

2022

WSDA Pesticide Management Division

Annual Report to the Legislature

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

February 2023



Washington
State Department of
Agriculture

Derek I. Sandison, Director

AGR PUB 701-968 (N/2/23)

Do you need this publication in an alternate format? Contact WSDA at (360) 902-1976 or TTY Relay (800) 833-6388.

Table of Contents

Summary	3
1. Introduction	5
2. Registration Services Program	6
2.1 Pesticide Registration	6
3. Pesticide Licensing and Recertification Program	9
3.1 Pesticide Licensing	10
3.2 Recertification (Pesticide Licensing Continuing Education Courses)	10
3.3 Washington Plan for Certification of Pesticide Applicators	11
4. Technical Services and Education Program	11
4.1 Pesticide Safety Training	11
4.2 Waste Pesticide Disposal	13
5. Pesticide Compliance Program	14
5.1 Inspections	16
5.1.1 Worker Protection Standard Inspections	17
5.2 Investigations	18
5.2.1 Investigation Types	18
5.2.2 Location of Investigations	20
5.2.3 Investigations by Pesticide Ingredient Type	21
5.2.4 Investigative Findings and Enforcement Actions	22
5.3 Drift Observation Program and Inspections	23
5.4 Cannabis (I-502)	23
5.5 Pollinators	24
6. Conclusion	25
Appendices	26
Appendix A. WSDA Penalty Process and Rules	26
Appendix B. WPS Inspection Elements Checklist	28
Appendix C. WPS Civil Penalty Policy for First-time Violations of WAC 16-233	30
Appendix D. Formal Compliance Enforcement Actions—Final Orders Issued in FY22	32

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: Scott Nielsen, Pesticide Compliance Program Manager

Do you need this information
in an alternate format?

Contact the WSDA
Receptionist at
(360) 902-1976 or
TTY Relay (800) 833-6388

Summary

The Washington State Department of Agriculture (WSDA) Pesticide Management Division (PMD) carries out multiple activities in an integrated approach to regulate the safe and legal use of pesticides in Washington State. Between July 1, 2021, and June 30, 2022 (FY22), PMD resumed most operations that had been restricted during the COVID-19 pandemic. Offices remained closed to the public, but many of the staff returned to the office utilizing a hybrid in-office/telework format. Most trainings were conducted virtually, or in a hybrid virtual/in-person format, but “in-person only” events became more common as the year continued. Pesticide Licensing continued to hold all testing sessions in larger venues to provide safety through social distancing and maintain larger testing sessions to accommodate demand.

Program Highlights:

Registration Services Program

- Registered or maintained registration of over **15,200 pesticide products** including Special Local Need registrations for specialty crops (e.g., hops, spinach, blueberries, alfalfa seed) with pest problems for which there is not a federally registered pesticide available.
- Reviewed and approved two separate Aquatic Experimental Use Permits to conduct research on possible pesticides to control burrowing shrimp in mudflats of Willapa Bay.
- Submitted comments to the Environmental Protection Agency (EPA) related to the federal pesticide registration review of several pesticides, including Clothianidin, Imidacloprid, Thiamethoxam, Captan, Diuron, Propiconazole, Atrazine, 1,3-Dichloropropene, and Dicamba.
- Submitted comments to EPA in response to the February 28, 2022, revocation of food tolerances for chlorpyrifos, to fully identify impacts on Washington farmers and other users. Also provided comments to EPA to consider while developing its questions and answers webpage so that Washington farmers had clear instructions on the lawful use and disposal of chlorpyrifos products after the revocation went into effect.
- Substitute Senate Bill 5317 went into effect on November 1, 2021, increasing pesticide product registration fees. The funding allowed the addition of three staff to the program: one toxicologist to assist with chemical review, and two registration specialists to assist with pesticide product registration and renewal.

Pesticide Licensing and Recertification Program

- Administered approximately **9,275 exams to 4,970 current or potentially licensed professional pesticide applicators, consultants, dealers, and structural pest inspectors.**
- Certified **32,785 individuals** (applicators, consultants, dealers) and issued **39,590 licenses.** “Licenses” refers to license types. An individual may have more than one license type.
- Continued to administer regular testing sessions and examinations to all potential and existing licensees throughout the COVID-19 pandemic across the state.
- Continued to implement additional safety measures during pesticide testing sessions in compliance with the 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, following face covering requirements, and implementing 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 WSDA employees from the spread of COVID-19.

- Substitute Senate Bill 5317 went into effect on November 1, 2021, increasing license fees for pesticide applicators, dealer managers, pest control consultants, and structural pest inspectors. This increase also included a \$7 surcharge for every paid license. This surcharge will be passed on to Washington State University's (WSU) pesticide safety education program. The first payment to WSU was sent in August 2022 in the amount of \$147,587 for surcharges collected from November 1, 2021, through June 30, 2022.
- Completed rulemaking to allow a third-party vendor to administer pesticide licensing exams at professional testing centers through computer or virtual-based testing.

Technical Services and Education Program

- Provided pesticide safety training to approximately **3,279 farmworkers, pesticide handlers, pesticide applicators, agricultural employers, and pesticide safety trainers.**
- Continued offering pesticide safety curriculums through online platforms and reinstated more in-person educational services for the agricultural community while observing COVID-19 prevention measures.
- Worked with the U.S. Environmental Protection Agency (EPA) to approve pesticide training curriculum.
- Collected and properly disposed of **91,480 pounds of unwanted or waste pesticides from 176 customers**, reducing the risk to public health and the environment.
- Resumed regional pesticide collection events at Othello and Yakima, which had been postponed during 2020 and 2021 due to COVID-19 restrictions.

Pesticide Compliance Program

- Conducted **233 inspections** to ensure that applicators, dealers, manufacturers, and employers comply with state and federal pesticide laws. This included 58 inspections at farms, orchards, forests, and nurseries to ensure compliance with the Worker Protection Standard (WPS). Thirty (30) of the WPS inspections received a Notice of Correction (NOC) to address items that were not in compliance. The most common violations involved posting proper safety and hazard information, the required training of workers and handlers, and proper recordkeeping requirements.
- Conducted **74 for-cause investigations** in response to complaints, agency referrals, and investigator surveillance. Two herbicide active ingredients frequently involved in complaints are glyphosate (11% of cases) and 2,4-D (8% of cases). These herbicides are widely used in both commercial/agricultural settings and by the general public. For context, 32,785 individuals are licensed to consult and apply pesticides professionally, and homeowner use of pesticides is common.
 - Of the 74 investigations:
 - 45 were in Eastern Washington. 29 in Western Washington.
 - 43 cases (58%) either found no violation or found that the complaint was not pesticide-related.
 - 34 cases (46%) involved drift allegations:
 - 23 of the drift cases were agriculture-related (farm, forestry, nursery, or greenhouse).
 - 11 of the drift cases were non-agriculture related (homeowner, industrial, landscape, right-of-way).
 - 14 cases involved alleged human health exposure (5 related to agriculture, 9 related to non-agriculture).
 - 2 cases were related to licensing, distribution, or other incidents not involving a pesticide application.

- 1 case involved a cannabis (Initiative 502) grower location.
 - 1 case involved pollinators (commercially managed honeybees).
- Technical Assistance (TA): Each year Compliance staff respond to hundreds of questions or concerns via email and phone calls regarding pesticide use and misuse, licensing, distribution, and other issues. A TA incident will be entered into the Compliance database for tracking purposes if the question or concern requires research for a response, if the concern is a past alleged pesticide violation, or could be a future violation if not addressed properly. In FY22, **63 formal TA's** were documented in our tracking database.

1. Introduction

Pesticides are an essential tool used for protecting crops, structures, natural resources, and humans. However, pesticides also pose environmental and human health risks if not used correctly. The Washington State Department of Agriculture (WSDA) regulates the safe and legal distribution, use, and disposal of pesticides to protect humans and the environment. “Pesticide” is a general term meaning any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate a pest. A pest is any form of plant, animal, or virus, (except those found in or on humans or other animals) which is normally considered to be a pest. Herbicides, insecticides, fungicides, rodenticides, algacides, and disinfectants are all types of pesticides.

WSDA’s Pesticide Management Division (PMD) provides education, enforcement, applicator certification, and registration of pesticides. PMD strives to protect human health and the environment through effective education, outreach, hands-on assistance, and routine inspections. Additionally, PMD has a strong enforcement component applied as needed when harm or damage occurs.

This report identifies key activities carried out by four WSDA Pesticide Management Division (PMD) programs in FY22:

Registration Services Program

- Reviews and registers pesticide products.
- Performs toxicity reviews of new active ingredients and aquatic use ingredients.
- Reviews and approves Special Local Need (SLN) registrations and Experimental Use Permits (EUP) which are critical to address local and minor crop pest problems.

Pesticide Licensing and Recertification Program

- Licenses and recertifies pesticide applicators, dealers, consultants, and structural pest inspectors.

Technical Services and Education Program

- Provides Worker Protection Standard and safety education.
- Provides 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 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 several pesticide-specific regulations. This document fulfills annual reporting requirements under [RCW 15.58.420](#) and [RCW 17.21.350\(1\)](#).

[RCW 17.21.350\(2\)](#) requires reporting on the pesticide residue food monitoring program. WSDA has no such program, however, the United States Food and Drug Administration (FDA) manages the Pesticide Residue Monitoring Program. Reports can be found at: <https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-program-reports-and-data>.

2. Registration Services Program

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

2.1 Pesticide Registration

At the end of FY22, the Registration Services Program had **15,201 pesticide products** registered within the Pesticide Registration System (PRS) database. As of the writing of this report, however, that number had climbed to nearly **15,600 pesticide products**. (See Table 1). Registration is on a two-year cycle; approximately half (7,000 – 8,000) are renewed and registered each year.

Table 1. Total Number of Pesticide Products Currently Registered in Washington by Registration Type

Pesticide Registration Type	Number of Registered Products	Percentage
Section 3 Federally Registered Products	13,624	87%
Section 25(b) Minimum Risk Pesticides	942	6%
Spray Adjuvants (surfactants, stickers, emulsifiers)	911	6%
Section 24(c) Special Local Need	119	1%

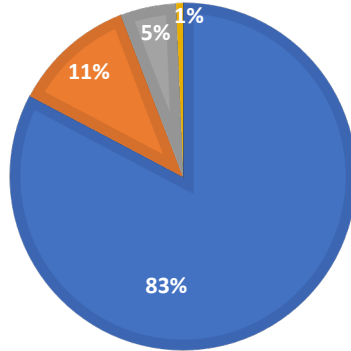
Section 3 Pesticides make up the bulk of the registered pesticides (87%) and are reviewed and approved initially by the Environmental Protection Agency (EPA) before being reviewed and registered in Washington. Both Section 25(b) Minimum Risk Pesticides and Spray Adjuvants are “state-only” registrations, meaning there is no federal registration and that all review and approval is done at the state level.

In FY22, Registration Services reviewed and registered **1094 new pesticide products** (See Figure 1).

Figure 1. New Pesticide Registrations Approved by Type – FY22

NEW PESTICIDE REGISTRATIONS APPROVED IN FY22 BY TYPE

- Section 3 Pesticide - 905
- Section 25b Minimum Risk Pesticide - 125
- Spray Adjuvant - 57
- 24(c) Special Local Need - 7



FY22 saw a significant 4% increase in new pesticide registrations over the previous year and was one of the biggest increases in the number of registrations in program history. (See Figure 2)

Figure 2: Total Number of Pesticide Products Registered by Year (2006-2022)

TOTAL PESTICIDE PRODUCTS REGISTERED BY YEAR

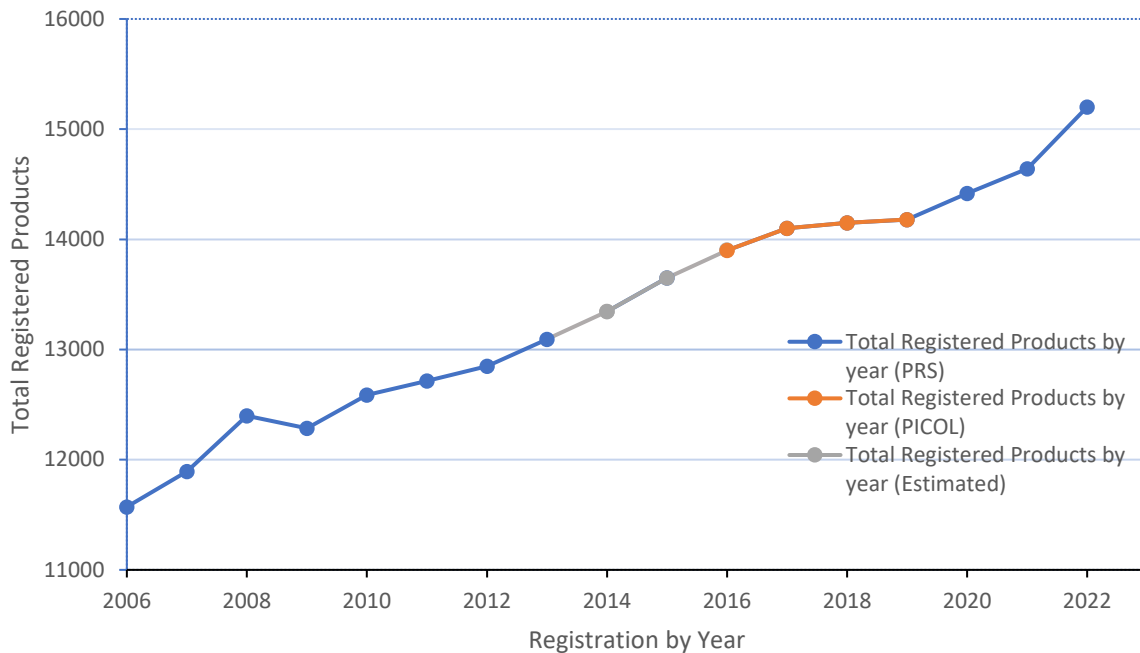
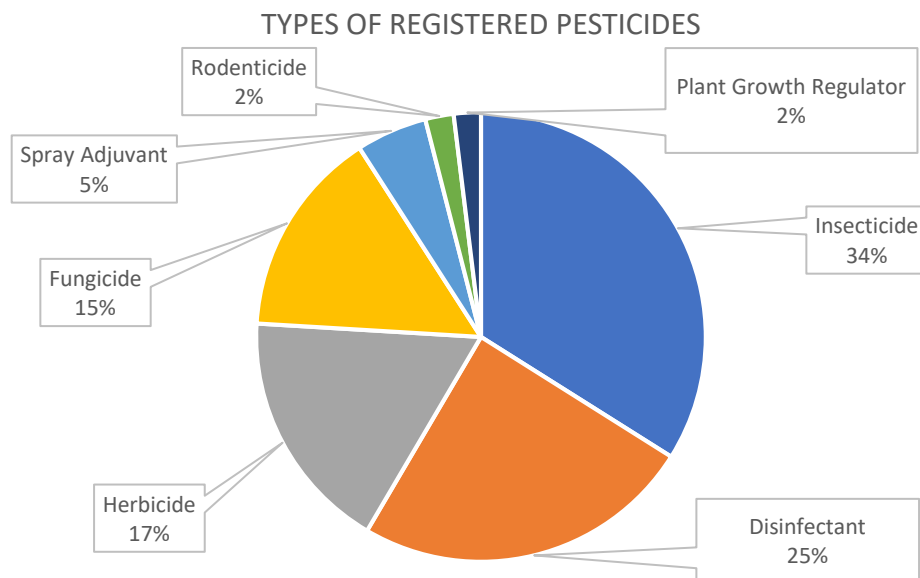


Figure 2: Chart data created using Pesticide Registration System (PRS) database counts [blue dots], WSU's Pesticide Information Center OnLine (PICOL) [orange dots] for counts not available in PRS, and estimated counts [gray dots] following a trendline for unavailable annual counts.

The majority of pesticides registered in Washington are insecticides (34%), followed by disinfectants (25%). Herbicides make up 17% of registrations. (See Figure 3)

Figure 3. Types of Registered Pesticides in Washington – FY22



In FY22, the Registration Services Program:

- Issued seven new Section 24(c) Special Local Need (SLN) registrations for specialty crops (e.g., blueberries, hops, spinach, lamb’s ear) and for other crops (potatoes, apples, and other crops) with pest problems for which there are no effective federally registered pesticides available.
- Issued 20 Experimental Use Permits (18 terrestrial, 2 aquatic), which support research and development of new pesticides and uses. Terrestrial crops or sites included apples, pears, beehives, blueberries, cherries, conifer seed, kernza grain, lamb’s ear, and potatoes. Aquatic sites included non-producing oyster beds in mudflats of Willapa Bay to control burrowing shrimp.
- Submitted comments to the Environmental Protection Agency (EPA) related to the federal pesticide registration review of several pesticides, including Clothianidin, Imidacloprid, Thiamethoxam, Captan, Diuron, Propiconazole, Atrazine, 1,3-Dichloropropene, and Dicamba.
- Submitted comments to EPA in response to the February 28, 2022, revocation of food tolerances for chlorpyrifos, to fully identify impacts on Washington farmers and other users. Provided comments for EPA to consider while developing its questions and answers webpage so that Washington farmers had clear instructions on the lawful use and/or disposal of chlorpyrifos products after the revocation went into effect.
- Provided the Liquor and Cannabis Board (LCB) and cannabis growers with a list of pesticides (currently 384 products) that can be used in the production of high-THC cannabis. The list is published quarterly on the WSDA website. The pesticides are evaluated on strict criteria developed by WSDA before they are approved to be on the list. Registration Services also provided 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. However, as of January 1, 2022, hemp producers can utilize Washington State University’s Pesticide Information Center On-line (PICOL) to generate a current list of products allowed for use on hemp.
- Substitute Senate Bill 5317 went into effect on November 1, 2021, increasing pesticide product registration fees. The funding allowed the addition of three staff to the program: One toxicologist to assist with chemical review, and two registration specialists to assist with pesticide product registration and renewal.

Table 2: FY22 Pesticide Product Registration Fee Increase

Registration Fee	Previous Fee	New Fee
Product Registration Fee (2 years)	\$390 per product	\$650 per product
Product Renewal fee (2 years)	\$390 per product	\$650 per product
New Product Registration fee if in the second year	\$195 per product	\$325 per product

- In addition to increasing fees, SSB 5317, (codified as [RCW 15.58.070](#)) mandated that the department complete and post on its website a timeline for processing completed pesticide registrations. The webpage can be found at [Product Registration Timelines](#). An informational page explaining timelines was also developed and can be found at [Understanding Pesticide Registration Processing Times](#).

The timelines posted are based on a two-year average (2019-2021), include weekends and holidays, and are calculated from the receipt of a complete application to registration approval. Registration timeline averages will be updated annually.

Table 3: Pesticide Registration Timelines 2019-2021

Registration Type	Average Processing Time 2019-2021
EPA Section 3 Primary Registrant Pesticides	17 days
EPA Section 3 Supplemental Distributor Pesticides	12 days*
State-Only Section 25b Minimum Risk Pesticides	49 days
State-Only Spray Adjuvants (surfactants, stickers, emulsifiers)	137 days

**36% of Section 3 Supplemental Distributor Pesticide Labels received between March 2020 and May 2021 were related to disinfectants reviewed by EPA to be effective at killing or controlling the COVID-19 virus and received expedited processing. (Expedited process averaged four days). Normally these types of registrations exceed Section 3 Primary Registrant Pesticide timelines.*

3. Pesticide Licensing and Recertification Program

The Pesticide Licensing and Recertification Program ensures the safety of pesticide handling, application, storage, and disposal through certification of licensees and continuing education requirements. All pesticide applicators, operators, consultants, dealers, commercial applicators, and structural pest inspectors are required to obtain certification and continuing education credits to maintain an up-to-date license (Chapters 15.58 and 17.21 RCW).

FY22 Pesticide Licensing and Recertification Program highlights:

- WSDA continued to increase efforts to encourage licensees to renew licenses online, helping to reduce the need for printed forms, time to assemble renewal packets, and manual processing of fiscal payments. Since implementing the online renewal with credit card option in FY18, the program has substantially increased its efficiency in processing renewals. Approximately 60% of licenses were renewed online during FY22, a 10% increase from FY21, and a 40% increase from FY18.
- Substitute Senate Bill 5317 went into effect on November 1, 2021, increasing most license fees by 15% to 30% for pesticide applicators, pesticide dealers and dealer managers, pest control consultants, and structural pest inspectors. This increase also included a \$7 surcharge for every paid license. This surcharge is passed on to Washington State University’s (WSU) pesticide safety education program. The first payment to WSU was sent in August 2022 in the amount of \$147,587 for surcharges collected from November 1, 2021, through June 30, 2022.

- Completed rulemaking to allow a third-party vendor to administer pesticide licensing exams at professional testing centers through computer or virtual-based testing. This is an option that has been requested by stakeholders for years and was made possible by House Bill 2624 passed by the legislature in 2020. This bill provided the department authority to contract with a third-party entity to administer the exams and/or the collection of fees. PMD plans to request proposals from vendors to conduct computer-based examinations in FY23 and to have the computer-based testing option fully implemented by FY24.

3.1 Pesticide Licensing

In FY22, PMD:

- Administered **9,275 exams** to **4,970** new potential and existing licensees. (See Table 4.)
- Certified 32,785 individuals** (applicators, consultants, dealers).
- Issued 39,590 licenses** (including individuals with multiple licenses). (See Table 5.)

Table 4. Certification Exams Administered – FY22

Total number of individuals taking exams	New exams taken	Retake of non-passing exams	Exams taken to add a category or endorsement to existing license	Recertifying by testing instead of by earning continuing education credits	Total number of exams administered
4,970	2,620	1,628	487	231	9,275*

*Total includes only exams administered: A single exam may be counted in more than one category above. For instance, a tester could add a category and recertify their license with a single exam.

Table 5. Pesticide Licenses Issued – FY22

License Type	Number Issued	License Type	Number Issued
Commercial Applicator (Ag & Non-Ag)	2,155	Commercial Consultant	1,411
Commercial Operator (Ag & Non-Ag)	9,969	Dealer Manager	2,050
Private Applicator (Ag)	13,678	Public Consultant	106
Limited Private Applicator (Ag)*	120	Structural Pest Inspector	929
Rancher Private Applicator (Ag)*	122	Demonstration & Research	273
Public Operator	7,260		
Private Commercial	1,517	Total	39,590

* Limited Licenses

3.2 Recertification (Pesticide Licensing Continuing Education Courses)

PMD requires all private applicators to obtain 20 continuing education credits within five years to maintain their license and requires all other licensees to obtain 40 credits within five years to maintain their license. Limited licenses (denoted by * in Table 5 above) require 8 to 12 continuing education credits depending on the license type. To assure that licensees are receiving education throughout their recertification cycle, there is a limit on the number of credits they can earn within one calendar year. However, an individual may elect to recertify by testing instead of earning continuing education credits if they cannot earn the required credits within the 5-year recertification period. (In FY22, 231 chose this option, see Table 4.)

- During FY22, 410 courses were held, covering 2,004 individual sessions (See Table 6.)
- One hundred eighteen (118) of these courses were Spanish-language sessions.
- PMD further expanded recertification standards and policy to allow for broader virtual recertification course options, such as on-site/webinar hybrid courses, so licensees could continue to earn required credits in multiple formats.

- There was a significant increase in the availability of on-site and on-site/webinar hybrid course sessions in FY22, with on-site course sessions doubling in number from FY21, primarily attributed to easing COVID restrictions on public events.

Table 6. Recertification Course Sessions Available – FY22

FY22 Course Sessions	Open Session: Open to all attendees	Closed Session: Invitation only for select attendees	Total
On-Site Only	323	338	661
On-Site/Webinar	92	96	188
Webinar Only	202	251	453
Internet On Demand	664	38	702
All Sessions	1,281	723	2,004

3.3 Washington Plan for Certification of Pesticide Applicators

In 2017, the Environmental Protection Agency (EPA) published updates to the [Federal Certification & Training \(C&T\) Rule](#) to strengthen certified applicator requirements to ensure the safe and responsible use of restricted-use pesticides. Prior to this, EPA had not updated federal requirements since the initial publication of the C&T rule in 1974. Washington State is required to update its certification and training (C&T) statutes and rules to meet the updated Federal C&T Rule requirements. The Licensing and Recertification Program submitted the state certification plan to EPA in March 2020. Since then, and through FY21 and FY22, WSDA has worked with EPA on clarifying areas of the plan in response to feedback and additional federal requirements, with the final plan submitted to EPA in September 2022. Final approval is pending but is anticipated in late 2022. PMD will be submitting a decision package for the 2023 legislative session to primarily add and modify definitions required by the federal C&T rule in preparation for state plan approval.

4. Technical Services and Education Program

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

4.1 Pesticide Safety 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 pesticide handlers, pesticide applicators, pesticide trainers, and farm employers. Employers and groups also independently train farmworkers but utilize TSEP’s Worker Protection Standard (WPS) Train-the-Trainer program to train their trainers.

In FY22, Technical Services and Education Program provided pesticide safety training to approximately **3,279 pesticide handlers, pesticide applicators, agricultural employers, and pesticide safety trainers.** (See Table 7.)

- Conducted WPS pesticide handler safety training via in-person and live webinar to **1,519** pesticide handlers at 35 events.
- Provided Pesticide WPS Train-the-Trainer (**68** participants) and Train-the-Trainer refresher (**54** participants) to six agricultural establishments (totaling 122 employees) on how to effectively deliver WPS-mandated pesticide safety training to their staff.
- Provided respirator fit-test training to **38** pesticide applicators and handlers who are responsible for their employer’s respirator programs. Training included respirator fit testing, selection, use, maintenance, and respirator training recordkeeping.
- Conducted five onsite airblast sprayer calibration technical assistance events to a total of **34** farm employees and managers. This technical assistance was conducted on-farm and on grower owned and operated airblast sprayers. Assistance included calibration and configuration to reduce pesticide off-target drift.
- Educated **62** participants at three trainings on airblast sprayer calibration best management practices (BMP). These events provided training on the knowledge and skills needed to calibrate and configure airblast sprayers and ways to monitor weather conditions to attain pesticide applications that are effective and less prone to drift.
- Conducted Spanish Pre-Pesticide licensing training in preparation for the Spanish private applicator licensing exam to **289** individuals.
- Presented at seven accreditation/recertification events attended by **729** pesticide licensees. These events ranged 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.
- Reached **486** individuals through an online training site hosted by G.S. Long (an agrochemical dealer). TSEP staff recorded presentations for the online site which was accessed by applicators in need of recertification credits. Participants could log in, view, and participate in these pre-recorded sessions. This collaboration with G.S. Long and the agricultural community is vital to reaching farmworkers and applicators in need of additional training opportunities.

Table 7. TSEP Training Totals—FY22

Training	Attendees	Events	Establishments represented
WPS Pesticide Handler Training (In Person and Live Webinar)	1,519	35	256
WPS Train-the-Trainer	68	3	44
WPS Train-the-Trainer Refresher	54	3	40
Respirator Fit-test Training (applicators and handlers)	38	2	23
On-site Airblast Sprayer Calibration Technical Assistance (applicators and handlers)	34	5	8
Airblast Sprayer Calibration BMP (applicators, handlers, and farm managers)	62	3	32
Spanish Pre-license (applicators)	289	7	104
Recertification Events (licensees)	729	7	N/A
G.S. Long Online WSDA Presentations	486	N/A	N/A
TOTAL	3,279	65	507

Table 7: Totals may include individuals or establishments participating in more than one event.

Technical Services and Education specialists also provide training requested by growers on topics such as how to properly use personal protective equipment, calibration of airblast sprayers, combating heat stress, and performing respirator fit tests. The training is hands-on, conducted on-site, and is specifically targeted to the needs of the individual farm. This training is often conducted following an inspection by PMD Pesticide Compliance and assists growers to come into compliance with pesticide law.

4.2 Waste Pesticide Disposal

The Waste Pesticide Identification and Disposal Program is located within Technical Services and Education ([RCW 15.58.045](#)). Since 1988, this program has been responsible for collecting 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 of this program is to collect and properly dispose of unused pesticide products to prevent human and animal exposure, prevent the use of cancelled pesticides on crops, and to 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 exposure risks come from old pesticides that are stored in sheds or on abandoned properties. By holding central collection events and on-site collection pickup projects across the state and offering free disposal, WSDA provides the incentive to clear out these dangers and help prevent improper disposal. A significant number of customers are clearing out old pesticide storage facilities from deceased relatives or have recently purchased a rural property and discovered old pesticides from previous owners. In these cases, many of the current owners request an on-site technical assistance visit from WSDA staff to help dispose of the unwanted pesticides. Providing on-site assistance for these customers is important since many of these old pesticides are from previous generations, when far more highly toxic pesticides were used than are currently sold or used.

As of June 30, 2022, WSDA has collected and properly disposed of approximately 3.85 million pounds of waste pesticides from 9,070 customers (an average of 424 pounds per customer). This includes long-banned pesticides such as DDT and chlordane, recently cancelled pesticides such as Azinphos-methyl and endosulfan, and pesticides whose last crop protection uses were canceled, such as chlorpyrifos.

Nearly all the collected pesticides are destroyed using a thermal destruction process in Arkansas and Utah, thus significantly reducing the amount added to hazardous waste landfills by 90% and the associated long-term liability to Washington State.

In FY22, the Waste Pesticide Program:

- Collected and properly disposed of **91,480 pounds** of unwanted waste pesticides from 176 customers (average 520 pounds per customer), reducing the risk to public health and the environment.
- Due to COVID-19 restrictions, regional pesticide collection events were postponed during 2020 and 2021. Instead of customers coming to group collection events, the Waste Pesticide Program temporarily replaced collection events with WSDA-supported and contractor-coordinated direct pickup of unwanted pesticides from customers' storage locations. During spring 2022, WSDA began to restore some regional pesticide collection events, notably at Othello and Yakima.

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 FY22, the program consisted of a program manager, case review officer, quality assurance/training coordinator, three area managers (supervisors), and fourteen field staff working out of seven primary locations within three areas across the state: Bellingham, Moses Lake, Olympia, Spokane, Kennewick, East Wenatchee, and Yakima. (See Figure 4.) 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 four additional new Compliance positions, with hiring starting in the fall of 2022.

Figure 4. Pesticide Compliance Offices and Coverage Areas – FY22

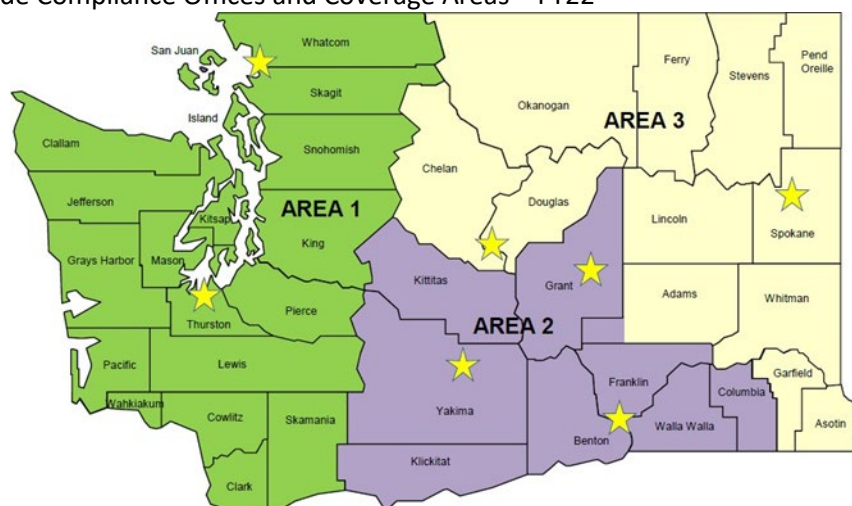


Figure 4: Washington state map shows counties grouped into three areas. Stars denote WSDA Pesticide Compliance office locations.

The primary Compliance activities are inspections and investigations. 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 an application variance to the statewide and county (phenoxy-type) herbicide use restrictions.
- Technical Assistance (TA): Each year Compliance staff respond to hundreds of questions or concerns via email and phone calls regarding pesticide use and misuse, licensing, distribution, and other issues. A TA incident will be entered into the Compliance database for tracking purposes if the question or concern requires research for a response, if the concern is a past alleged pesticide violation, or could be a future violation if not addressed properly. In FY22, 63 formal TA's were documented in our tracking database.
- Maintains a Pesticide Sensitive Person Register (PSR) that is distributed two times each year (January and June) to applicators making landscape and right-of-way applications ([RCW 17.21.420](#)). In FY22, 107 individuals were registered on the PSR list.
- In FY22, WSDA worked closely with Washington State Department of Labor & Industries (L&I) to align Worker Protection Standard language in both agencies' rules. A memorandum of understanding between the two agencies requires identical WPS wording in their rule language. WSDA completed expedited rulemaking in late 2022 following rulemaking by L&I.

When an inspection or investigation finds violations, most first offense violations will receive a Notice of Correction (NOC). A NOC is a “warning” document that lists the violation, the regulation cited, how to correct it, and by when. If the violations are more serious or repeat offenses, the program will issue a penalty action (Notice of Intent or NOI) as appropriate. NOIs are typically a monetary penalty and may also include a pesticide applicator license suspension. The WSDA Pesticide Penalty Assignment Schedule ranges from a minimum of \$200 up to \$7,500 per violation.

As part of regulatory reform, [RCW 43.05.100](#) requires PMD to issue a NOC on all first-time violations unless the violation meets one of the following criteria that are listed in [RCW 43.05.110](#):

- The person has previously been subject to an enforcement action or previous notice for 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, or 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](#). Starting in the fall of 2021 and continuing into the fall of 2022, current and proposed penalty rules are being reviewed and discussed with stakeholders with the intent of updating the penalty schedule. In December 2022, WSDA will issue a CR-102 for proposed rulemaking, and schedule hearings to allow public comment on these rule revisions. See Appendix A for further explanation of PMD’s penalty process and the current rules that apply to penalties.

Table 8. Overview of Pesticide Compliance Activity – FY22

FY22 Compliance Activity	Total	No Action	Verbal Warning / Advisory Letter	Enforcement Actions Processed in FY22	
				Notice of Correction (First Violation) *	Notice of Intent (Civil Penalty)
Inspections	233	85 (36%)	33 (14%)	108 (46%)	7 (3%)
Investigations	74	47 (63%)	6 (8%)	16 (22%)	5 (7%)
Total Civil Penalties / License Suspensions assessed in FY22					\$12,800/58 days

Table 8: *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, commercial beekeepers.
- Non-Agricultural Use
 - Commercial and industrial pesticide applications such as in offices, apartments, homes, businesses, and hobby beekeepers.
 - Commercial landscape applications.
 - Applications for structural pests by a pest control operator (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 applications (other than ROW) for schools, parks, recreational areas, mosquito control, etc.
- 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, in FY20 Compliance began to prearrange inspections whenever possible to assist businesses with concerns of our presence during the pandemic and as a COVID-19 safety precaution. As COVID-19 precautions are lowered, in FY23 we will move back to some inspections being unannounced as were done pre-pandemic.

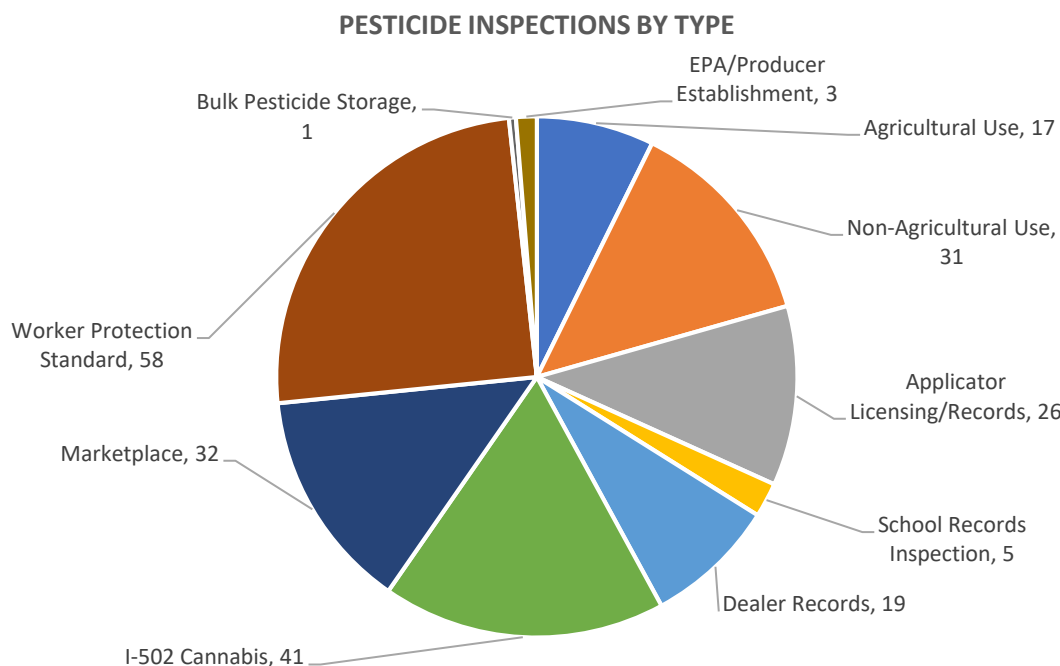
Table 9. Inspections Conducted and Enforcement Actions Issued – FY22

Inspection Type	Number of Inspections	Resulting in Enforcement Actions in FY22 (for inspections conducted in FY22)		
		No Action	Warning / Notice of Correction	Penalty / Notice of Intent
Agricultural Use	17	8	8	1
Non-Agricultural Use	31	10	20	1
Other				
Applicator Licensing/Records	26	16	10	0
School Records Inspection	5	2	3	0
Dealer Records	19	4	14	1
I-502 Cannabis	41	28	13	0
Marketplace	32	21	10	1
Worker Protection Standard	58	25	30	3
Bulk Pesticide Storage	1	1	0	0
EPA/Producer Establishment*	3	-	-	-
TOTAL	233			

Note: Inspections may consist of more than one inspection type or action.

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

Figure 5. Pesticide Inspections by Type – FY22



5.1.1 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 FY22, PMD’s compliance staff conducted 58 WPS inspections. All were full “comprehensive” inspections covering all WPS requirements using the WPS checklist (Appendix B). During FY22, most WPS inspections were prearranged to continue to 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 conducted at orchards (See Table 10), where a lot of hand labor and frequent pesticide applications are common.

Table 10. Worker Protection Standard Inspections by Site – FY22

*Inspection Site	Number of WPS Inspections	**Tier 1	***Tier 2	Resulting in an Enforcement Action		
				Total	Warning / Notice of Correction	Penalty / Notice of Intent
Orchards	33	31	2	17	15	2
Nursery/Greenhouse	7	5	1	7	6	1
Vineyards	2	2	0	1	1	0
Row Crops	3	3	0	1	1	0
Other Crops	3	3	0	1	1	0
Berries	5	4	1	4	4	0
I-502 Cannabis	3	2	1	2	2	0
Forest	1	1	0	0	0	0
Small Grains	1	2	0	0	0	0
Total	58	53	5	33	30	3

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

The types of Worker Protection Standard (WPS) violations can vary from year to year depending on the agricultural locations that were inspected. Violations are incurred when the criteria for inspection elements have not been met. WPS inspections conducted may find multiple violations at the same location. In FY22, 162 violations were found within the 58 inspections conducted.

The most common WPS violations found involved having proper safety and hazard information displayed, required training of workers and handlers, and proper recordkeeping. A summary of the violations is listed in Table 11 below; the full checklist and number of violations is detailed in Appendix B.

Table 11. Summary of Worker Protection Standard Violations by Type – FY22

WPS Violation Category	Number of Violations
Pesticide Safety/Hazard Information/Display	43
Training	30
Recordkeeping	27
Training/Recordkeeping	9
Decontamination Supplies	24
Personal Protective Equipment (PPE)	14
PPE/Recordkeeping	6
Posting/Notification	5
Safety/Hazard Information/Recordkeeping	4
Total	162

In FY22, three 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.

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. [RCW 17.21.190](#) and [RCW 17.21.340](#) require a response to complaints; response times are specified in [WAC 16-228-1040](#).

- Human Exposure Complaints: In FY22, PMD responded to all but one human exposure complaint within 24 business hours of receipt. 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 before being reported to WSDA.
- Non-Human Exposure Complaints: In FY22 PMD responded to all within the 48-hour response requirement.

5.2.1 Investigation Types

During FY22, PMD conducted 74 investigations in a variety of settings and activities. (See Figure 6, Tables 12, 13, and 14):

- 21 cases (28%) – involved some level of documented plant and/or property pesticide-related symptoms from a pesticide application.
- 14 cases (19%) involved alleged human exposure or potential for human exposure. Seven people had verified exposure, two of whom were farm workers. (Investigations in another two cases are still being completed.)

- 12 cases (16%) were related to licensing, distribution, or other incidents not related to pesticide application.
- 18 cases (24%) did not involve a pesticide.
- 2 cases (3%) were related to structural pest issues, involving Pest Control Operator (PCO) or wood-destroying organism (WDO) which may or may not have included a pesticide application.
- 2 cases (3%) involved alleged pesticide application to water (Compliance investigated 2 cases, no violation was found in one case, the other found evidence of pesticide treatment, but no source could be determined.)
- 2 cases (3%) were related to fish (both cases found that pesticide application was made according to label instructions, no violation.)
- 2 cases (3%) involved alleged pesticide exposure to animals (cattle, dog). (Compliance investigated two cases, both were unrelated to pesticides, and no violation was found.)
- 1 case (1%) involved commercially managed honeybees (Compliance investigated one pollinator complaint about honeybee deaths. Sampling in this case detected a fungicide that was known to be toxic to bees. However, no pesticide source for the bee decline could be determined.)

For context, 32,785 individuals are licensed to consult and apply pesticides in Washington State. This coupled with pesticide applications that do not require a license in numerous industrial buildings and apartment complexes, as well as private homeowner uses of pesticides, illustrates that pesticide complaints are relatively rare.

Figure 6. PMD Investigations by Location Type – FY22

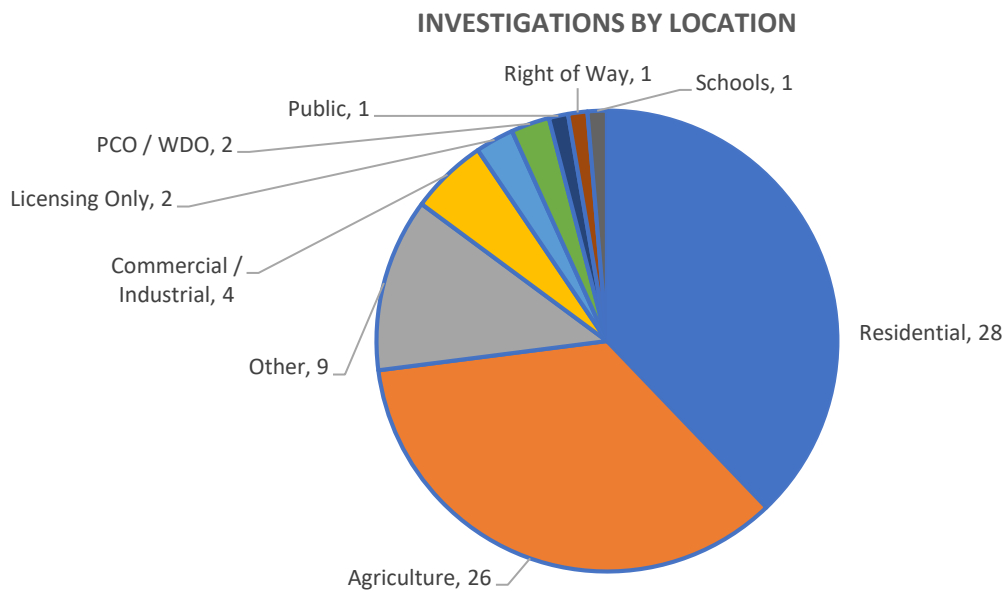


Table 12. Overview of PMD Investigations – FY22

Investigation Type	TOTAL	Allegations of Drift	Other Issues (Non-Drift)		Aerial Application	Airblast Sprayers	*Ground Applications
Agricultural Investigations	31	23	8		6	9	18
Non-Agricultural Investigations	41	11	30		0	0	20
Licensing Investigations	2	0	2		N/A	N/A	N/A
TOTAL	74	34	40		6	9	38

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

Totals may include investigations in two or more categories.

Agricultural investigations focused largely on drift allegations, including 12 involving orchards, which may be intermixed with other crops, housing, and heavily traveled roads. Nearly a third of the agricultural drift investigations involved airblast applications. These continue to be a high percentage of complaint calls received when drift is the allegation. There is a continued need for more education of applicators, particularly regarding the operation of airblast sprayers and drift reduction techniques.

In FY22, 14 cases involved human exposure allegations; five were in agriculture and nine were in the non-agriculture sector. WSDA investigated 7 human exposure cases allegedly caused by drift.

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.

5.2.2 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, landlord or property maintenance person, neighbor, landscaper, intentional misuse, structural pest inspections, and unlicensed applicators. Most investigations from Eastern Washington involved agricultural applications, license issues, and drift. Table 13 below shows the investigation totals between Eastern and Western Washington. In FY22:

- The largest number of Eastern Washington complaints (62%) were in Yakima, Spokane, Grant, and Chelan counties.
- The largest number of Western Washington complaints (59%) were in King, Whatcom, Snohomish, Thurston, and Clark counties.
- Of the 45 investigations in Eastern Washington, 31 (or 69%) involved agriculture.
- Of the 29 investigations in Western Washington, 9 (or 31%) involved agriculture.

Table 13. PMD Investigations by County – FY22

Eastern WA Counties	Number of Investigations	Western WA Counties	Number of Investigations
Adams	2	Clallam	0
Asotin	0	Clark	3
Benton	1	Cowlitz	1
Chelan	4	Grays Harbor	0
Columbia	0	Island	1

Douglas	1	Jefferson	0
Ferry	0	King	4
Franklin	1	Kitsap	0
Garfield	0	Lewis	0
Grant	5	Mason	2
Kittitas	2	Pacific	2
Klickitat	2	Pierce	2
Lincoln	1	San Juan	0
Okanogan	3	Skagit	1
Pend Oreille	1	Skamania	2
Spokane	8	Snohomish	3
Stevens	0	Thurston	3
Walla Walla	1	Wahkiakum	1
Whitman	2	Whatcom	4
Yakima	11		
Eastern WA Total	45	Western WA Total	29
Combined WA Total Investigations - 74			

5.2.3 Investigations by Pesticide Ingredient Type

Typically, at least 50% of our investigations result from herbicide (weed killers) applications. Weed control represents the vast majority of pesticide applications in our state as well as across the United States, by both licensed applicators and the public. The two most commonly used herbicide active ingredients, glyphosate and 2, 4-D, which can cause off-site damage to desirable plants or neighboring crops, are frequently involved (See Table 14).

Table 14. Investigations by Pesticide Type – FY22

Pesticide Type	Number of Investigations	Percentage
Herbicide	22	30%
Insecticide	8	11%
Rodenticide	3	4%
Fungicide	2	3%
Fumigant	1	1%
Plant Growth Regulator	1	1%
Multiple Products Mixed	13	18%
Pesticides not Involved or Identified	24	32%
Total	74	100%

Herbicides are extensively used both commercially and by the general public. In addition, insect and disease applications (insecticides, fungicides) make up the majority of other investigations because of the variety of fruit and vegetable specialty crops in Washington State. Pesticides are sometimes applied individually or can be applied as a tank mix as a protectant for early, mid, or late season insect and disease control in a crop.

5.2.4 Investigative Findings and Enforcement Actions

An investigation will determine if a pesticide is involved and whether any violations of pesticide regulations 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 74 investigations PMD conducted in FY22, 29 received some sort of action ranging from a verbal warning to a penalty notice of intent. (See Tables 15 and 16).

Table 15. Pesticide Compliance Investigations and Actions – FY22

Action	Number of Investigations	Verbal Warning or Advisory Letter	Warning / Notice of Correction	Number of Investigations Resulting in Formal Enforcement Actions		
				Stop Sales	Licensing Action	Penalty / Notice of Intent
Pesticide Investigations with Violations and Actions	26	6	16	1	-	5
Pesticide Investigations with No Violation—No Action	28	-	-	-	-	-
Pesticide Licensing Investigation with Violation and Action	1	-	-	-	1	-
No Pesticides Involved/ No violations found--No Action	17	-	-	-	-	-
Open cases (still pending)	2	-	-	-	-	-
TOTAL	74	6	16	1	1	5

In the table above, “No Action” means either no violations were found or that a violation could not be verified.

Table 16. Pesticide Compliance Actions as Result of Drift Investigations – FY22

Alleged Drift Complaints	Number of Investigations	Number Resulting in Actions		
		Verbal Warning / Advisory Letter	Warning / Notice of Correction	Penalty / Notice of Intent
Alleged Human Exposure	7	1	1	3
Alleged Property or Plant Damage	18	3	6	1
In or Around an Aquatic Site	4	0	0	0
Alleged Animal Exposure	2	0	2	0
*Other, non-specific	3	0	0	0
Total Cases Alleging Drift	34	4	9	4

* Three cases of alleged drift were found to be complaints of pesticide drift that did not involve exposure.

The numbers in the table above represent the most stringent action issued for each case. If corrections were not made in response to a NOC, and a NOI resulted, only the NOI is included here.

PMD posts information on NOI final orders online at [Pesticide Enforcement Actions](#). Appendix D represents those listed that were processed and completed in FY22. Some investigations from FY22 resulting in a NOI will not be processed until after the close of the fiscal year and therefore do not appear in this report. The NOI list includes the parties involved and the amount and type of penalty assessed (dollar amount of civil penalty and/or license suspension). PMD does not post information related to NOCs, as they are not considered formal penalty actions. The number of Corrective Actions were down in FY22 as compared to previous years due to fewer investigations conducted in FY22. The COVID-19 pandemic affected how some complaints had to be investigated.

5.3 Drift Observation Program and Inspections

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 FY22, 34 investigations were related to allegations of drift. Of these, 23 cases were in the agricultural sector and 11 were in the non-agricultural sector (See Table 12).

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 a “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 typical process of a Drift Observation Inspection:

- 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 records are requested, and if applicable, the 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 Correction (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 FY22, five limited Ag-use inspections were conducted as a result of drift observed by investigators.

In the fall of 2022, the Compliance Program will be hiring additional field investigators. A portion of their activities will be conducting 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.

5.4 Cannabis (I-502)

In 2012 Washington voters approved Initiative 502 (I-502) which legalized the sale and possession of a small amount of marijuana (cannabis) for adult recreational use. 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 and the cannabis industry by maintaining a list of pesticide products that can be used on high-THC cannabis crops in Washington State. The list (currently 384 products) is updated quarterly and posted to the WSDA website. The pesticides are evaluated on strict criteria developed by WSDA before they are approved to be on the list. 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 investigate 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 FY22, a total of 41 Routine inspections were conducted, eight of which included a WPS citation resulting in a Notice of Correction (Table 17). Compliance investigated one complaint of alleged drift onto an outdoor cannabis grow that resulted in a Notice of Correction for a recorded wind speed label violation.

Table 17. Cannabis (I-502) Inspections and Investigations – FY22

Cannabis Inspections and Investigations	Number	Enforcement Actions		
		Verbal Warning / Advisory Letter	Warning / Notice of Correction	Penalty / Notice of Intent
Investigations	1	0	1	0
Routine Inspections	41	5	13	0
Routine Inspections that included a WPS citation	8	0	8	0

5.5 Pollinators

In FY22, PMD Compliance investigated one commercially managed pollinator complaint about honeybee deaths. Sampling in this case detected a fungicide that was known to be toxic to bees. However, no pesticide source for the bee decline could be determined. It is common for pesticide residues to be found in cases of honeybee complaints but tracing these residues back to a source is extremely difficult.

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

- Complaint is reviewed 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 the alleged bee loss. Many honeybee loss complaints are due to poor colony management (disease, pest issues, starvation, etc.).
- If a Compliance investigation is conducted in response to pollinator mortality alleged to be from pesticides, WSDA informs EPA Region 10 and WSDA’s Pollinator Health Program. The final investigation report is filed with:
 - EPA Region 10 compliance officer, who files it with EPA Office of Pesticide Programs. EPA has a website for pollinator protection: [Protecting Bees and Other Pollinators from Pesticides](#).
 - WSDA’s Plant Protection Pollinator Health Coordinator. PMD has been updating the Pollinator Health Coordinator on bee complaints since the third quarter of FY21 (due in part to the pollinator health legislation). The Coordinator can also be involved in assisting with some honeybee complaints as needed. WSDA Plant Protection Division has a website on [Apiary and Pollinator Health](#).

Supported by FY21 legislative funding from the pollinator health bill (SSSB 5253), Pesticide Compliance, Licensing and Recertification, Registration Services, and Technical Services and Education 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 expand opportunities to educate agriculture, beekeepers, and commercial applicators, and now can extend to hobby beekeepers and homeowners. A new

[Pesticides and Pollinators](#) webpage was launched in June 2022, and a WSDA pollinator awareness brochure was revised and released in Spanish and English at the end of summer 2022, "[How to Protect Bees from Pesticides: A Homeowners Guide](#)" and "[Cómo proteger a las abejas de los pesticidas: Una guía para propietarios de viviendas.](#)"

6. Conclusion

WSDA's Pesticide Management programs (Registration Services, Licensing and Recertification, Technical Services and Education, and Pesticide Compliance) are working together to protect the public and environmental health. Identifying trends can help WSDA coordinate programs and adjust processes to improve outcomes.

Because Compliance data shows pesticide drift continues to be the dominant reason for complaints in agriculture, in FY22 WSDA will continue to focus on training and technical assistance related to pesticide use. In FY23, WSDA will:

1. Continue to provide training options for farmworkers, pesticide handlers and applicators, agricultural employers, and pesticide trainers.
2. Continue to offer on-site Airblast Sprayer Calibration Technical Assistance to farms, which will help reduce drift.
3. Increase field observations to address off-target drift before or as it is occurring.
4. Increase outreach and education activities related to pesticides, pesticide education, and pollinator protection.
5. Collaborate with WSU and other agencies to expand education and outreach to better improve pollinator health.
6. Continue collaboration with Department of Health and Labor & Industries on improving data management, analysis, and reporting.
7. Annually update and publish pesticide registration timelines on the website.
8. Establish a Listserv to provide information and updates to the citizens and stakeholders of Washington State.

Since the last half of FY20, and all through FY21 and 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, even though some COVID-19 restrictions continued to create complications. While continuing to navigate these complications, PMD has taken this opportunity to improve program processes, communications, and utilization of technology.

Appendices

Appendix A. WSDA Penalty Process and Rules

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 the 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) 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 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. 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.)

WAC 16-228-1130 Penalty Assignment Schedule

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. WPS Inspection Elements Checklist

The types of Worker Protection Standard (WPS) violations can vary from year to year depending on the agricultural locations that are inspected. The most common WPS violations involve improperly displaying safety posters and application information, or not making decontamination and personal protective equipment available to workers. For FY22, one of the WPS violations reached the level of severity to warrant an NOI penalty.

Twenty Inspection Elements from the WPS Compliance Checklist	Number of Violations in FY22
Do application records accurately record all of the necessary information?	27
Are proper pesticide application information and SDSs displayed or provided as required?	16
Are WPS safety posters, pesticide application information, and SDSs, accessible, and legible at a central location?	15
Is the WPS safety poster posted at permanent mix load sites, permanent decontamination sites, and decontamination sites for 11 or more *workers or handlers?	12
Have handlers who wear respirators been: medically evaluated, annually trained on respirator use, and annually fit tested?	11
Are training records kept for two years and contain the required information?	9
Have workers been trained within the past 12 months and before entering a treated area or an REI has been in effect within the past 30-days?	7
Do handlers and early-entry workers have proper decontamination supplies, at the proper location(s) and within ¼ mile of their activities when required?	7
Have handlers been trained within the past 12 months and before performing handler tasks?	7
Have written records of the fit test been kept for two years?	6
Have all employees who clean, repair, or adjust pesticide application equipment been trained as a handler?	6
Is at least one pint of eye flush (water) immediately accessible when the label requires protective eyewear?	6
Are appropriate and functioning emergency eye flushing stations at all required locations?	5
Was the trainer qualified, present the entire time, and available to answer questions?	5
Were EPA-approved training materials used?	5
If field posting occurs, are signs appropriately placed properly and removed/covered as required?	5
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 all the required water, soap, and single-use towels? Are they accessible and located at the proper locations?	3
Are worker decontamination sites reasonably accessible, placed at the proper location(s), and for the required time?	3
Is the PPE worn appropriately?	3

*A "worker" is someone doing non-pesticide related tasks. A "handler" is someone helping with or performing a pesticide application.

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

The full WPS Compliance Checklist can be found at:

<https://cms.agr.wa.gov/WSDAKentico/Documents/PM/Compliance/WPS-Checklist.pdf>

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 workers’ 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 before 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:

WPS 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)
PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-311)	Not provided	(4)
	Very Poor	(3)
	Poor	(2)
	Fair, but not complete	(1)
Decontamination. (WAC 16-233-126)	Not provided	(3)
	Major deficiency and/or inaccessibility	(2)
	Minor deficiency and/or inaccessibility	(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. Formal Compliance Enforcement Actions—Final Orders Issued in FY22

Case Number NOI Number	Party(s) Involved/ County of Incident	Description	Action	Date of Final Order
AHH-0003-22 PM-22-0003	Darrin Kenoyer DEK Orchards Chelan County	A March 16, 2022, airblast application was alleged to have drifted off-target onto a home and vehicles in the driveway, contrary to pesticide label instructions and endangering the residents.	A Director’s Final Order of \$450 civil penalty and a seven (7) day license suspension against Darrin Kenoyer’s Private Applicator License.	6/27/2022
RAS-0019-21 PM-22-0002	Jacob Crowther Northwest Farm Supply, Inc. Benton County	A December 17, 2021, Pesticide Dealer Inspection found repeat pesticide distribution and dealer licensing violations.	A Director’s Default Order of \$600 civil penalty assessed against Northwest Farm Supply, Inc.	3/28/2022
ERE-0024-21 PM-22-0001	Justin Arriola Martin’s Farming Inc. Adams County	An Agricultural Use Inspection conducted on November 10, 2021, found repeated label violations and violations of commercial pesticide handler provisions of the worker protection standard during a soil fumigation.	Settlement of \$5,050 civil penalty and a fifteen (15) day license suspension against Justin Arriola, Martin’s Farming Inc., as the responsible commercial applicator and agricultural employer.	2/17/2022
RAS-0011-21 PM-21-0004	Eric Breon Klickitat County	Made a weed control application between May 30 to June 3, 2021, that drifted off target, causing damage to an adjacent organic vineyard.	Settlement of a \$600 civil penalty against Eric Breon.	12/3/2021
RDS-0023-21 PM-21-0003	Darrell Small All Island Pest Control Island County	An August 5, 2021, Non-Agricultural Use inspection found that a person was making commercial pesticide applications, without obtaining a proper commercial applicator’s license. This was a repeat licensing violation.	A Director’s Default Order assessed a \$1,200 civil penalty against Darrell Small.	11/9/2021

RAS-0006-21	Michael Hart	An April 22, 2021, pest control application was made by a commercial operator who had not been properly listed as an employee of the business by the commercial applicator. This was a repeat licensing violation for the applicator.	A Director's Final Order assessed a \$600 civil penalty and a six (6) day license suspension against Michael Hart's commercial applicator license and Schuyler Enterprises Inc. DBA: Rose-Hart Pest Control.	10/8/2021
PM-21-0002	Schuyler Enterprises Inc. DBA: Rose-Hart Pest Control Benton County			