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**SUBSTITUTE SENATE BILL 5597**

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**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 rules.

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

21 (2) This section expires December 31, 2019.

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

8        (2) The work group shall:

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

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

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

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

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

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

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

1 (iii) One senior level management representative from each of the  
2 following agencies:

- 3 (A) The department of agriculture;
- 4 (B) The department of health;
- 5 (C) The department of natural resources;
- 6 (D) The department of fish and wildlife; and
- 7 (E) The department of ecology;

8 (iv) One representative of Washington State University pesticide  
9 safety education program;

10 (v) Representatives from the following groups, appointed by the  
11 consensus of the cochairs:

12 (A) Two forestland owners, one representative of small forestland  
13 owners and one representative of large forestland owners, with one  
14 from the west of the crest of the Cascade mountains and one from east  
15 of the crest of the Cascade mountains;

16 (B) One representative of large-scale organic farming;

17 (C) One representative of aerial applicators;

18 (D) Three representatives of environmental or community  
19 interests;

20 (E) One representative with expertise in noxious weed control;

21 (F) One representative with pesticide registrant expertise in  
22 forest herbicides; and

23 (G) Any other interest deemed important to providing scientific,  
24 policy, or economic information to the work group.

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

27 (4) One cochair of the work group must be a member of the  
28 majority caucus of one chamber of the legislature, and one cochair  
29 must be a member of the minority caucus of the other chamber of the  
30 legislature, as those caucuses existed as of the effective date of  
31 this section.

32 (5) Staff support for the work group must be provided by the  
33 office of program research and senate committee services. The  
34 departments of natural resources and agriculture shall cooperate with  
35 the work group and provide information as the cochairs reasonably  
36 request.

37 (6) Nonlegislative members of the work group are not entitled to  
38 be reimbursed for travel expenses if they are elected officials or  
39 are participating on behalf of an employer, governmental entity, or  
40 other organization. Any other reimbursement for nonlegislative

1 members is subject to the limitations of class one groups under RCW  
2 43.03.220.

3 (7) The work group shall provide a report that includes any  
4 findings, recommendations, and draft legislation, to the governor and  
5 the legislature consistent with RCW 43.01.036, and the forest  
6 practices board, by November 10, 2019.

7 (8) This section expires December 31, 2019.

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