

2021

WSDA Pesticide Management Division

Annual Report to the Legislature

*As Required by RCW 15.58.420
and RCW 17.21.350(1)*

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Derek I. Sandison, Director

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This document fulfills annual reporting requirements under RCW 15.48.420 and RCW 17.21.350(1).

For copies or information contact:

WSDA
P.O. Box 42560
1111 Washington St SE <http://agr.wa.gov>
Olympia, WA 98504-2560 Phone: (360) 902-1800

Contacts

General information: Robin Schoen-Nessa, Assistant Director for Pesticide Management
Technical/Case Information: Tim Schultz, Pesticide Compliance Manager

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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 ensure the safe and legal use of pesticides in Washington State. During all of fiscal year 2021 (FY21), COVID-19 restrictions continued to create challenges for the PMD to perform its services. However, procedures developed and implemented at the start of COVID-19 precautions (FY20) still allowed PMD to continue most services. In FY21:

Registration Services Program

- Registered or maintained registration of over **15,500 pesticide products**, including special local need registrations for specialty crops (e.g., alfalfa seed, carrot seed, cranberries, daffodil and iris bulbs, hops, pea seed) with particular pest problems for which there is not a federally registered pesticide available.
- From July 1, 2020 to May 15, 2021, the program expedited (one to three business days) registration for over 300 new disinfectant products effective against the virus that causes COVID-19.
- Reviewed and approved four separate Aquatic Experimental Use Permits for research of pesticides to control burrowing shrimp in Willapa Bay.

Pesticide Licensing and Recertification Program

- Administered approximately **8,311 exams** to 4,650 current or potential licensed professional pesticide applicators, consultants, dealers, and structural pest inspectors.
- Continued to administer exams to all potential and existing licensees throughout the COVID-19 pandemic.
- Certified **33,151 individuals** (applicators, consultants, dealers) and issued nearly **40,010 licenses** (includes individuals with multiple licenses).
- Continued to implement additional safety measures during pesticide testing sessions in compliance with CDC, the Office of the Governor, and state Department of Health recommendations and the current version of the Healthy Washington – Roadmap to Recovery Guide. These measures required WSDA to rent large public venues (primarily hotel ballrooms) to accommodate physical distancing, but also included decreasing exam session size, face covering requirements, and regular disinfection and proper storage of testing supplies. This allowed WSDA to maintain the same level of service to stakeholders while still protecting testers and staff from the spread of COVID-19.
- Senate Bill 5317 was passed, increasing pesticide license fees effective Nov. 1, 2021. Licenses experienced 15-30% increases for all license applications, including for new licenses and renewals. This increase includes a \$7 surcharge for every license paid for, which will help support Washington State University's (WSU) pesticide safety education program.

Technical Services and Education Program

- Provided pesticide safety training to approximately **3,417 farmworkers, pesticide handlers pesticide applicators, agricultural employers, and pesticide safety trainers**.
- Adjusted existing pesticide safety curriculums to online platforms so the delivery of educational services could continue for the agricultural community under COVID-19 restrictions.
- Worked with the U.S. Environmental Protection Agency (EPA) to have pesticide training curriculums approved.

- Collected and properly disposed of **140,684 pounds of unwanted or waste pesticides from 170 customers**, reducing the risk to public health and the environment.
- Due to COVID-19 restrictions, regional pesticide collection events were postponed during the fiscal year. Instead of customers coming to group collection events, the Waste Pesticide Program temporarily replaced collection events with WSDA-supported hazardous waste collection contractor direct pickup of unwanted pesticides from customer’s storage locations.

Pesticide Compliance Program

- Conducted **173 inspections** to ensure that applicators, dealers, manufacturers, and employers comply with state and federal pesticide laws. This includes 43 inspections at farms, orchards, forests, and nurseries to ensure compliance with the Worker Protection Standard (WPS). Twenty-three (23) of the WPS inspections received a Notice of Correction (NOC) to address items not in compliance. The most common violations involved posting complete pesticide application and safety information, properly following respirator medical evaluation and fit-testing requirements, properly training workers before entering fields that have previously been treated, providing proper supplies at decontamination stations, and keeping training records for two years (See Table 4).
- Conducted **94 for-cause Investigations** in response to complaints, agency referrals, and investigator surveillance. Two herbicide active ingredients most frequently involved in complaints are glyphosate (14% of cases) and 2, 4-D (9% of cases). These herbicides are extensively used commercially, as well as by the general public for many uses. For context, 33,151 individuals are licensed to consult and apply pesticides professionally, and homeowner use of pesticides is widespread.
 - Of the 94 investigations:
 - 52 were in Eastern Washington. 42 in Western Washington.
 - 52 cases (60%) found no violation or that the problem was not pesticide-related.
 - 66 cases (70%) involved drift allegations, the most common complaint.
 - 34 of the drift cases were agriculture related (farm, forestry, nursery or greenhouse).
 - 32 of the drift cases were non-agriculture related (homeowner, industrial, landscape, right-of-way).
 - 32 cases involved alleged human health exposure (15 related to agriculture, 17 related to non-agriculture). 13 of the human exposure cases resulted in an action taken by the WSDA (Notice of Intent, NOI or Notice of Correction, NOC). 16 alleged human exposure cases were found to have no violation, pesticide not related, or a pesticide exposure could not be confirmed.
 - 10 cases (11%) were related to licensing, distribution, or other incidents not involving a pesticide application.
 - 4 cases involved cannabis Initiative 502 grower locations.
 - 5 cases involved honeybees (2 commercial and 3 hobby beekeeper).
- **Technical Assistance (TA):** Compliance staff receive many questions via emails and phone calls regarding pesticide use and misuse, licensing, distribution, etc. Of the hundreds of requests for assistance, some TA’s take time to research for a response (more than a several minute phone conversation), some concern alleged pesticide violations that have happened in the past or could happen if not addressed. Those TA’s that take time to answer or that could be a future complaint are entered into the Compliance database to track. In FY21, **15 formal TA’s were documented in our tracking database.**

1. Introduction

When used appropriately, pesticides are an important tool for protecting crops, buildings, and natural resources from damage and for preventing the spread of disease, such as those carried by insects, rodents and other animals. However, pesticides also pose certain risks. To protect human health and the environment, the Washington State Department of Agriculture (WSDA) carries out a variety of activities to ensure the safe and legal distribution, use, and disposal of pesticides in Washington.

WSDA's Pesticide Management Division (PMD) takes the approach of providing education before enforcement, working towards voluntary compliance with the laws and rules. PMD strives to accomplish this through effective outreach, hands-on assistance and routine inspections, backed up by thorough complaint investigation and enforcement actions as needed.

This report identifies key activities carried out by four WSDA Pesticide Management Division (PMD) programs in FY21¹:

- **Registration Services Program**
 - Reviews and registers pesticide products.
- **Pesticide Licensing and Recertification Program**
 - Licenses and recertifies pesticide applicators, dealers, consultants, and structural pest inspectors.
- **Technical Services and Education Program**
 - Provides education and 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 Services 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 a number of other [pesticide-specific regulations](#). This document fulfills annual reporting requirements under the above-mentioned statutes.²

¹ Fiscal Year 2021 (FY21) = July 1, 2020 – June 30, 2021

² RCW 17.21.350(2) requires reporting on the pesticide residue food monitoring program. WSDA has no such program, however FDA does. Reports can be found at: <https://www.fda.gov/Food/FoodborneIllnessContaminants/Pesticides/ucm2006797.htm>

2. Pesticide Registration Program

Safe pesticide use starts with the appropriate pesticide product review and approval. Pesticides sold in Washington State must first be registered with WSDA (as per Chapter 15.58 RCW).

Pesticide Registration

Under RCW 15.58.050, the Registration Program maintains a registry of over **15,500 pesticide products**. Registration is on a two-year cycle, so about half (7,000 – 8,000) are registered each year.

In FY 21, under RCW 15.58.405, the Registration Program also:

- From July 1, 2020 to May 15, 2021, the program expedited (one to three business days) registration for over 300 new disinfectant products effective against the virus that causes COVID-19.
- Issued nine new Section 24c Special Local Need (SLN) registrations for specialty crops (e.g., blueberries, daffodil bulb, iris bulb, corn seed, hops) and for other crops (corn, onion, potatoes and other cropland) with particular pest problems for which there is not a federally registered pesticide available.
- Issued 24 Experimental Use Permits, which support research and development of new pesticides and uses. Crops/sites included apples, bees, blueberries, cherries, conifer seed, forestry, grapes, non-producing oyster beds (oysters not present), and potatoes.
- Provided to the Liquor and Cannabis Board (LCB) at least twice a year, a list of pesticide products that can be used in the production of cannabis. The pesticides are evaluated on a very strict criteria developed by WSDA before they are approved to be on the list. The list is required by [WAC 314-55-084](#) and currently contains 384 pesticide products. WSDA PMD also provides a similar list to WSDA's Hemp Program under [WAC 16-306-100](#) for pesticides allowed in the production of hemp intended for human consumption.

3. Pesticide Licensing and Recertification Program

Safe pesticide use also includes requiring the appropriate level of knowledge when using certain pesticides or performing certain pesticide applications. This is done by licensing pesticide applicators, operators, consultants, dealers and commercial pesticide application equipment (as per Chapters 15.58 and 17.21 RCW). Structural pest inspectors must be licensed as well.

Pesticide Licensing and Recertification

Under Chapters 15.58 and 17.21 RCW, the Licensing and Recertification Program provides initial certification and continuing education for pesticide applicators, dealers, consultants and structural pest inspectors.

WSDA increased efforts to encourage licensees to renew licenses online, reducing the need for printed forms and manual fiscal processing, and increasing efficiency in processing time. Over 51% of licenses were renewed online during FY21, a 10% increase from the previous fiscal year.

In FY21, PMD:

- Administered **8,311 exams** to **4,650** new potential and existing licensees.
- **Certified 33,151 individuals** (applicators, consultants, dealers).
- **Issued 40,010 licenses** (includes individuals with multiple licenses).

Table 1. Certification Exams Administered – FY21

Testers	New	Retake	Adding	Recertifying	# of Total Tests
4650	2367	1607	486	217	8311

Table 2. Pesticide Licenses Issued – FY21

License Type	Number Issued	License Type	Number Issued
Commercial Applicator (Ag & Non-Ag)	2,123	Commercial Consultant	1,409
Commercial Operator (Ag & Non-Ag)	9,614	Dealer Manager	2,062
Private Applicator (Ag)	14,437	Public Consultant	103
Limited Private Applicator (Ag)	134	Structural Pest Inspector	968
Rancher Private Applicator (Ag)	127	Demonstration & Research	271
Public Operator	7,205		
Private Commercial	1,557		

Recertification (Pesticide Licensing Continuing Education Courses)

PMD requires all private applicators to obtain 20 continuing education credits over a five-year period to maintain their license. PMD requires all other non-limited licensees to obtain 40 credits over a 5-year period to maintain their license. In FY21, PMD accredited or approved 418 unique courses covering 1,317 individual sessions. Ninety-seven of these courses were Spanish sessions. PMD also expanded recertification standards and policy to allow for broader virtual recertification course options so licensees could continue to earn required credits, while most on-site course were being canceled. During FY21, 420 courses occurred, covering 1,609 sessions.

Table 3. Recertification Course Sessions Available – FY21

FY21 Course Sessions	*Open	*Closed	Total
On-Site Only	66	286	352
On-Site/Webinar	6	11	17
Webinar	308	303	611
Internet On Demand	619	10	629
All Courses	999	610	1609

*Open = Any one can attend / Closed = For select audience

Washington State is required to update certification and training (C&T) statutes and rules to meet the updated Federal C&T Rule (2017) requirements. The Licensing and Recertification Program submitted the state certification plan to the U.S. Environmental Protection Agency (EPA) in March of 2020 and, during the course of FY21, worked with EPA on clarifying areas of the plan in response to feedback.

4. Technical Services and Education Program

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

Pesticide 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 over 3,000 farmworkers, pesticide handlers, pesticide applicators and farm employers. Employers and groups also train farmworkers through TSEP’s Worker Protection Standard (WPS) Train-the-Trainer program.

The TSEP conducts standard training for:

- Pesticide handlers – WPS pesticide handler safety training.
- Trainers from agricultural establishments – How to effectively deliver WPS-mandated pesticide safety training to their employees.
- Trainers responsible for respirator programs – Respirator fit testing, selection, use, maintenance, and respirator training recordkeeping
- Pesticide licensing training – Preparation for Spanish private applicator licensing exam.
- Airblast sprayer calibration best management practices (BMP) – Provides the knowledge and skills to calibrate and configure airblast sprayers and ways to monitor weather conditions in order to attain pesticide applications that are effective and less prone to drift.
- On-site airblast sprayer calibration technical assistance (TA) – On-farm training on airblast calibration and configuration that can result in pesticide off-target drift reduction.
- Recertification events - Speaking engagements range 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 4. TSEP Training Totals – FY21

Training	Attendees	Events	Establishments represented
WPS Pesticide Handler Training (In Person and Live Webinar)	1,768	43	304
WPS Train-the-Trainer	66	4	55
WPS Train-the-Trainer Refresher	56	2	42
Spanish Pre-license (applicators)	425	11	157
Recertification Events (licensees)	761	10	N/A
G.S. Long Online WSDA Presentations	253	7	N/A
On-site Airblast Sprayer Calibration TA (applicators and handlers)	33	6	13

Respirator Fit-test Training (applicators and handlers)	25	2	21
Airblast Sprayer Calibration BMP (applicators, handlers and farm managers)	30	2	10
TOTAL	3,417	80	602

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

The agricultural community’s participation helps reach out to farmworkers in need of additional training opportunities. For example, G.S. Long (an agrochemical dealer) hosted an online site where applicators in need of recertification credits could log onto and participate in prerecorded presentations developed by WSDA staff.

Technical services and education specialists also provide trainings requested by growers on such topics as properly using personal protective equipment, calibrating airblast sprayers, combating heat stress, and performing respirator fit tests. The training is conducted on-site, is as interactive and hands-on as possible, and is specifically targeted to the needs of the farm. This training is often conducted following an inspection by PMD Compliance and assists growers to come into compliance with pesticide law.

Waste Pesticide Disposal (Within TSEP)

PMD’s Waste Pesticide Identification and Disposal Program³ (started in 1988) collects 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 is to collect and properly dispose of unused or unusable pesticide products to prevent human and animal exposure, prevent 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 risk comes from old pesticides stored in sheds or on abandoned properties. By holding collection events and pickup projects across the state and offering free proper disposal, WSDA provides the incentive to clear out these dangers and help prevent improper disposal.

As of June 30, 2021, WSDA collected and properly disposed of more than 3.75 million pounds of waste pesticides from 8,894 customers (average 422 pounds per customer). This includes long-banned pesticides such as DDT and chlordane, recently cancelled pesticides such as azinphos-methyl and endosulfan, and pesticides ending their last crop protection uses such as chlorpyrifos. Nearly all of the collected pesticides are destroyed using a thermal destruction process in Arkansas and Utah, thus reducing both the amount added to hazardous waste landfills and the associated long-term liability to Washington State.

In FY21, PMD:

- Collected and properly disposed of 140,684 pounds of unwanted waste pesticides from 170 customers (average 828 pounds per customer), reducing the risk to public health and the environment.

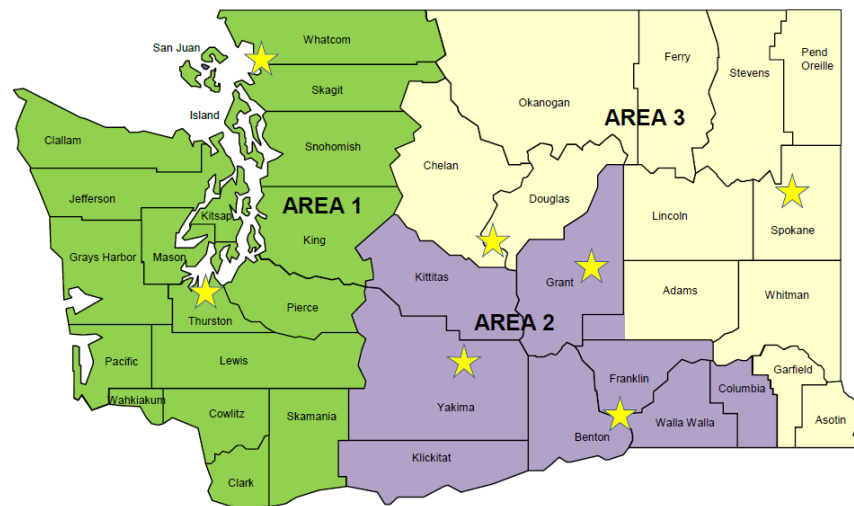
³ Operated under RCW 15.58.045.

- Due to COVID-19 restrictions, regional pesticide collection events were postponed during the fiscal year. Instead of customers coming to group collection events, the Waste Pesticide Program temporarily replaced collection events with WSDA-supported hazardous waste collection contractor direct pickup of unwanted pesticides from customers' storage locations.
- Even with the difficulties of modifying the program to work during the COVID-19 pandemic, the 140,684 pounds of pesticides were the most the program has collected during a fiscal year since 2015. Part of this was due to not collecting pesticides during the spring and summer of 2020 due to COVID-19 restrictions, which left more of the biennial appropriation to FY 2021 than would have been normal.

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 FY21, the program consisted of a program manager, case review officer, quality assurance/training coordinator, three area managers (supervisors) and fifteen Compliance field staff working out of seven primary locations across the state: Bellingham, Moses Lake, Olympia, Spokane, Tri-Cities, East Wenatchee and Yakima. The Bellingham location was established in June 2021 with the addition of two new field investigators. The 2021 legislative passage of Substitute Senate Bill 5317 supports funding of four additional new Compliance positions, with hiring to start in 2022.

Figure 1. Pesticide Compliance Offices and Coverage Areas – FY21



The primary Compliance activities are inspection and investigation. 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 pesticide applications in sensitive areas.
- Provides technical assistance to the regulated community and the public.
- Per RCW 17.21.420, maintains a Pesticide Sensitive Person Register that is distributed two times each year (January and June) to applicators making landscape and right-of-way applications.

When an inspection or investigation finds violations, most first offense violations will receive a Notice of Correction (NOC). An NOC is a “warning” document. It will list the violation, the regulation cited, how to correct and by when. If the violations are more serious or a repeat offense, the program will issue a penalty action (Notice of Intent or NOI) as appropriate. NOI’s are typically a monetary penalty and may also include a pesticide applicator license suspension. The WSDA Pesticide Penalty Matrix ranges from a minimum of \$200 up to \$7,500 per violation. As part of regulatory reform, RCW 43.05.110 requires PMD to issue an NOC on all first-time violations, unless the violation meets one of the following criteria:

- The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule.
- Has been given previous notice of 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.
- 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. For further explanation of the PMD’s penalty process and the rules that apply to penalties, see Appendix A.

Table 5. Overview of PMD Compliance Activity – FY21

				Enforcement Actions	
Total conducted during FY21	Total	No Action	Verbal Warning / Advisory Letters	NOC (First Violation)	Total NOI’s processed during FY21
Inspections	173	61 (35%)	39 (23%)	73 (42%)	0
Investigations	94	52 (55%)	11 (2%)	*35 (37%)	4 (3 from FY20 cases)
			Total Civil Penalties / License Suspensions assessed in FY21		\$8,450 / 28 Days

* Some investigations may involve more than one NOC.

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.
- **Non-Agricultural Use**
 - Commercial and industrial cases such as in offices, apartments, homes, businesses.
 - Commercial landscape applications.

- Applications for structural pests (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, electric lines, irrigation canal banks, etc.
- Public (other than ROW)
- 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. Due to COVID-19 restrictions during all of FY21, inspection totals were 13% lower when compared to the number of inspections conducted in FY20. Beginning in FY20, we began to prearrange inspections whenever possible to assist businesses address any concerns of our presence during this pandemic and as a COVID-19 safety precaution.

Table 6. Inspections Conducted and Enforcement Actions Issued – FY21

Inspection type	No. of inspections	*Resulting in PMD Enforcement Actions in FY21		
		NAI	NOC	NOI
Agricultural Use	22	17	15	0
Non-Agricultural Use	33	15	18	0
Other				
Applicator Licensing/Records	21	12	9	0
School Records Inspection	2	1	1	0
Dealer Records	9	5	4	0
I-502 Cannabis	19	7	11	0
Market Place	9	7	2	0
Worker Protection Standard	43	20	23	0
Bulk Pesticide Storage	5	4	1	0
Producer Establishment**	7			
TOTAL	173	See Note		

* Actions taken on inspections that were conducted during FY21.

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

Note: These columns do not total in that one inspection may have combined more than one of the inspection types.

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 FY21, PMD’s compliance staff conducted 43 WPS inspections. Half were the full “comprehensive” inspection covering all WPS requirements, and half were an EPA pilot project called “WPS Focus.” The focused WPS inspections addressed decontamination supplies, available eye flush, notification of applications, proper personal protective equipment (PPE) and respirators provided, worn and maintained. During FY21, most WPS inspections were prearranged to better address COVID-19 safety measures required for WSDA and the business or location being inspected. While all types of agricultural establishments must comply with WPS, over half the WPS inspections were at orchards (see Table 7), where a lot of hand labor and frequent pesticide applications occur.

Table 7. WPS Inspections by Site – FY21

*Inspection Site	No. of WPS Inspections	**Tier 1	***Tier 2	Resulting PMD enforcement actions		
				Total	NOC	NOI
Orchards	22	21	1	13	13	0
Nursery/Greenhouse	14	12	2	5	5	0
Vineyards	4	4	0	1	1	0
Row Crops	4	4	0	2	2	0
Other Crops	4	4	0	3	3	0
Berries	3	2	1	2	2	0
I-502 Cannabis	2	2	0	0	0	0
Forest	2	2	0	1	1	0
Small Grains	2	2	0	1	1	0

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

Violations are incurred when the criteria for inspection elements have not been met. WPS inspections conducted may find multiple violations at the same location, (see Table 8).

Table 8. Common WPS Violations by Inspection Element – FY 21

The types of Worker Protection Standard (WPS) violations can vary from year to year depending on the agricultural locations that were inspected. The more common WPS violations usually found involve having the proper safety poster displayed, proper safety and application information displayed in a central location, training of workers and handlers, decontamination supplies available, and personal protective equipment such as gloves, eye protection, and respirator use. For FY21, none of the WPS

violations reached the level of severity to warrant an NOI penalty. See Appendix C for the criteria used to determine if a WPS violation should receive a penalty.

Twenty Inspection Elements from the WPS Compliance Checklist	No. of Violations
Application records not accurately recording all of the necessary information?	18
Is the WPS safety poster, pesticide application information, and SDSs displayed, accessible, legible, at an appropriate central location?	14
Is pesticide application information and SDS displayed for all products used, complete and current: product name, EPA Reg. No., a.i., crop/site treated, location, description of treated area, date(s)/time(s) of application(s), start/stop times, duration of REI?	12
Is the WPS safety poster accessible with legible information, posted at: permanent mix load sites, permanent decontamination sites, decontamination sites for 11 or more workers or handlers?	12
Have handlers who wear respirators been: medically evaluated, annually trained on respirator use, annually fit tested?	11
Have workers been trained within the past 12 months and prior to entering a treated area where either a pesticide has been used or an REI has been in effect within the past 30 days?	8
Do handlers and early-entry workers have: soap, single-use towels, change of clothing, water (10 gallons/one employee, 20 gallons/two or more) at all locations, for the required time frames and are within 1/4-mile or closest vehicle access site, at mixing and loading sites, while performing handler or early entry tasks, where PPE is removed?	7
Are training records kept for two years on the establishment and have required information: Worker/Handler name & signature, date of training, EPA approved materials used, trainer's name/qualification, name of Ag Employer?	7
Have written record of the fit test been kept for two years?	6
Are emergency eye flushing stations at all required locations and capable of delivering appropriate water: all permanent mix load sites, all mix load sites and handler decontamination sites, when label requires protective eyewear, any mix load site when using a closed system under pressure?	5
Have handlers been trained within the past 12 months and prior to performing handler tasks?	5
Do worker decontamination sites at the beginning of the work period have: at least one gallon of water per worker, soap, single-use towels, are supplies reasonably accessible, located outside treated or REI area, within ¼ mile where worker tasks are performed, if more than ¼ mile at nearest vehicle access, during required timeframes of REI less than or equal to 4 hours in the last 7 days, REI greater than 4 hours in the last 30 days?	4
Have all employees who clean, repair or adjust pesticide application equipment been trained as a handler?	4
Is at least one pint of eye flush (water) immediately accessible when label requires protective eyewear?	4
Have records of application information and SDS been kept for two years?	4

Do worker decontamination sites at the beginning of the work period have: at least one gallon of water per worker (proper quality and temperature) Soap, single-use towels Are reasonably accessible and supplied for the required time and at all required locations?	3
Is the PPE worn appropriately?	3
Was trainer qualified, present entire time, and available to answer questions?	3
Were EPA approved training materials used?	2
Are handlers made aware of requirements for: entry restrictions, application exclusion zones (AEZ), restricted-entry intervals?	2

*Workers = doing non-pesticide related tasks

**Handler = person helping with or performing a pesticide application

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

agr.wa.gov/departments/pesticides-and-fertilizers/pesticides/worker-protection

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.⁴

- PMD responded to all human exposure complaints within 24 business hours of receipt, except for one. Most WSDA responses were on the same day the complaint was received. One case took an additional day before a WSDA response occurred. However, the incident had happened several weeks prior to it being reported to the WSDA.
- Of those cases that did not involve human exposure, all but one met the 48-hour response requirement.

During FY21 (July 1, 2020 - June 30, 2021), PMD conducted 94 investigations in a variety of settings, related to a variety of activities (see Figure 2 and 3, Tables 9, 10 and 11):

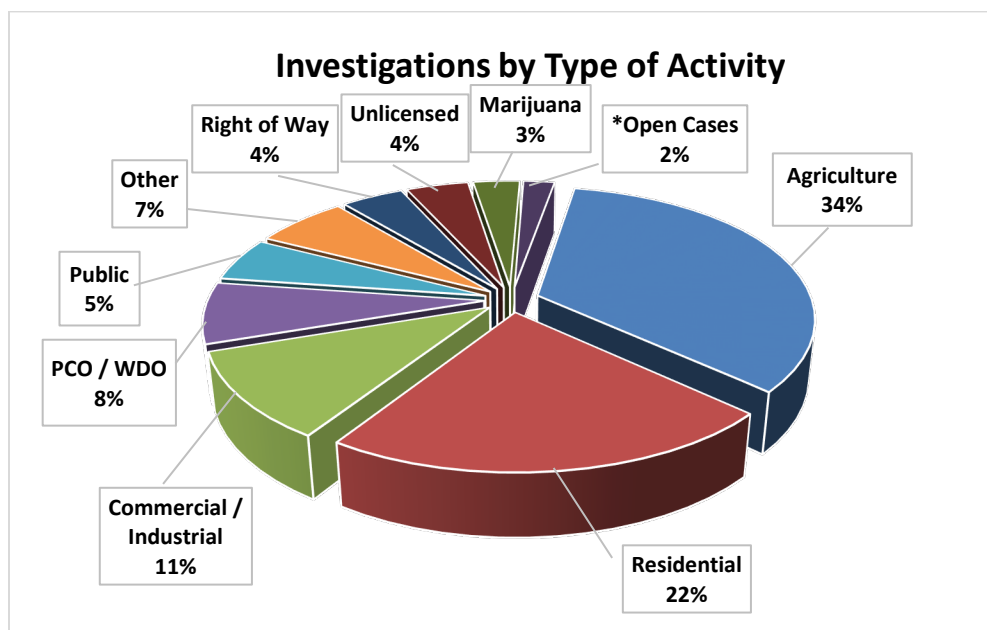
- 76 (81%) related to possible⁵ pesticide application, records, etc.
- 23 cases (25%) – involved some level of documented plant and/or property pesticide-related symptoms from a pesticide application.
- 13 cases (14%) involved human exposure or potential for exposure that could be verified. One case involved alleged drift onto 45 farmworkers. No human deaths were noted in the FY21 WSDA case investigations.
- 10 (11%) related to licensing, distribution or other incidents not related to pesticide application.
- 8 (9%) did not involve a pesticide.
- 7 (8%) related to structural pest issues (may or may not have included application issues).

⁴ RCW 17.21.190 and 17.21.340 require response to complaints; response times are specified in WAC 16-228-1040.

⁵ RCW 17.21.190 and 17.21.340 require response to complaints; response times are specified in WAC 16-228-1040.

For context, nearly 33,151 individuals are licensed to consult and apply pesticides in Washington State, including the 11,737 commercial licensees and also taking into account the numerous private homeowner uses of pesticides which is widespread.

Figure 2. PMD Investigations by Type of Activity – FY21



* Two cases still open at time FY21 data was compiled

Table 9. Overview of PMD Investigations – FY21

	TOTAL	*Allegations of drift	Other issues (non-drift)	Aerial Application	Airblast Sprayers	**Ground Applications
Agricultural Investigations*	43	34	9	7	12	30
Non-Agricultural Investigations*	44	32	12	na	na	27
Other (licensing, PCO, WDO)	7	0	0	na	na	na
TOTAL	94	66	21			

*Allegations only – reflects focus of investigation, not findings.

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

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

- In FY21, 29 cases involved drift and human exposure allegations; 14 were in agriculture and 15 were in the non-ag sector (e.g., ROW, residential). Ten cases found sufficient evidence to support that a drift caused a potential for human exposure (referred to as endangerment) or that a human exposure occurred, resulting in the following penalty actions:
 - 14 ag drift plus human exposure cases (3 NOC, 1 NOI).
 - 15 non-ag drift plus human exposure cases (5 NOC, 1 NOI).
- 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.

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 or neighbor; landscape, intentional misuse; structural pest inspections; and unlicensed applicators. A growing number of cases now involve hobbyist apiarists. Most investigations from Eastern Washington involved agricultural applications, license issues, and drift. Table 10 below shows the investigation totals between Eastern and Western Washington. In FY21:

- 40% of Eastern Washington complaints were in Yakima and Grant Counties. The majority of Western Washington complaints were in King, Pierce, Clark and Whatcom.
- Of the 52 investigations in Eastern Washington, 33 were related to agriculture.
- Of the 42 investigations in Western Washington, 9 involved agriculture.

Table 10. PMD Investigations by County – FY21

Eastern WA Counties	# of Investigations	Western WA Counties	# of Investigations
Adams	3	Clallam	2
Asotin	0	Clark	6
Benton	4	Cowlitz	0
Chelan	4	Grays Harbor	0
Columbia	0	Island	2
Douglas	4	Jefferson	0
Ferry	0	King	8
Franklin	1	Kitsap	1
Garfield	1	Lewis	2
Grant	10	Mason	0
Kittitas	0	Pacific	0
Klickitat	0	Pierce	7
Lincoln	1	San Juan	0
Okanogan	4	Skagit	2
Pend Oreille	0	Skamania	0
Spokane	5	Snohomish	1
Stevens	1	Thurston	3
Walla Walla	3	Wahkiakum	1
Whitman	0	Whatcom	6
Yakima	11		
E. WA Total	52	W. WA Total	42
Combined WA Total - 94			

Figure 3. PMD Investigations by County – FY21

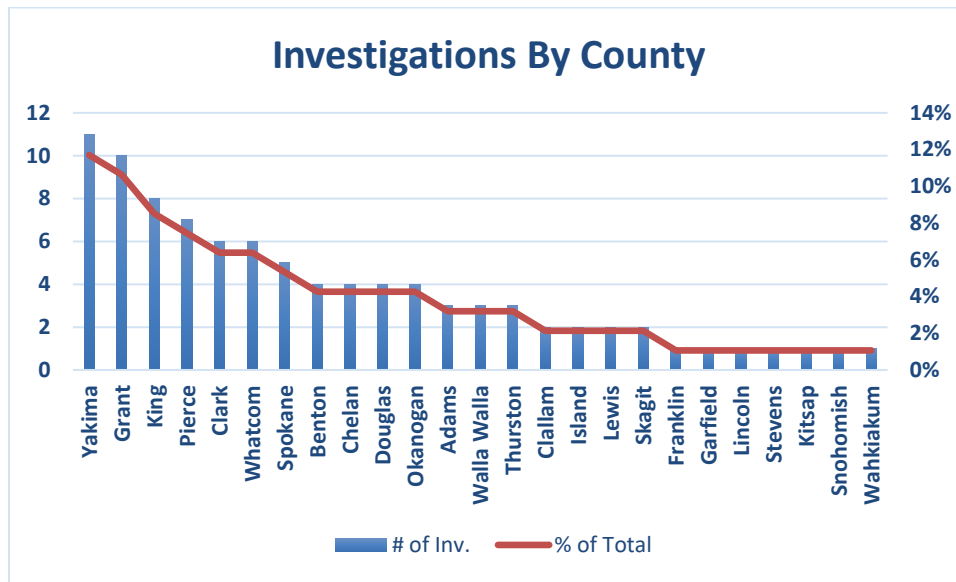


Table 11. Investigations by Pesticide Type – FY21

Pesticide Type	Number of Investigations
Herbicides Only (weed killers)	31
Insecticides Only	19
Combination of Pesticide Products*	9
No Pesticide involved	9
Inconclusive	9
Disinfectants	5
Other Pesticide Types**	4
Fungicide Only	4
Fumigants Only	2
Rodenticide Only	2
Total	94

*It is common for several pesticides to be combined in the same tank mix; e.g., one or more insecticides combined with a fungicide along with an adjuvant. Adjuvants are defined and regulated as a pesticide in Washington State.

**Moss killer, wood preservative, adjuvants, fertilizer, etc.

As consistently seen every year, herbicides (weed killers) represent the greatest number of investigations, with two herbicide active ingredients, glyphosate and 2, 4-D, most frequently involved. Herbicides are extensively used commercially, as well as by the general public.

Investigative Findings

An investigation will determine if a pesticide is involved and whether any violations of pesticide laws 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 94 investigations PMD conducted in FY21 (agricultural, non-agricultural and other – see Table 12 and 13), 69% had no direct impact on human health.

Table 12. PMD Investigations and Actions by Type of Activity – FY21

Activity	No. of Investigations	Number Resulting in Actions		
		VW / AL	NOCs	NOIs
Pesticide Involved w/ Action	42	8	25	3
Pesticide Involved w/ *No Action	42	-	-	
**No Pesticide Involved w/ Action	2	0	2	0
No Pesticide Involved w/ No Action	6	-	-	-
Open cases still pending closure	2	-	-	-
TOTAL	94		27	3

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

**No pesticide involved with action were investigations involving areas such as license violations and wood destroying organism inspections.

Table 13. PMD Corrective Actions as Result of Investigation – FY21

Drift Involved Complaints	No. of Investigations	Number Resulting in Actions		
		*VW / AL	*NOCs	*NOIs
Drift	66	6	21	3
Human exposure	29	1	8	3
Property or plant damage	23	3	10	1
In or around an aquatic site	1	0	0	0
Affected animals	3	0	1	0

*Action taken (AL, NOC, NOI) may include one or more Activities listed. VW=Verbal Warning, AL=Advisory Letter, NOC=Notice of Correction, NOI=Notice of Intent. Note: Count represents the most stringent action issued for each case. If corrections were not made in response to an NOC, and an NOI resulted, only the NOI is included here.

Four cannabis I-502 case investigations resulted in three advisories to the parties involved.

PMD posts information on NOI final orders online at <https://agr.wa.gov/services/inspections-and-investigations/investigations/pesticide-enforcement-actions>. Appendix B represents those listed that were processed in FY21. The list notes the parties involved, as well as the penalty (amount of civil penalty and/or license suspension). PMD does not post information related to NOCs. The number of Corrective Actions were down in FY21 as compared to previous years due to fewer investigations conducted in FY21. COVID affected how some complaints had to be investigated.

5.3 EVOLVING COMPLIANCE PROGRAMS

Addressing Drift – Drift Observations in FY21

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, and

bees and other pollinators. During FY21, 66 investigations related to allegations of drift. Of these, 34 cases were in the agricultural sector and 32 were in the non-agricultural sector (see Table 9).

In February 2020, agriculture 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 “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. The process an applicator/grower can expect:

- 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.
- A photo or video is taken and the applicator/grower is contacted.
- Pesticide label information and application record is requested, and if applicable, pesticide applicator license is verified.
- 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 Corrections (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 FY21, ten observations were made of drift moving off target which resulted in two Advisory Letters and eight NOCs being issued.

In 2022, the Compliance Program will be hiring additional field investigators. A portion of their activities will be to conduct field observations looking for off-target drift and excessive plumes that could lead to drift. Additionally, we will add inspections in other areas such as other agricultural type applications, landscape, fumigation, etc. to provide more proactive compliance services.

Cannabis Initiative 502 (I-502) Inspections and Investigations

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 to maintain a list of over 384 pesticide products that can be used on cannabis crops in Washington State. 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 look into 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 FY21, 21 inspections were conducted (19 routine and 2 WPS). Four case investigations were conducted at I-502 grow locations either from an unknown pesticide residue discovered by the grower after product lab analysis or due to a drift allegation (see Table 14).

Table 14. I-502 Inspections and Investigations – FY21

Activity	Number	Enforcement Actions		
		AL / VW	NOCs	NOIs
Investigations	4	3	0	0
WPS Inspections	2	0	0	0
Routine Inspections	19	1	11	0
Technical Assistance	1	0	0	0

Pollinator Protection

In FY21, PMD Compliance received seven honeybee mortality complaints. Two were smaller commercial beekeepers and five were hobby beekeepers. Five were investigated as cases. Two were handled as technical assistance. Only three of the cases had sufficient evidence to collect samples. WSDA lab analysis found some pesticides in two of the cases investigated. However, evidence and lab analysis could not indicate a source of the pesticide detections. Commonly with honeybee complaints, pesticide residue may be found, but it is difficult to track it back to a source.

When a honeybee (pollinator) complaint is filed with PMD Compliance, several procedures are implemented.

- Complaint is triaged 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 alleged bee loss. Many honeybee loss complaints are due to poor colony management (disease, pest issues, starvation, etc.).
- If a Compliance investigation is conducted, the final report is filed with:
 - EPA Region 10 compliance officer, who files it with EPA Office of Pesticide Program (beekill@epa.gov). See EPA's website for pollinator protection: <https://www.epa.gov/pollinator-protection>
 - Starting in the third quarter of FY21 (due in part to the pollinator health legislation), bee complaints are also updated with the WSDA Plant Protection, pollinator health coordinator, who can also be involved in assisting with some honeybee complaints as needed. <https://agr.wa.gov/departments/insects-pests-and-weeds/insects/apiary-pollinators>

Supported by FY21 legislative funding from the pollinator health bill (SSSB5253), PMD Compliance, Licensing and Recertification, Registration and TSE 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 expands opportunities to educate agriculture, beekeepers and commercial applicators, and now can extend to hobby beekeepers and homeowners as well.

6. Conclusion

WSDA's Pesticide Management programs (Registration Services, Licensing and Recertification, Technical Services and Education, and Compliance) are working together to protect the public and environmental health. Identifying trends can help WSDA best integrate these programs' efforts. For example, because compliance data shows pesticide drift was still the dominant issue in agricultural investigations in FY21, WSDA for FY22 will:

- 1) Continue to provide training options for farmworkers, pesticide handlers and applicators, agricultural employers, and pesticide trainers.
- 2) Offer on-site Airblast Spray Calibration Technical Assistance to farms, which will help reduce drift.
- 3) Increase field observations to address off-target drift as it occurs.

- 4) Increase outreach and education activities related to pesticides, pesticide education, and pollinator protection.
- 5) Collaborating with WSU and other agencies to expand education and outreach to better improve pollinator health.
- 6) Publish a timeline for pesticide registration certification.
- 7) Collaborate with Department of Health and Labor & Industries on improving data management, analysis, and reporting.
- 8) Begin to re-establish an advisory board similar to the previously formed Pesticide Advisory Board, which was abolished by the Legislature in 2010.

Since the last half of FY20, all through FY21 and on into FY22, COVID-19 has caused WSDA PMD to re-evaluate how we go about our daily tasks, interact with customers, conduct exam sessions, provide training opportunities, perform inspections and carry out investigations. Some of this experience has helped improve our business model, while some COVID-19 restrictions continue to create complications.

Appendix A

WSDA Penalty Process and Rules

How does WSDA determine the amount of penalty?

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 rule (WAC 16-228-1130). The matrix takes 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.

If the violation involves human exposure, property damage, or environmental harm, it is assessed on the “adverse effects **probable**” side of the matrix. All other violations are assessed on the “adverse effects **not probable**” side. As required by rule, WSDA assesses the median penalty unless there are mitigating or aggravating factors involved for which they would assess the minimum or maximum penalty, respectively.

WSDA cannot assess a penalty higher than \$7,500 for a single violation, but the penalty rules (WAC 16-228-1100 through 16-228-1130; below) do 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 several farmworkers causing them all to become ill. If it is a first-time violation, the matrix indicates a penalty of \$450 and/or a 7-day license suspension. Even considering the aggravating factors in this case, the matrix only allows a \$550 fine and/or 9-day license suspension for the maximum penalty. The rules specifically allow WSDA to go beyond this maximum penalty for particularly egregious violations. WSDA uses this authority with discretion, typically when there is willful negligence, when multiple people are affected by a 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(2) allows PMD to “proportionately increase the civil penalty and proportionately decrease the licensing action...” 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(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 prior to 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.

16-228-1130 What is the penalty assignment schedule?

This assignment schedule shall be used for violations of chapter [17.21](#) or [15.58](#) RCW or chapter [16-228](#) WAC. (See WAC [16-228-1150](#) for other dispositions of alleged violations, including Notice of Corrections.)

LEVEL OF VIOLATION	ADVERSE EFFECTS NOT PROBABLE			ADVERSE EFFECTS PROBABLE		
	MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
First	\$200 and or 2 days license suspension	\$300 and or 3 days license suspension	\$500 and or 6 days license suspension	\$350 and or 5 days license suspension	\$450 and or 7 days license suspension	\$550 and or 9 days license suspension
Second	\$350 and or 3 days license suspension	\$500 and or 6 days license suspension	\$1000 and or 9 days license suspension	\$600 and 10 days license suspension denial or revocation	\$1300 and 20 days license suspension denial or revocation	\$2000 and 30 days license suspension denial or revocation
Third	\$700 and or 4 days license suspension	\$1000 and or 9 days license suspension	\$2000 and or 12 days license suspension	\$800 and 30 days license suspension denial or revocation	\$2400 and 40 days license suspension denial or revocation	\$4000 and 50 days license suspension denial or revocation
Fourth or more	\$900 and or 5 days license suspension denial or revocation	\$2000 and or 12 days license suspension denial or revocation	\$3000 and or 15 days license suspension denial or revocation	\$1000 and 50 days license suspension denial or revocation	\$4250 and 70 days license suspension denial or revocation	\$7500 and 90 days license suspension denial or revocation

Appendix B

Formal Compliance Enforcement Actions – Final Orders – FY21

Case Number NOI Number	Party(s) Involved/ County of Incident	Description	Action	Date of Final Order
CSH-0010-20 PM-20-0005	David Chism Crater Sweets, LLC Grant County	Chism was responsible private applicator for an airblast pesticide application made to cherries that drifted off target and endangered three health care employees while conducting a safety training for H2A workers.	A Director's Final Order for a \$550 civil penalty and suspended his private applicator license for nine days	11/24/2020
ERE-0007-20 PM-20-0004	Jason Broberg Lucky H Farms Walla Walla County	Broberg made a pesticide application on March 18, 2020, that drifted off target onto nearby cherry trees that was a repeat violation of label use instructions for the applicator.	A Director's Default Order for a \$450 civil penalty and suspended his private applicator license for seven days.	10/12/20
RDS-0010-20 PM-20-0003	Craig French Pacific Timberland Management Thurston County	A pesticide application made under the supervision of French's commercial applicator license, drifted off target onto a sensitive residential site in violation of label use instructions and endangered persons present in the home. Application was in violation of pesticide label and causing endangerment.	A Director's Final Order for a \$450 civil penalty and suspended his commercial applicator license for seven days.	10/12/20
DTB-0007-20 PM-20-0006	Chris Eskildsen B & R Aerial Crop Care, Inc. Grant County	Eskildsen made an aerial pesticide application to potatoes that was alleged to contact over 45 farm workers laboring in an adjacent orchard and vineyard, resulting in endangerment and negative health effects.	Settlement of a \$7,000 civil penalty and a suspension of his commercial applicator license for five days.	01/29/2021

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 worker 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 prior to 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 below:

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)	
	Restricted Entry Interval Expired	(0)	

PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-311)	Not provided Very Poor Poor Fair, but not complete	(4) (3) (2) (1)	
Decontamination. (WAC 16-233-126)	Not provided Major deficiency and/or inaccessibility Minor deficiency and/or inaccessibility	(3) (2) (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

List of Acronyms and Abbreviations

AL	Advisory Letter
BMP	Best Management Practices
C&T	Certification and Training
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
I-502	Initiative 502 (legalized use of recreational cannabis in Washington State)
LCB	Washington State Liquor and Cannabis Board
L&I	Washington State Department of Labor & Industries
NOC	Notice of Correction
NOI	Notice of Intent
PCO	Pest Control Operator
PMD	Pesticide Management Division
PPE	Personal Protective Equipment
PSI	Pesticide Sensitive Individual
RCW	Revised Code of Washington
REI	Restricted Entry Interval
SDS	Safety Data Sheet
TA	Technical Assistance
TSEP	Technical Service and Education Program
WAC	Washington Administrative Code
WDO	Wood Destroying Organism
WPS	Worker Protection Standard
WSDA	Washington State Department of Agriculture
WSU	Washington State University