

HOUSE BILL REPORT

HB 1810

As Reported by House Committee On:
Environmental Health, Select

Title: An act relating to monitoring pesticide drift and its impacts on environmental health.

Brief Description: Creating a project to monitor pesticide drift and its impact.

Sponsors: Representatives Hudgins, Hunt, Chase, Kenney, Santos, Campbell, Schual-Berke, Dickerson, B. Sullivan, McIntire, Roberts, Wood and Moeller.

Brief History:

Committee Activity:

Select Committee on Environmental Health: 2/6/07, 2/27/07 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Health (DOH) to conduct a pilot project to monitor and collect data on pesticides in the air in agricultural areas resulting from pesticides moving off-target via the air.
- Requires the DOH to submit a report to the Legislature by April 1, 2009, on the pilot project findings and recommendations for public policies and program activities to protect human health from off-target movement of pesticides via the air.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Chase, Hunt, Morrell and Wood.

Minority Report: Do not pass. Signed by 3 members: Representatives Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member and Hailey.

Staff: Brad Avy (786-7289).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Pesticide drift is the off-target migration of pesticides. When pesticide solutions are sprayed by ground spray equipment or aircraft, droplets are produced by the nozzles of the equipment. Many of these droplets can be small enough to stay suspended in air and are carried by air currents until they contact a surface or drop to the ground. A number of factors influence drift, including weather conditions, topography, the crop or area being sprayed, application equipment and methods, and decisions by the applicator.

The drift of spray from pesticide applications can expose people, wildlife, and the environment to pesticide residues that can cause human health and environmental effects and property damage.

The Environmental Protection Agency is responsible for regulating the use of pesticides at the national level. The Department of Agriculture (DOA), the Department of Labor and Industries (L&I), and the Department of Ecology (DOE) regulate pesticides in Washington.

Summary of Substitute Bill:

The Legislature finds that discussion of public policies, enforcement activities, and educational programs related to pesticides should be based on sound science and must include data on the types and concentrations of pesticides in the air. Workers, business owners, and other people have the right-to-know about pesticides in the air with which they and their children may come in contact.

The Department of Health (DOH) is required to conduct a pilot monitoring project on pesticides moving off-target via the air. The purpose of this project is to use the data in evaluating the human health implications to workers and the public.

It is the intent of the Legislature to identify whether exposure to off-site migration of pesticides constitutes a health or safety concern to nearby populations. It is not the intent of the monitoring program to infringe on or affect the ability of agricultural interests to use pesticides in a lawful manner.

Monitoring results must be made accessible to the public and reported to policy makers and the public as part of the annual Pesticide Incident Reporting and Tracking (PIRT) report.

The DOH must convene an advisory committee composed of representatives of interested parties such as growers, workers, teachers, environmental organizations, the Washington DOA, the DOE, and L&I.

The pilot project data must be assessed using available reference concentrations and reference doses from the peer-reviewed literature and/or state or federal governmental agencies. Data must be analyzed in reference to inhalation, absorption, and various exposure risks over time, including cumulative risks.

The DOH must submit a report to the Legislature by April 1, 2009, on pilot project findings and recommendations for public policies and program activities to protect human health from pesticide drift.

The DOH must consult with, and is authorized to, negotiate interagency agreements as appropriate with the DOE, the DOA, the University of Washington, and Washington State University to assist in carrying out the project.

Substitute Bill Compared to Original Bill:

A description of the intent of the monitoring program is added to the substitute bill. Pilot project requirements are added to include assessing the project data using available reference concentrations and reference doses, and analyzing data in reference to inhalation, absorption, and various exposure risks over time, including cumulative risks. A requirement is added for the DOH to convene an advisory committee. Project monitoring and data collection include conventional and organic cropping systems and various application methods as appropriate. Definitions are revised. The null and void clause is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Air monitoring of pesticides is critical to know what is in the air so dangers are known and our children can be safe. It makes sense to do a scientific study to have good information. The study is critical to determine the problem, possible solutions, and to determine good policy. We need basic information about the types and concentrations of pesticides in the air around our schools, daycares, and homes. People have a right-to-know. The information may help doctors offer better diagnosis and treatments and determine any trends. Currently very little is known about pesticides in ambient air conditions. We support a stakeholder process.

(With concerns) A good definition of drift and sound science are needed. The study design is critical. There needs to be a good study design to collect, interpret, and analyze the data. If designed well, the study can serve and educate rather than scare. We would like to see the DOA play a lead or at least co-lead role, since they understand pesticide products and their application. A stakeholder group is needed and should include growers and applicators. Washington State University's Food and Environmental Quality Lab should have a role in the study.

(Opposed) None.

Persons Testifying: (In support) Representative Hudgins, prime sponsor; Cindy Dominguez; Lucinda Young, Washington Education Association; Jorge Madrazo, Sea Mar Community Health Centers; Carol Dansereau, Farm Worker Pesticide Project; and Gregg Grunenfelder, Department of Health.

(With concerns) Heather Hanson, Washington Friends of Farms and Forests; Jim Halstrom, Washington State Horticulture Association; and Jim Jesernig, Washington State Potato Commission.

Persons Signed In To Testify But Not Testifying: None