
SENATE BILL 6518

State of Washington

66th Legislature

2020 Regular Session

By Senators Rolfes and Van De Wege

1 AN ACT Relating to reducing prenatal exposure and harm to
2 children by limiting environmental exposure to certain pesticides;
3 adding a new section to chapter 17.21 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that scientific
7 research has played an important role in informing and advancing
8 public policy in many areas, including health, education, early
9 childhood development, and environmental and wildlife protection.

10 (a) The legislature also finds that organophosphate pesticides,
11 such as chlorpyrifos, at low levels harm aquatic habitats and aquatic
12 organisms, including salmon. Chlorpyrifos affects the feeding habits
13 of young salmon as well as their ability to swim, which impacts the
14 future abundance of salmon.

15 (b) In addition, the legislature finds that scientific research
16 has identified early childhood as a critical period of intervention
17 during which children develop the foundation for educational
18 achievement. Young children are especially vulnerable to
19 environmental contaminants and toxic stress.

20 (c) Chlorpyrifos and other organophosphate pesticides affect the
21 nervous system through inhibition of cholinesterase, an enzyme

1 required for proper nerve functioning. Acute poisoning occurs when
2 nerve impulses pulsate through the body, causing symptoms such as
3 nausea, vomiting, convulsions, respiratory paralysis, and, in extreme
4 cases, death.

5 (d) There is substantial scientific evidence, including from
6 epidemiological studies, that chlorpyrifos threatens the healthy
7 development of children. Chlorpyrifos is acutely toxic and associated
8 with neurodevelopmental harm in children. Prenatal and early life
9 exposure to chlorpyrifos is associated with elevated risks of reduced
10 IQ, loss of working memory, delays in motor development, attention
11 deficit disorders, and structural changes in the brain.

12 (e) Children and pregnant women can be exposed to chlorpyrifos
13 through residues on food, contaminated drinking water, and toxic
14 spray drift from nearby pesticide applications. Exposure during
15 pregnancy to even low levels of chlorpyrifos that caused only minimal
16 cholinesterase inhibition (ten percent or less) in mothers can lead
17 to measurable long-lasting and possibly permanent neurobehavioral and
18 functional deficits in prenatally exposed children.

19 (f) Children experience greater exposure to chlorpyrifos and
20 other pesticides because, relative to adults, they eat, drink, and
21 breathe more in proportion to their body weight. A growing body of
22 evidence shows that prenatal exposure to very low levels of
23 chlorpyrifos can lead to lasting and possibly permanent neurological
24 impairments.

25 (2) The legislature intends to reduce prenatal exposure and harm
26 to children by restricting the use of chlorpyrifos.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21
28 RCW to read as follows:

29 (1) Beginning January 1, 2021, it is unlawful for a person to use
30 a pesticide that contains the active ingredient chlorpyrifos in
31 Washington, except as provided for under subsections (3) and (4) of
32 this section.

33 (2) The prohibition on the use of chlorpyrifos must remain in
34 effect unless:

35 (a) The secretary of the department of health determines, in
36 consultation with the department of ecology, by clear and convincing
37 evidence, that specific control measures adopted by the department
38 are sufficient to ensure the application of pesticides containing
39 chlorpyrifos will not:

1 (i) Result in neurodevelopmental effects or other harmful effects
2 to children from exposure in utero or through direct skin or eye
3 contact, breathing air, consuming food, or drinking water
4 contaminated with chlorpyrifos;

5 (ii) Negatively impact hospitals, schools, day care centers, and
6 other locations as determined by the department of health; and

7 (b) The director adopts specific control measures for
8 chlorpyrifos that are designed to reduce emissions sufficiently so
9 the public is not subject to levels of exposure that may cause or
10 contribute to significant adverse health effects.

11 (3)(a) Until December 31, 2025, the department may grant, upon
12 request by a person who can demonstrate there are no reasonable or
13 cost-effective alternatives, an emergency temporary permit
14 authorizing the use or application of a pesticide containing
15 chlorpyrifos as an active ingredient.

16 (b) The conditions for an emergency temporary permit must, at a
17 minimum, include:

18 (i) Prohibiting aerial spraying and the use of the pesticide when
19 the average wind speed is greater than three miles per hour;

20 (ii) Establishing a buffer zone of at least two hundred fifty
21 feet that extends outward from the perimeter of the application
22 block; and

23 (iii) Providing notice of the application to the nearby community
24 and pesticide applicators' families at least forty-eight hours in
25 advance of the application that includes:

26 (A) Targeted outreach in appropriate languages with culturally
27 appropriate materials; and

28 (B) Information about the adverse health effects that may occur
29 due to childhood and prenatal exposure.

30 (4) Until the department determines that a reasonable and less
31 toxic alternative is available, the restrictions and requirements
32 provided under subsections (1) and (3) of this section do not apply
33 to the following crops:

34 (a) Sweet corn;

35 (b) Mint; and

36 (c) Onion.

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