Federal and State Pesticide Laws

Washington State Department of Agriculture

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Administered by the EPA

- WSDA is State “lead agency” for implementation and enforcement of FIFRA
- It is a violation of federal law to “use” a pesticide inconsistent with its labeling.
- WSDA has primacy for enforcement of pesticide “use” violations
Federal pesticide registration

EPA assesses potential human and environmental effects:

• Occupational risks to those applying the product
• Potential for ground water contamination
• Risks to endangered and threatened species
• Aggregate risks—through food, water, and residential uses
• Cumulative risks—from different pesticides with same effects
• Increased susceptibility to infants and children, or other sensitive subpopulations
• Potential for endocrine-disruption effects
WSDA administers two statutes:

- **RCW 15.58** – WA Pesticide Control Act
- **RCW 17.21** – WA Pesticide Application Act

And several pesticide rules, including:

- **WAC 16-228** General Pesticide Rules
- **WAC 16-233** Worker Protection Standards
- Other pesticide rules on chemigation, secondary containment, use-restricted herbicides
RCW 15.58 – Washington Pesticide Control Act

• Provides criteria for registration
• Requires all pesticides distributed in state first be registered by WSDA.
• Provides “Stop-Sale” authority
• Requires licensing of pesticide dealers and consultants

Makes it a violation “For any person to use ... any pesticide contrary to label directions ...”
### WAC 16-228 – General Pesticide Rules

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WAC 16-233– Worker Protection Standards

Agricultural employers, handler employers and commercial pesticide handler employers must provide:

• Training for workers and pesticide handlers
• Decontamination supplies
• Personal protective equipment
• Pesticide safety, hazard and application information
• Notification of worker entry restrictions
• Establishment-specific and label information
• Prompt transportation in emergencies
Memorandum of Understanding
WSDA, L&I, and DOH

Describes roles and responsibility of each agency on Worker Protection Standards. Requires agencies to cooperate and coordinate actions.

• L&I investigates incidents involving employer-employee relationships
• WSDA is lead on all other incidents
• Both agencies report exposures to DOH, which investigates pesticide-related illnesses
RCW 17.21 – Pesticide Licensing

Requires licensing (certification) of:

- Growers who use Restricted Use Pesticides (RUPs)*
- Non-agricultural users of RUPs*
- Commercial applicators and operators
- Public operators
- Demonstration and research personnel

*RUPs have potential to cause unreasonable adverse effects to people or the environment when not applied correctly. RUPs can only be purchased and applied by certified (licensed) applicators.
Pesticide application records required to be kept for:

- Applications by certified applicators
- Applications to more than one acre of agricultural land (cumulative) in a calendar year
- Roadside applications by public entities
- Landscape applications as defined in statute
RCW 17.21 – Application Records

- Must be completed same day as the application
- Must be kept for seven (7) years
- Applicators must:
  - Make records readily accessible to WSDA for inspection
  - Provide copies to treating health care professionals immediately
  - Provide copies to L&I and DOH upon request
- WSDA can provide copies of records to DOH and LNI if requested
RCW 17.21 – Landscape and Right of Way Applications

- Vehicle identification required
- Must carry safety data sheet (SDS) for each pesticide applied
- Must provide pesticide name and copy of SDS when requested
- Must place marker (flag) at time of application at usual points of entry for landscape applications to residential sites
- Must provide alternate marker locations for commercial properties, golf courses, schools and daycare, parks, cemeteries, etc.
School requirements:

- Written information describing pest control policies and methods
- System to inform parents at least 48 hours before application
- Must post information in main office
- Must post notification signs
- Notice not required for emergencies and when school will be unoccupied for at least two days
- Antimicrobials and rodent or insect baiting excluded from these requirements.
Chemically sensitive persons can be notified prior to landscape and right-of-way applications to properties that abut theirs.

Sensitivity must be certified by physician.

WSDA sends out list of pesticide sensitive individuals twice/year to licensed pesticide applicators.

Certified applicators must notify those on the list (in writing, in person or by phone) at least two hours before the application of the date and approximate time of application.
Questions?
Thank You