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**SUBSTITUTE SENATE BILL 5597**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Saldaña, McCoy, Conway, and Hasegawa)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to creating a work group on aerial herbicide  
2 applications in forestlands; creating new sections; and providing  
3 expiration dates.

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

5 NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that forest  
6 managers, state agencies, and the broader community share an interest  
7 in minimizing human and environmental exposure to herbicides.  
8 Forestland owners have made significant gains in the protection of  
9 riparian and wetland areas along the state's waterways, as well as  
10 protecting the health and safety of the public and forest workers,  
11 through a combination of scientific advancements, ongoing education  
12 and training, improved technologies, and proper monitoring and  
13 regulation under the forests and fish statute and the associated  
14 forest practices rules.

15 (b) The legislature further finds that while the use of  
16 herbicides is an important tool to the timber industry, the use of  
17 chemicals should be integrated within a broader pest management  
18 approach. The legislature finds that the research, development, and  
19 feasibility of nontraditional control methods, along with methods  
20 already in use, could result in a more integrated pest management  
21 approach for forest management.

1 (2) This section expires December 31, 2020.

2 NEW SECTION. **Sec. 2.** (1) A work group on the aerial application  
3 of herbicides on state and private forestlands is established to  
4 review all existing best management practices and, if necessary,  
5 develop recommendations for improving the best management practices  
6 for aerial application of herbicides on state and private  
7 forestlands, including the criteria to be used in evaluating best  
8 management practices.

9 (2) The work group shall:

10 (a) Review the roles of all management and regulatory agencies in  
11 approving herbicides for use and application on forestlands in  
12 Washington and review existing state and federal programs, policies,  
13 and regulations concerning aerial application of herbicides on  
14 forestlands;

15 (b) Review current herbicide application technology in the state  
16 and throughout the nation to increase herbicide application accuracy  
17 and other best management practices to minimize drift and exposure of  
18 humans, fish, and wildlife as well impact on drinking water, surface  
19 waters, and wetland areas;

20 (c) Review research, reports, and data from government agencies,  
21 research institutions, nongovernmental organizations, and landowners  
22 regarding the most frequently used herbicides in forest practices, to  
23 inform the development and update of strategies related to herbicides  
24 management on forestlands; and

25 (d) Develop recommendations, if appropriate, for managing working  
26 forestlands through an integrated pest management approach that  
27 combines traditional chemical and other vegetative control methods as  
28 well as other silvicultural practices to protect resource values from  
29 pests, while minimizing the effect on nontarget species as well as  
30 ensuring the protection of public safety and human health, while  
31 still offering effective control that is economically feasible on a  
32 commercial forestry scale. Recommendations must consider the  
33 toxicity, mobility, and bioaccumulation of any proposed alternatives  
34 as compared to traditional operations.

35 (3) (a) The work group is composed of:

36 (i) One member and one alternate from each of the two largest  
37 caucuses in the senate, who must be appointed by the majority leader  
38 and minority leader of the senate;

1 (ii) One member and one alternate from each of the two largest  
2 caucuses in the house of representatives, who must be appointed by  
3 the speaker and minority leader of the house of representatives;

4 (iii) One senior level management representative from each of the  
5 following agencies:

6 (A) The department of agriculture;

7 (B) The department of health;

8 (C) The department of natural resources;

9 (D) The department of fish and wildlife; and

10 (E) The department of ecology;

11 (iv) One representative of Washington State University pesticide  
12 safety education program;

13 (v) One representative from the Pacific Northwest agricultural  
14 safety and health center at the University of Washington; and

15 (vi) Representatives from the following groups, appointed by the  
16 consensus of the cochairs:

17 (A) Two industrial forestland owners with one from the west of  
18 the crest of the Cascade mountains and one from east of the crest of  
19 the Cascade mountains;

20 (B) One representative of small forestland owners;

21 (C) One representative of large-scale organic farming;

22 (D) One representative of aerial applicators;

23 (E) Three representatives of environmental or community  
24 interests;

25 (F) One representative with expertise in noxious weed control;  
26 and

27 (G) One representative with pesticide registrant expertise in  
28 forest herbicides.

29 (b) Representatives of Washington tribes that are involved in  
30 timber production must be invited to participate on the work group.

31 (c) If a member has not been designated for a position set forth  
32 in this section, that position may not be counted for purposes of  
33 determining a quorum.

34 (4) The work group must be cochaired by one representative each  
35 from the department of agriculture and the department of natural  
36 resources.

37 (5) Staff support for the members of the work group must be  
38 provided by the departments of natural resources and agriculture.

39 (6) Legislative members of the work group are reimbursed for  
40 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members of the work group are not entitled to be reimbursed for  
2 travel expenses if they are elected officials or are participating on  
3 behalf of an employer, governmental entity, or other organization.  
4 Any reimbursement for nonlegislative members is subject to chapter  
5 43.03 RCW.

6 (7) The work group shall provide a report that includes any  
7 findings, recommendations, and draft legislation, to the governor and  
8 the legislature consistent with RCW 43.01.036, by December 31, 2019.

9 (8) This section expires December 31, 2020.

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