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**SUBSTITUTE SENATE BILL 5597**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Saldaña, McCoy, Conway, and Hasegawa)

AN ACT Relating to creating a work group on aerial herbicide applications in forestlands; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1)(a) The legislature finds that forest managers, state agencies, and the broader community share an interest in minimizing human and environmental exposure to herbicides. Forestland owners have made significant gains in the protection of riparian and wetland areas along the state's waterways, as well as protecting the health and safety of the public and forest workers, through a combination of scientific advancements, ongoing education and training, improved technologies, and proper monitoring and regulation under the forests and fish statute and rules.

(b) The legislature further finds that while the use of herbicides is an important tool to the timber industry, the use of chemicals should be integrated within a broader pest management approach. The legislature finds that the research, development, and feasibility of nontraditional control methods, along with methods already in use, could result in a more integrated pest management approach for forest management.

(2) This section expires December 31, 2019.

NEW SECTION. **Sec.**  (1) A work group on the aerial application of herbicides on state and private forestlands is established to review all existing best management practices and, if necessary, develop recommendations for improving the best management practices for aerial application of herbicides on state and private forestlands, including the criteria to be used in evaluating best management practices.

(2) The work group shall:

(a) Review the roles of all management and regulatory agencies in approving herbicides for use and application on forestlands in Washington state and review existing state and federal programs, policies, and regulations concerning aerial application of herbicides on forestlands;

(b) Review current herbicide application technology in the state and throughout the nation to increase herbicide application accuracy and other best management practices to minimize drift and exposure of humans, fish, and wildlife as well impact on drinking water, surface waters, and wetland areas;

(c) Review research, reports, and data from government agencies, research institutions, nongovernmental organizations, and landowners regarding the most frequently used herbicides in forest practices, to inform the development and update of strategies related to herbicides management on forestlands; and

(d) Develop recommendations, if appropriate, for managing working forestlands through an integrated pest management approach that combines traditional chemical and other vegetative control methods as well as other silvicultural practices to protect resource values from pests, while minimizing the effect on nontarget species as well as ensuring the protection of public safety and human health, while still offering effective control that is economically feasible on a commercial forestry scale. Recommendations must consider the toxicity, mobility, and bioaccumulation of any proposed alternatives as compared to traditional operations.

(3)(a) The work group is composed of:

(i) One member and one alternate from each of the two largest caucuses in the senate, who must be appointed by the majority leader and minority leader of the senate;

(ii) One member and one alternate from each of the two largest caucuses in the house of representatives, who must be appointed by the speaker and minority leader of the house of representatives;

(iii) One senior level management representative from each of the following agencies:

(A) The department of agriculture;

(B) The department of health;

(C) The department of natural resources;

(D) The department of fish and wildlife; and

(E) The department of ecology;

(iv) One representative of Washington State University pesticide safety education program;

(v) Representatives from the following groups, appointed by the consensus of the cochairs:

(A) Two forestland owners, one representative of small forestland owners and one representative of large forestland owners, with one from the west of the crest of the Cascade mountains and one from east of the crest of the Cascade mountains;

(B) One representative of large-scale organic farming;

(C) One representative of aerial applicators;

(D) Three representatives of environmental or community interests;

(E) One representative with expertise in noxious weed control;

(F) One representative with pesticide registrant expertise in forest herbicides; and

(G) Any other interest deemed important to providing scientific, policy, or economic information to the work group.

(b) Representatives of Washington tribes that are involved in timber production must be invited to participate on the work group.

(4) One cochair of the work group must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of the effective date of this section.

(5) Staff support for the work group must be provided by the office of program research and senate committee services. The departments of natural resources and agriculture shall cooperate with the work group and provide information as the cochairs reasonably request.

(6) Nonlegislative members of the work group are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any other reimbursement for nonlegislative members is subject to the limitations of class one groups under RCW 43.03.220.

(7) The work group shall provide a report that includes any findings, recommendations, and draft legislation, to the governor and the legislature consistent with RCW 43.01.036, and the forest practices board, by November 10, 2019.

(8) This section expires December 31, 2019.

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