
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6518

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rolfes, Van De Wege, and Wilson, C.)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to reducing prenatal exposure and harm to
2 children by limiting environmental exposure to certain pesticides;
3 adding a new section to chapter 17.21 RCW; adding a new section to
4 chapter 70.142 RCW; adding a new section to chapter 90.48 RCW; and
5 creating new sections.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that scientific
8 research has played an important role in informing and advancing
9 public policy in many areas, including health, education, early
10 childhood development, and environmental and wildlife protection.

11 (a) The legislature also finds that organophosphate pesticides,
12 such as chlorpyrifos, at low levels harm aquatic habitats and aquatic
13 organisms, including salmon. Chlorpyrifos affects the feeding habits
14 of young salmon as well as their ability to swim, which impacts the
15 future abundance of salmon.

16 (b) In addition, the legislature finds that scientific research
17 has identified early childhood as a critical period of intervention
18 during which children develop the foundation for educational
19 achievement. Young children are especially vulnerable to
20 environmental contaminants and toxic stress.

1 (c) Chlorpyrifos and other organophosphate pesticides affect the
2 nervous system through inhibition of cholinesterase, an enzyme
3 required for proper nerve functioning.

4 (d) There is substantial scientific evidence, including from
5 epidemiological studies, that chlorpyrifos threatens the healthy
6 development of children. Chlorpyrifos is acutely toxic and associated
7 with neurodevelopmental harm in children. Prenatal and early life
8 exposure to chlorpyrifos is associated with elevated risks of reduced
9 IQ, loss of working memory, delays in motor development, attention
10 deficit disorders, and structural changes in the brain.

11 (e) Children and pregnant women can be exposed to chlorpyrifos
12 through work in fields where it is used, through take-home transport
13 of residues from field work to homes and families, residues on food,
14 contaminated drinking water, and toxic spray drift from nearby
15 pesticide applications. Exposure during pregnancy to even low levels
16 of chlorpyrifos that caused only minimal cholinesterase inhibition
17 (ten percent or less) in mothers can lead to measurable long-lasting
18 and possibly permanent neurobehavioral and functional deficits in
19 prenatally exposed children.

20 (f) Children experience greater exposure to chlorpyrifos and
21 other pesticides because, relative to adults, they eat, drink, and
22 breathe more in proportion to their body weight. A growing body of
23 evidence shows that prenatal exposure to very low levels of
24 chlorpyrifos can lead to lasting and possibly permanent neurological
25 impairments.

26 (2) The legislature intends to reduce prenatal exposure and harm
27 to children by restricting the use of chlorpyrifos.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21
29 RCW to read as follows:

30 (1) Beginning January 1, 2022, it is unlawful for a person to use
31 a pesticide that contains the active ingredient chlorpyrifos in
32 Washington, except as provided for under subsections (2) through (4)
33 of this section.

34 (2) The prohibition on the use of chlorpyrifos must remain in
35 effect unless the director adopts specific control measures for
36 chlorpyrifos by rule that are designed to reduce emissions
37 sufficiently so the public is not subject to levels of exposure that
38 may cause or contribute to significant adverse health effects.

1 (3) (a) The department is authorized to conduct emergency rule
2 making to define and establish an emergency permit program by
3 December 31, 2021. Until December 31, 2025, the department may grant,
4 upon request by an agricultural commission, association,
5 organization, or researcher who can demonstrate an emergency exists
6 within a specific crop or crop grouping, an emergency temporary
7 permit authorizing the use or application of a pesticide containing
8 chlorpyrifos as an active ingredient.

9 (b) The conditions for an emergency temporary permit must, at a
10 minimum, include:

11 (i) Prohibiting aerial spraying;

12 (ii) Establishing a buffer zone from any sensitive area,
13 including residences that house people, schools, nursing homes, day
14 cares, and hospitals, of at least two hundred fifty feet or a smaller
15 buffer of variable width, established by rule using best available
16 technology and best management practices specific to minimizing
17 potential drift, that extends outward from the perimeter of the
18 application block; and

19 (iii) Providing notice of the application to all adjacent homes,
20 businesses, and neighbors on all sides bordering the application
21 block and to pesticide applicators' or handlers' families at least
22 forty-eight hours in advance of the application that includes:

23 (A) Targeted outreach in primary languages that are spoken or
24 used by adjacent homes, businesses, and neighbors on all sides
25 bordering the application block and pesticide applicators' or
26 handlers' families;

27 (B) A copy of the label consistent with federal law, safety data
28 sheets, and who to contact in an emergency; and

29 (C) Information about the adverse health effects, including acute
30 and chronic health effects, that may occur due to childhood and
31 prenatal exposure.

32 (4) Until the department determines that a reasonable and less
33 toxic alternative is available, the restrictions and requirements
34 provided under subsections (1) and (3) of this section do not apply
35 to the following crops:

36 (a) Sweet corn;

37 (b) Mint;

38 (c) Onion;

39 (d) Christmas trees;

40 (e) Alfalfa, including seed and hay;

- 1 (f) Asparagus;
- 2 (g) Brassicas, including for seed and food production; and
- 3 (h) Nonfood and nonfeed uses.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.142
5 RCW to read as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, by January 1, 2022, the department of health must
8 establish and provide a recommendation to the state board of health
9 for a statewide maximum contaminant level for group A water systems
10 for chlorpyrifos. By January 1, 2022, the state board of health must
11 adopt rules to implement the recommendations for maximum contaminant
12 levels for chlorpyrifos in group A water systems.

13 (2) Until the maximum contaminant level has been determined, the
14 department of health must recommend to the state board of health a
15 guidance value of chlorpyrifos for drinking water systems and, if
16 exceeded, the group A water system must provide notice to consumers.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48
18 RCW to read as follows:

19 Subject to the availability of amounts appropriated for this
20 specific purpose, by January 1, 2022, the department must develop
21 water quality standards sufficient to:

22 (1) Protect salmonids and other aquatic life from adverse impacts
23 of chlorpyrifos. When developing standards, the department must take
24 into account injury to fish, animals, vegetation, and any other
25 aspect of the environment that impacts the survivability of
26 salmonids;

27 (2) Ensure chlorpyrifos pollution of surface water will not
28 impact groundwater. When developing standards, the department must
29 take into account injury to children and pregnant women.

30 NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts
31 appropriated for this specific purpose, Washington State University
32 shall provide the Washington state commission on pesticide
33 registration with funding to work with agricultural grower groups
34 exempt and presently using chlorpyrifos to research alternative pest
35 control strategies.

1 (2) Additional funding must be provided to the department of
2 agriculture for training and enforcement of the Washington pesticide
3 control act.

4 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2020, in the omnibus appropriations act, this
7 act is null and void.

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