

**RCW 17.21.190 Damages due to use or application of pesticide—
Report of loss required.** Any person suffering property loss or damage resulting from the use or application by others of any pesticide shall file with the director a verified report of loss.

(1) The report shall set forth, so far as known to the claimant, the following:

- (a) The name and address of the claimant;
- (b) The type, kind, property alleged to be injured or damaged;
- (c) The name of the person applying the pesticide and allegedly responsible; and
- (d) The name of the owner or occupant of the property for whom such application of the pesticide was made.

(2) The report shall be filed within thirty days from the time that the property loss or damage becomes known to the claimant. If a growing crop is alleged to have been damaged, the report shall be filed prior to harvest of fifty percent of that crop, unless the loss or damage was not then known. The department shall establish time periods by rule to determine investigation response time. Time periods shall range from immediate to forty-eight hours to initiate an investigation, depending on the severity of the damage.

(3) Any person filing a report of loss under this section shall cooperate with the department in conducting an investigation of such a report and shall provide the department or authorized representatives of the department access to any affected property and any other necessary information relevant to the report. If a claimant refuses to cooperate with the department, the report shall not be acted on by the department.

(4) The filing of a report or the failure to file a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

(5) The failure to file a report shall not be a violation of this chapter. However, if the person failing to file such report is the only one suffering loss from such use or application of a pesticide by a pesticide applicator or operator, the director may refuse to act upon the complaint. [1994 c 283 s 22; 1991 c 263 s 1; 1989 c 380 s 51; 1961 c 249 s 19.]