S-6474.1

SECOND SUBSTITUTE SENATE BILL 6518

State of Washington 66th Legislature 2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rolfes, Van De Wege, and Wilson, C.)

READ FIRST TIME 02/11/20.

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

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

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

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

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

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

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

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

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

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

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

(1) Beginning January 1, 2022, it is unlawful for a person to use a pesticide that contains the active ingredient chlorpyrifos in Washington, except as provided for under subsections (2) through (4) of this section.

(2) The prohibition on the use of chlorpyrifos must remain in effect unless the director adopts specific control measures for chlorpyrifos by rule that are designed to reduce emissions sufficiently so the public is not subject to levels of exposure that may cause or contribute to significant adverse health effects.

(3)(a) The department is authorized to conduct emergency rule making to define and establish an emergency permit program by December 31, 2021. Until December 31, 2025, the department may grant, upon request by an agricultural commission, association,

organization, or researcher who can demonstrate an emergency exists within a specific crop or crop grouping, an emergency temporary permit authorizing the use or application of a pesticide containing chlorpyrifos as an active ingredient.

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

(i) Prohibiting aerial spraying;

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

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

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

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

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

(4) Until the department determines that a reasonable and less toxic alternative is available, the restrictions and requirements provided under subsections (1) and (3) of this section do not apply to the following crops:

(a) Sweet corn;

(b) Mint;

(c) Onion;

(d) Christmas trees;

(e) Alfalfa, including seed and hay;

(f) Asparagus;

(g) Brassicas, including for seed and food production; and

(h) Nonfood and nonfeed uses.

NEW SECTION. **Sec. 3.** Subject to the availability of amounts appropriated for this specific purpose, Washington State University shall provide the Washington state commission on pesticide

registration with funding to work with agricultural grower groups exempt from the ban and presently using chlorpyrifos to research alternative pest control strategies.

--- END ---