

2020

WSDA Pesticide Management Division

Annual Report to the Legislature

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

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

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Summary

The Washington State Department of Agriculture (WSDA) Pesticide Management Division (PMD) carries out multiple activities in an integrated approach to ensure the safe and legal use of pesticides in Washington State. During the last two quarters of FY20, COVID-19 restrictions created challenges for the PMD to perform its services. However, procedures were developed and implemented so most services could continue. In Fiscal Year 2020 (FY20):

Registration Services Program

- Registered or maintained registration of over 15,000 pesticide products, including special local need registrations for specialty crops (e.g., alfalfa seed, carrot seed, cranberries, daffodil and iris bulbs, hops, pea seed) with particular pest problems for which there is not a federally registered pesticide available.
- Submitted a request to the U.S. Environmental Protection Agency (EPA) for a Section 18. Emergency Exemption from registration for a pesticide to control broadleaf weeds in mint.
- Expedited pesticide registrations (1-3 business days) for nearly 200 new disinfectant products that are effective against the virus that causes COVID-19.

Pesticide Licensing and Recertification Program

- Administered **7,759 exams** to licensed professional pesticide applicators, consultants, dealers and structural pest inspectors.
- Continued to administer exams to essential workers throughout the COVID-19 pandemic.
- Certified **30,010 individuals** (applicators, consultants, dealers) and issued **36,989 licenses** (includes individuals with multiple licenses).
- Implemented additional safety measures during pesticide testing sessions in compliance with CDC and Washington State Department of Health (DOH) recommendations and the current version of the Safe Start Guide. These measures include decreasing exam session size, face covering requirement, physical distancing, and regular disinfection of testing supplies. This assisted in maintaining the same level of service to stakeholders while still protecting testers and staff.

Technical Services and Education Program

- Provided pesticide safety training to **5,368 farmworkers, pesticide handlers, agricultural employers, and pesticide safety trainers**.
- During the spring of 2020 several pesticide educational events were canceled due to COVID-19.
- Adjusted existing pesticide safety curriculums to on-line platforms so the delivery of educational services could continue for the agricultural community under COVID-19 restrictions.
- Worked with the EPA to have pesticide training curriculums approved.
- Held seven waste pesticide collection events across the state.
- Collected and properly disposed of **92,048 pounds of unwanted/waste pesticides from 134 customers**, reducing the risk to public health and the environment.
- During the spring of 2020, COVID-19 restrictions led to postponement of scheduled collection events until the next fiscal year. In addition, especially during the Governor's "Stay Home – Stay Healthy" period, we had few new customer contacts by phone or email. Customers began to contact the program again by late June 2020, after some restrictions were lifted.

Pesticide Compliance Program

- Conducted 199 inspections to ensure that applicators, dealers, manufacturers and employers comply with state and federal pesticide laws. This included 42 inspections at farms, orchards, forests and nurseries to ensure compliance with the Worker Protection Standard (WPS). Of the 42 Tier 1 WPS inspections (conducted at the time of application or within 30 days), 37 resulted in at least one violation. The most common violations involved problems with posting application and safety information, safety training and training recordkeeping, training before entering treated areas, and decontamination supplies (See Table 6).
- Conducted 138 For Cause investigations in response to complaints, agency referrals, and investigator surveillance. Two herbicide active ingredients most frequently involved in complaints are glyphosate and 2,4-D. These herbicides are extensively used commercially as well as by the general public for many uses. The agency licenses 30,010 individuals to apply pesticides professionally. Homeowner use of pesticides is also widespread.
- Of the 138 investigations:
 - 62 cases (45%) found no violation or that the problem was not pesticide-related.
 - 97 cases (70%) were drift allegations, the most common complaint.
 - 75 of the drift cases were agriculture related (farm, forestry, nursery or greenhouse).
 - 61 cases were non-agriculture related (industrial, landscape, PCO).
 - 20 cases were able to confirm human health exposure including nine that were in agriculture (7 related to pesticide drift) and 11 were in non-agriculture settings (5 were related to pesticide drift).
 - 122 cases (88 %) related to alleged pesticide application, storage, or disposal issues.
 - 8 cases (6 %) related to licensing, distribution, or other incidents not involving a pesticide application.
 - 92 investigations were in Eastern Washington; 46 in Western Washington.
 - 53 agriculture cases were in Eastern Washington and 22 in Western Washington.
 - 10 cases involved honey bees (7 Commercial and 3 Backyard Bee Keeper).

1. Introduction

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

WSDA's Pesticide Management Division (PMD) takes the approach that the most effective way to protect people and the environment from pesticide exposure is first through voluntary compliance with the laws and rules. PMD strives to accomplish this through effective outreach, hands-on assistance and routine inspections, backed up by thorough complaint investigation and enforcement actions as needed.

This report identifies key activities carried out by four WSDA PMD programs in Fiscal Year 2020¹ (FY20):

- **Registration Services Program**
 - Reviews and registers pesticide products.
- **Pesticide Licensing and Recertification Program**
 - Licenses and recertifies pesticide applicators, dealers, consultants, and structural pest inspectors.
- **Technical Services and Education Program**
 - Provides education and technical assistance to the agriculture industry in Washington related to the safe and legal use of pesticides and pesticide application equipment.
 - Collects unusable and unwanted agricultural- and commercial-grade pesticides from state residents, farmers, small businesses, non-profits, and public agencies.
- **Pesticide Compliance Services Program**
 - Inspects marketplaces, importers, manufacturers, and pesticide application sites for compliance with state and federal 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 to be notified for commercial landscape and right-of-way applications.

Together these programs create an integrated approach to pesticide management under the authority of the [Washington Pesticide Control Act \(Chapter 15.58 RCW\)](#), the [Washington Pesticide Application Act \(Chapter 17.21 RCW\)](#), the [General Pesticide Rules \(Chapter 16-228 WAC\)](#), the [Worker Protection Standard \(Chapter 16-233 WAC\)](#) and a number of other [pesticide-specific regulations](#). This document fulfills annual reporting requirements under the above-mentioned statutes.²

¹ Fiscal Year 2020 (FY20) = July 1, 2019 – June 30, 2020

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

2. Pesticide Registration Program

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

Pesticide Registration

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

In FY20, under RCW 15.58.405, the Registration section also:

- Expedited pesticide registrations (within 1-3 business days) for nearly 200 new disinfectant products that are effective against the virus that causes COVID-19. Normal registration timelines are 30-60 days.
- Issued seven new Section 24c Special Local Need (SLN) registrations for specialty crops (e.g., alfalfa seed, cabbage seed, carrot seed, daffodil bulb, iris bulb, pea seed, spinach seed, Swiss chard seed, table beet seed) and for other crops (apples, cherries, corn, pears) with particular pest problems for which there is not a federally registered pesticide available.
- Submitted one request to the EPA for Section 18 Emergency Exemptions from registration for a specialty crop (mint) with urgent, emerging or atypical pest situations that will result in significant economic loss.
- Issued 29 Experimental Use Permits, which support research and development of new pesticides and uses. Crops included apples, conifers, grapes, green beans, hemp, peas, pears, potatoes, pumpkins, sugar beets, tomatoes, turf and wheat.

3. Pesticide Licensing and Recertification Program

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

Pesticide Licensing and Recertification

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

In FY20, PMD:

- Administered **7,759 exams** to new potential and existing licensees.
- **Certified 30,010 individuals** (applicators, consultants, dealers).
- **Issued 36,989 licenses** (includes individuals with multiple licenses).

Table 1. Pesticide Licenses Issued – FY20

License Type	Number Issued		License Type	Number Issued
Commercial Applicator (ag & non-ag)	1,915		Commercial Consultant	1,289
Commercial Operator (ag & non-ag)	8,087		Dealer Manager	1,843

Private Applicator (ag)	13,590	Public Consultant	95
Limited Private Applicator (ag)	127	Structural Pest Inspector	877
Rancher Private Applicator (ag)	124	Demonstration and Research	230
Public Operator	6,496	Certified Trainer	927
Private Commercial	1,389		

Recertification (Pesticide Licensing Continuing Education Courses)

PMD requires all Private Applicators to obtain 20 continuing education credits over a 5-year period to maintain their license. PMD requires all other non-limited licensees to obtain 40 credits over a 5-year period to maintain their license. PMD accredited/approved 648 unique courses covering 1,816 individual sessions in FY20. These courses included 101 sessions in Spanish. PMD also expanded recertification standards and policy to allow for broader virtual recertification course options so licensees could continue to earn required credits while most on-site course were being canceled.

4. Technical Services and Education Program

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

Pesticide Training

Farmworkers and pesticide handlers must be trained according to the Worker Protection Standards, Chapter 16-233 WAC (under RCW 17.21.440). The Farmworker Education Program provides pesticide safety training directly to over 2,000 farmworkers. Employers and groups also train farmworkers through TSEP's Worker Protection Standard (WPS) Train-the-Trainer program.

The TSEP conducts standard training for:

- Pesticide Handlers – WPS pesticide handler safety training.
- Trainers from agricultural establishments – how to effectively deliver WPS-mandated pesticide safety training to their employees.
- Trainers responsible for respirator programs – respirator fit testing, selection, use, maintenance, and respirator training recordkeeping
- Pesticide Licensing Training – preparation for Spanish private-applicator licensing exam
- Airblast Sprayer Calibration Best Management Practices (BMP) – provides the knowledge and skills to calibrate and configure airblast sprayers and ways to monitor weather conditions in order to attain pesticide applications that are efficacious and less prone to drift.
- On-site Airblast Sprayer Calibration Technical Assistance (TA) – On-farm training on airblast calibration, configuration that can result in pesticide off target drift reduction.
- Paraquat in-person Spanish – EPA approved Paraquat training for certified applicators in order to handle Paraquat products as required by the Paraquat product label.

- Recertification Events - Speaking engagements range from annual grower meetings to large-scale, organized events. TSEP staff presentations covered pesticide safety, Worker Protection Standard, and other pesticide-related topics.

Table 2. TSEP Training Totals – FY20

Training	Attendees	Events	Establishments represented
WPS Pesticide Handler Training (Interactive and Hands-on)	2,120	20	544
WPS Train-the-Trainer	91	4	41
WPS Train-the-Trainer Refresher	122	3	96
Spanish Pre-License	270	8	121
Recertification Events	2,300	16	N/A
On-site Airblast Sprayer Calibration TA	37	8	21
Respirator Fit-test Training	17	1	16
Paraquat in-person Spanish	360	1	91
Airblast Sprayer Calibration BMP	51	2	17
TOTAL	5,368	63	947

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

The agricultural community's participation helps strengthen the training's effectiveness. For example, sponsors for Pesticide Application Equipment Best Management Practices workshops in FY20 included G.S. Long (an agrochemical dealer) and Washington Winegrowers.

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

Waste Pesticide Disposal (in TSEP Program)

The PMD's Waste Pesticide Identification and Disposal Program³ (started in 1988) collects unusable and unwanted agricultural- and commercial-grade pesticides from Washington State residents, farmers, small businesses, non-profits, and public agencies without a direct customer charge. The goal is to collect and properly dispose of unused or unusable pesticide products to prevent human and animal exposure, prevent use of cancelled pesticides on crops, and 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 percent tax on the wholesale value of all pesticide products distributed in the state.

³ Operated under RCW 15.58.045.

Some of the risk comes from old pesticides stored in sheds or on abandoned properties. By holding collection events across the state and offering free, proper disposal, WSDA provides the incentive to clear out these dangers and help prevent improper disposal.

As of June 30, 2020, WSDA has collected and properly disposed of more than 3.6 million pounds of waste pesticides from 8,724 customers (average of 415 pounds/customer), including long banned pesticides such as DDT and chlordane and recently cancelled pesticides such as azinphos-methyl and endosulfan. Nearly all of the collected pesticides are destroyed via a thermal destruction process in Arkansas and Utah, thus reducing both the amount added to hazardous waste landfills and the associated long-term liability to Washington State.

In FY 20, PMD:

- Held seven waste pesticide collection events across the state.
- Collected and properly disposed of 92,048 pounds of unwanted pesticides from 134 customers (an average of 687 pounds / customer). This collection work occurred during the fall of 2019.
- During the spring of 2020, COVID-19 restrictions led to postponement of the scheduled collection events until the next fiscal year. In addition, especially during the Governor's "Stay Home – Stay Healthy" period, we had few new customer contacts by phone or email. Customers began to contact the program again by late June, after some restrictions were lifted.

5. Pesticide Compliance Program

The Pesticide Compliance Services Program (Compliance) enforces state and federal pesticide laws and rules, and also enforces structural pest inspection rules. Compliance staff work out of six primary locations across the state: Moses Lake, Olympia, Spokane, Tri-Cities, Wenatchee and Yakima.

The primary Compliance activities are inspection and investigation. The program:

- Conducts inspections of pesticide applicators, dealers, producers.
- Conducts investigations of alleged misuse of pesticides.
- Reviews permit requests for pesticide applications in sensitive areas.
- Provides technical assistance to the regulated community and the public.
- Per RCW 17.21.420, maintains a Pesticide Sensitive Person Register which is distributed two times each year to applicators making landscape and right-of-way applications.

When an inspection or investigation finds violations, most first offense violations will receive a Notice of Correction (NOC). If the violations are more serious or a repeat offense, the program will issue a penalty action (Notice of Intent or NOI) as appropriate. As part of regulatory reform, RCW 43.05.110 requires PMD to issue an NOC on all first-time violations unless the violation meets one of the following criteria.

The violation:

- Has a probability of placing a person in danger of death or bodily harm.
- Has a probability of causing more than minor environmental harm.
- Has a probability of causing physical damage to the property of another in an amount exceeding \$1,000.
- Was committed by a business that employs 50 or more employees on at least one day in each of the preceding 12 months.

Some formal actions or NOIs include civil penalties (fines) and/or license suspensions. As set by statute, the maximum civil penalty that PMD can assess for any single violation is \$7,500. To ensure that penalties are “fair and uniform” PMD is required to follow penalty matrix in rule, WAC 16-228-1130. For further explanation of the PMD’s penalty process and the rules that apply to penalties, see Appendix A.

Table 3. Overview of PMD Compliance Activity – FY20

				Enforcement Actions	
Total conducted during FY20	Total	**No Action	***Advisory Letters	****NOC (First Violation)	*****Total NOI’s processed during FY20
Inspections	199*	50 (25%)	31 (16%)	114 (57%)	12 (4 from FY20 Inspections)
Investigations	138	62 (45%)	11 (8%)	43 (31%)	15 (8 from FY20 cases)
			***** Total Civil Penalties / License Suspensions assessed in FY20		\$26,900 / 49 Days

* Includes four inspections done for EPA and not included in the enforcement columns. See Table 4.

** No Action are those cases or inspections where no violation was found. Some cases may not have sufficient information to document a violation or may not even be pesticide related.

*** Advisory Letters (AL) are issued if the violations are minor. Advisory Letters are not considered an enforcement action. Several may be issued to different parties in the same case or inspection.

**** NOCs are first offense violations and considered a “warning.” While not a true enforcement penalty action, they are counted as a first offense and if the violation is repeated within a 3-year period by the same party, the next action can be a NOI. NOCs are normally issued within the same fiscal year.

***** NOIs processed during FY20 include FY20 cases and inspections and some that carried over from FY19 that were not completed until FY20. See Appendix B.

***** Reflects total number of final orders issued in FY20. Civil penalties / License Suspensions assessed in FY20 may not correlate to all violations identified in FY20. Some are from FY19 cases or inspections. Actions that go through an administrative hearing often close in the following fiscal year. See Appendix B for FY19 and FY20 enforcement action closures.

Compliance investigations typically focus on pesticide use, while inspections typically cover not only use but also distribution, licensing, storage, product registration, and dealer and application recordkeeping. Pesticide use is categorized as follows:

- **Agricultural Use** - farming, forestry, greenhouses, marijuana, nurseries.
- **Non-Agricultural Use**
 - Commercial/Industrial cases, such as in offices, apartments, homes, businesses.
 - Commercial landscape applications.
 - Applications for structural pests (PCO) or inspections for wood destroying organisms (WDO).
 - Residential pesticide applications by a homeowner, resident or neighbor.
 - Right-of-way (ROW) applications made to locations including public and private roadways, electric lines, irrigation canal banks, etc.

- Public (other than ROW).
- Other (Licensing, distribution and miscellaneous incidents that do not involve a pesticide application).

5.1 INSPECTIONS

The Compliance program conducts inspections to:

- Monitor compliance with current laws and rules, including pesticide labels.
- Monitor compliance with previous enforcement actions.
- Identify problem areas and pursue compliance.
- Provide a visible field presence to encourage compliance and deter noncompliance.
- Collect evidence to document and support enforcement actions.

Though some inspections are “for cause,” such as an observation of a possible violation occurring or a follow-up to a prior inspection or investigation, most inspections are routine. Due to COVID-19 restrictions in the last two quarters of FY20, inspection totals were 8% lower when compared to the number of inspections conducted in FY19. The total number of marijuana inspections each year are based on annually allocated funds.

Table 4. Inspections Conducted and Enforcement Actions Issued – FY20

Inspection type	No. of inspections	*Resulting in PMD Enforcement Actions in FY20		
		Total	NOC	NOI
Agricultural Use	16	6	6	0
Non-Agricultural Use	24	11	11**	0
Other				
Applicator Licensing/Records***	29	23	23	0
Dealer Records	23	21	21	0
Marijuana	34	8	8	0
Market Place	23	11	11	0
Worker Protection Standard	42	37	33	4
Bulk Pesticide Storage	4	1	1	0
Producer Establishment****	4			
TOTAL	199	118	114	4

*Three inspections had 2 NOC’s issued for the same inspection.

** Actions taken on cases and inspections that were conducted during FY20.

*** Includes three inspections at schools.

**** Under a cooperative agreement, WSDA inspects producer establishments for the EPA. Determination of violations and any related enforcement actions are done by the EPA.

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 FY20, PMD’s compliance staff conducted 42 WPS

inspections. Most inspections have been unannounced until March 2020 when COVID-19 restrictions went into effect. Since March 2020, WPS inspections are prearranged to better address COVID safety measures that need to be followed by the WSDA and the business / location being inspected. While all types of agricultural establishments must comply with WPS, over half of the WPS inspections were at orchards (see Table 5, below), where a lot of hand labor and frequent pesticide applications occur.

Table 5. WPS Inspections by Site – FY20

Inspection Site*	No. of WPS Inspections	Tier 1**	Tier 2	Resulting PMD enforcement actions		
				Total	NOC	NOI
Orchards	24	24	-	24	18	2
Nursery / Greenhouse	12	12	-	6	7	1
Berries	8	8	-	8	6	1
Vineyards	8	8	-	8	7	1
Row Crops	2	2	-	2	-	-
Small Grains	1	2	-	1	2	-

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

**Tier 1 WPS inspections are conducted at the time an application is occurring or within 30 days of the last pesticide application. Tier 2 inspections are conducted at any other time beyond 30 days after an application.

Violations are incurred when the criteria for inspection elements have not been met. Thirty-seven of the 42 WPS inspections conducted found multiple violations at the same location, (See Table 6). As a result, 33 NOCs and 4 NOIs were issued. See also Appendix C.

Table 6. Common WPS Violations by Inspection Element – FY 20

Inspection Elements from the WPS Compliance Checklist	No. of Violations
No WPS safety poster at mix load and/or decontamination sites, or poster was not current or had missing information.	22
Training records not properly filled out or maintained for two years.	17
Central information location missing one or more items: E.g. WPS safety poster, application information, SDS.	15
*Workers not properly trained on an annual basis. Training is required before entering a treated area or an area under a REI posted within the last 30 days.	12
Decontamination supplies incomplete (missing water, soap, towels), or not available at the proper location where mixing loading occurs or where PPE is removed, or not available within where workers or **handlers are performing tasks that require decontaminations supplies be available per WAC 16-233.	11
EPA approved materials not being used for training.	9
Handlers unable to read and/or understand the pesticide label.	9
One pint of eye flush (water) not immediately accessible to the handler when the pesticide label requires eye protection.	9
WPS field signs posted improperly.	9
Respirators not maintained and/or air filtering cartridges not replaced as required.	7
When required by label both oral and posted warnings are not being given to workers.	6

Emergency eye flushing stations are not located at all required mixing loading or decontamination locations.	6
Oral warnings not given in a manner so that workers can understand the precautionary pesticide label instructions.	6
PPE not being worn appropriately by the handlers.	6
Handlers who wear respirators need to be medically evaluated and trained on the respirators annually.	5
Supervisors and labor contractors need to provide proper WPS information to workers and pesticide handlers.	5
Trainer either not qualified to perform the training and/or not present during training and not available to answer questions.	5

*Workers = doing non-pesticide related tasks

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

NOTE: WPS Compliance Checklist: agr.wa.gov/departments/pesticides-and-fertilizers/pesticides/worker-protection

5.2 INVESTIGATIONS

The investigation process is a systematic effort to thoroughly document the facts, collect evidence and determine if any violation(s) have occurred. PMD initiates investigations as the result of complaints, agency referrals, investigator surveillance and other sources of information. PMD works closely with other state and federal agencies and responds to stakeholder and citizen concerns.

By law, PMD is required to respond immediately to all complaints of human exposure and to respond to all other complaints within 48 hours.⁴

- PMD responded to 40 of 41 human exposure complaints within 24 hours of receipt.
- Most of those responses (32) were on the same day the complaint was received.
- Of those cases⁵ that did not involve human exposure, all but one met the 48-hour response requirement.

During FY20 (July 1, 2019 - June 30, 2020), PMD conducted 138 investigations in a variety of settings, related to a variety of activities (see Figure 1, Tables 7 and 11):

- 119 (86 %) related to possible⁶ pesticide application, storage, or disposal issues.
- 11 (8 %) related to licensing, distribution or other incidents not related to pesticide application.
- 8 (6 %) related to structural pest issues (may or may not have included application issues).

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

⁵ Does not include marijuana investigations, which must be arranged with the Liquor and Cannabis Board (LCB).

⁶ Upon investigation, not all complaints are confirmed to be pesticide-related.

Figure 1. PMD Investigations by Type of Activity – FY20

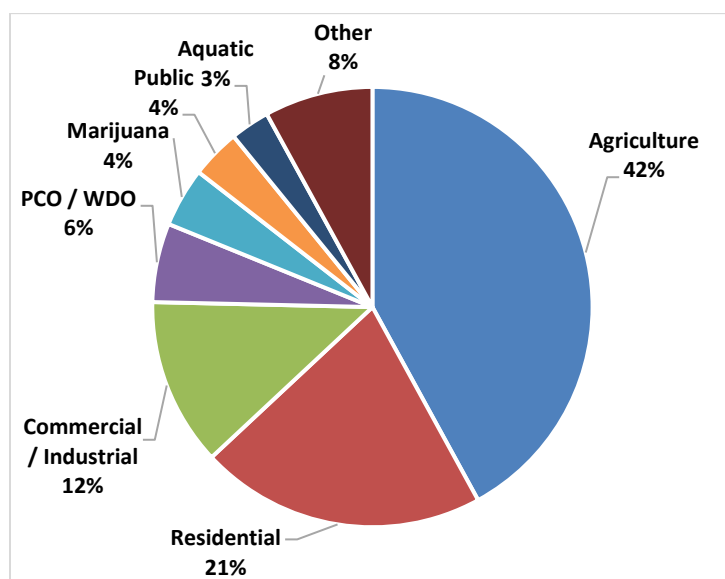


Table 7. Overview of PMD Investigations – FY20

	TOTAL	Allegations* of drift	Other issues (non-drift)	Involving crops using airblast sprayers	Other**
Agricultural Investigations*	75	61	14	24	51
Non-Agricultural Investigations*	61	36	25	na	na
Other (licensing, WDO)	2	0	2	na	na
TOTAL	138	97	41		

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

** Includes a diversity of cropping systems, application methods, and pesticide types.

Agricultural investigations focused largely on drift allegations, including several involving orchards, which may be intermixed with other crops, housing and heavily traveled roads. Investigation distribution has been consistent over the years and points to the need for greater education of applicators, particularly in regards to operation of airblast sprayers and drift reduction techniques.

- In FY20, 39 human exposure cases involved drift allegations: 26 were agriculture related and 13 were in the non-ag sector (e.g. ROW, residential). Twenty cases resulted in penalty actions:
 - 12 ag drift + human exposure cases resulted (8 NOC / 4 NOI).
 - 8 non-ag drift + human exposure cases (6 NOC / 2 NOI).
- Non-agricultural investigations frequently included the failure to obtain the proper license type for the application, inadequate record keeping and the intentional or inadvertent spraying of another person's property.

Location of Investigations

There are significant differences in population dynamics, types of pest problems, and the nature of investigations between Eastern and Western Washington. Most investigations in Western Washington involve residential pesticide applications by a homeowner, resident or neighbor; intentional misuse; structural pest inspections; and unlicensed applicators. A growing number of cases now involve hobbyist apiarists. Most investigations from Eastern Washington involved agricultural applications, license issues, and drift. Eastern Washington staff conducted 46 more investigations than Western Washington staff (See Table 8). The majority of Eastern Washington complaints initiated in Benton, Chelan, Grant, Spokane Walla Walla and Yakima counties. The majority of Western Washington complaints initiated from King, Pierce and Snohomish counties (some of the more populous counties).

Table 8. PMD Investigations by County – FY20

Eastern WA Counties	# of Investigations		Western WA Counties	# of Investigations
Adams	2		Clallam	1
Asotin	0		Clark	2
Benton	9		Cowlitz	0
Chelan	8		Grays Harbor	1
Columbia	0		Island	1
Douglas	4		Jefferson	1
Ferry	0		King	10
Franklin	4		Kitsap	2
Garfield	0		Lewis	1
Grant	11		Mason	1
Kittitas	4		Pacific	0
Klickitat	0		Pierce	8
Lincoln	2		San Juan	1
Okanogan	1		Skagit	2
Pend Oreille	2		Skamania	1
Spokane	16		Snohomish	8
Stevens	2		Thurston	2
Walla Walla	11		Wahkiakum	0
Whitman	1		Whatcom	4
Yakima	15			
E. WA Total	92		W. WA Total	46
Combined WA Total - 138				

More agricultural investigations occur in Eastern Washington (53), whereas Western Washington investigates a much higher percentage of non-agricultural investigations (urban, homeowner, landscape applications, etc.). Out of the 46 investigations in Western Washington, 22 involved commercial agriculture.

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

Table 9. Investigations by Pesticide Type – FY20

Pesticide Type	Number of Investigations
Combination of Pesticide Products*	44
Herbicides Only (weed killers)	31
Insecticides Only	10
Fungicide Only	4
Fumigants Only	3
Rodenticide Only	2
Other Pesticide Types**	2
Unknown***	19
Pesticide application not involved	23
Total	138

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

**Moss killer, bactericide, disinfectant, moth balls, plant growth regulators, etc.

***Unknown are those cases where a pesticide was alleged, but the type of pesticide could not be determined.

Overview of Investigative Findings

An investigation will determine if a pesticide is involved and whether any violations of pesticide laws or labels occurred. Even when violations are found, the severity of impact ranges widely. Some violations, while documented, may not have a known source as to who caused the damage or how it happened. Of the 138 total investigations PMD conducted in FY20 (i.e., agricultural, non-agricultural and other – see Table 11), the vast majority (86%) had no direct impact on human health:

- 29 cases (21%) were found to have no pesticide involved.
- 20 cases (15%) involved human exposure that could be verified. Two cases involved alleged drift onto farmworkers (22 workers in one case and 23 in another case). No human deaths were noted in the FY20 WSDA case investigations.
- 16 cases (12%) – involved some level of documented plant and/or property pesticide related symptoms from a pesticide application. Five of these involved agricultural crops.

Drift

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 FY20, 97 investigations related to allegations of drift. Of these, 61 cases were in the agricultural sector and 36 were in the non-agricultural sector (see Table 7).

Although there were 39 allegations of human exposure out of the 97 drift cases, just under half (20) of the cases were confirmed human exposure.

Table 10. Severity of Impact by Type of Alleged Drift Investigation – FY20

Drift Investigation Type (allegations)		Severity Rating				
		0	1 to 3	4 to 5	6	Totals
Agricultural 61	Human Exposure	7	11	6	0	24
	Crop or plant damage	5	10	0	0	15
	Other*	10	11	1	0	22
Non-Agricultural 36	Human Exposure	2	7	4	0	13
	Crop or plant damage	2	9	0	0	11
	Other*	6	6	0	0	12
TOTAL 97						

*Other will include drift onto vehicles, other property, animals and bees.

A severity rating of 0 – 6 is applied to all case investigations as they are closed.

Rating	Criteria
0	Pesticide not involved, cause does not seem pesticide related, no violations found.
1	Violations involve more paperwork type requirements such as records, registration, licensing. Other violations that do not involve potential adverse effects.
2	Residues detected around the home, car, etc., but no claims of exposure. Plant damage minor / no point source. Minor violations with no adverse effects.
3	One or more persons exposed, but no claims of symptoms. Minor animal, bee or fish affected. Plant damage under \$1,000. Structural pest inspection failed to report damage or infestation. Repeat violations involving minor issues.
4	One to three individuals with minor reactions. Significant plant or crop damage over \$1,000. Animal with major symptoms. Substantial bee or fish kill. Structural pest inspection with failure to report major damage or infestation. Repeat violations with damage.
5	One or more persons contacted with serious symptoms and treated at a medical facility. Four or more individuals with more serious symptoms as confirmed by DOH. Exposure to one or more children. Major crop damage. Death of animal, major bee or fish kill.
6	Human death due to pesticides.

Marijuana

All aspects of marijuana production, processing, and retail distribution in the state of Washington are regulated by the Washington State Liquor and Cannabis Board (LCB). The WSDA provides support to LCB to maintain a list of over 380 pesticide products that can be used on marijuana in Washington State. Marijuana pesticide investigations are conducted at the request of the LCB, and the PMD assists the LCB with the sampling of marijuana plants and product. Any related enforcement actions are taken by the LCB. In FY20, WSDA conducted six marijuana pesticide inspections/investigations looking at pesticide residues detected in samples collected by LCB from marijuana grow locations. Sample results from those investigations found positive detections for a wide variety of pesticides that are not used in the marijuana production and in particular one herbicide, diuron, was frequently found. Any sources for the unknown pesticide detections could not be determined.

Enforcement

One hundred thirty-eight (138) investigations conducted in FY20 resulted in 51 enforcement actions.

See Table 11.

Table 11. PMD Investigations and Actions by Type of Activity – FY20

Activity	No. of Investigations	No. Resulting in Actions	
		NOCs	NOIs
AGRICULTURAL	65	21	5
NON- AGRICULTURAL	72	25	
Aquatic	4	0	
Commercial/Industrial/Landscape	17	12	2
Public / Right of Way	7	2	
Residential/Homeowner	29	2	1
Structural Pest (PCO/WDO)	8	3	
OTHER (License/Distribution/Misc.)	8	3	
TOTAL	138	43	8

Table 12. PMD Corrective Actions as Result of Investigation – FY20.

Action Type	Actions Issued or Pending
Notice of Correction (NOC)	43
Notice of Intent (NOI)	8
Total	51

Note: Count represents the most stringent action issued for each case. If corrections were not made in response to a NOC, and an NOI resulted, only the NOI is included here.

PMD posts information on NOI final orders online at <https://agr.wa.gov/services/inspections-and-investigations/investigations/pesticide-enforcement-actions>. Appendix B represents those listed that were processed in FY20. The list notes the parties involved, as well as the penalty (amount of civil penalty and/or license suspension). PMD does not post information related to NOCs.

6. Conclusion

WSDA's Pesticide Management Programs (Registration Services, Licensing and Recertification, Technical Services and Education, and Compliance) are working together to protect public and environmental health. Identifying trends can help WSDA best integrate these programs' efforts. For example, because compliance data shows pesticide drift was still the dominant issue in agricultural investigations in FY20, WSDA for FY21 is: 1) Continuing to provide training options for farmworkers, pesticide handlers and applicators, agricultural employers, and pesticide trainers. 2) Offering on-site Airblast Spray Calibration Technical Assistance to farms which will help reduce drift. 3) Increasing field observations to address off target drift as they occur. WSDA is also working to identify opportunities to improve data tracking so as to better identify other trends that may need to be addressed in the future.

Appendix A

WSDA Penalty Process and Rules

How does WSDA determine the amount of penalty?

As set by statute, the maximum penalty that WSDA can assess for any single violation is \$7,500. To ensure that penalties are “fair and uniform” WSDA uses a penalty matrix in rule (WAC 16-228-1130). The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

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

WSDA cannot assess a penalty higher than \$7,500 for a single violation, but the penalty rules (WAC 16-228-1100 through 16-228-1130; below) do allow WSDA to assess penalties beyond the levels in the matrix when there are aggravating factors present. For example, WSDA finds that a pesticide applicator drifted onto several farmworkers causing them all to become ill. If it is a first-time violation, the matrix indicates a penalty of \$450 and/or a 7-day license suspension. Even considering the aggravating factors in this case, the matrix only allows a \$550 fine and/or 9-day license suspension for the maximum penalty. The rules specifically allow WSDA to go beyond this maximum penalty for particularly egregious violations. WSDA uses this authority with discretion, typically when there is willful negligence, when multiple people are affected by a drift, or when multiple growers sustain damage from a single drift event.

According to WAC 16-228-1100(1), “regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation...”. Typically, PMD assesses both the civil penalty and the license suspension as provided in the penalty matrix. PMD considers the two components essentially equal in weight. When PMD determines that a license suspension would not be an effective deterrent, WAC 16-228-1120(2) allows PMD to “proportionately increase the civil penalty and proportionately decrease the licensing action...” In such cases, PMD doubles the civil penalty while eliminating the license suspension. This occurs most frequently when an infractor does not have a license to suspend, although there can be other circumstances that merit a proportional increase.

Specific requirements for determining the “level of violation” are found in WAC 16-228-1110(2). When a past action has placed an infractor at a specific level of violation, and the infractor commits another violation, PMD must take into account at what point the past action was fully adjudicated. (An action is fully adjudicated on the date that a Final Order is issued by the director.) If the past action has been fully adjudicated, the current violation will normally be assessed at the next level of violation. However, if the current violation is committed prior to the last action being fully adjudicated, the level of violation stays

at the same level as the past action. This can happen when there is a series of violations that occur over a short time frame.

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

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

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

Appendix B

Formal Compliance Enforcement Actions – Final Orders – FY20

Case Number NOI Number	Party(s) Involved/ County of Incident	Description	Action	Date of Final Order
TRH-0005-19 PM-20-0002	Doug Strebin Basin Farming, LLC Walla Walla County	A soil fumigant pesticide application made on October 13, 2019, off-gassed and was alleged to have caused negative health effects and endangerment for 65 farm workers laboring in an adjacent orchard. The application was found to have been made inconsistent with label instructions.	Settlement of \$4,950 civil penalty and additional training certification and written neighbor buffer zone agreement required for Doug Strebin, Private Applicator.	6/9/20
KFJ-0030-19 PM-20-0001	Jarod Mullins Tractor Supply Company Thurston County	Pesticide applications made September 25-29, 2019, at the Yelm Store location, were made to feed bags in violation of pesticide label and caused endangerment for an employee.	A Director's Final Order of \$900 civil penalty assessed against Tractor Supply, Company.	3/19/20
DMB-0023-19 PM-19-0031	Zechariah Daniels Essential Flight Operations, LLC. Skagit County	A July 29, 2019, aerial pesticide application drifted off target and contacted a nearby home and landscape, in violation of pesticide label and caused endangerment for the family residing there.	Settlement of \$350 civil penalty and a seven day license suspension assessed against Zechariah Daniels' Commercial Operator license	3/2/20
BAO-0026-19 PM-19-0032	Bradley Willms Total Care Property Services, LLC. Chelan County	Made pesticide applications while his Commercial Applicator's license was suspended for not having a current Financial Responsibility Certificate filed with the Department.	A Director's Default Order for \$1000 civil penalty assessed against Bradley Willms' Commercial Applicator License.	2/12/2020
DMB-0022-19 PM-19-0030	Kelli Jo Norris GRE Management, LLC. Pierce County	A July 25, 2019, pesticide fogger application made to an apartment unit, caused a repair worker to be exposed and become ill, when he was allowed to re-enter the unit too soon, in violation of label instructions.	A Director's Final Order of \$1,100 civil penalty assessed against GRE Management LLC.	1/15/20

CJS-0020-19 PM-19-0028	Brodie Edwards Evans Fruit Co., Inc. Yakima County	Airblast pesticide applications made on May 6-8, 2019, and June 19, 2019, were alleged to have drifted onto a nearby home and yard, causing endangerment for the family residing at the home.	Settlement of \$700 civil penalty assessed against Evans Fruit Co., Inc.	12/18/19
TAS-0012-19 PM-19-0026	Alan Schorzman Schorzman Farms Lincoln County	A pesticide application made on May 18, 2019, was alleged to have drifted onto a nearby alfalfa field causing damage.	Settlement of \$400 civil penalty and a five day license suspension assessed against Alan Schorzman's Private Applicator License.	12/13/19
RDS-0019-19 PM-19-0027	Sandra Schilling The Court at Crossroads Apartments King County	A June 27, 2019, pesticide fogger application to an apartment unit was alleged to have made a tenant ill who was in the apartment during the application, in violation of pesticide label and causing endangerment.	Settlement of \$500 civil penalty assessed against The Court at Crossroads Apartments.	12/10/19
DMB-0016-19 PM-19-0029	Matthew Kenyon Sound Pest Management Thurston County	A May 28, 2019, Pesticide application made to an apartment to control insects, used a pesticide that was not labeled for that use, in violation of label instructions and was alleged to have caused endangerment for the tenants.	A Director's Final Order of \$450 civil penalty and a seven day license suspension assessed against Matthew Kenyon's Commercial Operator license.	11/19/19
BAO-0023-19 PM-19-0025	Ryan Flanagan Flanagan-Milbrandt, LLC Douglas County	An August 23, 2019, Worker Protection Standards (WPS) inspection found repeat violations related to central notification information and handler decontamination supplies.	A Director's Final Order for \$1,250 civil penalty assessed against Flanagan-Milbrandt, LLC.	11/1/19
RAS-0011-19 PM-19-0022	Nick Rouse BM Land Co., LLC Yakima County	A July 10, 2019, WPS inspection found violations related to handler decontamination supplies and personal protective equipment (PPE).	Settlement of \$1200 civil penalty and agreed upon requirement for additional decontamination supplies and personal protective equipment, assessed against BM Land Co, LLC.	10/31/19
DMB-0028-19 PM-19-0024	Brett Jones Jones Farm Clark County	An August 15, 2019, WPS inspection found violations related to handler decontamination supplies and personal protective equipment (PPE).	Settlement of \$1100 civil penalty and agreed upon requirement for additional decontamination supplies and personal protective equipment, assessed against Jones Farm.	10/31/19

ERE-0020-19 PM-19-0023	Ray Miles First Fruit Farms Walla Walla County	A July 24, 2019, WPS inspection found violations related to handler decontamination supplies.	A Director's Final Order for \$900 civil penalty assessed against First Fruit Farms.	10/24/19
RAS-0012-19 PM-19-0021	Jose Grazia Benton County	A May 22, 2019, airblast application made by Jose Grazia was alleged to have drifted onto a road contacting and endangering a person riding by on a motorcycle.	A Director's Default Order for \$900 civil penalty assessed against Jose Grazia.	10/24/19
AHH-0011-19 PM-19-0020	Bob Grandy Gebber's Farms, Inc. Okanogan County	A June 20, 2019, WPS inspection found violations related to handler decontamination supplies.	A Director's Default Order of \$900 civil penalty assessed against Gebber's Farms, Inc.	10/24/19
RAS-0009-19 PM-19-0017	Gerardo Sandoval Elk Ranch, LLC. Benton County	An April 22, 2019, airblast application under the supervision of Gerardo Sandoval was alleged to have drifted and caused illness to two farmworkers in a neighboring blueberry field.	Settlement of \$600 civil penalty and a 10-day license suspension assessed against Gerardo Sandoval's Private Applicator license.	10/24/19
CSH-0006-19 PM-19-0015	Fred Meise Moses Lake- Warden Air Service, Inc. Grant County	An April 11, 2019, aerial pesticide application made to a timothy field was alleged to have contacted and endangered a person working near the center pivot in the field being treated.	Settlement of \$600 civil penalty and a three-day suspension of Fred Meise's Commercial Applicator License.	10/11/19
ACB-0024-19 PM-19-0019	Celeste McGillen Spokane Housing Ventures Spokane County	Pesticide applications made on June 21, 2019, and June 24, 2019, to apartment unit bedding material, made by a maintenance employee, was found to be inconsistent with label instructions and was a repeat violation for the company.	Director's Default Order of \$300 civil penalty assessed against Spokane Housing Ventures.	10/10/19
RDS-0014-19 PM-19-0016	Nicolaas Van Noort Van Der Salm Farms, Inc. DBA Our American Roots Cowlitz County	A May 31, 2019, WPS inspection found violations related to treated field posting and handler decontamination supplies.	A Director's Final Order for \$900 civil penalty assessed against Van Der Salm Farms, Inc. DBA Our American Roots.	9/23/19

CSH-0010-19 PM-19-0018	Julio Reyes Priest Rapids Orchards Grant County	A May 22, 2019, airblast application made under the supervision of Julio Reyes was alleged to have drifted onto a road and cause illness to a person riding by on a bicycle.	A Director's Final Order for \$450 civil penalty and a seven day suspension assessed against Julio Reyes' Private Applicator License.	9/5/19
CSH-0005-19 PM-19-0009	Jeff Jones Flanagan and Jones, LLC Grant County	An April 11, 2019, Agricultural Use inspection found WPS violations related to handler personal protective equipment (PPE) and decontamination supplies.	A Director's Default Order for \$1,800 civil penalty assessed against Flanagan and Jones, LLC.	8/30/19
RAS-0011-19 PM-19-0013	Bryce Cupp Chiawana Orchards, LLC. Benton County	A May 9, 2019, WPS inspection found violations related to handler decontamination supplies and a repeat violation related to worker safety training.	Settlement of \$1200 civil penalty assessed against Chiawana Orchards, LLC.	8/30/19
AHH-0003-19 PM-19-0008	Britt Dudek Dudek Orchards, LLC Douglas County	An April 17, 2019, WPS inspection found a violation related to handler decontamination supplies.	Settlement of \$350 civil penalty and agreed upon requirement for additional decontamination supplies assessed against Dudek Orchards, LLC.	8/20/19
AHH-0006-19 PM-19-0014	Brent Milne Desert Sage Orchards, LLC Douglas County	A May 10, 2019, WPS inspection found violations related to handler decontamination supplies.	A Director's Final Order of \$900 civil penalty assessed against Desert Sage Orchards, LLC.	8/20/19
CSH-0004-19 PM-19-0011	Jose Galban Evans Fruit Company, Inc. Grant County	An April 2, 2019, airblast application under the supervision of Jose Galban was alleged to have drifted and caused illness to two farmworkers in a neighboring vineyard.	Settlement of \$600 civil penalty and a 10-day license suspension assessed against Jose Galban's Private Applicator license.	8/20/19
CSH-0008-19 PM-19-0012	Kirk Sidwell Basin Feed & Supply, Inc. Grant County	A May 7, 2019, Market Place Inspection found repeat pesticide distribution and dealer licensing violations.	Settlement of \$800 civil penalty and agreed upon follow-up inspections assessed against Basin Feed & Supply, Inc. retail outlets.	8/9/19
RAS-0008-19 PM-19-0010	Austin Harold Zirkle Fruit Company Grant County	An April 22, 2019, WPS inspection found violations related to worker safety training and entry into treated sites during REI and personal protective equipment for handlers.	Director's Final Order of \$1,800 civil penalty assessed against Zirkle Fruit Company.	7/15/19

Appendix C

WPS Civil Penalty Policy for First-time Violations of WAC 16-233

Under RCW 43.05.110(3), WSDA may issue a civil penalty, without first issuing a Notice of Correction, if a first-time violation of a statute or rule has a “probability of placing a person in danger of death or bodily harm.” Under RCW 34.05.110(4)(a), an exception may be made to the requirement that agencies allow a small business a period of at least two business days to correct a violation where the director determines that the violation presents a direct danger to the public health, poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest.

Consistent with this Policy, it is determined that the three circumstances outlined below meet the criteria described in RCW 43.05.110(3) and RCW 34.05.110(4)(a). This Policy recognizes that the requirements of WAC 16-233 are designed to reduce the risk of illness or injury resulting from agricultural worker or pesticide handler exposure to pesticides (WAC 16-233-006).

Accordingly, under RCW 43.05.110(3) and RCW 34.05.110(4)(a), a first-time violation of WAC 16-233 may be subject to imposition of civil penalties by WSDA under the following three circumstances:

(1) Violations involving pesticide handlers:

- (a) Any significant violation involving personal protective equipment (PPE) or decontamination (WAC 16-233-216 and WAC 16-233-221, respectively);
- (b) Failure to provide sufficient training to pesticide handler prior to mixing or applying Category 1 pesticides, unless the handler is exempt from training requirements (WAC 16-233-201);
- (c) Failure to inform pesticide handler of label safety requirements, or provide a label (WAC 16-233-206), for Category 1 pesticides; or
- (d) Failure to monitor pesticide handler every 2 hours for Category 1 is being applied (WAC 16-233-211(3)).

(2) Violations involving agricultural workers where the nature of the violation results in 8 or more points under the matrix below:

Violations Involving Workers			
Factor	Weight		Points
Toxicity (select product with highest toxicity that applies) as indicated by the signal word on the pesticide label.	Danger-Poison	(4)	
	Danger	(3-4)	
	Warning	(2)	
	Caution	(1)	
Time elapsed from application to exposure, unless exceptions to the time requirements apply. (WAC 16-233-111,116,121)	During application	(4)	
	Within 24 hours	(3)	
	24 to 72 hours	(2)	
	More than 72 hours	(1)	
	Restricted Entry Interval Expired	(0)	

PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-311)	Not provided	(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

List of Acronyms/Abbreviations

ALJ	Administrative Law Judge
C&T	Certification and Training
CRO	Case Review Officer
DOH	Washington State Department of Health
Ecology	Washington State Department of Ecology
EPA	Environmental Protection Agency
FEP	Farmworker Education Program
LCB	Washington State Liquor and Cannabis Board
L&I	Washington State Department of Labor & Industries
NAI	No Action Indicated
NOC	Notice of Correction
NOI	Notice of Intent
PCO	Pest Control Operator
PMD	Pesticide Management Division
PPE	Personal Protective Equipment
RCW	Revised Code of Washington
REI	Restricted Entry Interval
SDS	Safety Data Sheet
SPI	Structural Pest Inspector
TSEP	Technical Service and Education Program
WAC	Washington Administrative Code
WDO	Wood Destroying Organism
WPS	Worker Protection Standard
WSDA	Washington State Department of Agriculture