
SENATE BILL 5317

State of Washington

67th Legislature

2021 Regular Session

By Senator Warnick; by request of Department of Agriculture

1 AN ACT Relating to pesticide registration and pesticide licensing
2 fees; and amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205,
3 15.58.210, 15.58.220, 15.58.411, 17.21.070, 17.21.110, 17.21.122,
4 17.21.126, 17.21.129, 17.21.220, and 17.21.280.

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

6 **Sec. 1.** RCW 15.58.070 and 2008 c 285 s 15 are each amended to
7 read as follows:

8 (1) All registrations issued by the department expire December
9 31st 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 must be accompanied by a fee
14 of (~~three hundred ninety dollars~~) \$520 for each pesticide, except
15 that a registrant who is applying to register an additional pesticide
16 during the year the registrant's registration expires shall pay a fee
17 of (~~one hundred ninety-five dollars~~) \$260 for each additional
18 pesticide.

19 (3) Fees must be deposited in the agricultural local fund to
20 support the activities of the pesticide program within the
21 department.

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

7 **Sec. 2.** RCW 15.58.180 and 2013 c 144 s 10 are each amended to
8 read as follows:

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

22 (2) Application for a license must be accompanied by a fee of
23 (~~sixty-seven dollars~~) \$77 and must be made through the business
24 licensing system and must include the full name of the person
25 applying for the license and the name of the individual within the
26 state designated as the pesticide dealer manager. If the applicant is
27 a partnership, association, corporation, or organized group of
28 persons, the full name of each member of the firm or partnership or
29 the names of the officers of the association or corporation must be
30 given on the application. The application must state the principal
31 business address of the applicant in the state and elsewhere, the
32 name of a person domiciled in this state authorized to receive and
33 accept service of summons of legal notices of all kinds for the
34 applicant, and any other necessary information prescribed by the
35 director.

36 (3) It is unlawful for any licensed dealer outlet to operate
37 without a pesticide dealer manager who has a license of
38 qualification.

1 (4) This section does not apply to (a) a licensed pesticide
2 applicator who sells pesticides only as an integral part of the
3 applicator's pesticide application service when pesticides are
4 dispensed only through apparatuses used for pesticide application, or
5 (b) any federal, state, county, or municipal agency that provides
6 pesticides only for its own programs.

7 (5) A user of a pesticide may distribute a properly labeled
8 pesticide to another user who is legally entitled to use that
9 pesticide without obtaining a pesticide dealer's license if the
10 exclusive purpose of distributing the pesticide is keeping it from
11 becoming a hazardous waste as defined in chapter ((70.105)) 70A.300
12 RCW.

13 **Sec. 3.** RCW 15.58.200 and 2008 c 285 s 17 are each amended to
14 read as follows:

15 The director shall require each pesticide dealer manager to
16 demonstrate to the director knowledge of pesticide laws and rules;
17 pesticide hazards; and the safe distribution, use and application,
18 and disposal of pesticides by satisfactorily passing a written
19 examination after which the director shall issue a license of
20 qualification. Application for a license must be accompanied by a fee
21 of ((thirty-three dollars)) \$38. The pesticide dealer manager license
22 expires annually on a date set by rule by the director.

23 **Sec. 4.** RCW 15.58.205 and 2008 c 285 s 18 are each amended to
24 read as follows:

25 (1) No individual may perform services as a structural pest
26 inspector or advertise that they perform services of a structural
27 pest inspector without obtaining a structural pest inspector license
28 from the director. The license expires annually on a date set by rule
29 by the director. Application for a license must be on a form
30 prescribed by the director and must be accompanied by a fee of
31 ((sixty dollars)) \$69.

32 (2) The following are exempt from the application fee requirement
33 of this section when acting within the authorities of their existing
34 licenses issued under this chapter or chapter 17.21 RCW: Licensed
35 pest control consultants; licensed commercial pesticide applicators
36 and operators; licensed private-commercial applicators; and licensed
37 demonstration and research applicators.

1 (3) The following are exempt from the structural pest inspector
2 licensing requirement: Individuals inspecting for damage caused by
3 wood destroying organisms if the inspections are solely for the
4 purpose of: (a) Repairing or making specific recommendations for the
5 repair of the damage, or (b) assessing a monetary value for the
6 structure inspected. Individuals performing wood destroying organism
7 inspections that incorporate but are not limited to the activities
8 described in (a) or (b) of this subsection are not exempt from the
9 structural pest inspector licensing requirement.

10 (4) A structural pest inspector license is not valid for
11 conducting a complete wood destroying organism inspection unless the
12 inspector owns or is employed by a business with a structural pest
13 inspection company license.

14 **Sec. 5.** RCW 15.58.210 and 2008 c 285 s 19 are each amended to
15 read as follows:

16 (1) No individual may perform services as a pest control
17 consultant without obtaining a license from the director. The license
18 expires annually on a date set by rule by the director. Application
19 for a license must be on a form prescribed by the director and must
20 be accompanied by a fee of (~~sixty dollars~~) \$69.

21 (2) The following are exempt from the licensing requirements of
22 this section when acting within the authorities of their existing
23 licenses issued under chapter 17.21 RCW: Licensed commercial
24 pesticide applicators and operators; licensed private-commercial
25 applicators; and licensed demonstration and research applicators. The
26 following are also exempt from the licensing requirements of this
27 section: Employees of federal, state, county, or municipal agencies
28 when acting in their official governmental capacities; and pesticide
29 dealer managers and employees working under the direct supervision of
30 the pesticide dealer manager and only at a licensed pesticide
31 dealer's outlet.

32 **Sec. 6.** RCW 15.58.220 and 2008 c 285 s 20 are each amended to
33 read as follows:

34 For the purpose of this section public pest control consultant
35 means any individual who is employed by a governmental agency or unit
36 to act as a pest control consultant. No person may act as a public
37 pest control consultant without first obtaining a license from the
38 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 (~~thirty-three~~
3 ~~dollars~~) \$43. Federal and state employees whose principal
4 responsibilities are in pesticide research, the jurisdictional health
5 officer or a duly authorized representative, public pest control
6 consultants licensed and working in the health vector field, and
7 public operators licensed under RCW 17.21.220 shall be exempt from
8 this licensing provision.

9 **Sec. 7.** RCW 15.58.411 and 1997 c 242 s 8 are each amended to
10 read as follows:

11 (~~All~~) (1) Except as otherwise provided for in this section, all
12 license fees collected under this chapter shall be paid to the
13 director for use exclusively in the enforcement of this chapter.

14 (2) In addition to any other fees the department may collect
15 under this chapter, the department shall collect a fee of \$7 for each
16 license issued by the department under this chapter. The department
17 shall transmit the \$7 fee required by this subsection to Washington
18 State University for the purpose of providing a pesticide safety
19 education program to educate and train pesticide licensees and
20 prospective licensees.

21 (3) All moneys collected for civil penalties levied under this
22 chapter shall be deposited in the state general fund.

23 **Sec. 8.** RCW 17.21.070 and 2008 c 285 s 21 are each amended to
24 read as follows:

25 It is unlawful for any person to engage in the business of
26 applying pesticides to the land of another without a commercial
27 pesticide applicator license. Application for a commercial applicator
28 license must be accompanied by a fee of (~~two hundred fifteen~~
29 ~~dollars~~) \$245 and in addition a fee of (~~twenty-seven dollars~~) \$27
30 for each apparatus, exclusive of one, used by the applicant in the
31 application of pesticides.

32 **Sec. 9.** RCW 17.21.110 and 2008 c 285 s 22 are each amended to
33 read as follows:

34 It is unlawful for any person to act as an employee of a
35 commercial pesticide applicator and apply pesticides manually or as
36 the operator directly in charge of any apparatus which is licensed or
37 should be licensed under this chapter for the application of any

1 pesticide, without having obtained a commercial pesticide operator
2 license from the director. The commercial pesticide operator license
3 is in addition to any other license or permit required by law for the
4 operation or use of any such apparatus. Application for a commercial
5 operator license must be accompanied by a fee of (~~sixty-seven~~
6 ~~dollars~~) \$78. This section does not apply to any individual who is a
7 licensed commercial pesticide applicator.

8 **Sec. 10.** RCW 17.21.122 and 2008 c 285 s 23 are each amended to
9 read as follows:

10 It is unlawful for any person to act as a private-commercial
11 pesticide applicator without having obtained a private-commercial
12 pesticide applicator license from the director. Application for a
13 private-commercial pesticide applicator license must be accompanied
14 by a fee of (~~thirty-three dollars~~) \$43.

15 **Sec. 11.** RCW 17.21.126 and 2008 c 285 s 24 are each amended to
16 read as follows:

17 It is unlawful for any person to act as a private applicator,
18 limited private applicator, or rancher private applicator without
19 first complying with requirements determined by the director as
20 necessary to prevent unreasonable adverse effects on the environment,
21 including injury to the pesticide applicator or other persons, for
22 each specific pesticide use.

23 (1) Certification standards to determine the individual's
24 competency with respect to the use and handling of the pesticide or
25 class of pesticides for which the private applicator, limited private
26 applicator, or rancher private applicator is certified must be
27 relative to hazards of the particular type of application, class of
28 pesticides, or handling procedure. In determining these standards the
29 director must take into consideration standards of the EPA and is
30 authorized to adopt these standards by rule.

31 (2) Application for a private applicator (~~or a limited private~~
32 ~~applicator~~) license must be accompanied by a fee of (~~thirty-three~~
33 ~~dollars~~) \$38. Application for a limited private applicator license
34 must be accompanied by a fee of \$33. Application for a rancher
35 private applicator license must be accompanied by a fee of (~~one~~
36 ~~hundred dollars~~) \$103. Individuals with a valid certified applicator
37 license, pest control consultant license, or dealer manager license
38 who qualify in the appropriate statewide or agricultural license

1 categories are exempt from the private applicator, limited private
2 applicator, or rancher private applicator fee requirements. However,
3 licensed public pesticide operators, otherwise exempted from the
4 public pesticide operator license fee requirement, are not also
5 exempted from the fee requirements under this subsection.

6 **Sec. 12.** RCW 17.21.129 and 2008 c 285 s 25 are each amended to
7 read as follows:

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

13 (1) Application for a demonstration and research license must be
14 accompanied by a fee of (~~(thirty-three dollars)~~) \$43.

15 (2) Persons licensed under this section are exempt from the
16 requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

17 **Sec. 13.** RCW 17.21.220 and 2008 c 285 s 26 are each amended to
18 read as follows:

19 (1) All state agencies, municipal corporations, and public
20 utilities or any other governmental agencies are subject to this
21 chapter and its rules.

22 (2) It is unlawful for any employee of a state agency, municipal
23 corporation, public utility, or any other government agency to use or
24 to supervise the use of any restricted use pesticide, or any
25 pesticide by means of an apparatus, without having obtained a public
26 operator license from the director. Application for a public operator
27 license must be accompanied by a fee of (~~(thirty-three dollars)~~) \$38.
28 The fee does not apply to public operators licensed and working in
29 the health vector field. The public operator license is valid only
30 when the operator is acting as an employee of a government agency.

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

35 (4) Agencies, municipal corporations, and public utilities are
36 subject to legal recourse by any person damaged by such application
37 of any pesticide, and action may be brought in the county where the
38 damage or some part of the damage occurred.

1 **Sec. 14.** RCW 17.21.280 and 1997 c 242 s 18 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (2) and (3) of this
4 section, all moneys collected under the provisions of this chapter
5 shall be paid to the director and deposited in the agricultural local
6 fund, RCW 43.23.230, for use exclusively in the enforcement of this
7 chapter.

8 (2) In addition to any other fees the department may collect
9 under this chapter, the department shall collect a fee of \$7 for each
10 license issued by the department under this chapter. The department
11 shall transmit the \$7 fee required by this subsection to Washington
12 State University for the purpose of providing a pesticide safety
13 education program to educate and train pesticide licensees and
14 prospective licensees.

15 (3) All moneys collected for civil penalties levied under RCW
16 17.21.315 shall be deposited in the state general fund. All fees,
17 fines, forfeitures and penalties collected or assessed by a district
18 court because of the violation of a state law shall be remitted as
19 provided in chapter 3.62 RCW.

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