
SUBSTITUTE SENATE BILL 5143

State of Washington

68th Legislature

2023 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Torres, Dhingra, Rolfes, Saldaña, Shewmake, and Warnick)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to changing the name of and adding a member to
2 the commission on pesticide registration; and amending RCW 15.92.090,
3 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

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

5 **Sec. 1.** RCW 15.92.090 and 2011 1st sp.s. c 21 s 24 are each
6 amended to read as follows:

7 (1) A commission on (~~(pesticide registration)~~) pest management is
8 established. The commission shall be composed of (~~(twelve)~~) 12 voting
9 members appointed by the director as follows:

10 (a) Eight members from the following segments of the state's
11 agricultural industry as nominated by a statewide private
12 agricultural association or agricultural commodity commission formed
13 under (~~(Title 15 RCW)~~) this title: (i) The tree fruit industry; (ii)
14 hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable
15 and seed growers; (vi) berry growers; (vii) wine grape growers; and
16 (viii) the nursery and landscape industry. Although members are
17 appointed from various segments of the agriculture industry, they are
18 appointed to represent and advance the interests of the industry as a
19 whole.

20 (b) One member from each of the following: (i) Forest protection
21 industry; (ii) food processors; (iii) agricultural chemical industry;

1 and (iv) professional pesticide applicators. One member shall be
2 appointed for each such segment of the industry and shall be
3 nominated by a statewide, private association of that segment of the
4 industry. The representative of the agricultural chemical industry
5 shall be involved in the manufacture of agricultural crop protection
6 products.

7 The following shall be ex officio, nonvoting members of the
8 commission: The coordinator of the interregional project number four
9 at Washington State University; the director of the department of
10 ecology or the director's designee; the director of the department of
11 agriculture or the director's designee; the director of the
12 department of labor and industries or the director's designee;
13 (~~and~~) the secretary of the department of health or the secretary's
14 designee; and a representative of the United States environmental
15 protection agency, region 10, who has working knowledge of federal
16 pesticide policy issues.

17 (2) Each voting member of the commission shall serve a term of
18 three years. A vacancy shall be filled by appointment for the
19 unexpired term in the same manner provided for an appointment to the
20 full term. No member of the commission may be removed by the director
21 during his or her term of office unless for cause of incapacity,
22 incompetence, neglect of duty, or malfeasance in office. Each member
23 of the commission shall receive travel expenses in accordance with
24 RCW 43.03.050 and 43.03.060 for attending meetings of the commission
25 and for performing special duties, in the way of official commission
26 business, specifically assigned to the person by the commission. The
27 voting members of the commission serve without compensation from the
28 state other than such travel expenses.

29 (3) The commission shall elect a chair from among its voting
30 members each calendar year. After its original organizational
31 meeting, the commission shall meet at the call of the chair. A
32 majority of the voting members of the commission constitutes a quorum
33 and an official action of the commission may be taken by a majority
34 vote of the quorum.

35 **Sec. 2.** RCW 15.92.095 and 1999 c 247 s 2 are each amended to
36 read as follows:

37 (1) This subsection applies to the use of state appropriations
38 made to or legislatively intended for the commission on (~~pesticide~~
39 ~~registration~~) pest management and to any other moneys appropriated

1 by the state and received by the commission on ((~~pesticide~~
2 ~~registration~~)) pest management:

3 (a) The moneys may not be expended without the express approval
4 of the commission on ((~~pesticide registration~~)) pest management;

5 (b) The moneys may be used for: (i) Evaluations, studies, or
6 investigations approved by the commission on ((~~pesticide~~
7 ~~registration~~)) pest management regarding the registration or
8 reregistration of pesticides for minor crops or minor uses or
9 regarding the availability of pesticides for emergency uses. These
10 evaluations, studies, or investigations may be conducted by the food
11 and environmental quality laboratory or may be secured by the
12 commission from other qualified laboratories, researchers, or
13 contractors by contract, which contracts may include, but are not
14 limited to, those purchasing the use of proprietary information; (ii)
15 evaluations, studies, or investigations approved by the commission
16 regarding research, implementation, and demonstration of any aspect
17 of integrated pest management and pesticide resistance management
18 programs; (iii) the tracking system described in RCW 15.92.060; and
19 (iv) the support of the commission on ((~~pesticide registration~~)) pest
20 management and its activities; and

21 (c) Not less than ((~~twenty-five~~)) 25 percent of such moneys shall
22 be dedicated to studies or investigations concerning the registration
23 or use of pesticides for crops that are not among the top ((~~twenty~~))
24 20 agricultural commodities in production value produced in the
25 state, as determined annually by the Washington agricultural
26 statistics service.

27 (2) The commission on ((~~pesticide registration~~)) pest management
28 shall establish priorities to guide it in approving the use of moneys
29 for evaluations, studies, and investigations under this section. Each
30 biennium, the commission shall prepare a contingency plan for
31 providing funding for laboratory studies or investigations that are
32 necessary to pesticide registrations or related processes that will
33 address emergency conditions for agricultural crops that are not
34 generally predicted at the beginning of the biennium.

35 **Sec. 3.** RCW 15.92.100 and 1999 c 247 s 3 are each amended to
36 read as follows:

37 The commission on ((~~pesticide registration~~)) pest management
38 shall:

1 (1) Provide guidance to the food and environmental quality
2 laboratory established in RCW 15.92.050 regarding the laboratory's
3 studies, investigations, and evaluations concerning the registration
4 of pesticides for use in this state for minor crops and minor uses
5 and concerning the availability of pesticides for emergency uses;

6 (2) Encourage agricultural organizations to assist in providing
7 funding, in-kind services, or materials for laboratory studies and
8 investigations concerning the registration of pesticides and
9 research, implementation, and demonstration of any aspect of
10 integrated pest management and pesticide resistance management
11 programs for minor crops and minor uses that would benefit the
12 organizations;

13 (3) Provide guidance to the laboratory regarding a program for:
14 Tracking the availability of effective pesticides for minor crops,
15 minor uses, and emergency uses; providing this information to
16 organizations of agricultural producers; and maintaining close
17 contact between the laboratory, the department of agriculture, and
18 organizations of agricultural producers regarding the need for
19 research to support the registration of pesticides for minor crops
20 and minor uses and the availability of pesticides for emergency uses;

21 (4) Ensure that the activities of the commission and the
22 laboratory are coordinated with the activities of other laboratories
23 in the Pacific Northwest, the United States department of
24 agriculture, and the United States environmental protection agency to
25 maximize the effectiveness of regional efforts to assist in the
26 registration of pesticides for minor crops and minor uses and in
27 providing for the availability of pesticides for emergency uses for
28 the region and the state; and

29 (5) Ensure that prior to approving any residue study that there
30 is written confirmation of registrant support and willingness or
31 ability to add the given minor crop to its label including any
32 restrictions or guidelines the registrant intends to impose.

33 **Sec. 4.** RCW 15.92.105 and 1995 c 390 s 6 are each amended to
34 read as follows:

35 By December 15, 2002, the commission on pest management shall
36 file with the legislature a report on the activities supported by the
37 commission for the period beginning on July 23, 1995, and ending on
38 December 1, 2002. The report shall include an identification of: The
39 priorities that have been set by the commission; the state

1 appropriations made to Washington State University that have been
2 within the jurisdiction of the commission; the evaluations, studies,
3 and investigations funded in whole or in part by such moneys and the
4 registrations and uses of pesticides made possible in large part by
5 those evaluations, studies, and investigations; the matching moneys,
6 in-kind services, and materials provided by agricultural
7 organizations for those evaluations, studies, and investigations; and
8 the program or programs for tracking pesticide availability provided
9 by the laboratory under the guidance of the commission and the means
10 used for providing this information to organizations of agricultural
11 producers.

12 During the regular session of the legislature in the year 2003,
13 the appropriate committees of the house of representatives and senate
14 shall evaluate the effectiveness of the commission in fulfilling its
15 statutory responsibilities.

16 **Sec. 5.** RCW 15.92.110 and 1995 c 390 s 7 are each amended to
17 read as follows:

18 The commission on (~~(pesticide registration)~~) pest management, and
19 Washington State University on behalf of the commission, may receive
20 such gifts, grants, and endowments from public or private sources as
21 may be used from time to time, in trust or otherwise, for the use and
22 benefit of the commission and expend the same or any income therefrom
23 according to the terms of the gifts, grants, or endowments.

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