



Washington
State Department of
Agriculture

Environmental Justice Assessment
of
the Amendment to the General
Pesticide Rules Surrounding
Pesticide Licensing and
Certification.

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Environmental Justice Reporting Overview



An Environmental Justice Assessment (EJA) is an opportunity to assess the environmental justice impacts of an agency action. This template is designed to meet all the requirements established under [Washington's Environmental Justice Law](#)¹ (also known as the HEAL Act). While it was developed by the HEAL interagency Working Group, this document has been adopted by the Washington State Department of Agriculture (WSDA) to meet agency needs for fulfilling the requirements of completing an EJA.

EJA Table 1: Environmental Justice Assessment Overview

1. Primary agency responsible for this action	Washington State Department of Agriculture (WSDA)
2. Primary agency staff contact(s)	Christina Zimmerman, Program Manager Licensing & Recertification Program
3. Secondary agency contact(s), if applicable	
4. Description of proposed significant agency action	Update WAC 16-228 to include changes required to meet federal standards of the Certification of Pesticide Applicators (Certification & training) rule (40 CFR Part 171)
5. Date environmental justice assessment was initiated	June 21, 2024
6. Date environmental justice assessment was completed	June 17, 2025
7. Type of significant agency action (check one)	<input checked="" type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328 ²
8. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.	WSDA: OFM:

¹ [Washington's Environmental Justice Law \(HEAL Act\)](#)

² [RCW 34.05.328](#)

³ [RCW 70A.02.060](#)

Executive Summary of the Proposed Significant Agency Action

The Department oversees the initial and continued certification and licensing of pesticide applicators, dealer managers, consultants, and structural pest inspectors, enforcing federal and state requirements through a cooperative agreement with the Environmental Protection Agency (EPA). In 2017, EPA published updates to the federal Certification of Pesticide Applicators Rules (C&T rule), 40 CFR 171, to strengthen certified applicator requirements to ensure safe and responsible use of restricted use pesticides. Prior to this, EPA had not updated federal requirements since the initial publication of this rule in 1974.

The updated C&T rule requires state lead agencies like the Washington State Department of Agriculture (WSDA) to establish and maintain state plans on the certification of pesticide applicators. State plans must, at a minimum, establish and meet the same criteria as the updated federal rule.

WSDA submitted the Washington-specific state plan to EPA in March 2020, and it was subsequently approved in November 2022. Washington's updated plan makes extensive changes to requirements for pesticide licensees in the state including but limited to:

- Stricter competency standards for almost all licensees
- Establishment of new method-specific certification categories
- Updated recertification standards for almost all licensees
- Establishment of requirements for the direct supervision of non-certified applicators (unlicensed) applying restricted use pesticides, including training requirements.

Chapter 16-228 WAC, the General Pesticide Rules, needs updated in several sections to comply with the federal standards and Washington's approved state plan. The proposed changes will impact almost all current and all future licensed pesticide applicators, consultants, and dealer managers.

The WSDA followed the normal rulemaking process per Part III Rule-Making Procedures in Chapter 34.05 Revised Code of Washington. A complete overview of the changes can be found as webinars on the WSDA website at <https://agr.wa.gov/services/licenses-permits-and-certificates/pesticide-license-and-recertification/pesticide-and-spi-licensing/pesticide-licensing-webinars/certification-training-updates>.

Section 1: Analyze Environmental Benefits and Harms

1. Describe likely environmental benefits⁴ for overburdened communities, vulnerable populations, and tribes associated with this action.

⁴ **Environmental benefits** mean activities that: (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts; (b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or (c) meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of chapter 70A.02 RCW.

⁵ **Environmental harm** means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected: (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land; (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change; (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or (d) Health and economic impacts from climate change.

Environmental benefits, as defined in RCW 70A.02.010(4) for overburdened communities, vulnerable populations and Tribes include:

- Increasing protections for individuals applying restricted use pesticides under the direct supervision of a certified applicator, including imposing training requirements for the non-certified applicator.
- Increasing protection of public and private property by enhancing examination, licensing/certification, and continuing education standards for individuals using pesticides for commercial, public health, and agricultural purposes.
- Increasing tracking and identification of all licensed individuals purchasing restricted use pesticides to ensure there is accountability for those who apply pesticides in and around communities, especially those communities historically affected by commercial, public health, or agricultural pesticide applications.

2. Describe likely environmental harms⁵ for overburdened communities, vulnerable populations, and tribes associated with this action.

Because this rule change strengthens standards and requirements surrounding pesticide licensing and recertification, there are no associated environmental harms that could result from adoption of these rule changes. The rule changes include more stringent competency standards for nearly all license holders, establishes training requirements for unlicensed applicators, and strengthens WSDA's recertification requirements. The goal of the rule change is to reduce or eliminate misapplication of or exposure to pesticides in these communities.

3. Describe likely associated positive health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

The proposed rules aim to strengthen standards individuals must meet to become licensed, helping to ensure pesticides are used safely and to reduce likelihood of the misapplication of pesticides.

Properly licensed and qualified persons certified to apply pesticides can reduce the chances of exposure to a community or population that has typically been put at risk from pesticides. Without training or knowledge of recourse, pesticide applicators could potentially contaminate

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⁷ **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

Vulnerable populations includes, but is not limited to:

- Racial or ethnic minorities;
- Low-income populations;
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their homes, vehicles, or other family spaces. This is a health risk to themselves, their families, and communities. This proposed rules' strengthened competency standards and training requirements will minimize this risk.

Individuals will additionally have the information needed to contact the WSDA and initiate investigations from this agency and other agencies with overlapping jurisdiction that will protect human health, public and private property, and the environment.

4. Describe likely associated negative health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

The proposed rule change aims to ensure that pesticide applicators are knowledgeable and competent to apply pesticides safely and reduce the risk of exposure to themselves, the public, and the environment. Because this rule change proposes to increase and enhance pesticide licensing and recertification requirements, there are no associated negative health impacts for overburdened communities or vulnerable populations.

Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic area(s) where there may be environmental and health impacts because of the agency action.

The WSDA Pesticide Licensing and Recertification Program is responsible for statewide licensure of pesticide applicators. This includes the following persons:

- Private Applicator – Uses or supervises the use of restricted use pesticides (RUPs) in the production of an agricultural commodity on land owned or rented by the applicator or the applicator's employer.
- Public Operator – Employed by a government agency and, while working on public or private property, applies any pesticide with power equipment or RUPs by any means.
- Public Pest Control Consultant – Employed by a government agency and provides technical advice to the users of non-home and garden pesticides.

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- Limited Private Applicator – Applies or supervises the use of restricted use herbicides on non-production agricultural land (e.g., pastures, rangeland, areas around farm buildings) and in mixed rangeland-timber to control noxious weeds. [Eastern Washington only]
- Rancher Private Applicator – Applies or supervises the use of restricted use herbicides and rodenticides on non-production agricultural land (e.g., pastures, rangeland, areas around farm buildings) and on limited production agricultural land where hay and grain are grown for personal use. [Eastern Washington only]
- Commercial Applicator – Engaged in the business of applying pesticides to the land or property (public or privately owned) of another. Additional requirements such as financial responsibility coverage also apply. This is a joint company-person license.
- Commercial Operator – Employed by a WSDA-licensed commercial applicator to apply pesticides to the land or property (public or privately owned) of another.
- Commercial Pest Control Consultant – Provides technical advice or makes recommendations to the users of non-home and garden pesticides. Also sells or offers for sale non-home and garden pesticides at locations other than the licensed pesticide dealer outlet from which they are employed.
- Dealer Manager – Supervises the distribution of any non-home and garden pesticides from a licensed pesticide dealer outlet.
- Demonstration and Research Applicator – Applies or supervises the application of any restricted or experimental use pesticide on small experimental plots for research plots.
- Private Commercial Applicator – Applies restricted use pesticides (RUPs) to their own or their employer’s property for a purpose other than the production of an agricultural commodity.

The WSDA Pesticide Licensing and Recertification Program also licenses Structural Pest Inspectors. A Structural Pest Inspector conducts complete and specific wood-destroying organism (WDO) inspections. In addition to identifying infestation, damage, or conducive conditions and allowing the treatment of WDOs in structures, these inspections also can be used for the transfer, exchange, or refinancing of any structure in Washington State (e.g., real estate transactions).

2. Describe overburdened communities⁶ and vulnerable populations⁷ identified within the geographic area(s) where there may be environmental and health impacts because of the agency action.

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With the enforcement of enhanced pesticide licensing standards because of this rulemaking, environmental and health conditions from pesticide use will be improved for everyone, including for vulnerable populations in Washington State. Pesticide applicators who are qualified and trained through the improved certification process can decrease historically dangerous aspects of pesticide handling for their home communities and the communities in which they apply pesticides.

Section 3: Community Engagement Summary

1. Summarize engagement with people from overburdened communities and vulnerable populations to date.

WSDA has been actively engaging and communicating with current license holders as well as industry, to educate them about the changes.

Since 2022 through March 2025, WSDA has participated in over 50 recertification and education events providing outreach and guidance summarizing the updated C&T standards to care holders and the public. Over half of these events were conducted in counties with overburdened and vulnerable populations, with the remainder conducted virtually. Through these 50-plus events, WSDA staff reached over 7000 pesticide licensees and many unlicensed individuals.

Additionally, WSDA developed and published online resources for the regulated community to understand the increased requirements surrounding pesticide licensing and recertification.

These include but are not limited to:

- Recorded webinars outlining all new certification and training requirements that this rulemaking will put in place. All these recordings are currently publicly available online on the agency website (agr.wa.gov) in English and Spanish and reach broad audiences.
- “How to Comply” and “Who Needs to Test” charts that outline requirements for licensees and inform them on what they need to do to keep their license after the rule change.
- WSDA also shared C&T information with the public in the form of newsletters, such as through WSU Whatcom County Extension and through the agency’s own platforms including email blasts and GovDelivery.

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- C&T “one-pager” publications briefly summarizing the changes and directing individuals to online resources with more detailed information. One version of this document is targeted at pesticide licensees and the other at the general public. These are shared at recertification events, industry meetings, on the agency website, and through partners.
- WSDA also sent out a post card reminder, with contact information and resources, for the program to all current license holders (22,441 licenses) in June 2025.

WSDA will continue these efforts throughout the rule change period and until all current licensees have had the opportunity to meet the new requirements.

2. Summarize information received from people from overburdened communities and vulnerable populations.

At some outreach events, the following questions were posed to determine the impact on unlicensed and licensed individuals

- How do these proposed rule changes have an impact on you, your community, and your business?
- Are there any potential concerns that need to be considered in these proposed rule changes?
- What are ways we can lessen any concerns in these proposed rule changes?

No input was received from the course attendees in response to these questions. We received no answers to the posed questions. The only questions received thus far were regarding how to keep their licenses. Examples include “When do I have to take the C&T course by?”, “When will the C&T course be available?”, “Why is this happening?”, and “Can I take the new exams this year?”

Section 4: Tribal Engagement and Consultation

1. Summarize Tribal engagements and invitations for tribal consultation to date.

The application of pesticides on Tribal land is not regulated by WSDA. Any WSDA interaction with Tribes in this area is at the request of the EPA and the Tribe. However, because pesticide application activities happen regardless of location, WSDA sent emails with letters attached to all

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federally recognized Tribes in the state, offering a brief explanation of the rule change, where in the rule process WSDA is, and contact information

2. Describe likely impacts to tribal rights and resources associated with this action.

Strengthening pesticide regulations through enhancing competency standards to which pesticide applicators are held will decrease the risks of misapplication and exposure to pesticides and the impacts on nontarget organisms, including those crucial to providing sustenance for Tribes in the area.

3. Summarize how information received from tribes and tribal organizations informed decision- making about this action.

WSDA received an emailed question from a Marine Policy Fellow, from the Makah Tribe Office of Marine Affairs. WSDA staff reached out over telephone and left a voicemail as well the following emails:

From: AGR MI Pesticide License Updates

Sent: Tuesday, June 10, 2025 10:30 AM

To: Nika Hoffman <hoffnika@gmail.com>

Cc: AGR MI Pesticide License Updates <pestlicenseupdates@agr.wa.gov>

Subject: RE: WSDA C&T Changes

Hi Nika,

Thank you for your inquiry. I left you a voicemail yesterday to see how much detail you would like on this. For now, I provided a summary below.

There are quite a few differences between what the standards are now and what they were previous to the Federal rule update. I don't think I will be able to cover all of it in an email. I will

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go over an example and if you need more detail, I would be happy to discuss it with you one on one and see if there are any specific example licenses you would like information about.

On a federal level, the C&T rule was unchanged since its initial publication in 1974 until EPA published an update in 2017. After EPA's publication of initial rule in the 70s, the standards laid out in the rule were limited and it left a lot of the specifics of the requirements to the states. As you probably already know, Washington State has a very robust certification program and, at the time of publication of the updated rule, already met or exceeded a lot of the updated standards. But there were some areas where we needed to make updates.

These included:

- Updating competency standards for almost all categories.
- Establishing the authority to require compliance with direct supervision of noncertified applicators and laying out those requirements in rule.
- Updating dealer recordkeeping
- Updating the definition of "use" (as in to use a pesticide)
- Updating minimum age for private applicators to match the federal standards.

More specifically, and as examples:

- The Laws & Safety (or core) exam and manual were missing a handful of competency standards (or topics) specified in the updated rule as being required to be covered. The manual and exam are being worked on to include these missing standards. Same goes for Private Applicator. Because most licensees either took Private Applicator or Laws & Safety to get their license, they will have to somehow cover those missing standards to be continue their licensure, as we cannot grandfather in licensees.
- Another example, is Aquatic Pest Control. Our current exam and manual exceed the updated federal standards for this category and the Washington category will not require any updates.
- As another example, there will be two new categories because of federally established method-specific categories: Space (non-soil) fumigation and Aerial Pest Control
 - For any aerially applied pesticides, whether helicopter, plane, or drone, this category will be required once the new rules are in effect. Washington does not

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currently have this category and will need to add it by rule, with an effective date of Jan 1, 2026. Applicators will need this in addition to the site or pest specific category (like insect & disease control).

There is so much more to these changes than just what I've mentioned above. If you'd like to discuss this in more detail or have any specific examples, please let me know. We can arrange a phone call or Teams meeting where I can share my screen, if needed.

Christina Y Zimmerman | Program Manager

Pronouns: she, her, hers

Licensing & Recertification Program | Washington State Department of Agriculture

Program email: license@agr.wa.gov

Office: 360-902-2150 | agr.wa.gov

From: Nika Hoffman <hoffnika@gmail.com>

Sent: Friday, June 6, 2025 12:10 PM

To: Zimmerman, Christina (AGR) <CZimmerman@agr.wa.gov>; AGR MI Pesticide License Updates <pestlicenseupdates@agr.wa.gov>

Subject: WSDA C&T Changes

External Email

Hi Christina and C&T Team,

My name is Nika, and I'm a Marine Policy Fellow with the Makah Tribe in Washington. I'm reviewing the C&T Changes for pesticide, and I see that:

"After January 1, 2026, Washington pesticide licensees will need to take a C&T course to keep their licenses active. Licensees can choose to take a C&T quiz to fulfill the specialty course requirement. Some licensees will need to take exams to meet the new standards." I also see that everyone needs to meet the new requirements by the last day of a cycle.

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I think I understand what the requirements are now, but I'm wondering if you could share more about what the requirements were before and how they have changed.

I wasn't sure who would be best for this email, so please feel free to point me in the right direction if I'm off base!

Thank you,
Nika

--

Nika Hoffman (she/her)
Marine Policy Fellow
Makah Tribe Office of Marine Affairs

4. Describe any plans for ongoing and/or future tribal consultation after the publication of the EJ Assessment.

WSDA currently has no further plans to engage Tribe with this specific rule change. WSDA will continue have staff available to answer questions and are ready to participate in consultation when needed.

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Section 5: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Describe how the agency considered each of the following strategies to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits or provide a justification for not reducing, mitigating, or eliminating identified probable impacts:

- a. Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations.

With the enhancement and increase of competency standards required for initial and maintained licensure, there will not be a disparate environmental harm on overburdened communities and vulnerable populations.

- b. Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.

With the increased standards as a result of the proposed rule changes, certified applicators are in a better position to recognize potential over-application concerns on a pesticide label.

- c. Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.

Strengthening requirements for obtaining and maintaining a pesticide license, increasing training requirements for unlicensed applicators, and tightening recertification standards will concertedly reduce the risks of pesticide misapplications and exposures for individuals in and from overburdened communities and vulnerable populations.

- d. Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action.

WSDA will continue to attend, in person and virtually, recertification and industry/organization events to educate licensees and the public about the enhanced requirements 1.

WSDA will continue to participate in such events specifically to cover the C&T rulemaking over the coming years. It is our goal to reach at least 2000 licensees per fiscal year at continuing education events and industry meetings.

Additionally, outreach through mailed and emailed newsletters, GovDelivery notices, and website and social media updates will continue regularly to keep licensees and the public aware of the new requirements. Using multiple methods of communication is

essential in ensuring we reach individuals that may not have access to the internet or social media.

- e. Prioritizing equitable distribution of resources and benefits to overburdened communities.

Recertification and outreach events will be held in person and virtually to provide education in areas where there may be overburdened communities or vulnerable populations. Over 60% of the recertification courses at which we present occur in regions of the state identified as overburdened.

- f. Promoting positive workforce and job outcomes for overburdened communities.

Enhanced standards for pesticide licensure and continued education for individuals in overburdened communities can increase employability and wages for licensees, elevating standards of living in a community.

- g. Meeting community needs identified by the affected overburdened community.

Individuals in overburdened communities have historically been at a higher risk for exposure to pesticides from misapplications or overuse. Ensuring proper distribution of non-home and garden pesticides and bolstering standards for individuals using pesticides will increase protections for these individuals and the communities in which they live and work.

- h. Modifying substantive regulatory or policy requirements.

All rulemaking changes are the result of a federal action and subsequent federal approval of state plan for rulemaking. Modifications are not applicable in this case.

- i. Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened communities and vulnerable populations.

The WSDA Pesticide Licensing and Recertification Program implemented computer-based testing at professional testing centers, which is supplemental to those provided in paper format. This will allow the agency to better serve all communities and create an easier path to licensure for populations which are not located centrally to testing locations such as in Olympia, Yakima, Spokane, etc.

Additionally, WSDA will continue to partner with certain WSU County extension locations to provide private applicator testing in areas where WSDA-provided and computer-based testing are not feasible or accessible.

With the implementation of the certification and training rule updates, WSDA will provide multiple options for licensees to maintain their licenses and comply with the rule. This will include retesting in the required categories, taking a C&T-specific credit, and taking a quiz covering the missing standards they are required to know. This acknowledges the financial and time burdens that retesting can pose on vulnerable populations and provides a more convenient method for people to maintain their license while still meeting federal standards.

- 2. If the agency determines that it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by a significant agency action, or does not have the ability or authority to address the equitable distribution of environmental benefits, provide a clear explanation of why it has made that determination.**

With the strengthening of standards required for initial and maintained licensure and training requirements for non-certified applicators, there will not be a disparate environmental harm on overburdened communities and vulnerable populations.

- 3. Identify performance measures or indicators (recommended 3-5) that can be used to track the equitable distribution of environmental benefits and/or the elimination, reduction, or mitigation of environmental harms for overburdened communities, vulnerable populations, or tribes.**

Stronger requirements for pesticide licensing and use, including training requirements for non-certified applicators using restricted use pesticides, supports the protection of Individual historically at a higher risk for pesticide exposure. WSDA will continue to communicate with pesticide applicators, tribes and the public regarding these stricter standards and expectations for pesticide use in the state of Washington.