



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 22, 2020

TIME: 9:25 AM

WSR 20-15-156

Agency: Dept. of Agriculture

Subject of possible rule making: Chapter 16-228 WAC – General Pesticide Rules. The department is considering modifying provisions of this chapter and/or adding sections of rule to this chapter to allow for third-party entities to administer pesticide licensing examinations and collect examination fees. This may include raising and restructuring examination fees. The department is also considering revising the language to increase clarity and readability and conform with current industry practices.

Statutes authorizing the agency to adopt rules on this subject: RCW 15.58.040; 15.58.240; 17.21.030; 17.21.134; and chapter 180, Laws of 2020

Reasons why rules on this subject may be needed and what they might accomplish: The department oversees a licensing and recertification program for more than 24,000 pesticide applicators, dealers, consultants, and structural pest inspectors. As part of the licensing process, the department administers licensing exams to ensure that individuals and businesses that apply, sell, or consult regarding pesticide products are sufficiently competent to do so in a safe and effective manner. Currently, exams are offered primarily in paper form at a few locations on limited dates and are required to be hand-graded with results distributed manually. Currently testers could wait up to 10 days to find out the results of their test. The department is considering contracting with third-party vendors to administer computer-based and remote testing where applicants can take exams at testing facilities throughout the state and receive immediate results of their scores. Offering computer-based exams at more facilities at more convenient times and providing immediate results will make completing the exam step in the licensing process more efficient, convenient, and accessible for applicants. The department may need to revise current rule language to facilitate use of a third-party vendor, including but not limited to raising and restructuring exam fees and the collection of the fees. The department may also review other sections of language in this chapter to increase clarity and readability and ensure that it conforms with current industry practices.

During the 2020 legislative session, the Washington State Legislature passed HB 2624 (chapter 180, Laws of 2020). This bill authorized the department to contract with third-party entities to administer examinations and collect examination fees.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Environmental Protection Agency (EPA). The department will inform the EPA of the proposed rule amendments.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Department staff will discuss any proposed amendments with affected stakeholder groups.

Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

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Other:

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Web site:

Other:

Additional comments:

Date: July 22, 2020

Name: Robin Schoen-Nessa

Title: Assistant Director

Signature:

