

# HOUSE BILL REPORT

## ESHB 1019

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### As Amended by the Senate

**Title:** An act relating to creating the pesticide advisory board.

**Brief Description:** Creating the pesticide advisory board.

**Sponsors:** House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis).

#### **Brief History:**

##### **Committee Activity:**

Agriculture and Natural Resources: 1/13/23, 1/27/23 [DPS].

##### **Floor Activity:**

Passed House: 3/7/23, 95-0.

Senate Amended.

Passed Senate: 4/10/23, 33-16.

#### **Brief Summary of Engrossed Substitute Bill**

- Creates the Pesticide Advisory Board.

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### HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

**Staff:** Rebecca Lewis (786-7339).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The Washington State Department of Agriculture (Department) administers the state Pesticide Control Act and Pesticide Application Act. The Department's activities under both acts include adopting rules requiring the registration and restricted use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers. The Department is one of a variety of members of the Pesticide Application Safety Committee, which was created by the Legislature in 2019 to review several aspects related specifically to pesticide application including data tracking, dissemination of information, training, and reporting.

The Pesticide Advisory Board (Board) advised the Department on pesticide-related actions and was eliminated in 2010. The Board consisted of members appointed by the Director of the Department for staggered four-year terms. Board members included licensed pesticide applicators; members from the agricultural and food processing community, including a member representing agricultural labor; the environmental community; an entomologist; a toxicologist; a pesticide coordinator from Washington State University; and a health care practitioner.

In addition, the directors or other designated officials of several state agencies served as nonvoting members of the Board. Nonvoting members included the directors of the departments of Labor and Industries, Fish and Wildlife, Natural Resources, and Ecology, as well as the Environmental Health Specialist from the Department of Health, and the Assistant Director of the Pesticide Management Division of the Department.

### **Summary of Engrossed Substitute Bill:**

Legislative intent is expressed to create a formal and permanent advisory board to advise the Washington State Department of Agriculture (Department) on pesticide-related actions that are not considered by the Pesticide Application Safety Committee. The Pesticide Advisory Board (Board) is created and is composed of both voting and nonvoting members appointed by the Director of the Department of Agriculture (Director). Members appointed to the Board serve terms of four years and may be appointed for successive four year terms at the discretion of the Director. Board member terms must be staggered so that approximately one-fourth of the terms expire on June 30 each year. The Director must attempt to fill any vacancy on the Board within 30 days.

The 11 voting Board members appointed by the Director represent a variety of interests, including:

- licensed pesticide applicators, pest control professionals, and the agricultural chemical industry;
- agricultural producers;
- agricultural labor and migrant farmworkers;
- the environmental community;
- one representative from a federally recognized Indian tribe; and

- state poison control, toxicology, occupational safety and health, and pesticide management officials.

The nonvoting members appointed by the Director include:

- an entomologist and a toxicologist in public service;
- a member from the National Pesticide Information Center;
- a pesticide coordinator from Washington State University;
- an agricultural health network advisor from the Pacific Northwest Agricultural Safety and Health Center;
- the Department's pollinator health coordinator, apiarist, or both;
- a commercial beekeeper;
- a member representing the United States Environmental Protection Agency Region 10;
- a member representing the Department of Transportation with expertise in vegetation management; and
- a member representing the Noxious Weed Control Board.

Additional nonvoting members include:

- directors of the departments of Labor and Industries, Fish and Wildlife, and Ecology;
- the commissioners of Public Lands and the Employment Security Department;
- the Director of the Liquor and Cannabis Board; and
- the Environmental Health Specialist from the Department of Health.

The Director, in consultation with the Board, must form workgroups to inform the Board on issues relating to specific pesticides or uses. Workgroups must include individuals with the appropriate expertise and may include individuals who are not members of the Board.

The Board must select a chair from among its membership and meet from time to time at the call of the chair, director, or a majority of Board members.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment adds two voting members to the Pesticide Advisory Board (Board), one representing the Household and Commercial Products Association and one at-large member as determined by the Director of the Department of Agriculture. The Senate amendment specifies that the organization made up of agricultural producers, timber producers, and others whose mission includes supporting the science behind the responsible use of pesticides in both agriculture and forestry that is represented by a nonvoting member of the Board must also include wood preservers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Pesticide Advisory Board (Board) provided an important venue to work through serious pesticide issues when it existed. It could have provided helpful input to address serious pesticide issues that have come up in recent years, and it might be a good idea to bring it back. Pesticide issues are important and affect everyone. The number one user of pesticides are homeowners.

(Opposed) None.

(Other) The costs of the bill are not included in the Governor's proposed budget. The Board existed between 1994 and 2010, when many boards and commissions were eliminated by the Legislature. The Department of Agriculture (Department) is eager to have a forum to help the agency implement its Healthy Environment for All Act goals and responsibilities, in addition to other responsibilities regarding the regulation and use of pesticides. The Department of Health (DOH) appreciates the broad representation on the Board. The DOH looks forward to continuing its partnership with the Department regarding the safe use and application of pesticides. There are concerns about the imbalance between farmworker representation and industry representation on the Board. Farmworkers are most at risk. One option could be to use a consensus model for Board decision making. There is concern about overlap between the work of the Pesticide Application Committee and the role of the Board. There are many opportunities for improvement in Board membership and duties. Several pesticide professionals and stakeholders were left off of the Board and should be added. All members should be voting members, Board recommendations should align with integrated pest management strategies, and take climate change and regenerative and organic agriculture strategies into consideration.

**Persons Testifying:** (In support) Representative Tom Dent, prime sponsor; Jeff Keller, Western Wood Producers Institute; Ben Buchholz, Washington Friends of Farms and Forests; and Billy Olesen and Randy Moffat, Washington State Pest Management Association.

(Other) Kelly McLain, Department of Agriculture; Joe Crumbley, Tilth Alliance; Lauren Jenks, Department of Health; Antonio Ginatta, Columbia Legal Services; and Christopher Finarelli, Household and Commercial Products Association.

**Persons Signed In To Testify But Not Testifying:** None.