

2023

WSDA Pesticide Management Division

Annual Report to the Legislature

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Table of Contents

Summary.....	3
Program Highlights:.....	3
Registration Services Program.....	3
Pesticide Licensing and Recertification Program	4
Technical Services and Education Program	4
Pesticide Compliance Program	5
1. Introduction	6
Registration Services Program.....	6
Pesticide Licensing and Recertification Program	6
Technical Services and Education Program	6
Pesticide Compliance Program	7
2. Registration Services Program	8
2.1 Pesticide Registration.....	8
3. Pesticide Licensing and Recertification Program	12
3.1 Pesticide Licensing	12
3.2 Recertification (Pesticide Licensing Continuing Education Courses)	13
3.3 Washington Plan for Certification of Pesticide Applicators.....	14
4. Technical Services and Education Program	15
4.1 Pesticide Safety Training	15
4.2 Waste Pesticide Disposal	16
5. Pesticide Compliance Program.....	18
5.1 Inspections.....	21
5.1.1 Worker Protection Standard Inspections.....	22
5.2 Investigations.....	24
5.2.1 Investigation Types	25
5.2.2 Location of Investigations.....	26
5.2.3 Investigations by Pesticide Ingredient Type	27
5.2.4 Investigative Findings and Enforcement Actions	28
5.3 Drift Observation Program and Inspections.....	30
5.4 Cannabis (I-502).....	30
5.5 Pollinators	31
6. Conclusion.....	33
Appendices	34
Appendix A. WSDA Penalty Process and Rules.....	34
Appendix B. WPS Inspection Elements Checklist.....	36
Appendix C. WPS Civil Penalty Policy for First-time Violations of WAC 16-233	38
Appendix D. Formal Compliance Enforcement Actions – Final Orders Issued in FY23	40

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Summary

The Washington State Department of Agriculture (WSDA) Pesticide Management Division (PMD) carries out multiple activities in an integrated approach to regulate the safe and legal use of pesticides in Washington State.

Many new initiatives were introduced in FY23 (July 1, 2022, through June 30, 2023) that will affect PMD program activities in the future. Some, such as the creation of the Pesticide Advisory Board (PAB), were state-initiated, and some were federal, such as Bulletins Live! Two and Endangered Species Act (ESA) programs.

The Pesticide Advisory Board was re-established in the 2023 Legislative Session under [ESHB 1019](#) (later codified as [RCW 17.21.455](#) and [RCW 17.21.460](#)). The PAB was initially established by the legislature in 1994, but due to the 2008 recession, was struck from statute along with other state-funded boards and committees in 2010. The 2023 PAB is tasked with advising the Department of Agriculture with issues related to the use and application of pesticides in Washington State, except for matters covered by the Pesticide Application Safety Committee (PASCO). The Pesticide Advisory Board is composed of 13 voting members and 18 non-voting members. PMD is looking forward to working with this new board and is in the process of seating board members. The first meeting is planned for December 2023.

In February 2023, Washington State received its first Endangered Species Bulletins. These Bulletins are issued by the Environmental Protection Agency (EPA) and contain additional directions for use of specific pesticides in geographically limited areas. The first Washington State Bulletins were issued for the protection of salmon and steelhead in certain watersheds, and initially included four active ingredients. PMD was concerned that pesticide applicators wouldn't fully understand the requirement to obtain Bulletins before pesticide application. PMD spent countless hours developing outreach and education materials, presenting that material to stakeholder groups and pesticide applicators across the state, and demonstrating how to navigate EPA's Bulletins Live Two! website efficiently. Education of pesticide applicators will continue to be a focus in FY24 as more active ingredients are added to the Bulletins that affect more agricultural commodity groups.

PROGRAM HIGHLIGHTS:

Registration Services Program

- Registered or maintained registration of over **15,600 pesticide products** including Special Local Need registrations for specialty crops (e.g., cherries, berries, vegetable seed crops, alfalfa seed) with pest problems for which there is not a federally registered pesticide available.
- Reviewed and approved **30 new Experimental Use Permits**, a 50% increase from the FY22 permit approvals.
- Submitted comments to the Environmental Protection Agency (EPA) related to the federal pesticide registration review of several pesticides, including Etofenprox, DCNA, Norflurazon,

Thiophanate-methyl, and Carbendazim. Also submitted comments to EPA on their proposed interim decision on 11 rodenticides.

- Reviewed and maintained a list of pesticide products allowed for use in the production of high-THC cannabis and provided the list to the Washington State Liquor and Cannabis Board and stakeholders.
- Initiated work on a new database that will streamline pesticide registration review, improve efficiencies, and reduce processing times.

Pesticide Licensing and Recertification Program

- Administered approximately 9,549 exams to 5,354 current or potentially licensed professional pesticide applicators, consultants, dealers, and structural pest inspectors.
- Certified 28,428 individuals (applicators, consultants, dealers) and issued 32,607 licenses. “Licenses” refers to license types. An individual may have more than one license type.
- Reviewed and accredited 512 recertification courses covering 2,212 individual sessions that were offered in FY23. 150 of these were Spanish-language sessions.
- Entered into a contract in March 2023 with a third-party vendor to begin the process of administering pesticide licensing exams at professional testing centers. The anticipated launch date is in 2024.
- Washington State’s updated Certification of Pesticide Applicators plan was approved by EPA in December 2022. Senate Bill 5330 was subsequently submitted and passed to address portions of statute changes needed to meet the requirements of the updated Federal C&T Rule, 40 CFR 171. These changes included increasing the minimum age for private applicators to 18, modifying and adding definitions, adding the ability to revoke or suspend a reciprocal license based on that license status in the state that originally issued it, and adding the authority to establish rules on the direct supervision of certified applicators.

Technical Services and Education Program

- Provided pesticide safety training to approximately 4576 farmworkers, pesticide handlers, pesticide applicators, agricultural employers, and pesticide safety trainers.
- Continued offering pesticide safety curriculums through online platforms and reinstated more in-person educational services for the agricultural community while observing COVID-19 prevention measures.
- Expanded outreach (education and training) efforts to western Washington (Skagit and Whatcom areas).
- Collected and properly disposed of 49,406 pounds of unwanted or waste pesticides from 68 customers, reducing the risk to public health and the environment.

Pesticide Compliance Program

- Conducted **199 inspections** to ensure that applicators, dealers, manufacturers, and employers comply with state and federal pesticide laws. This included 34 inspections at farms, orchards, forests, and nurseries to ensure compliance with the Worker Protection Standard (WPS). Twenty-eight (28) Notices of Correction (NOC) were issued as a result of the WPS inspections to address items that were not in compliance. The most common violations involved posting proper safety and hazard information, the required training of workers and handlers, and proper recordkeeping requirements. Three (3) WPS inspections went to a civil penalty for more serious “handler” decontamination or PPE supply violations.
- Conducted **96 for-cause investigations** in response to complaints, agency referrals, and investigator surveillance. Approximately 50% of the cases involved either an insecticide (25%) or herbicide (24%). For context, 28,428 individuals are licensed to consult and apply pesticides professionally, and homeowner use of pesticides is common.
 - A summary of some of the 96 investigations this year include:
 - 56 (58%) were in eastern Washington. 40 (42%) in western Washington.
 - 57 cases (59%) either found no violation or found that the complaint was not pesticide related.
 - 49 cases (51%) involved drift allegations:
 - 25 of the drift cases were agriculture-related (farm, forestry, nursery, or greenhouse).
 - 24 of the drift cases were non-agriculture related (homeowner, industrial, landscape, right-of-way).
 - 21 cases involved alleged human health exposure (7 related to agriculture, 14 related to non-agriculture).
 - One case involved pollinators (bumblebees).
 - Section 5 of this report contains specific information on more of the cases.

Technical Assistance (TA): Each year Compliance staff respond to hundreds of questions or concerns via email and phone calls regarding pesticide use and misuse, licensing, distribution, and other issues. A TA incident will be entered into the Compliance database for tracking purposes if the question or concern requires research for a response, if the concern is a past alleged pesticide violation, or could be a future violation if not addressed properly. In FY23, **37 formal TAs** were documented in our tracking database.

1. Introduction

Pesticides are an essential tool used for protecting crops, structures, natural resources, and humans. However, pesticides pose environmental and human health risks if not used correctly. The Washington State Department of Agriculture (WSDA) regulates the safe and legal distribution, use, and disposal of pesticides to protect humans and the environment. “Pesticide” is a general term meaning any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate a pest. A pest is any form of plant, animal, or virus, (except those found in or on humans or other animals) which is normally considered to be a pest. Herbicides, insecticides, fungicides, rodenticides, algaecides, and disinfectants are all types of pesticides.

WSDA’s Pesticide Management Division (PMD) provides education, enforcement, applicator certification, and registration of pesticides. PMD strives to protect human health and the environment through effective education, outreach, hands-on assistance, and routine inspections. Additionally, PMD’s enforcement program is an important component to holding users accountable for proper pesticide use by issuing penalties when harm or damage occurs.

This report identifies key activities carried out by four WSDA Pesticide Management Division (PMD) programs in FY23:

Registration Services Program

- Reviews and registers pesticide products.
- Performs toxicity reviews of new active ingredients and aquatic use ingredients.
- Reviews and approves Special Local Need (SLN) registrations and Experimental Use Permits (EUP) which are critical to address local and minor crop (such as cherries, berries, hops, and vegetable seed) pest problems.

Pesticide Licensing and Recertification Program

- Licenses and recertifies pesticide applicators, dealers, consultants, and structural pest inspectors.

Technical Services and Education Program

- Provides Worker Protection Standard and safety education.
- Provides technical assistance to the agriculture industry in Washington related to the safe and legal use of pesticides and pesticide application equipment.
- Collects unusable and unwanted agricultural- and commercial-grade pesticides from state residents, farmers, small businesses, nonprofits, and public agencies.

Pesticide Compliance Program

- Inspects pesticide application businesses, marketplaces (stores), distributors (sales), importers, manufacturers, and pesticide applications for compliance with state and federal pesticide requirements.
- Investigates complaints related to possible pesticide misuse; improper storage, sales, and distribution; applicator licensing violations; and building structure inspections for wood-destroying organisms such as termites.
- Maintains a registry of pesticide-sensitive individuals (PSI) to be notified for commercial landscape and right-of-way applications.

Together these programs create an integrated approach to pesticide management under the authority of the [Washington Pesticide Control Act \(Chapter 15.58 RCW\)](#), the [Washington Pesticide Application Act \(Chapter 17.21 RCW\)](#), the [General Pesticide Rules \(Chapter 16-228 WAC\)](#), the [Worker Protection Standard \(Chapter 16-233 WAC\)](#) and several pesticide-specific regulations. This document fulfills annual reporting requirements under [RCW 15.58.420](#) and [RCW 17.21.350\(1\)](#).

[RCW 17.21.350\(2\)](#) requires reporting on the pesticide residue food monitoring program. WSDA has no such program, however, the United States Food and Drug Administration (FDA) manages the Pesticide Residue Monitoring Program. Reports can be found at: <https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-program-reports-and-data>.

2. Registration Services Program

Safe pesticide use starts with the appropriate pesticide product review and approval. Pesticides distributed in Washington State must first be registered with WSDA ([Chapter 15.58 RCW](#)).

2.1 PESTICIDE REGISTRATION

At the end of FY23, the Registration Services Program had **15,205 pesticide products** registered within the Pesticide Registration System (PRS) database. As of the writing of this report, however, that number had climbed to over **15,600 pesticide products**. (See Table 1). Registration is on a two-year cycle; approximately half (7,000 – 8,000) are reviewed and registered each year.

Table 1.

Total Number of Pesticide Products Currently Registered in Washington by Registration Type-FY23*

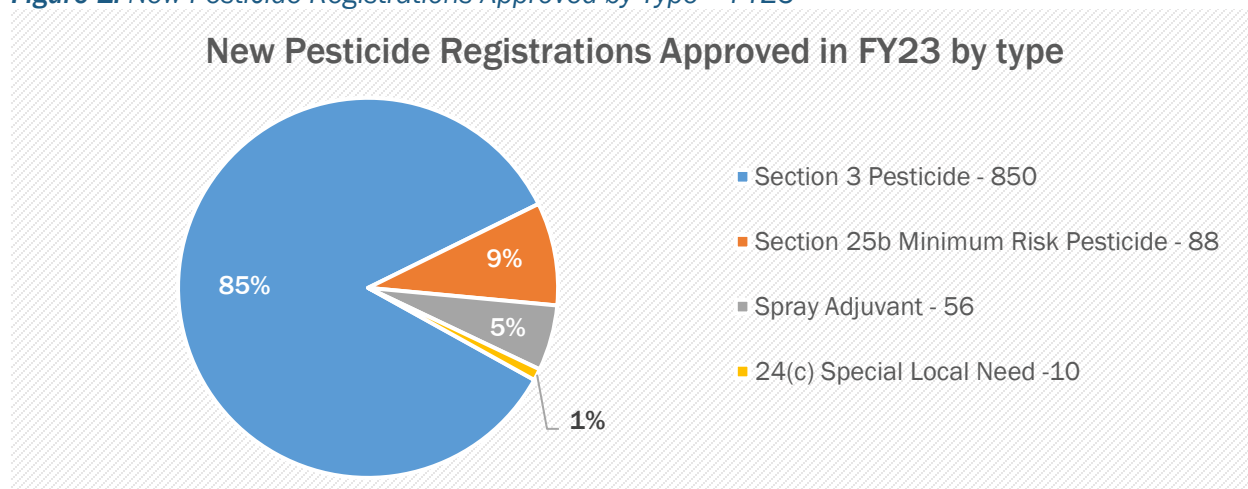
Pesticide Registration Type	Number of Registered Products	Percentage
Section 3 Federally Registered Products	13,603	87%
Section 25(b) Minimum Risk Pesticides	957	6%
Spray Adjuvants (surfactants, stickers, emulsifiers)	928	6%
Section 24(c) Special Local Need	120	1%
Total	15,608	100%

**As of November 3, 2023*

Section 3 Pesticides make up the bulk of the registered pesticides (87%) and are reviewed and approved initially by the Environmental Protection Agency (EPA) before being reviewed and registered in Washington. Examples of Section 3 pesticides include products such as Lysol® and Clorox® bleach brand disinfectants, mosquito repellents, deer repellents, slug bait, wasp sprays, weed and feeds, neem oil, commercial insecticides, fungicides, herbicides, and rodenticides to control pests in agriculture, structural pest control, vegetation management on roadsides, golf courses, and water treatment facilities. Both Section 25(b) Minimum Risk Pesticides and Spray Adjuvants are “state-only” registrations, meaning there is no federal registration and that all review and approval is done at the state level. Minimum risk pesticides include products such as lemongrass oil for mosquito control; mint, rosemary, or thyme oil to control spiders; low-dose vinegar (4% or less acetic acid), and the like. Adjuvant examples include surfactants, buffering agents, and anti-foaming agents to assist in the application of pesticides.

In FY23, Registration Services reviewed and registered **1004 new pesticide products**. (See Figure 1).

Figure 1. New Pesticide Registrations Approved by Type – FY23



FY23 showed no significant impact on total pesticide registrations, even when considering the 67% pesticide registration fee increase implemented in FY22 (November 1, 2021) under SSB 5317. (See Figure 2.)

Figure 2: Total Number of Pesticide Products Registered by Year (2006-2023)

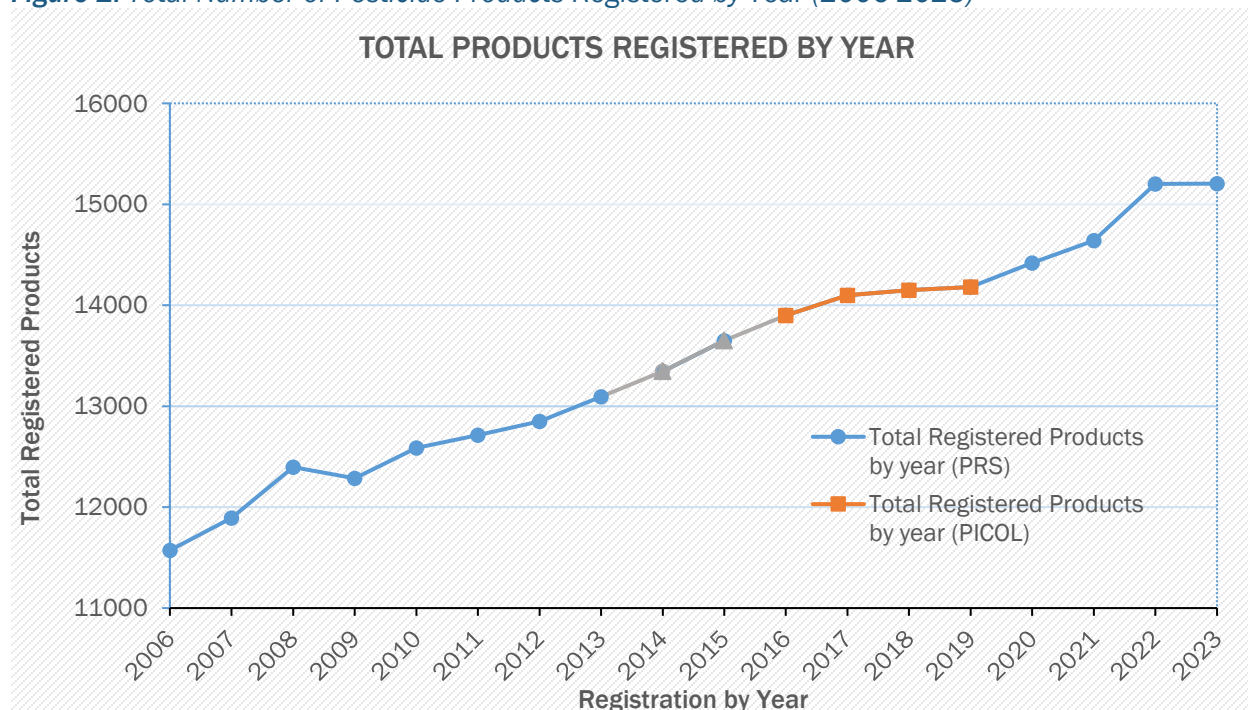
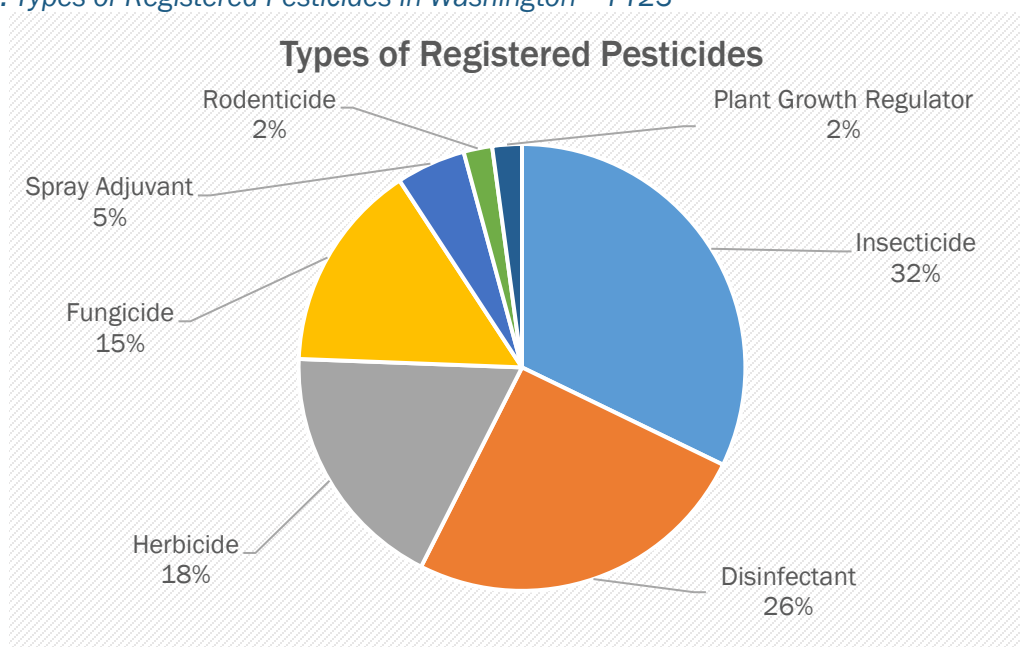


Figure 2: Chart data created using Pesticide Registration System (PRS) database counts [blue dots], WSU's Pesticide Information Center OnLine (PICOL) [orange dots] for counts not available in PRS, and estimated counts [gray dots] following a trendline for unavailable annual counts.

The majority of pesticides registered in Washington are insecticides (32%), followed by disinfectants (26%). Herbicides make up 18% of registrations and fungicides make up 15% of registrations. (See Figure 3.)

Figure 3. Types of Registered Pesticides in Washington – FY23



In FY23, the Registration Services Program:

- Issued ten (10) new Section 24(c) Special Local Need (SLN) registrations for specialty crops (e.g., cherries, berries, vegetable seed crops, alfalfa seed) with pest problems for which there are no effective federally registered pesticides available.
- Issued 30 Experimental Use Permits (26 terrestrial, 1 aquatic, 3 collective), which support research and development of new pesticides and uses. This is a 50% increase from FY22 permit approvals. Terrestrial crops or sites included apples, pears, cherries, grapes, honeybee colonies lamb's ear, and forestry. Aquatic sites included non-producing oyster beds in mudflats of Willapa Bay to control burrowing shrimp. Collective EUPs are not site-specific and allow researchers to do limited testing on land they own or control.
- Submitted comments to the Environmental Protection Agency (EPA) related to the federal pesticide registration review of several pesticides, including Etofenprox, DCNA, Norflurazon, Thiophanate-methyl, and Carbendazim. Also submitted comments to EPA on their proposed interim decision on 11 rodenticides.
- Provided the Washington State Liquor and Cannabis Board (LCB) and cannabis growers with a list of pesticides (currently 369 products) that can be used in the production of high-THC cannabis. The list is also published on the WSDA website. The pesticides are evaluated on strict criteria developed by WSDA before they are approved to be on the list. The currently allowed products are either 25(b) pesticides or pesticides that contain active ingredients that are exempt from the requirements of a tolerance on all food crops.

- SSB 5317, (codified as RCW 15.58.070) mandated that the department complete and post on its website a timeline for processing completed pesticide registrations. The webpage can be found at Product Registration Timelines. This webpage also contains information on Understanding Pesticide Registration Processing Times. The timelines posted are based on the 2022 calendar year, include weekends and holidays, and are calculated from the receipt of a complete application to registration approval. Registration timeline averages are updated annually.

Table 2: Pesticide Registration Timelines Calendar Year 2022

Registration Type	Average Processing Time 2022
EPA Section 3 Pesticides	15 days
State-Only Section 25b Minimum Risk Pesticides	25 days
State-Only Spray Adjuvants (surfactants, stickers, emulsifiers)	96 days

3. Pesticide Licensing and Recertification Program

The Pesticide Licensing and Recertification Program ensures the safety of pesticide handling, application, storage, and disposal through certification of licensees and continuing education requirements. All pesticide applicators, operators, consultants, dealers, commercial applicators, and structural pest inspectors are required to obtain certification and continuing education credits to maintain an up-to-date license (Chapters 15.58 and 17.21 RCW).

FY23 Pesticide Licensing and Recertification Program highlights:

- WSDA continued to increase efforts to encourage licensees to renew licenses online, helping to reduce the need for printed forms, time to assemble renewal packets, and manual processing of fiscal payments. Over the course of offering online renewals, since the 2012 renewal season, the program has substantially increased its efficiency in processing renewals. During FY23, 61.2% of licenses were renewed online, only a slight increase from FY22 (60%) but a 53% increase since FY12 and a 40% increase since FY17. The program continues to implement new strategies to improve efficiency such as digitization of licensing files, communication with licensees in multiple ways for online renewal and recertification course reminders, and reducing paper distributed to licensees.
- After Senate Bill 5317 went into effect in FY22, WSDA continued to pass the pesticide safety education fee surcharge to Washington State University's (WSU) Pesticide Resources and Education Program (PREP). WSDA sent \$166,012 to WSU for surcharges collected in FY23 to help support WSU pesticide education activities.
- Washington State's Certification of Pesticide Applicators state plan was approved by EPA in December 2022 to comply with the 2017 Federal C&T Rule (40 CFR 171). Subsequently, Senate Bill 5330 was passed in the 2023 legislative session to facilitate implementation of parts of the new state plan. The C&T Rule and new state plan focuses on enhancing competency standards, updating pesticide license categories, requiring the direct supervision of noncertified applicators, and other requirements.
- After successful rulemaking by the agency in 2022, PMD Licensing began the procurement process to contract a third-party vendor to administer computer-based pesticide and structural pest inspector licensing exams at professional testing centers. The contract was signed in March 2023 with the vendor Metro Institute. WSDA staff continue to work with the vendor to convert exams to the appropriate platform, establishing a mechanism to collect license application fees online, and to assure secure transfer of application and testing data from the vendor to WSDA. Implementation of computer-based testing is projected to begin in 2024.

3.1 PESTICIDE LICENSING

In FY23, PMD:

- Administered **9,549 exams** to **5,354** new potential and existing licensees. (See Table 3.)
- **Certified 28,428 individuals** (applicators, consultants, dealers).
- **Issued 32,607 licenses** (including individuals with multiple licenses). (See Table 4.)

Table 3. Certification Exams Administered – FY23

Total number of individuals taking exams	New exams taken	Retake of non-passing exams	Exams taken to add a category or endorsement to existing license	Recertifying by testing instead of by earning continuing education credits	Total number of exams administered
5,354	3,018	1,684	433	216	9,549*

*Total includes only exams administered: A single exam may be counted in more than one category above. For instance, a tester could add a category and recertify their license with a single exam.

Table 4. Pesticide Licenses Issued – FY23

License Type	Number Issued	License Type	Number Issued
Commercial Applicator (Ag & Non-Ag)	1,656	Commercial Consultant	1,038
Commercial Operator (Ag & Non-Ag)	7,870	Dealer Manager	1,544
Private Applicator (Ag)	11,912	Public Consultant	71
Limited Private Applicator (Ag)*	97	Structural Pest Inspector	881
Rancher Private Applicator (Ag)*	99	Demonstration & Research	215
Public Operator	6,130		
Private Commercial	1,094	Total	32,607

* Limited Licenses

3.2 RECERTIFICATION (PESTICIDE LICENSING CONTINUING EDUCATION COURSES)

PMD requires all private applicators to obtain 20 continuing education credits within five years to maintain their license and requires all other licensees to obtain 40 credits within five years to maintain their license. Limited licenses (denoted by * in Table 4 above) require 8 to 12 continuing education credits depending on the license type. To ensure that licensees are receiving education throughout their recertification cycle, there is a limit on the number of credits they can earn within one calendar year. However, an individual may elect to recertify by testing instead of earning continuing education credits if they cannot earn the required credits within the 5-year recertification period. (In FY23, 216 chose this option, see Table 3.)

- During FY23, 512 courses were held, covering 2,212 individual sessions (See Table 5.).
- One hundred fifty (150) of these sessions were Spanish-language sessions.
- There was a significant increase in the availability of on-site and on-site/webinar hybrid course sessions in FY23, with on-site course sessions increasing by 64% and hybrid courses increased slightly from FY22.

Table 5. Recertification Course Sessions Available – FY23

FY23 Course Sessions	Open Session: Open to all attendees	Closed Session: Invitation only for select attendees	Total
On-Site Only	678	405	1083
On-Site/Webinar	119	59	178
Webinar Only	95	162	257
Internet On Demand	650	44	694
All Sessions	1,542	670	2,212

3.3 WASHINGTON PLAN FOR CERTIFICATION OF PESTICIDE APPLICATORS

In 2017, the Environmental Protection Agency (EPA) published updates to the [Federal Certification & Training \(C&T\) Rule](#) to strengthen certified applicator requirements to ensure the safe and responsible use of restricted-use pesticides. Prior to this, EPA had not updated federal requirements since the initial publication of the C&T rule in 1974. Washington State is required to update its certification and training (C&T) statutes and rules to meet the updated Federal C&T Rule requirements. The Licensing and Recertification Program submitted the state certification plan to EPA in March 2020. Through FY21 and FY22, WSDA worked with EPA on clarifying areas of the plan in response to feedback and additional federal requirements, with the final plan submitted to EPA in September 2022. Final approval was received from EPA in December 2022.

In the Spring of 2023, Senate Bill 5330 was passed to add and modify definitions, increase the authority to revoke or suspend a reciprocal license, and add the authority to establish rules on the direct supervision of non-certified applicators. WSDA will move forward with administrative rule updates to address the remainder of the changes required to comply with the approved state plan.

4. Technical Services and Education Program

Pesticide safety goes beyond the proper application of pesticides. The Technical Services and Education Program (TSEP) works to support public and environmental health through farm focused Worker Protection Standard (WPS) and pesticide education, training, and the disposal of unwanted pesticides. Supporting safer farm sites and work environments also supports the success of Washington's agricultural businesses.

4.1 PESTICIDE SAFETY TRAINING

Farmworkers and pesticide handlers must be trained according to the Worker Protection Standard, [Chapter 16-233 WAC](#) (under [RCW 17.21.440](#)). The Farmworker Education Program provided pesticide safety training directly to pesticide handlers, pesticide applicators, pesticide trainers, and farm employers. Employers and groups also independently train farmworkers but utilize TSEP's Worker Protection Standard (WPS) Train-the-Trainer program to train their trainers.

In FY23, Technical Services and Education Program provided pesticide safety training to approximately **4,576 pesticide handlers, pesticide applicators, agricultural employers, and pesticide safety trainers**. (See Table 6.)

- Conducted WPS pesticide handler safety training via in-person and live webinar to **1,908** pesticide handlers at 25 events.
- Provided bilingual (English and Spanish) Pesticide WPS Train-the-Trainer (**94** participants) and Train-the-Trainer refresher (**42** participants) employed by 102 agricultural establishments (totaling 136 employees) on how to effectively deliver WPS-mandated pesticide safety training to their staff.
- Provided a bilingual (English and Spanish) respirator fit-test Train the Trainer training to **26** pesticide applicators, farm supervisors, and pesticide handlers who are responsible for their employer's respirator programs. Additionally, two WSDA employees and two Department of Labor and Industries (L&I) trainers were trained during this workshop. Training included respirator fit testing, selection, use, maintenance, and respirator training recordkeeping.
- Conducted five onsite airblast sprayer calibration technical assistance events to a total of **29** farm employees and managers. This technical assistance was conducted on-farm and on grower owned and operated airblast sprayers. Assistance included calibration and configuration to reduce pesticide off-target drift.
- Educated **116** English and Spanish speaking participants at four trainings on airblast sprayer calibration best management practices (BMP). These events provided training on the knowledge and skills needed to calibrate and configure airblast sprayers and ways to monitor weather conditions to attain pesticide applications that are effective and less prone to drift.
- Conducted Spanish Pre-Pesticide licensing training in preparation for the Spanish private applicator licensing exam to **327** individuals.
- Presented at **11** accreditation/recertification events attended by **2038** pesticide licensees. These events ranged from annual grower meetings to large-scale, organized events. TSEP staff presentations covered pesticide safety, Worker Protection Standard, product stewardship, and other pesticide-related topics.

Table 6. TSEP Training Totals—FY23

Training	Attendees	Events	Establishments represented
WPS Pesticide Handler Training (In Person and Live Webinar)	1,908	25	340
WPS Train-the-Trainer	94	3	72
WPS Train-the-Trainer Refresher	42	1	30
Respirator Fit-test Training (applicators and handlers)	26	1	14
On-site Airblast Sprayer Calibration Technical Assistance (applicators and handlers)	29	5	5
Airblast Sprayer Calibration BMP (applicators, handlers, and farm managers)	116	4	73
Spanish Pre-license (applicators)	327	9	128
Recertification Events (licensees)	2,038	11	N/A
TOTAL*	4,576	59	507

* Totals may include individuals or establishments participating in more than one event.

Technical Services and Education specialists also provide training requested by growers on topics such as how to properly use personal protective equipment, calibration of airblast sprayers, combating heat stress, and performing respirator fit tests. The training is hands-on, conducted on-site, and is specifically targeted to the needs of the individual farm. This training is often conducted following an inspection by PMD Pesticide Compliance and assists growers to come into compliance with pesticide law.

In FY23, TSEP staff conducted outreach activities in Western Washington to explore partnership opportunities with new agricultural commodity organizations as well as other organizations that serve the agricultural community in the area. Connections were established with WSU County Extension offices in Skagit and Whatcom Counties, SEA-MAR, Viva Farms, and WorkSource. Thanks to these efforts, pesticide safety education workshops were conducted in late FY23 to pesticide handlers employed by the Christmas Tree and Forest industries.

4.2 WASTE PESTICIDE DISPOSAL

The Waste Pesticide Identification and Disposal Program is located within Technical Services and Education Program (TSEP) ([RCW 15.58.045](#)). Since 1988, this program has been responsible for collecting unusable and unwanted agricultural and commercial-grade pesticides from Washington State residents, farmers, small businesses, nonprofits, and public agencies without a direct customer charge. The goal of this program is to collect and properly dispose of unused pesticide products to prevent human and animal exposure, prevent the use of cancelled pesticides on crops, and help eliminate the potential source of contamination to the environment. The program is completely funded

by appropriations from the state's Model Toxics Control Account (MTCA), where the hazardous substance tax applies a 0.7% tax on the wholesale value of all pesticide products distributed in the state.

Some of the exposure risks come from old pesticides that are stored in sheds or on abandoned properties. By holding central collection events and on-site collection pickup projects across the state and offering free disposal, WSDA provides the incentive to clear out these dangers and help prevent improper disposal. A significant number of customers are clearing out old pesticide storage facilities from deceased relatives or have recently purchased a rural property and discovered old pesticides from previous owners. In these cases, many of the current owners request an on-site technical assistance visit from WSDA staff to help dispose of the unwanted pesticides. Providing on-site assistance for these customers is important since many of these old pesticides are from previous generations, when far more highly toxic pesticides were used than are currently sold or used.

As of June 30, 2023, WSDA has collected and properly disposed of approximately 3.92 million pounds of waste pesticides from 9,169 customers (an average of 427 pounds per customer). This includes long-banned pesticides such as DDT and chlordane, recently cancelled pesticides such as azinphos-methyl and endosulfan, and pesticides whose last crop protection uses were canceled, such as chlorpyrifos.

Nearly all the collected pesticides are destroyed using a thermal destruction process in Arkansas and Utah, thus significantly reducing the amount added to hazardous waste landfills by 90% and the associated long-term liability to Washington State.

In FY23, the Waste Pesticide Program:

- Collected and properly disposed of **49,406** pounds of unwanted waste pesticides from 68 customers (an average of 727 pounds per customer), reducing the risk to public health and the environment.
- During FY23, the Waste Pesticide Disposal program conducted **28** on-farm technical assistance visits. These visits included segregating, identifying, coding, inventorying, over packing in clear plastic bags or packing the liquid product in poly drums ensuring that these special handling products had the right hazard class label for identification at collection events.
- The waste pesticide contractor (Clean Harbors) was significantly understaffed this year: Scheduling waste pesticide collection events was extremely complicated.

5. Pesticide Compliance Program

The Pesticide Compliance Program (Compliance) enforces state and federal pesticide laws and rules, as well as structural pest inspection rules. In FY23, the program consisted of a program manager, case review officer, quality assurance/training coordinator, three area managers (supervisors), and fifteen field staff working out of seven primary locations within three areas across the state: Bellingham, East Wenatchee, Kennewick, Moses Lake, Olympia, Spokane, and Yakima. (See Figure 4.) The 2021 legislative passage of Substitute Senate Bill 5317 supported funding four additional new Compliance positions, with hiring that started in the fall of 2022 and into the spring of 2023. The Compliance program had a 33% turnover in its field staff in FY23, including 5 new inspectors.

Figure 4. Pesticide Compliance Offices and Coverage Areas – FY23

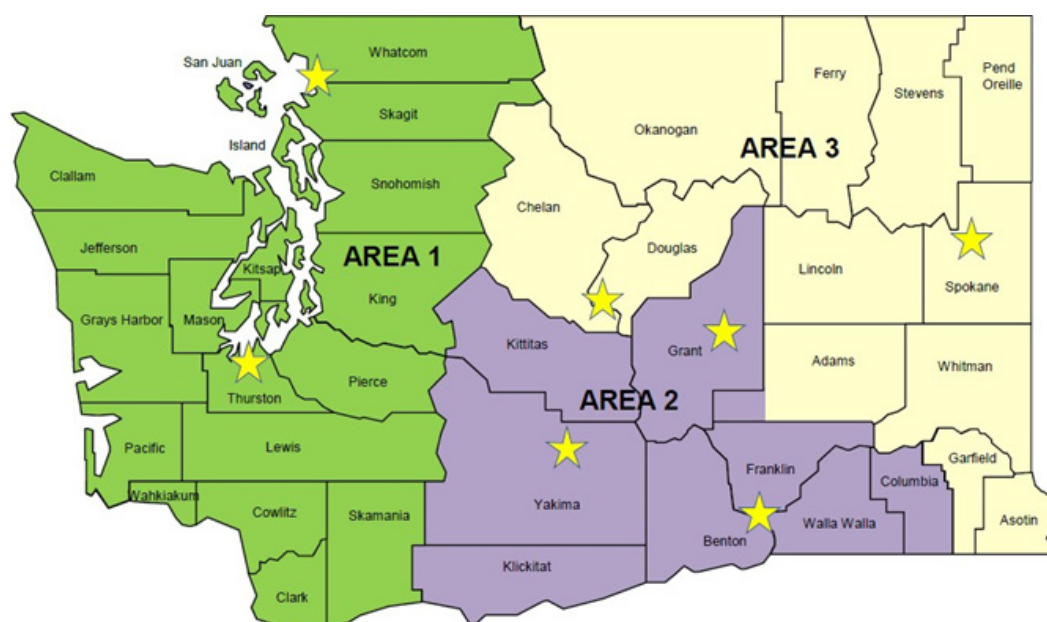


Figure 4: Washington state map shows counties grouped into three areas. Stars denote WSDA Pesticide Compliance office locations.

The primary Compliance activities are inspections and investigations. The program:

- Conducts inspections of pesticide applicators, dealers, and producers.
- Conducts investigations of alleged misuse of pesticides, improper distribution, and licensing.
- Reviews permit requests for an application variance to the statewide and county (phenoxy-type) herbicide use restrictions.
- Technical Assistance (TA): Each year Compliance staff respond to hundreds of questions or concerns via email and phone calls regarding pesticide use and misuse, licensing, distribution, and other issues. A TA incident will be entered into the Compliance database for tracking purposes if the question or concern requires research for a response, if the concern is a past

alleged pesticide violation, or could be a future violation if not addressed properly. In FY23, 37 formal TAs were documented in our tracking database.

- Maintains a Pesticide Sensitive Person Register (PSR) that is distributed two times each year (January and June) to certified applicators making landscape and right-of-way applications ([RCW 17.21.420](#)). People on the Pesticide Sensitivity Registry receive a notification before a WSDA-licensed applicator applies pesticides to landscaping, highways, or rights-of-way near the person's residence. In FY23, 107 individuals were registered on the PSR list. In 2023 PMD began distributing this list to applicators electronically.

When an inspection or investigation finds violations, most first offense violations will receive a Notice of Correction (NOC). A NOC is a “warning” document that lists the violation, the regulation cited, how to correct it, and by when. If the violations are more serious or repeat offenses, the program will issue a penalty action (Notice of Intent or NOI) as appropriate. NOIs are typically a monetary penalty and may also include a pesticide license suspension. The WSDA Pesticide Penalty Assignment Schedule ranges from a minimum of \$250 up to \$7,500 per violation.

As part of the Washington Legislature’s regulatory reform law, [RCW 43.05.100](#), PMD must only issue a NOC on all first-time violations. However, if a pesticide violation meets one of the following criteria that are listed in [RCW 43.05.110](#), PMD can issue an NOI that includes a monetary penalty and/or license suspension:

- The person has previously been subject to an enforcement action or previous notice for the same or similar type of violation of the same statute or rule.
- Compliance is not achieved by the date established by the department in a previously issued notice of correction.
- The violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding \$1,000.
- The violation was committed by a business that employed 50 or more employees on at least one day in each of the preceding 12 months.

To ensure that penalties are “fair and uniform,” PMD is required to follow the penalty rules as outlined in [WAC 16-228-1130](#). After an extensive outreach effort in 2022 to stakeholder groups, the pesticide penalty schedule was updated via rulemaking. The CR-103 was signed on January 26, 2023, and the new penalty rules and schedule went into effect on April 1, 2023. See Appendix A for further explanation of PMD’s penalty process and the updated rules that apply to penalties.

Table 7. Overview of Pesticide Compliance Activity – FY23

FY23 Compliance Activity	Total	No Action	Verbal Warning / Advisory Letter	Enforcement Actions Processed in FY23	
				Notice of Correction (First Violation) *	Notice of Intent (Civil Penalty)
Inspections	199	72 (36%)	16 (8%)	121 (61%)	8 (4%)
Investigations	96	54 (56%)	2 (2%)	30 (31%)	5 (5%)
					NOI Civil Penalties Issued: \$20,891.14 NOI License Suspensions Issued: 956 days

Table 7: *Multiple NOCs can be issued in a single case (usually to different individuals). As of November 9, 2023, there are 7 FY23 open cases where actions may not be included here.

Compliance investigations typically focus on pesticide use, while inspections typically cover use and distribution, licensing, storage, product registration, and dealer and application recordkeeping. Pesticide use is categorized as follows:

- Agricultural Use
 - Farming, forestry, greenhouse, cannabis, nursery, commercial beekeepers.
- Non-Agricultural Use
 - Commercial and industrial pesticide applications such as in offices, apartments, homes, businesses, and hobby beekeepers.
 - Commercial landscape applications.
 - Applications for structural pests by a pest control operator (PCO) or inspections for wood-destroying organisms (WDO).
 - Residential pesticide applications by a homeowner, resident, or neighbor.
 - Right-of-way (ROW) applications made to locations including public and private roadways, railways, electric lines, irrigation canal banks, etc.
 - Public applications (other than ROW) for schools, parks, recreational areas, mosquito control, etc.
 - Other: Licensing, distribution, and miscellaneous incidents that do not involve a pesticide application.

5.1 INSPECTIONS

The Compliance Program conducts inspections to:

- Monitor compliance with current laws and rules, including pesticide labels.
- Monitor compliance of previous enforcement actions.
- Identify problem areas and pursue compliance.
- Provide a visible field presence to encourage compliance and deter noncompliance.
- Collect evidence to document and support enforcement actions.

Though some inspections are “for cause,” such as an observation of a possible violation occurring or a follow-up to a prior inspection or investigation, most inspections are routine. As COVID-19 precautions were lowered, in FY23 most inspections were performed “unannounced” as were done pre-pandemic.

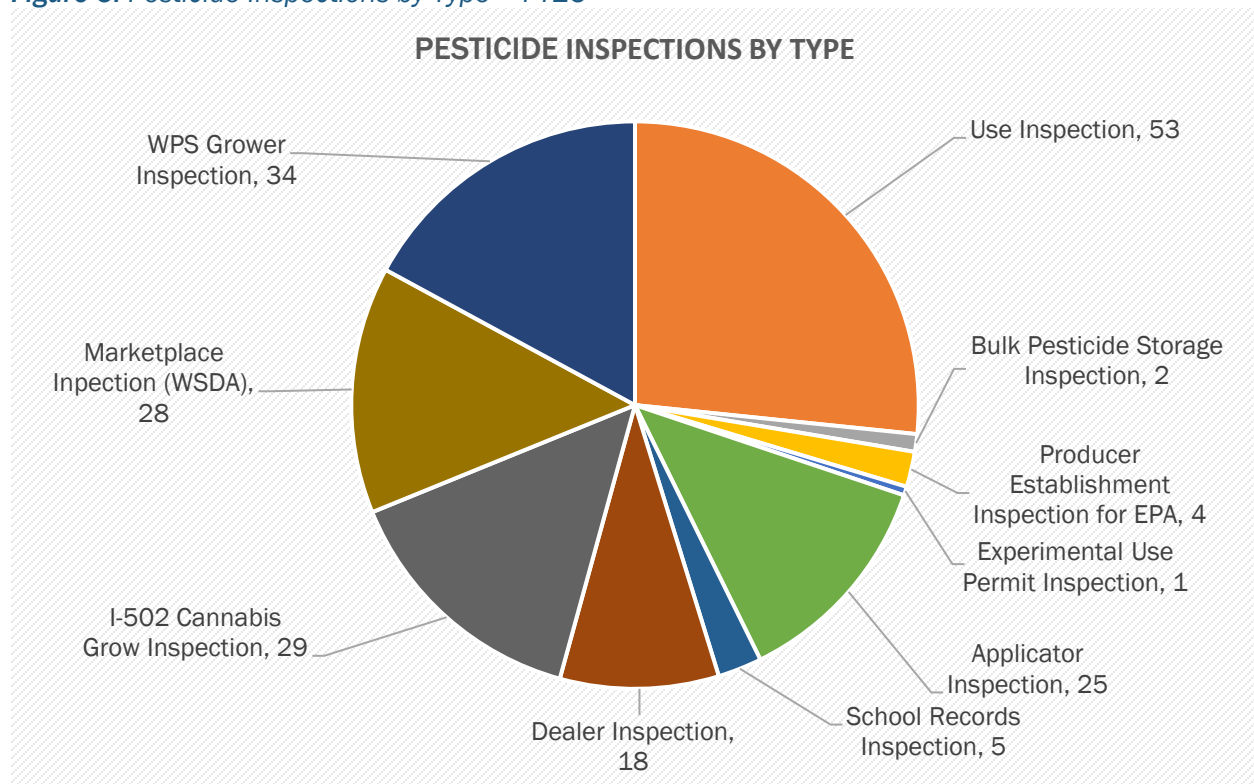
Table 8. Inspections Conducted and Enforcement Actions Issued – FY23

Inspection Type	Number of Inspections	Resulting in Enforcement Actions in FY23			
		No Action	Stop Sales	Warning / Notice of Correction	Penalty / Notice of Intent
Agricultural Use	20	5	0	15	1
Non-Agricultural Use	33	18	0	22	0
Other					
Applicator Licensing/Records	25	11	0	17	2
Bulk Pesticide Storage	2	1	0	1	0
Dealer Records	18	1	2	16	2
EPA/Producer Establishment*	4	-	-	-	-
I-502 Cannabis Grow	29	7	0	22	0
Marketplace	28	20	4	4	0
School Records	5	3	0	5	0
Worker Protection Standard (WPS)	34	6	0	28	3
Experimental Use Permit	1	0	0	1	0
TOTAL	199	72	6	131	8

Note: Inspections may consist of more than one inspection type or action. Multiple enforcement actions can result from a single inspection.

** Under a cooperative agreement, WSDA inspects producer establishments for the federal Environmental Protection Agency. Determination of violations or any related enforcement actions is done by EPA.*

Figure 5. Pesticide Inspections by Type – FY23



5.1.1 Worker Protection Standard Inspections

A significant portion of PMD’s compliance and outreach efforts are focused on ensuring compliance with the Worker Protection Standard (WPS). During FY23, PMD’s compliance staff conducted 34 WPS inspections. All were full “comprehensive” inspections covering all WPS requirements using the WPS checklist (Appendix B). During FY23, some WPS inspections were prearranged to make sure that appropriate personnel were present to conduct an inspection and to make sure that it was a Tier 1 inspection (pesticide application was made or a reentry interval [REI] after a pesticide application was in effect within the last 30 days). While all types of agricultural establishments must comply with WPS, half of the WPS inspections included orchards, vineyards, or row crops (See Table 9), where a lot of hand labor and frequent pesticide applications are common.

Table 9. Worker Protection Standard Inspections by Site – FY23

					Resulting in an Enforcement Action	
Number of Inspection Sites by Type		**Tier 1	***Tier 2	Total	Warning / Notice of Correction	Penalty / Notice of Intent
Berries	4	4	0	4	2	0
Grapes	1	1	0	1	1	0
Greenhouse/ Enclosed Space	6	6	0	6	1	2
Nursery (Outdoor)	5	5	0	5	3	0
Tree Fruit	19	19	0	19	17	0
Row Crops	3	3	0	3	2	1
Other Farming	6	6	0	6	5	0
Total	*44	44	0	44	31	3

* Some WPS inspection locations involved several crops, e.g. a farm may have an orchard and vineyard.

** Tier 1 WPS inspections are conducted at the time an application is occurring or within 30 days of the last pesticide application.

*** Tier 2 inspections are conducted at any other time beyond 30 days after an application.

The types of Worker Protection Standard (WPS) violations can vary from year to year depending on the agricultural locations that were inspected. Violations are incurred when the criteria for inspection elements have not been met. WPS inspections conducted may find multiple violations at the same location. In FY23, 180 violations were found within the 34 inspections conducted.

The most common WPS violations found involved having proper safety and hazard information displayed, required training of workers and handlers, and proper recordkeeping. A summary of the violations is listed in Table 10 below; the full checklist and number of violations are detailed in Appendix B.

Table 10. Summary of Worker Protection Standard Violations by Type – FY23

WPS Violation Category	Number of Violations
Display of Pesticide Safety, Application, and Hazard Information	52
Training and Establishment-Specific Information	46
Items Related to an Agriculture Use Inspection	26
Personal Protective Equipment	23
Decontamination and Eye Flush Supplies	15
Notice of Application	7
General	6
Application and Application Area Entry Restrictions	3
Handler knowledge of labeling, application, and hazard communication	2
Total	180

In FY23, three (3) of the WPS violations reached the level of severity to warrant an NOI penalty, as they involved significant PPE or decontamination supply violations. See Appendix C for the criteria used to determine if a WPS violation should receive a penalty.

5.2 INVESTIGATIONS

The investigation process is a systematic effort to thoroughly document the facts, collect evidence, and determine if any violation(s) have occurred. PMD initiates investigations as the result of complaints, agency referrals, investigator observations, and other sources of information. PMD works closely with other state and federal agencies and responds to stakeholder and citizen concerns.

By law, PMD is required to respond immediately to all complaints of human exposure and to respond to all other complaints within 48 hours. [RCW 17.21.190](#) and [RCW 17.21.340](#) require a response to complaints; response times are specified in [WAC 16-228-1040](#).

- **Human Exposure Complaints:** In FY23, PMD responded to all human exposure complaints within 24 business hours of receipt. Most WSDA responses were on the same day the complaint was received.
- **Non-Human Exposure Complaints:** In FY23 PMD responded to all but three case complaints within the 48-hour response requirement. In each of these cases, the complaints were responded to within two working days. In some cases, the reply to the complainant is immediate, but a date and time are then arranged for a site visit.

5.2.1 Investigation Types

During FY23, PMD conducted 96 investigations in a variety of settings and activities. (See Figure 6, Tables 11, 12, and 13):

- 20 cases involved some level of documented plant and/or property pesticide-related symptoms from a pesticide application.
- 21 cases involved alleged human exposure or potential for human exposure.
- After investigation, 13 cases were found to be non-pesticide related and included such factors as odors, drought, plant pathogens, or other casual factors.
- 7 cases (7%) were related to structural pest issues, involving Pest Control Operator (PCO) or wood-destroying organism (WDO) which may or may not have included a pesticide application.
- 3 cases (3%) were related to licensing incidents, and not related to a pesticide application. Of these, two cases involved pesticide exam cheating allegations.
- 3 cases involved allegations of pesticide exposure to animals.
- 3 cases (3%) involved aquatic sites.
- 1 case (1%) involved an allegation of bumblebees affected by a foundation/perimeter pest control application.
- Other cases involved things such as right of way (ROW) applications, industrial sites, mosquito control applications, and pesticide distribution.

For context, 28,428 individuals are licensed to consult and apply pesticides in Washington State. This coupled with pesticide applications that do not require a license in numerous industrial buildings and apartment complexes, as well as private homeowner uses of pesticides, illustrates that pesticide complaints are relatively rare.

Figure 6. PMD Investigations by Location Type – FY23

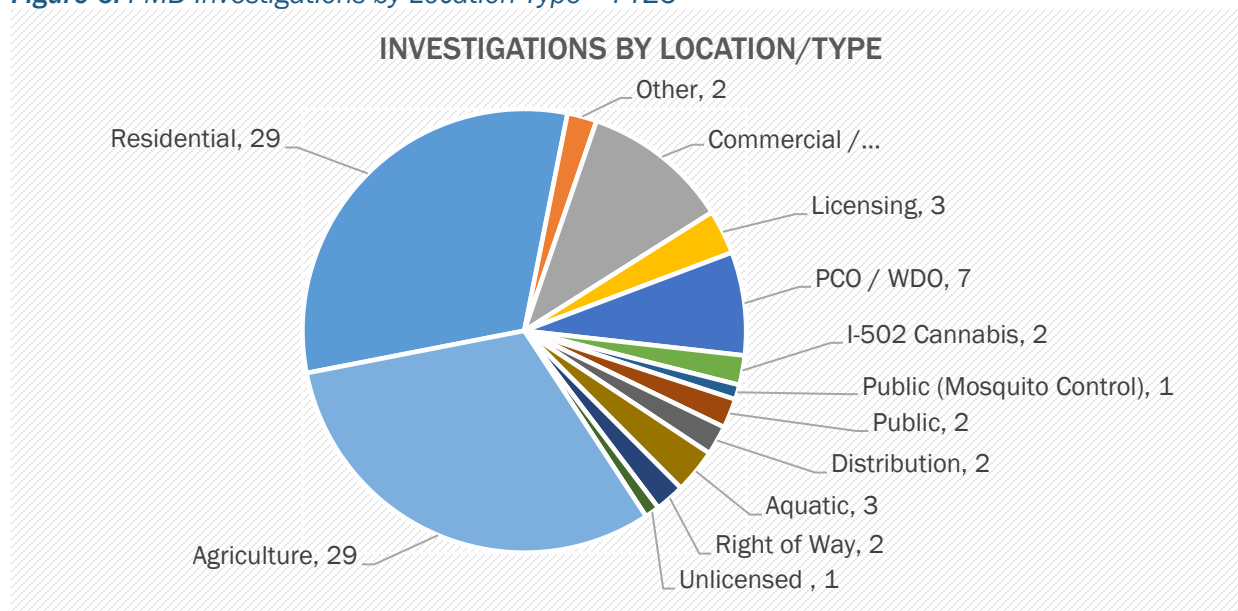


Table 11. Overview of PMD Investigations – FY23

Investigation Type	TOTAL	Allegations of Drift	Other Issues (Non-Drift)	Aerial Application	Airblast Sprayers	*Ground Applications
Agricultural Investigations	36	25	9	5	12	20
Non-Agricultural Investigations	59	24	33	0	0	34
**Non-EPA Investigation	1	0	0	N/A	N/A	N/A
TOTAL	96	29	42	5	12	54

* Includes boom, backpack, hand-can, etc.

** Non-EPA Investigation was a case involving an individual who allegedly took photos of exam questions while taking his WSDA pesticide applicator license examination.

Totals may include investigations in two or more categories.

Agricultural investigations focused largely on drift allegations, including 12 involving orchards, which may be intermixed with other crops, housing, and heavily traveled roads. A third of the agricultural drift investigations involved airblast applications. There continues to be a high percentage of complaint calls received when drift is the allegation. There is a continued need for more education of applicators, particularly regarding the operation of airblast sprayers and drift reduction techniques.

In FY23, 21 cases involved human exposure allegations from drift; seven (7) were in agriculture and fourteen (14) were in the non-agriculture sector.

Non-agricultural investigations frequently included failure to obtain the proper license type for the application, inadequate recordkeeping, and intentional or inadvertent spraying of another person's property.

5.2.2 Location of Investigations

There are significant differences in population dynamics, types of pest problems, and the nature of investigations between eastern and western Washington. Most investigations in western Washington involve residential pesticide applications by a homeowner, resident, landlord or property maintenance person, neighbor, landscaper, intentional misuse, structural pest inspections, and unlicensed applicators. Most investigations from eastern Washington involved agricultural applications, license issues, and drift. Table 12 below shows the investigation totals between eastern and western Washington. In FY23:

- The largest number of eastern Washington complaints (35%) were in Spokane, Yakima, and Walla Walla counties.
- The largest number of western Washington complaints (53%) were in Clark, King, Snohomish and Whatcom counties.

Table 12. PMD Investigations by County – FY23

Eastern WA Counties	Number of Investigations	Western WA Counties	Number of Investigations
Adams	0	Clallam	2
Asotin	0	Clark	6
Benton	2	Cowlitz	1
Chelan	6	Grays Harbor	1
Columbia	0	Island	1
Douglas	2	Jefferson	0
Ferry	0	King	6
Franklin	4	Kitsap	2
Garfield	0	Lewis	2
Grant	6	Mason	0
Kittitas	0	Pacific	0
Klickitat	0	Pierce	2
Lincoln	0	San Juan	2
Okanogan	2	Skagit	2
Pend Oreille	0	Skamania	0
Spokane	13	Snohomish	4
Stevens	2	Thurston	3
Walla Walla	8	Wahkiakum	0
Whitman	2	Whatcom	4
Yakima	9	Involved multiple counties	2
Eastern WA Total	56	Western WA Total	40
Combined WA Total Investigations – 96			

5.2.3 Investigations by Pesticide Ingredient Type

Approximately 50% of the FY23 investigations involved either insecticides (25%) or herbicides (24%). In prior years, however, at least 50% of our investigations resulted from herbicide (weed control) applications.

Table 13. Investigations by Pesticide Type – FY23

Pesticide Type	Number of Investigations	Percentage
Herbicide	23	24%
Insecticide	24	25%
Rodenticide	2	2%
Disinfectant	4	4%
Fungicide	0	0%
Fumigant	0	0%
Multiple Products Mixed	16	17%
Pesticides not involved or could not be identified	27	28%
Total	96	100%

Herbicides are extensively used both commercially and by the general public. In addition, insect and disease applications (insecticides, fungicides) can make up the majority of other investigations because of the variety of fruit and vegetable specialty crops in Washington State. Pesticides are sometimes applied individually or can be applied as a tank-mix as a protectant for early, mid, or late season insect and disease control in a crop.

5.2.4 Investigative Findings and Enforcement Actions

An investigation will determine if a pesticide is involved and whether any violations of pesticide regulations or labels occurred. Even when violations are found, the severity of impact ranges widely. Some violations, while documented, may not have a known source as to who caused the damage or how it happened. Of the 96 investigations PMD conducted in FY23, 30 received some sort of action ranging from a verbal warning to a penalty notice of intent. A case investigation may result in more than one action. As an example, one case may have two or three NOCs associated with it. (See Tables 14 and 15).

Table 14. Pesticide Compliance Investigations and Actions – FY23

Action	Number of Investigations	Verbal Warning or Advisory Letter	Warning / Notice of Correction	Number of Investigations Resulting in Formal Enforcement Actions		
				Stop Sales	Licensing Action	Penalty / Notice of Intent
Pesticide Investigations with Violations and Actions	30	2	29	0	1	5
Pesticide Investigations with No Violation—No Action*	45	-	-	-	-	-
No Pesticides Involved/ No violations found—No Action*	10	-	-	-	-	-
Open cases (still pending)	11	-	-	-	-	-
TOTAL	96	2	29	0	1	5

*“No Action” means either no violations were found or that a violation could not be verified.

Table 15. Pesticide Compliance Actions as Result of Drift Investigations – FY23

Alleged Drift Complaints	Number of Investigations	Number Resulting in Actions		
		Verbal Warning / Advisory Letter	Warning / Notice of Correction	Penalty / Notice of Intent
Alleged Human Exposure	21	0	9	1
Alleged Property or Plant Damage	20	1	5	0
In or Around an Aquatic Site	1	0	1	0
Alleged Animal Exposure	3	0	1	0
*Other, non-specific	10	0	1	0
**Total Cases Alleging Drift	55	1	17	1

* In some cases, a point source for the alleged drift was unable to be determined.

** A total of 49 complaints alleged drift, however, some cases involve multiple exposure allegations and are counted more than once here.

The numbers in the table above represent the most stringent action issued for each case. If corrections were not made in response to a NOC, and a NOI resulted, only the NOI is included here.

PMD posts information on NOI final orders online at [Pesticide Enforcement Actions](#). Appendix D represents those listed that were processed and completed in FY23. Some investigations from FY23 resulting in a NOI will not be processed until after the close of the fiscal year and therefore do not appear in this report. The NOI list includes the parties involved and the amount and type of penalty assessed (dollar amount of civil penalty and/or license suspension). PMD does not post information related to NOCs, as they are not considered formal penalty actions.

5.3 DRIFT OBSERVATION PROGRAM AND INSPECTIONS

Rules for applying pesticides include requirements for taking measures to prevent drift. Drift is a concern because of potential adverse impacts on human health, crops, other plants, fish, livestock, bees, and other pollinators. During FY23, 49 investigations were related to allegations of drift. Of these, 25 cases were in the agricultural sector and 24 were in the non-agricultural sector (See Table 11).

In February 2020, agricultural organizations asked WSDA to do more training of applicators and increase compliance activities to address drift. In FY20, the WSDA Pesticide Compliance Program implemented a targeted inspection process referred to as a “Drift Observation Inspection.” This inspection is designed to be shorter than a normal “Use Inspection,” allowing a quick process to address an observed drift situation before it becomes a complaint by a neighbor or passing motorist.

1. The typical process of a Drift Observation Inspection:
2. WSDA Compliance Investigator driving down a road sees an application drifting off target or a large plume that has the potential to drift off target.
3. A photo or video is taken and the applicator/grower is contacted.
4. Pesticide label information and application records are requested, and if applicable, the pesticide applicator license is verified.
5. If a violation is determined after reviewing the label and application record, a corrective action is sent to the applicator/grower within seven days or less. Most actions taken are a Notice of Correction (NOC). However, if the drift is endangering people or property, the inspection will be more detailed and a possible penalty action could be assessed.

In FY23, five (5) Drift Observations/Ag-Use inspections were conducted as a result of sprayer applications with possible drift or high plume above the canopy observed by investigators.

5.4 CANNABIS (I-502)

In 2012 Washington voters approved Initiative 502 (I-502) which legalized the sale and possession of a small amount of marijuana (cannabis) for adult recreational use. All aspects of I-502 production, processing, and retail distribution in the state of Washington are regulated by the Washington State Liquor and Cannabis Board (LCB). WSDA provides support to LCB and the cannabis industry by maintaining a list of pesticide products that can be used on high-THC cannabis crops in Washington State. The list (currently 369 products) is updated quarterly and posted to the WSDA website. The pesticides are evaluated on strict criteria developed by WSDA before they are approved to be on the

list. Annual funding received from the Legislature supports I-502 inspections and investigations performed by WSDA. I-502 pesticide investigations occur when a pesticide drift or misuse complaint is received or when LCB asks WSDA to investigate a pesticide matter. If sampling must occur, WSDA will ask LCB to assist with the sampling and transportation to the WSDA lab in Yakima. During FY23, a total of 27 routine inspections were conducted, five of which included a WPS citation resulting in a Notice of Correction (Table 16). Compliance investigated two “for cause” complaints at cannabis grow locations.

Table 16. Cannabis (I-502) Inspections and Investigations – FY23

Cannabis Inspections and Investigations	Number	Enforcement Actions		
		Verbal Warning / Advisory Letter	Warning / Notice of Correction	Penalty / Notice of Intent
Investigations	2	0	0	0
Routine Inspections	27	2	18	0
Routine Inspections that included a WPS citation	5	0	5	0
For Cause Investigations	2	0	2	0

Note: Multiple citations can be included in a single inspection

5.5 POLLINATORS

In FY23, PMD Compliance investigated one pollinator complaint involving bumblebees. A complainant observed several dead bumblebees on a sidewalk near blooming plants and noted a strong chemical odor at the same location. Upon investigation, it was determined that non-blooming ornamental shrubs, a short distance from the bees observed on the sidewalk, had been treated with a pesticide. Only 14 bees could be found on the sidewalk by the investigator, not enough for sample analysis. No connection could be made to the application.

When a managed honeybee or pollinator complaint is filed with PMD Compliance, several procedures are implemented:

- Complaint is reviewed by the Compliance area manager to see if sufficient information is available for a pesticide investigation. Some honeybee mortality complaints are hard to investigate due to location and/or elapsed time since the alleged bee loss. Many honeybee loss complaints are due to poor colony management (disease, pest issues, starvation, etc.).
- If a Compliance investigation is conducted in response to pollinator mortality alleged to be from pesticides, WSDA informs EPA Region 10 and WSDA’s Pollinator Health Program. The final investigation report is filed with:

- i) EPA Region 10 compliance officer, who files it with EPA Office of Pesticide Programs. EPA has a webpage containing information related to pollinator protection: [Protecting Bees and Other Pollinators from Pesticides](#).
- ii) WSDA's Plant Protection Pollinator Health Coordinator. PMD has been updating the Pollinator Health Coordinator on bee complaints since the third quarter of FY21 (due in part to the pollinator health legislation). The coordinator can also be involved in assisting with some honeybee complaints as needed. WSDA Plant Protection Division has a website on [Apiary and Pollinator Health](#).

Supported by FY21 legislative funding from the pollinator health bill (SSSB 5253), Pesticide Compliance, Licensing and Recertification, Registration Services, and Technical Services and Education programs are collaborating with the WSDA Plant Protection Division and WSU to expand pollinator health and protection education, outreach, and resources. Bees and other pollinators are extremely important to agriculture and the environment. For many years, PMD has been conducting outreach to encourage best management practices for beekeepers and agricultural users on ways to protect bees from harmful pesticides. This new funding and partnership expand opportunities to educate agriculture, beekeepers, and commercial applicators, and now can extend to hobby beekeepers and homeowners. A new [Pesticide and Pollinators](#) webpage was launched in June 2022 and updated throughout FY23. A WSDA pollinator awareness brochure was revised and released in Spanish and English at the end of summer 2022, "[How to Protect Bees from Pesticides: A Homeowners Guide](#)" and "[Cómo proteger a las abejas de los pesticidas: Una guía para propietarios de viviendas](#)." WSDA also updated bee-safe postcards (originally designed by and with permission from Oregon State University and Oregon Department of Agriculture) for distribution in Washington. These postcards, titled "Four Bee-Safe Gardener and Landscaper Tips," were published in both [Spanish and English](#) and were made available with other pollinator brochures at WSDA booths at local fairs across Washington state.

6. Conclusion

WSDA's Pesticide Management programs (Registration Services, Licensing and Recertification, Technical Services and Education, and Pesticide Compliance) are working together to protect the public and environmental health. Identifying trends can help WSDA coordinate programs and adjust processes to improve outcomes.

Because Compliance data shows pesticide drift continues to be a reason for complaints in agriculture and non-agricultural sites, in FY24 WSDA will continue to focus on training and technical assistance related to pesticide use. In FY24, WSDA will:

1. Continue to provide training options for farmworkers, pesticide handlers and applicators, agricultural employers, and pesticide trainers.
2. Continue to offer on-site Airblast Sprayer Calibration Technical Assistance to farms, which will help reduce drift.
3. Increase field observations to address off-target drift before or as it is occurring.
4. Increase outreach and education activities related to pesticides, pesticide education, and pollinator protection.
5. Collaborate with WSU and other agencies to expand education and outreach to better improve pollinator health.
6. Continue collaboration with Department of Health and Labor & Industries on improving data management, analysis, and reporting.
7. Publish annual pesticide report to the legislature.
8. Participate on and coordinate with the newly established Pesticide Advisory Board and continue to participate on the Legislative Pesticide Application Safety Committee (PASCO)
9. Continue to use GovDelivery to provide information and updates to the citizens and stakeholders of Washington State.

During the 2023 legislative session, the Pesticide Advisory Board (PAB) was re-established. PMD looks forward to coordinating an in-person spring meeting of the new PAB, begin a computer-based pesticide testing program administered throughout Washington State at contracted professional testing facilities (such as community colleges), finalize updates to pesticide general rules to complete the alignment with the federal EPA Certification and Training rules, complete rebuilds of both the pesticide registration and licensing databases to improve efficiencies and customer focused capabilities, improve communication and outreach to our customers and stakeholders in English and Spanish, continue to support WSU pesticide education efforts, and continue to provide a proactive compliance workforce that works both in technical assistance, regular field observation, and inspection activities as well as ensuring that pesticide laws and rules are followed in Washington. We are proud to apply consistent equitable enforcement of our laws and rules to protect the environment and human health while supporting a vibrant and diverse agricultural business environment that grows some of the most amazing fruits, grains, and vegetables in the world.

Appendices

APPENDIX A. WSDA PENALTY PROCESS AND RULES

As set by statute, the maximum penalty that WSDA can assess for any single violation is \$7,500. To ensure that penalties are “fair and uniform,” WSDA uses a penalty matrix in the rule ([WAC 16-228-1130](#)). The rules and schedule take into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA cannot assess a penalty higher than \$7,500 for a single violation, but the penalty rules (WAC 16-228-1100 through 16-228-1150) allow WSDA to assess penalties beyond the levels in the matrix when there are aggravating factors present. For example, WSDA finds that a pesticide applicator drifted onto a farmworker. If it is a first-time violation, the penalty schedule indicates a penalty of \$1500 and/or a 5-day license suspension as a base. In the new penalty rules and schedules that went into effect on April 1, 2023, aggravating factors could increase the penalty by 25%, such as toxicity of the pesticide or if additional people were exposed. Mitigating factors could also reduce the penalty by 25% when applicable. The rules allow WSDA to go beyond the maximum penalty in the penalty schedule for particularly egregious violations. WSDA uses this authority with discretion, typically when there is willful negligence, when multiple people are affected by drift, or when multiple growers sustain damage from a single drift event.

According to [WAC 16-228-1100\(1\)](#), “Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation...” Typically, PMD assesses both the civil penalty and the license suspension as provided in the penalty matrix. PMD considers the two components essentially equal in weight. When PMD determines that a license suspension would not be an effective deterrent, [WAC 16-228-1120\(3\)](#) allows PMD to “...increase the civil penalty and decrease the licensing action under certain circumstances...” In such cases, PMD doubles the civil penalty while eliminating the license suspension. This occurs most frequently when an infractor does not have a license to suspend, although there can be other circumstances that merit a proportional increase.

Specific requirements for determining the “level of violation” are found in [WAC 16-228-1110\(5\)](#) and [WAC 16-228-1120\(2\)](#). When a past action has placed an infractor at a specific level of violation, and the infractor commits another violation, PMD must take into account at what point the past action was fully adjudicated. (An action is fully adjudicated on the date that a Final Order is issued by the director.) If the past action has been fully adjudicated, the current violation will normally be assessed at the next level of violation. However, if the current violation is committed before the last action being fully adjudicated, the level of violation stays at the same level as the past action. This can happen when there is a series of violations that occur over a short time frame. This assignment schedule shall be used for violations of chapter 17.21 or 15.58 RCW or chapter 16-228 WAC. ([WAC 16-228-1150](#) for other dispositions of alleged violations, including Notice of Corrections.)

Under the new rulemaking finalized in 2023, WSDA separated the existing single penalty schedule into four different structures: A single base penalty for recordkeeping violations and three schedules for all other violations. This allowed for the penalty to be more equitable to the severity of the violation.

For recordkeeping violations, a flat penalty of \$250 is assessed for failing to properly record information required by statute and rule. [WAC 16-228-1126](#)

[WAC 16-228-1130](#) Penalty Assignment Schedule (effective April 1, 2023, under new rulemaking) contains three schedules based on violation types.

Table I Licensing Violations			
Level of Violation	Commercial Applicator Operating Unlicensed	Pesticide Dealer Distributing Restricted Use Pesticides Unlicensed	All Other Violations for Operating Unlicensed
First	\$2,500	\$1,000	\$1,000
Second	\$5,000	\$2,500	\$2,500
Third or more	\$7,500	\$5,000	\$5,000

Table II Worker Protection Standard Violations		
Level of Violation	<u>WAC 16-233-021(6) providing emergency assistance.</u>	All other violations of chapter 16-233 WAC, excluding WAC 16-233-211(1), that warrant a civil penalty
	<u>WAC 16-233-201 failure to provide sufficient training to handlers prior to mixing or applying category 1 pesticides, unless the handler is exempt from training requirements.</u>	
	<u>WAC 16-233-211 (3) and (4) monitoring handlers applying highly toxic and enclosed space fumigants.</u>	
	<u>WAC 16-233-216 PPE for handlers.</u>	
	<u>WAC 16-233-221 decontamination and eye flush for handlers.</u>	
	<u>WAC 16-233-311 protection of early-entry workers.</u>	
First	\$1,000	\$500
Second	\$2,000	\$750
Third or more	\$3,000	\$1,000

Table III Base Penalties			
Level of Violation	Human Exposure	Adverse Effects Probable (Other than Human Exposure)	Adverse Effects Not Probable
First	\$1,500 and five-day license suspension	\$1,000 and four-day license suspension	\$300
Second	\$3,000 and 10-day license suspension, denial, or revocation	\$2,000 and eight-day license suspension, denial, or revocation	\$600
Third or more	\$6,000 and 20-day license suspension, denial, or revocation	\$4,000 and 16-day license suspension, denial, or revocation	\$1,200 and three-day license suspension, denial, or revocation

APPENDIX B. WPS INSPECTION ELEMENTS CHECKLIST

The types of Worker Protection Standard (WPS) violations can vary from year to year depending on the agricultural locations that are inspected. The most common WPS violations involve improperly displaying safety posters and application information, or not making decontamination and personal protective equipment available to workers. For FY23, three (3) of the WPS violations reached the level of severity to warrant an NOI penalty.

Inspection Elements from the WPS Compliance Checklist— Top 20 Most Common Violations	Number of Violations in FY23
Do application records accurately record all of the necessary information and have been retained for seven years?	19
Is the WPS safety poster (or equivalent) accessible with legible information, posted at permanent mix load sites, permanent decontamination sites, and decontamination sites for 11 or more *workers or handlers?	17
Is the WPS safety poster (or equivalent), pesticide application information, and SDSs displayed, accessible, and legible, at an appropriate central location?	16
Are pesticide application information and hazard information properly displayed or available?	15
Have workers been trained within the past 12 months and before entering a treated area where either a pesticide has been used or an REI has been in effect within the past 30 days?	12
Were EPA approved training materials used?	10
Are training records kept for two years on the establishment, with the required information?	8
If field posting occurs are signs appropriately placed and removed/covered as required?	7
Have foremen, supervisors, and labor contractors been provided with information and directions to ensure workers and handlers receive the required WPS protections?	6
Are emergency eye flushing stations at all required locations and capable of delivering appropriate water?	6
Have written records of the fit test been kept for two years?	6
Have handlers who wear respirators been medically evaluated, trained on respirator use, and fit tested?	6
Have handlers been trained within the past 12 months and prior to performing handler tasks?	5
Are respirators and/or components replaced as required?	5
Were pesticide label instructions for crop, rate, timing, restrictions, and PPE requirements followed by the applicator and employer?	4

Have records of pesticide application information and SDSs been kept for seven years?	4
Was the trainer qualified, present the entire time, and available to answer questions?	4
Was the training completed at a suitable location and in an understandable manner?	4
Do worker decontamination sites have all the required water, soap, single-use towels, and change of clothing? Are they accessible and located at the proper locations?	3
Is at least one pint of eye flush (water) immediately accessible when the label requires protective eyewear?	2

**A “worker” is someone doing non-pesticide related tasks. A “handler” is someone helping with or performing a pesticide application.*

NOTE: A single WPS inspection could contain multiple element violations.

The full WPS Compliance Checklist can be found at:

<https://cms.agr.wa.gov/WSDAKentico/Documents/PM/Compliance/WPS-Checklist.pdf>

APPENDIX C. WPS CIVIL PENALTY POLICY FOR FIRST-TIME VIOLATIONS OF WAC 16-233

Under [RCW 43.05.110\(3\)](#), WSDA may issue a civil penalty, without first issuing a Notice of Correction, if a first-time violation of a statute or rule has a “probability of placing a person in danger of death or bodily harm.” Under [RCW 34.05.110\(4\)\(a\)](#), an exception may be made to the requirement that agencies allow a small business a period of at least two business days to correct a violation where the director determines that the violation presents a direct danger to the public health, poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest.

Consistent with this policy, it is determined that the three circumstances outlined below meet the criteria described in RCW 43.05.110(3) and RCW 34.05.110(4)(a). This policy recognizes that the requirements of WAC 16-233 are designed to reduce the risk of illness or injury resulting from agricultural workers’ or pesticide handler exposure to pesticides ([WAC 16-233-006](#)).

Accordingly, under RCW 43.05.110(3) and RCW 34.05.110(4) (a), a first-time violation of WAC 16-233 may be subject to civil penalties imposed by WSDA under the following three circumstances:

- 1) Violations involving pesticide handlers
 - a) Any significant violation involving personal protective equipment (PPE) or decontamination (WAC 16-233-216 and WAC 16-233-221, respectively);
 - b) Failure to provide sufficient training to pesticide handler before mixing or applying Category 1 pesticides, unless the handler is exempt from training requirements (WAC 16-233- 201);
 - c) Failure to inform pesticide handler of label safety requirements, or provide a label (WAC 16-233-206), for Category 1 pesticides; or
 - d) Failure to monitor pesticide handler every 2 hours for Category 1 is being applied (WAC 16-233-211(3)).
- 2) Violations involving agricultural workers where the nature of the violation results in 8 or more points under the matrix on the next page:

WPS Violations Involving Workers		
Factor	Weight	Points
Toxicity (select product with highest toxicity that applies) as indicated by the signal word on the pesticide label.	Danger-Poison	(4)
	Danger	(3-4)
	Warning	(2)
	Caution	(1)
Time Elapsed from application to exposure, unless exceptions to the time requirements apply. (WAC 16-233-111,116,121)	During application	(4)
	Within 24 hours	(3)
	24 to 72 hours	(2)
	More than 72 hours	(1)
PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-311)	Not provided	(4)
	Very Poor	(3)
	Poor	(2)
	Fair, but not complete	(1)
Decontamination. (WAC 16-233-126)	Not provided	(3)
	Major deficiency and/or inaccessibility	(2)
	Minor deficiency and/or inaccessibility	(1)
Posting, notification, or application information provided as required. (WAC 16-233-121)	Not properly provided	(3-4)
Total		

- 3) Violations involving failure to provide emergency assistance to agricultural workers or pesticide handlers (WAC 16-233-021).

APPENDIX D. FORMAL COMPLIANCE ENFORCEMENT ACTIONS — FINAL ORDERS ISSUED IN FY23

CASE NUMBER	PARTY(IES) INVOLVED / COUNTY OF INCIDENT	DESCRIPTION	ACTION	DATE OF FINAL ORDER
ERE-0011-22 PM-22-0005	Adrian Roozen Lawrence Orchards, LLC Adams County	A June 1, 2022, worker protection standard inspection found a violation for a non-functioning eyewash station for handlers.	A Director's Final Order of \$450 civil penalty to Lawrence Orchards, LLC, as the agricultural employer.	8/26/2022
DTB-0012-22 PM-22-0004	Nicole Christensen Tri City Garden Supply, LLC Benton County	A June 22, 2022, marketplace inspection found general use pesticides being distributed without the business having a Dealer Manager or Pesticide Dealer Endorsement	A Settlement of \$300 civil penalty to Nicole Christensen, as the store owner.	9/8/2022
RAS-0002-22 PM-22-0006	Frank Calderon Sunnyside West Ranch, LLC Yakima	A March 25, 2022, airblast application to an orchard was found to have allegedly drifted onto an adjacent property and was a repeat drift offense.	A settlement of \$400 civil penalty and a five-day suspension of Frank Calderon's Private Applicator License.	9/15/2022
PTH-0017-22 PM-22-0007	Alan Baerlocher Double M Orchards, LLC Grant County	A June 15, 2022, worker protection standard inspection found violations related to handler decontamination supplies.	A Directors Final Order of \$900 civil penalty to Double M Orchards, as the agricultural employer.	9/15/2022
MAE-0005-22 PM-22-0011	Jacob Van Klaveren Van Klaveren's Nursery, LLC Snohomish	A June 1, 2022, worker protection standard inspection found violations related to handler decontamination supplies and personal protective equipment.	A settlement of \$700 civil penalty to Van Klaveren's Nursery, LLC as the agricultural employer	9/15/2022

CLC-0028-22	Michael Andes	A July 27, 2022, applicator inspection found that pesticide applications had been made by the business to lands of another, without having a licensed commercial pesticide applicator and this was a repeat offense.	A Directors Default Order of \$600 was issued to Michael Andes, as owner of the business	9/21/2022
PM-22-0009	Augusta Lawn Care Services Whatcom County			
BAO-0013-22	Gracia Farias	A July 11, 2022, pesticide application was made by the business to lands of another, without having a licensed commercial pesticide applicator and this was a repeat offense.	A Director's Default Order of \$600 civil penalty was issued against Gracia Farias, as owner of the business.	9/28/2022
PM-22-0010	The Cousin Landscape & Maintenance Chelan County			
CJS-0018-22	Pete Faucher	A June 29, 2022, farm visit during a case investigation, found a handler not wearing proper personal protective equipment while mixing paraquat herbicide, in violation of worker protection standard rules and pesticide label instructions.	A Director's Default Order of \$900 civil penalty assessed against Taggares Fruit Company LLC, as the agricultural employer.	9/28/2022
PM-22-0008	Taggares Fruit Company, LLC Walla Walla County			
BAO-0019-22	Chris Zimmerman	An August 11, 2022, pesticide application was made without the proper licensing and required personal protective equipment on the label, and was a repeat violation.	A settlement of \$400 civil penalty and an eight day suspension of Chris Zimmerman's public operator license.	10/13/2022
PM-22-0012	Chelan County Parks & Recreation Chelan County			

BAO-0018-22	Darrin Kenoyer			
PM-22-0013	Kenoyer Orchards, Inc. Chelan County	An August 5, 2022, pesticide airblast application to an orchard was observed by the Department drifting off target and was a repeat violation.	A settlement of \$600 civil penalty and a ten day suspension of Darrin Kenoyer's Private Applicator License.	12/5/2022
EEC-0013-22	Chris Eskildsen			
PM-22-0015	B & R Aerial Crop Care, Inc. Grant County	A May 11, 2022, aerial pesticide application was alleged to have drifted off target onto a farm worker in an adjacent orchard and was a repeat violation.	A settlement of \$3,300 civil penalty and a five-day suspension of Chris Eskildsen's Commercial Applicator License	12/19/2022
KFJ-0021-22	HJ Farming, LLC	A November 4, 2022, Worker Protection Standard inspection found HJ Farming, LLC violated four (4) statutes that placed an employee in danger of bodily harm.	A Director's Default Order of \$900 issued against HJ Farming, LLC as the agricultural employer.	2/17/2023
PM-23-0002	Thurston County			
CJS-0019-22	Evans Fruit Company, Inc.	An August 2, 2022 investigation found that Evans Fruit Company, Inc. caused pesticides to move off of the application site causing human health effects.	A Director's Default Order of \$900 issued against Evans Fruit Company, Inc. as the agricultural employer.	2/28/2023
PM-23-0001	Yakima County			
CLC-0047-22	Terrance Visser	A November 17, 2022, investigation found that Terrance Visser had operated as a licensed Commercial Applicator without a license thirty-three (33) times between the dates of April 23, 2022, and June 29, 2022.	A settlement of a \$7,500 civil penalty and a denial of license for 118 days issued against Terrance Visser.	3/16/2023
PM-23-0003	Visser Custom Agriculture Whatcom County			

RDS-0001-23	Todd Bosteder	A January 11, 2023, investigation found that Issaquah Pest Control was operating with an expired Commercial Pesticide Applicator license.	A settlement of a \$1,800 civil penalty issued against Todd Bosteder as the commercial applicator.	3/30/2023
PM-23-0004	Issaquah Pest and Home Services King County			
RLM-0006-23	Summerglen, LLC	A February 13, 2023 investigation found that Summerglen, LLC had applied pesticides in violation of label directions four (4) times causing a human health effect.	A Director's Default Order of \$1,800 issued against Summerglen, LLC as a pesticide applicator.	5/8/2023
PM-23-0005	Skagit			
RLM-0014-23	Cle Elum Farm and Home Supply	A March 21, 2023 pesticide dealer inspection found that Cle Elum Farm and Home Supply was operating as a pesticide dealer without a license.	A Director's Default Order of \$600 issued against Cle Elum Farm and Home Supply as a pesticide dealer.	5/8/2023
PM-23-0006	Kittitas			
EEC-0002-23	Cascade Home and Outdoors	A February 17, 2023 pesticide dealer inspection found that Cascade Home and Outdoors was operating as a pesticide dealer without a license and displaying pesticides in an unsafe manner.	A Director's Default Order of \$1,600 issued against Cascade Home and Outdoors as a pesticide dealer.	6/1/2023
PM-23-0007	Walla Walla			