

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5317

67th Legislature
2021 Regular Session

Passed by the Senate April 22, 2021
Yeas 30 Nays 19

President of the Senate

Passed by the House April 21, 2021
Yeas 79 Nays 18

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5317** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5317

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Warnick; by request of Department of Agriculture)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to pesticide registration and pesticide licensing
2 fees; 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; creating a new
5 section; and providing an effective date.

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

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

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

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

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

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

10 (5) The department must complete and post on its website a
11 timeline for processing completed pesticide registrations.

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

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

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

1 of all kinds for the applicant, and any other necessary information
2 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
5 qualification.

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

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

18 **Sec. 3.** RCW 15.58.200 and 2008 c 285 s 17 are each amended to
19 read 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,
23 and disposal of pesticides by satisfactorily passing a written
24 examination after which the director shall issue a license of
25 qualification. Application for a license must be accompanied by a fee
26 of ((~~thirty-three~~)) thirty-eight dollars. The pesticide dealer
27 manager license expires annually on a date set by rule by the
28 director.

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

31 (1) No individual may perform services as a structural pest
32 inspector or advertise that they perform services of a structural
33 pest inspector without obtaining a structural pest inspector license
34 from the director. The license expires annually on a date set by rule
35 by the director. Application for a license must be on a form
36 prescribed by the director and must be accompanied by a fee of
37 ((~~sixty~~)) seventy-eight dollars.

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

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

16 (4) A structural pest inspector license is not valid for
17 conducting a complete wood destroying organism inspection unless the
18 inspector owns or is employed by a business with a structural pest
19 inspection company license.

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

22 (1) No individual may perform services as a pest control
23 consultant without obtaining a license from the director. The license
24 expires annually on a date set by rule by the director. Application
25 for a license must be on a form prescribed by the director and must
26 be accompanied by a fee of (~~sixty~~) sixty-eight dollars.

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

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

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

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

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

21 (2) In addition to any other fees the department may collect
22 under this chapter, the department shall collect a fee of seven
23 dollars for each license issued by the department under this chapter.
24 The department shall transmit the seven dollar fee required by this
25 subsection to Washington State University for the purpose of
26 providing a pesticide safety education program to educate and train
27 pesticide licensees and prospective licensees.

28 (3) The department shall engage with the regulated community on
29 the status of license fees established in this chapter, including
30 consideration of future increases, in coordination with a stakeholder
31 work group.

32 (4) All moneys collected for civil penalties levied under this
33 chapter shall be deposited in the state general fund.

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

36 It is unlawful for any person to engage in the business of
37 applying pesticides to the land of another without a commercial
38 pesticide applicator license. Application for a commercial applicator

1 license must be accompanied by a fee of two hundred (~~fifteen~~)
2 forty-three dollars and in addition a fee of twenty-seven dollars for
3 each apparatus, exclusive of one, used by the applicant in the
4 application of pesticides.

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

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

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

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

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

27 It is unlawful for any person to act as a private applicator,
28 limited private applicator, or rancher private applicator without
29 first complying with requirements determined by the director as
30 necessary to prevent unreasonable adverse effects on the environment,
31 including injury to the pesticide applicator or other persons, for
32 each specific 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
36 applicator, or rancher private applicator is certified must be
37 relative to hazards of the particular type of application, class of

1 pesticides, or handling procedure. In determining these standards the
2 director must take into consideration standards of the EPA and is
3 authorized to adopt these standards by rule.

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

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

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

25 (1) Application for a demonstration and research license must be
26 accompanied by a fee of (~~(thirty-three)~~) forty-three dollars.

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

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

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

34 (2) It is unlawful for any employee of a state agency, municipal
35 corporation, public utility, or any other government agency to use or
36 to supervise the use of any restricted use pesticide, or any
37 pesticide by means of an apparatus, without having obtained a public
38 operator license from the director. Application for a public operator

1 license must be accompanied by a fee of (~~thirty-three~~) forty-three
2 dollars. The fee does not apply to public operators licensed and
3 working in the health vector field. The public operator license is
4 valid only when the operator is acting as an employee of a government
5 agency.

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

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

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

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

21 (2) In addition to any other fees the department may collect
22 under this chapter, the department shall collect a fee of seven
23 dollars for each license issued by the department under this chapter.
24 The department shall transmit the seven dollar fee required by this
25 subsection to Washington State University for the purpose of
26 providing a pesticide safety education program to educate and train
27 pesticide licensees and prospective licensees.

28 (3) The department shall engage with the regulated community on
29 the status of license fees established in this chapter, including
30 consideration of future increases, in coordination with a stakeholder
31 work group.

32 (4) All moneys collected for civil penalties levied under RCW
33 17.21.315 shall be deposited in the state general fund. All fees,
34 fines, forfeitures and penalties collected or assessed by a district
35 court because of the violation of a state law shall be remitted as
36 provided in chapter 3.62 RCW.

37 NEW SECTION. **Sec. 15.** By December 31, 2022, the department of
38 agriculture shall report to the legislature, in accordance with RCW

1 43.01.036, on the status of the fee structure for pesticide licenses.
2 At a minimum, the report must include an outlook for potential future
3 fee needs and describe how the department of agriculture has engaged
4 with the regulated community on the topic of pesticide license fees
5 in coordination with a stakeholder work group.

6 NEW SECTION. **Sec. 16.** This act takes effect November 1, 2021.
7 All new or renewal applications for licensure, certification, or
8 registration under chapter 17.21 or 15.58 RCW received on or after
9 the effective date of this section are subject to the provisions of
10 this act, including all fees required by this act.

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