
SUBSTITUTE SENATE BILL 6518

State of Washington

66th Legislature

2020 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Van De Wege, and Wilson, C.)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to reducing prenatal exposure and harm to
2 children by limiting environmental exposure to certain pesticides;
3 adding a new section to chapter 17.21 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that scientific
7 research has played an important role in informing and advancing
8 public policy in many areas, including health, education, early
9 childhood development, and environmental and wildlife protection.

10 (a) The legislature also finds that organophosphate pesticides,
11 such as chlorpyrifos, at low levels harm aquatic habitats and aquatic
12 organisms, including salmon. Chlorpyrifos affects the feeding habits
13 of young salmon as well as their ability to swim, which impacts the
14 future abundance of salmon.

15 (b) In addition, the legislature finds that scientific research
16 has identified early childhood as a critical period of intervention
17 during which children develop the foundation for educational
18 achievement. Young children are especially vulnerable to
19 environmental contaminants and toxic stress.

1 (c) Chlorpyrifos and other organophosphate pesticides affect the
2 nervous system through inhibition of cholinesterase, an enzyme
3 required for proper nerve functioning.

4 (d) There is substantial scientific evidence, including from
5 epidemiological studies, that chlorpyrifos threatens the healthy
6 development of children. Chlorpyrifos is acutely toxic and associated
7 with neurodevelopmental harm in children. Prenatal and early life
8 exposure to chlorpyrifos is associated with elevated risks of reduced
9 IQ, loss of working memory, delays in motor development, attention
10 deficit disorders, and structural changes in the brain.

11 (e) Children and pregnant women can be exposed to chlorpyrifos
12 through work in fields where it is used, through take-home transport
13 of residues from field work to homes and families, residues on food,
14 contaminated drinking water, and toxic spray drift from nearby
15 pesticide applications. Exposure during pregnancy to even low levels
16 of chlorpyrifos that caused only minimal cholinesterase inhibition
17 (ten percent or less) in mothers can lead to measurable long-lasting
18 and possibly permanent neurobehavioral and functional deficits in
19 prenatally exposed children.

20 (f) Children experience greater exposure to chlorpyrifos and
21 other pesticides because, relative to adults, they eat, drink, and
22 breathe more in proportion to their body weight. A growing body of
23 evidence shows that prenatal exposure to very low levels of
24 chlorpyrifos can lead to lasting and possibly permanent neurological
25 impairments.

26 (2) The legislature intends to reduce prenatal exposure and harm
27 to children by restricting the use of chlorpyrifos.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21
29 RCW to read as follows:

30 (1) Beginning January 1, 2022, it is unlawful for a person to use
31 a pesticide that contains the active ingredient chlorpyrifos in
32 Washington, except as provided for under subsections (3) and (4) of
33 this section.

34 (2) The prohibition on the use of chlorpyrifos must remain in
35 effect unless:

36 (a) The secretary of the department of health determines, in
37 consultation with the department of ecology, by clear and convincing
38 evidence, that specific control measures adopted by the department

1 are sufficient to ensure the application of pesticides containing
2 chlorpyrifos will not:

3 (i) Result in neurodevelopmental effects or other harmful effects
4 to children from exposure in utero or through direct skin or eye
5 contact, breathing air, consuming food, or drinking water
6 contaminated with chlorpyrifos;

7 (ii) Negatively impact hospitals, schools, day care centers, and
8 other locations as determined by the department of health; and

9 (b) The director adopts specific control measures for
10 chlorpyrifos that are designed to reduce emissions sufficiently so
11 the public is not subject to levels of exposure that may cause or
12 contribute to significant adverse health effects.

13 (3) (a) Until December 31, 2025, the department may grant, upon
14 request by a person who can demonstrate there are no reasonable or
15 cost-effective alternatives, an emergency temporary permit
16 authorizing the use or application of a pesticide containing
17 chlorpyrifos as an active ingredient.

18 (b) The conditions for an emergency temporary permit must, at a
19 minimum, include:

20 (i) Prohibiting aerial spraying;

21 (ii) Establishing a buffer zone from any sensitive area,
22 including residences that house people, schools, nursing homes, day
23 cares, and hospitals, of at least two hundred fifty feet that extends
24 outward from the perimeter of the application block; and

25 (iii) Providing notice of the application to all adjacent homes,
26 businesses, and neighbors on all sides bordering the application
27 block and to pesticide applicators' or handlers' families at least
28 forty-eight hours in advance of the application that includes:

29 (A) Targeted outreach in all languages that are spoken or used by
30 all adjacent homes, businesses, and neighbors on all sides bordering
31 the application block and pesticide applicators' or handlers'
32 families;

33 (B) A copy of the label, safety data sheets, and who to contact
34 in an emergency; and

35 (C) Information about the adverse health effects, including acute
36 and chronic health effects, that may occur due to childhood and
37 prenatal exposure.

38 (4) Until the department determines that a reasonable and less
39 toxic alternative is available, the restrictions and requirements

1 provided under subsections (1) and (3) of this section do not apply
2 to the following crops:
3 (a) Sweet corn;
4 (b) Mint;
5 (c) Onion;
6 (d) Christmas trees;
7 (e) Alfalfa, including seed and hay;
8 (f) Asparagus;
9 (g) Cattle ear tags;
10 (h) Brassicas, including for seed and food production; and
11 (i) Nonfood and nonfeed uses.

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