
SENATE BILL 6242

State of Washington 60th Legislature 2008 Regular Session

By Senator Spanel; by request of Department of Agriculture

Read first time 01/14/08. Referred to Committee on Ways & Means.

1 AN ACT Relating to pesticide registration and license fees;
2 amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210,
3 15.58.220, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, and
4 17.21.220; and providing an effective date.

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

6 **Sec. 1.** RCW 15.58.070 and 2002 c 274 s 3 are each amended to read
7 as follows:

8 (1) All registrations issued by the department expire December 31st
9 of the following year except that registrations issued by the
10 department to a registrant who is applying to register an additional
11 pesticide during the second year of the registrant's registration
12 period shall expire December 31st of that year.

13 (2) An application for registration (~~(shall)~~) must be accompanied
14 by a fee of (~~(two)~~) three hundred ninety dollars for each pesticide,
15 except that a registrant who is applying to register an additional
16 pesticide during the year the registrant's registration expires shall
17 pay a fee of one hundred (~~(forty-five)~~) ninety-five dollars for each
18 additional pesticide.

1 (3) Fees (~~shall~~) must be deposited in the agricultural local fund
2 to support the activities of the pesticide program within the
3 department.

4 (4) Any registration approved by the director and in effect on the
5 last day of the registration period, for which a renewal application
6 has been made and the proper fee paid, continues in full force and
7 effect until the director notifies the applicant that the registration
8 has been renewed, or otherwise denied in accord with the provision of
9 RCW 15.58.110.

10 **Sec. 2.** RCW 15.58.180 and 1997 c 242 s 4 are each amended to read
11 as follows:

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

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

1 summons of legal notices of all kinds for the applicant, and any other
2 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
11 application, or (b) any federal, state, county, or municipal agency
12 that provides 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. 3.** RCW 15.58.200 and 1997 c 242 s 5 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~~) must be accompanied by a fee of
26 (~~twenty-five~~) thirty-three dollars. The pesticide dealer manager
27 license (~~shall be an annual license expiring~~) expires annually on a
28 date set by rule by the director.

29 **Sec. 4.** RCW 15.58.205 and 2003 c 212 s 5 are each amended to read
30 as follows:

31 (1) (~~Except as provided in subsection (2) of this section,~~) No
32 individual may perform services as a structural pest inspector or
33 advertise that they perform services of a structural pest inspector
34 without obtaining a structural pest inspector license from the
35 director. The license expires annually on a date set by rule by the

1 director. Application for a license must be on a form prescribed by
2 the director and must be accompanied by a fee of (~~forty-five~~)sixty
3 dollars.

4 (2) The following are exempt from the application fee requirement
5 (~~of subsection (1)~~) of this section when acting within the
6 authorities of their existing licenses issued under this chapter
7 (~~15.58~~) or chapter 17.21 RCW: Licensed pest control consultants;
8 licensed commercial pesticide applicators and operators; licensed
9 private-commercial applicators; and licensed demonstration and research
10 applicators.

11 (3) The following are exempt from the structural pest inspector
12 licensing requirement: Individuals inspecting for damage caused by
13 wood destroying organisms if the inspections are solely for the purpose
14 of: (a) Repairing or making specific recommendations for the repair of
15 the damage, or (b) assessing a monetary value for the structure
16 inspected. Individuals performing wood destroying organism inspections
17 that incorporate but are not limited to the activities described in (a)
18 or (b) of this subsection are not exempt from the structural pest
19 inspector licensing requirement.

20 (~~(4) (Persons holding a valid license to act as a structural pest~~
21 ~~inspector on July 1, 2003, are exempt from this requirement until~~
22 ~~expiration of that license.~~

23 (~~5~~) A structural pest inspector license is not valid for
24 conducting a complete wood destroying organism inspection unless the
25 inspector owns or is employed by a business with a structural pest
26 inspection company license.

27 **Sec. 5.** RCW 15.58.210 and 2003 c 212 s 4 are each amended to read
28 as follows:

29 (1) (~~Except as provided in subsection (2) of this section,~~) No
30 individual may perform services as a pest control consultant without
31 obtaining a license from the director. The license (~~shall~~) expires
32 annually on a date set by rule by the director. Application for a
33 license (~~shall~~) must be on a form prescribed by the director and
34 (~~shall~~) must be accompanied by a fee of (~~forty-five~~) sixty dollars.

35 (2) The following are exempt from the licensing requirements (~~of~~
36 ~~subsection (1)~~) of this section when acting within the authorities of
37 their existing licenses issued under chapter 17.21 RCW: Licensed

1 commercial pesticide applicators and operators; licensed private-
2 commercial applicators; and licensed demonstration and research
3 applicators. The following are also exempt from the licensing
4 requirements (~~(of subsection (1))~~) of this section: Employees of
5 federal, state, county, or municipal agencies when acting in their
6 official governmental capacities; and pesticide dealer managers and
7 employees working under the direct supervision of the pesticide dealer
8 manager and only at a licensed pesticide dealer's outlet.

9 **Sec. 6.** RCW 15.58.220 and 1997 c 242 s 7 are each amended to read
10 as follows:

11 For the purpose of this section public pest control consultant
12 means any individual who is employed by a governmental agency or unit
13 to act as a pest control consultant (~~(as defined in RCW~~
14 ~~15.58.030(28))~~). No person (~~(shall)~~) may act as a public pest control
15 consultant without first obtaining a license from the director. The
16 license (~~(shall)~~) expires annually on a date set by rule by the
17 director. Application for a license (~~(shall)~~) must be on a form
18 prescribed by the director and (~~(shall)~~) must be accompanied by a fee
19 of (~~(twenty-five))~~ thirty-three dollars. Federal and state employees
20 whose principal responsibilities are in pesticide research, the
21 jurisdictional health officer or a duly authorized representative,
22 public pest control consultants licensed and working in the health
23 vector field, and public operators licensed under RCW 17.21.220 (~~(shall~~
24 ~~be))~~ are exempt from this licensing provision.

25 **Sec. 7.** RCW 17.21.070 and 1997 c 242 s 11 are each amended to read
26 as follows:

27 It (~~(shall-be))~~ is unlawful for any person to engage in the
28 business of applying pesticides to the land of another without a
29 commercial pesticide applicator license. Application for a commercial
30 applicator license (~~(shall)~~) must be accompanied by a fee of (~~(one~~
31 ~~hundred-seventy))~~ two hundred twenty-six dollars and in addition a fee
32 of twenty-seven dollars for each apparatus, exclusive of one, used by
33 the applicant in the application of pesticides(~~(: PROVIDED, That the~~
34 ~~provisions of this section shall not apply to any person employed only~~
35 ~~to operate any apparatus used for the application of any pesticide, and~~

1 ~~in which such person has no financial interest or other control over~~
2 ~~such apparatus other than its day to day mechanical operation for the~~
3 ~~purpose of applying any pesticide)).~~

4 **Sec. 8.** RCW 17.21.110 and 1997 c 242 s 12 are each amended to read
5 as follows:

6 It (~~shall be~~) is unlawful for any person to act as an employee of
7 a commercial pesticide applicator and apply pesticides manually or as
8 the operator directly in charge of any apparatus which is licensed or
9 should be licensed under (~~the provisions of~~) this chapter for the
10 application of any pesticide, without having obtained a commercial
11 pesticide operator license from the director. The commercial pesticide
12 operator license (~~shall be~~) is in addition to any other license or
13 permit required by law for the operation or use of any such apparatus.
14 Application for a commercial operator license (~~shall~~) must be
15 accompanied by a fee of (~~fifty~~) sixty-seven dollars. (~~The~~
16 ~~provisions of~~) This section (~~shall~~) does not apply to any individual
17 who is a licensed commercial pesticide applicator.

18 **Sec. 9.** RCW 17.21.122 and 1997 c 242 s 13 are each amended to read
19 as follows:

20 It (~~shall be~~) is unlawful for any person to act as a private-
21 commercial pesticide applicator without having obtained a private-
22 commercial pesticide applicator license from the director. Application
23 for a private-commercial pesticide applicator license (~~shall~~) must be
24 accompanied by a fee of (~~twenty-five~~) thirty-three dollars.

25 **Sec. 10.** RCW 17.21.126 and 2004 c 100 s 2 are each amended to read
26 as follows:

27 It is unlawful for any person to act as a private applicator,
28 limited private applicator, or rancher private applicator without first
29 complying with requirements determined by the director as necessary to
30 prevent unreasonable adverse effects on the environment, including
31 injury to the pesticide applicator or other persons, for each specific
32 pesticide use.

33 (1) Certification standards to determine the individual's
34 competency with respect to the use and handling of the pesticide or
35 class of pesticides for which the private applicator, limited private

1 applicator, or rancher private applicator is certified (~~shall~~) must
2 be relative to hazards of the particular type of application, class of
3 pesticides, or handling procedure. In determining these standards the
4 director (~~shall~~) must take into consideration standards of the EPA
5 and is authorized to adopt these standards by rule.

6 (2) Application for a private applicator or a limited private
7 applicator license(~~, or the renewal of such licenses under RCW~~
8 ~~17.21.132(4), shall~~) must be accompanied by a fee of (~~twenty-five~~)
9 thirty-three dollars. Application for a rancher private applicator
10 license(~~, or renewal of such license under RCW 17.21.132(4), shall~~)
11 must be accompanied by a fee of (~~seventy-five~~) one hundred dollars.
12 Individuals with a valid certified applicator license, pest control
13 consultant license, or dealer manager license who qualify in the
14 appropriate statewide or agricultural license categories are exempt
15 from the private applicator, limited private applicator, or rancher
16 private applicator fee requirements. However, licensed public
17 pesticide operators, otherwise exempted from the public pesticide
18 operator license fee requirement, are not also exempted from the fee
19 requirements under this subsection.

20 **Sec. 11.** RCW 17.21.129 and 1997 c 242 s 15 are each amended to
21 read as follows:

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

27 (1) Application for a demonstration and research license (~~shall~~)
28 must be accompanied by a fee of (~~twenty-five~~) thirty-three dollars.

29 (2) Persons licensed (~~in accordance with~~) under this section are
30 exempt from the requirements of RCW 17.21.160, 17.21.170, and
31 17.21.180.

32 **Sec. 12.** RCW 17.21.220 and 1997 c 242 s 17 are each amended to
33 read as follows:

34 (1) All state agencies, municipal corporations, and public
35 utilities or any other governmental (~~agency shall be~~) agencies are

1 subject to (~~the provisions of~~) this chapter and its rules (~~adopted~~
2 ~~thereunder concerning the application of pesticides~~)).

3 (2) It (~~shall be~~) is 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. Application for a public operator
8 license (~~shall~~) must be accompanied by a fee of (~~twenty-five~~)
9 thirty-three dollars. The fee (~~shall~~) does not apply to public
10 operators licensed and working in the health vector field. The public
11 operator license (~~shall be~~) is valid only when the operator is acting
12 as an employee of a government agency.

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

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

22 NEW SECTION. **Sec. 13.** This act takes effect January 1, 2009.

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