

HOUSE BILL REPORT

SB 5330

As Reported by House Committee On:
Agriculture and Natural Resources

Title: An act relating to the Washington pesticide application act.

Brief Description: Concerning the Washington pesticide application act.

Sponsors: Senators Torres, Muzzall, Shewmake, Van De Wege, Warnick, Kuderer and Lovick;
by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 3/21/23, 3/22/23 [DP].

Brief Summary of Bill

- Allows the Director of the Department of Agriculture (WSDA) to suspend or revoke a pesticide license or certification based on a license or certification from another jurisdiction when notified that the person's original certification was terminated under certain circumstances.
- Requires applicants for certain applicator licenses to be at least 18 years old on the date the application is submitted, rather than 16 years old.
- Requires the WSDA to adopt by rule standards for pesticide applications made by noncertified applicators of restricted use pesticides under the direct supervision of a certified applicator.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Majority Report: Do pass. Signed by 10 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Lekanoff, Orcutt, Schmick and Springer.

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.

Staff: Rebecca Lewis (786-7339).

Background:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs the registration, distribution, sale, and use of pesticides in the United States. Enforcement of the FIFRA focuses on the sale, distribution, use, and disposal, of pesticides. Section 14(a) and (b) of the FIFRA pertains to the assessment of civil or criminal penalties for violations of the FIFRA and its implementing regulations. Under the FIFRA, states have broad authority to regulate pesticides.

The Department of Agriculture (WSDA) administers the state Pesticide Control Act and the state Pesticide Application Act. Its activities 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.

All individuals who are or who are required to be licensed as pesticide applicators, pesticide operators, structural pest inspectors, and pest control consultants must be certified through examination in the area in which they operate or consult. To be certified, a person must attain a passing score of at least 70 percent on a certification examination. Examinations are administered by the WSDA, and the WSDA collects a fee from the applicant for each exam at an amount set in rule.

License classifications address the control of a variety of pests including insects and diseases, pest animals in agricultural situations, aquatic pests both generally and in irrigation systems, and weeds. There are also licenses for pest control operators, and structural pest inspectors.

For all classes of licenses except private applicator, limited private applicator, and rancher private applicator, applicants must be at least 18 years of age on the date the application is submitted. Applicants for a private applicator, limited private applicator, or rancher private applicator license must be at least 16 years of age on the date the application is submitted.

Summary of Bill:

The Director of the Department of Agriculture (WSDA) may elect to suspend or revoke any license or certification that is based, in whole or in part, on a license or certification from another state or jurisdiction upon notification that the applicator's original certification was terminated due to the certified applicator being convicted under section 14(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), or subject to a final order imposing a civil penalty under section 14(a) of the FIFRA.

The provision that applicants for a private applicator, limited private applicator, or rancher private applicator license must be at least 16 years of age on the date the application is submitted is removed. As a result, all applicants for licenses and certifications must be at least 18 years of age on the date the application.

The WSDA must adopt standards for pesticide application made by noncertified applicators of restricted use pesticides while supervised by a certified applicator. The standards must be at least as effective as federal standards and must include requirements for both the noncertified applicator and the supervising certified applicator.

The definition of apparatus is amended to mean any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power used to apply pesticides that are mounted, attached to, pulled, or carried on any vehicle, trailer, aircraft, vessel, or all-terrain vehicle designed primarily for transportation and movement, excluding devices that are handheld, carried by the applicator, or placed in position for a sedentary timed or metered application. Definitions for mishap, noncertified applicator, use, and use-specific instruction are added.

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) This is a fairly straightforward agency request legislation that incorporates statutory changes required by the Environmental Protection Agency (EPA). Under the bill, the Director of the Department of Agriculture (WSDA) would be able to revoke or suspend a Washington license if a reciprocal license is suspended by a different state under certain circumstances. Currently, the state does not have that authority. Increasing the age for applicants of certain pesticide licenses from 16 to 18 will align with federal laws. The WSDA may adopt standards for pesticide application by noncertified applicators under the supervision of a certified applicator. The EPA presented two options, either to set up criteria for supervised pesticide applications by noncertified applicators, or to disallow pesticide application by noncertified applicators.

(Opposed) None.

Persons Testifying: Senator Nikki Torres, prime sponsor; and Kelly McLain, Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.