

Report to the Legislature

Pesticide Application Safety Committee

May 2020

SSSB 5550



Office of Environmental Public Health Sciences
Division of Environmental Public Health



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Executive Summary

In 2019, the Washington State Legislature passed [Substitute Senate Bill 5550](#) establishing the Pesticide Application Safety Committee (PASCO). The committee consists of 11 members, and is co-chaired by the Washington State Department of Health (DOH) and the Washington State Department of Agriculture (WSDA).

PASCO is tasked with developing recommendations to improve the safety of agricultural pesticide application. These recommendations will be identified in an annual report to the Legislature through the year 2025. The Legislature also established an Advisory Workgroup to support PASCO's efforts by collecting information and making recommendations to PASCO.

This report of the committee's progress is submitted in satisfaction of the requirement for a report to the Legislature by May 2020.

The PASCO held its second meeting on December 17, 2019. This meeting focused primarily on approval of the changes to the charter and composition of the Advisory Workgroup.

In January 2020 the PASCO co-chairs sent appointment letters to the candidates PASCO nominated to fill positions for the Advisory Workgroup, and completed the Workgroup membership roster.

The first Advisory Workgroup meeting was held via teleconference on February 19, 2020, led by the PASCO co-chairs. The Advisory Workgroup was briefed on the PASCO charter and establishing legislation. The Workgroup heard background presentations by agency staff on the roles of state agencies that document, investigate, or regulate agricultural pesticide application safety.

Next meetings of PASCO and the Advisory Workgroup were scheduled but later postponed due to the Coronavirus (COVID-19) pandemic.

Background

In 2019, the Washington State Legislature passed and the Governor signed in to law [Substitute Senate Bill 5550](#) establishing the Pesticide Application Safety Committee (PASCO). The committee consists of eleven members, and co-chaired by the Department of Health and the Department of Agriculture. Members to serve on the committee include:

- **Lauren Jenks: Committee Co-Chair**, Assistant Secretary, Environmental Public Health Division, DOH
- **Ignacio Marquez: Committee Co-Chair**, Regional Assistant to the Director - Eastern/Central WA, WSDA
- **Senator Rebecca Saldaña**, Senate Democrat Caucus, 37th Legislative District
- **Senator Judy Warnick**, Senate Republican Caucus, 13th Legislative District
- **Representative Tom Dent**, House Republican Caucus, 13th Legislative District
- **Representative Javier Valdez**, House Democrat Caucus, 46th Legislative District
- **David Gang**: Assistant Director, College of Agricultural, Human and Natural Resource Sciences, Washington State University
- **Gwen Hoheisel**: Pesticide Safety Education Coordinator, Washington State University Cooperative Extension
- **Eddie Kasner**, Research Scientist and Outreach Director, University of Washington, Pacific NW Agricultural Safety and Health Center
- **Anne Soiza**, Assistant Director, Department of Labor and Industries (LNI)
- **Calvin Ohlson-Kiehn**, Assistant Division Manager for Forest Resources, Department of Natural Resources

The PASCO is tasked with developing recommendations for improving the safety of pesticide application. These recommendations will be identified in an annual report to the Legislature through the year 2025.

In addition, the Legislature established an Advisory Workgroup to assist PASCO. The advisory workgroup will meet periodically, collect information and make recommendations to PASCO. Upon direction from the PASCO, any number of topics may be assigned to the advisory workgroup based on their level of expertise, including but not limited to:

- Exploring how state agencies and the Washington Poison Center (WAPC) collect and track data;
- Improving pesticide application safety of agricultural applications;

- Leading an effort to establish baseline data for the type and quantity of pesticide applications used in Washington, to be able to compare the number of exposures with overall number of applications;
- Researching ways to improve pesticide application communication among different members of the agricultural community, including educating the public in both English and Spanish about acute and chronic health information about pesticides; and
- Working with the industry and agricultural workforce to improve protocols and best practices for use of personal safety equipment for applicators, and reflective gear for the general workforce.

The Advisory Workgroup consists of the following members, representing the organizations and stakeholder groups that are specified in the legislation:

- WSDA
 - Ofelio Borges
- Employee organizations representing farmworkers
 - Elizabeth Strater, United Farm Workers
 - Lupe Sanchez, Opportunities Industrialization Center of Washington
- Farmworkers with expertise on pesticide application
 - Rigoberto Ibarra, Agrimacs
 - Josh Gefre, Mercer Canyon Farms
- Community and migrant health centers
 - Maria Benavides, Yakima Valley Farm Workers Clinic
- Growers that use aerial pesticide applications.
 - Jon Maberry, Berry grower
- Growers that use fumigation to apply pesticides
 - Kees Weyns, Weyns Farm
- Growers that use air blast sprayers
 - April Clayton, Red Apple Orchards
- Aerial applicators
 - Erin Morse, Washington Aerial Applicators
- Toxicologist
 - Matt Keifer, Internal Medicine/Occupational Medicine Specialist

In January 2020 the co-chairs sent appointment letters to candidates nominated to fill positions for the Advisory Workgroup. The appointment letters were available in both Spanish and English and included a copy of the Legislation and a description of the role of the Advisory Workgroup.

The Advisory Workgroup is expected to meet three-five times per year, holding most meetings via teleconference, webinar, or videoconference. Member terms will be for no less than one

year, but could extend up to a maximum of five years, depending on the organization and individual's preference.

This report fulfills the requirement to provide a progress report to the appropriate committees of the Legislature by May 2020.

PASCO Meeting report: December 17, 2019

The committee met in person on December 17, 2019 and discussed the following:

- Final review of the charter,
- Candidates to nominate to the Advisory Workgroup and procedures for contacting those members, and
- A meeting schedule for the Advisory Workgroup.

PASCO members in attendance: Senator Saldaña, Representative Dent, Representative Valdez, Senator Warnick, Ignacio Marquez, Lauren Jenks, David Gang, Edward Kasner, Gwen Hoheisel

PASCO members not in attendance: Anne Soiza, Calvin Ohlson-Keihn

Meeting notes and outcomes:

- Changes to the charter were summarized and approved; two minor editorial changes were agreed upon.
- The annual report was summarized. A recommendation to add committee members to the report was approved.
- Suggestions were made for individuals to be nominated to the Advisory Workgroup. PASCO members were tasked with following up to confirm interest.
- The first Advisory Workgroup meeting, focused on orientation of members to the duties of the Workgroup, was set for February via videoconference. The Advisory workgroup will then be invited to attend the next PASCO meeting between March 13th and 18th in Olympia.
- 2020 PASCO meetings were tentatively planned for March, June & September.
- No public comments were received.

Next PASCO Meeting

The next meeting was scheduled for March 16, 2020. This meeting was subsequently cancelled due to the complications imposed by COVID-19 response in Washington State. At the time of this report, the March meeting has not been rescheduled. Discussion is underway to consider holding a virtual meeting that will permit PASCO to determine the first tasks for consideration by the Advisory Workgroup.

Report of Initial Advisory Workgroup Meeting

The advisory workgroup held its first meeting on February 19, 2020 via teleconferencing. The meeting focused primarily on introducing advisory members, reviewing the charter, and presenting background from Washington State agencies on their roles and activities relevant to pesticide application safety and pesticide exposure incidents.

Introductions and Presentations

The workgroup members were welcomed by co-chair Ignacio Marquez and an attendance was taken of who was on the call. The PASCO charter was reviewed and the purpose of the bill was discussed. Following the overview of the bill, presentations were given by DOH, WSDA, LNI, and WAPC to provide background for the Workgroup. Summaries of each presentation follow:

- Department of Health (DOH)

DOH staff gave an overview of investigating and tracking human illness due to pesticide exposures. Most reports of illness to the Department of Health come from the Washington Poison Center, Labor and Industries, and the Department of Agriculture. Illness reports are reviewed and those that fit criteria set by DOH and the National Institute of Occupational Safety and Health (NIOSH) are investigated. Findings are tracked using the Sentinel Event Notification System of Occupational Risk (SENSOR) Pesticide Incident Data Entry and Reporting, (SPIDER) system, which is able to capture over 230 variables including the type of pesticide involved, how the exposure occurred, where exposures occurred, and route of exposure. DOH investigates reports of pesticide illnesses for occupational and non-occupational cases, from agricultural and non-agricultural sources. The information DOH collects is de-identified, analyzed and provided to federal agencies in support of regulatory efforts. DOH provides data and recommendations to the legislature and to the public upon request. The purpose of DOH's pesticide illness surveillance work is to inform federal, state, and community actions that can prevent pesticide-illness and reduce the amount of illness in disproportionately impacted groups.

- Department of Agriculture (WSDA):

On an annual basis, WSDA pesticide programs train over 3,000 farmworkers, pesticide handlers and applicators; collect over 100,000 lbs. unwanted pesticides; register over 14,000 pesticide products; administer over 11,700 pesticide license exams and renew over 23,000 licensees; and conduct over 200 inspections and 150 investigations. WSDA is the lead state agency for pesticide implementation and enforcement under the US Environmental Protection Agency and WA state law and rule. WSDA staff are not currently able to meet the high demand for pesticide training courses in English and Spanish. During each inspection and investigation considerable information is entered

into a database which is reviewed to see if a pesticide license, registration, and/or use is in compliance. Each investigation is a “case” no matter the number of persons that may be involved. In 2019, forty-two cases involved alleged human exposures of which thirteen cases had some level of effect claimed. To address pesticide violations, the penalty process can range from a Notice of Correction up to a maximum monetary penalty of \$7,500 per violation plus license suspension.

- Department of Labor and Industries (LNI)

The presentation from the Division of Occupational Safety and Health focused on regulatory responsibilities for the state of Washington per the Washington Industrial Safety and Health Act of 1973. Washington State has placed more of an emphasis on agricultural operations than federal Occupational Safety and Health Administration has been authorized to do. This emphasis takes form via compliance, consultation, and education and training. LNI focuses on investigations that include an employer-employee relationship.

- Washington Poison Center (WAPC)

WAPC collects real-time surveillance of pesticide exposures. This information is shared with DOH and often is the starting point for DOH investigations.

Meeting Outcomes

1. Advisory Workgroup members discussed how the different agencies track data, and when and how that information is shared with other agencies.
2. Workgroup members requested that the agencies produce a glossary of terms for their reference. Agency members present at the meeting agreed to create a glossary and share it with the workgroup.
3. Workgroup members requested that a flow chart be created showing the various mandates and jurisdictions of each agency with a role in pesticide safety. These will be created and distributed to the workgroup prior to the next meeting.
4. DOH staff will work with PASCO to generate a directive to the Advisory Workgroup for tasks and next steps. A work plan with tasks will be distributed to the Advisory Workgroup in advance of the next meeting.

Next Advisory Workgroup Meeting

Due to COVID-19 response activities, as well as the large amount of information shared at the initial meeting by the agencies, it was decided to postpone the in-person meeting for the Advisory Workgroup that was tentatively scheduled to coincide with the March PASCO meeting. As noted above, the PASCO meeting originally scheduled for March 16, 2020 was postponed due to COVID-19 concerns. Both meetings will be rescheduled.



