No one.

Signed In/Did Not Testify: PRO: Heather Hansen, WA Friends of Farms and Forests; Jim Jesernig, WA Potato and Onion Assn.