
**Select Committee on
Environmental Health**

HB 1946

Brief Description: Establishing a pesticide use reporting system.

Sponsors: Representatives Wood, Campbell, Hudgins and Ormsby.

Brief Summary of Bill

- Requires the Department of Agriculture to design, develop, and implement a pesticide use reporting system for several major categories of use, including agriculture, forestry, industrial, urban commercial, and urban homeowner uses.
- Requires the Department of Agriculture to publish an annual report summarizing pesticide use, including an analysis of trends, assessment of accuracy, summary of use by zip code.

Hearing Date: 2/15/07

Staff: Amy McCormick (786-7290).

Background:

The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In general, a pesticide cannot be sold or distributed within the United States unless it has been registered with the U.S. Environmental Protection Agency (EPA). The pesticides regulated in this manner encompass herbicides, insecticides, and similar chemicals that control pests. At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. The use or application of pesticides in the state is regulated under the Washington Pesticide Application Act.

Federal and state laws are administered by the Washington State Department of Agriculture (WSDA). WSDA's activities include adopting rules requiring the registration and restricting the use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, investigating complaints of possible misuse, and providing technical assistance to pesticide applicators and workers.

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 Registration

Pesticides that require registration in Washington State include insecticides, herbicides, fungicides, rodenticides, nematicides, disinfectants, germicides, biocides, plant regulators, defoliants, desiccants and spray adjuvants. This includes minimum risk pesticides that are exempt from federal registration.

The Pesticide Control Act requires an applicant for a pesticide registration to reveal to the WSDA the complete formula of the pesticide, including the active and inert ingredients. Confidential or proprietary business information regarding the pesticide is prohibited from being disclosed to any other person. However, when necessary to administer the act, information regarding unpublished formulas of products may be revealed to a state or federal agency consulted, or at a public hearing or in findings of fact, when necessary. In such a case, the registrant of the pesticide may institute an action in superior court for a declaratory judgment regarding whether the information is subject to protection from disclosure.

Pesticide Application

Under the Washington Pesticide Control Act, WSDA licenses pesticide applicators. Among the persons who must be licensed by the WSDA are persons who are in the business of applying pesticides to the lands of others, their employees, government employees who apply restricted use pesticides, persons who use restricted use pesticides on their own agricultural lands, persons who use restricted use pesticides on their own lands for non-agricultural purposes, and demonstration and research applicators.

Licensed applicators, persons applying pesticides to more than one acre of agricultural land in a year, public entities making road-side applications of pesticides, and with certain exceptions, licensed applicators making landscape applications of pesticides must keep records of their pesticide applications for seven years. In addition, unlicensed pesticide users are required to maintain records when performing landscape applications to sites including schools, day cares, apartment complexes, shopping centers, golf courses, and parks. Records must include: 1) location of pesticide application; 2) year, month, day and time of pesticide application; 3) product name used on registered label and US EPA registration number if applicable; 4) crop or site of pesticide application; 5) amount of pesticide used; 6) number of acres of pesticide application; 7) licensed applicator's name and contact information; 8) direction and velocity of wind; and 9) other information as determined by rule.

Summary of Bill:

The Department of Agriculture (Department) must design, develop, and implement a pesticide use reporting system to collect, evaluate, summarize, retain, and report information on the use of pesticides in several major categories of use, including agriculture, forestry, industrial, urban commercial, and urban homeowner uses.

Pesticide users are defined as any person who uses or applies a pesticide in the course of business or any other for-profit enterprise, or for a governmental entity, or in a location intended for public use or access. Pesticide users must report basic information on pesticide use, including location of use, name and United States Environmental Protection Agency registration number of pesticide used, quantity, purpose and site of application, and the month of application. The Department must develop a mechanism to identify household and other urban uses of pesticides.

The Department must seek technical assistance from several agencies, including the Commission on Pesticide Registration, Department of Ecology, Department of Fish and Wildlife, Department of General Administration, Department of Health, Department of Labor and Industries, and Department of Natural Resources.

The Department must publish an annual report summarizing pesticide use data. The report must include 1) analysis of trends, 2) assessment of accuracy of data, and 3) pesticide use information summarized by zip code.

The Department must adopt rules related to the release of pesticide use information and must ensure confidentiality of property owners. Rules must also be adopted to impose civil penalties for failure to provide pesticide use information.

Appropriation: None.

Fiscal Note: Available.

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