

Title 7

PESTICIDES

Chapters:

- 7.01 General Provisions
- 7.05 Definitions
- 7.10 General Standards and Restrictions
- 7.20 Registration and License Requirements
- 7.30 King County Pesticide Advisory Council

Chapter 7.01

GENERAL PROVISIONS

Sections:

- 7.01.010 Title.
- 7.01.015 Authority.
- 7.01.020 Purpose and policy declared.
- 7.01.030 Scope.
- 7.01.040 Applicability.
- 7.01.050 Exemptions.
- 7.01.060 Administration.
- 7.01.090 Other federal, state and local rules,
regulation or statutes.
- 7.01.100 Severability.

7.01.010 Title. This title may be cited and referred to, and shall be known as, the "King County Structural Pest Control Regulation." (R&R 83 amdt. §1, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.015 Authority. This title is adopted pursuant to RCW 17.21.305 or its successor. (R&R amdt. §4, 9-12-94)

7.01.020 Purpose and policy declared. A. This title is enacted as an exercise of the authority of the King County board of health to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this title to provide for and to promote the health and welfare of the general

public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any person engaged in the business of applying pesticides or fumigants, and any other person falling within its scope, and no provision of, nor term used in this title is intended to impose any duty whatsoever upon the Seattle-King County department of public health or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the Seattle-King county health department, or its officers, employees or agents, for any injury or damage resulting from the failure of any person engaged in the business of structural pest control or any other person falling within its scope to comply with this title. (R&R 83 amdt. §2, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.030 Scope. The provisions of this title provide for the regulation of the use of pesticides, the registration and regulation of persons engaged in the business of structural pest control operator, exterminator and fumigator, and the licensing and regulation of master structural pesticide applicators. (R&R 83 amdt. §3, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.040 Applicability. This title shall apply to structural pest control operators, exterminators and fumigators in King County, and any person using pesticides or contracting the services of a structural pest control business in King County, except for persons specifically exempted by this chapter. (R&R 83 amdt. §5, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.050 Exemptions. The structural pest control business registration requirements of this title shall not apply to the following individuals or persons:

A. Any person engaged in the business of applying pesticides that is exempt from the licensing requirements of RCW Chapter 17.21, The Washington Pesticide Application Act or WAC Chapter 16-228, Pesticide Regulations;

B. The director of the Seattle-King County department of public health;

C. Emergency actions of any federal, state or local government;

D. Licensed veterinarians, while performing veterinary services;

E. Any person performing landscape applications of pesticides. (R&R 83 amdt. §6, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.060 Administration. The director is authorized to develop rules to implement sections of this title as may be needed and to make these available for distribution. Establishment of such rules shall allow for public comment. Except as otherwise provided in this title, enforcement of this title shall be administered through the provisions of Chapter 1.08 of the code of the King County Board of Health. The director should coordinate with other enforcement agencies of federal, state and local governments to avoid inconsistencies and duplication. (R&R 83 §1(part), 10-2-92)

7.01.090 Other federal, state and local rules, regulation or statutes. The standards and remedies of this title are cumulative and not exclusive of standards and remedies of other levels of government. Compliance with this title does not constitute compliance with any other federal, state or local rule, regulation or statute. (R&R 83 §1(part), 10-2-92)

7.01.100 Severability. The provisions of this title are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances. (R&R 83 §1(part), 10-2-92)

Chapter 7.05DEFINITIONSSections:

- 7.05.005 Definitions adopted.
- 7.05.010 Applicant.
- 7.05.020 Director.
- 7.05.030 Direct supervision.
- 7.05.040 Master structural pesticide applicator.
- 7.05.050 Structural pest control business registrant.

7.05.005 Definitions adopted. The definitions contained in RCW 17.21.020 and the definitions contained in WAC 16-228-010 are adopted as the definitions for this title. In addition, the following definitions are adopted for this title. (R&R 83 §1(part), 10-2-92)

7.05.010 Applicant. "Applicant" means an individual or entity formally requesting a structural pest control business registration or master structural pesticide applicator license from the Seattle-King County department of public health. (R&R 83 amdt. §7, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.020 Director. "Director" means the director of the Seattle-King County department of public health or his or her representative. (R&R 83 §1(part), 10-2-92)

7.05.030 Direct supervision. Direct supervision by a master structural pesticide applicator means application, distribution or sales of pesticides by a person acting under the instruction and control of a master structural pesticide applicator who is available if and when needed, even though such master structural pesticide applicator is not physically present at the time the pesticide is applied, distributed, or sold. A sixty (60) day grace period shall be granted from the requirement of providing direct supervision for circumstances of temporary leave, hospitalization, disability, death or termination of employment. (R&R 83 amdt. §8, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.040 Master structural pesticide applicator. "Master structural pesticide applicator" means a person who

has passed the Seattle-King County department of public health's master structural pesticide applicator exam and maintains a current Seattle-King County department of public health master structural pesticide applicator license. (R&R 83 amdt. §9, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.050 Structural pest control business registrant. "Structural pest control business registrant" means a person engaged in the business of applying pesticides who has applied for, received, and maintains a current pest control business registration from the director. (R&R 83 amdt. §10, 9-12-94: R&R 83 §1(part), 10-2-92)

Chapter 7.10

GENERAL STANDARDS AND RESTRICTIONS

Sections:

- 7.10.010 Pesticide application standards.
- 7.10.020 Restrictions on representation.
- 7.10.030 Pesticide recordkeeping requirements.
- 7.10.040 Use of a registered structural pest control business required.

7.10.010 Pesticide application standards. Except as otherwise specified by this title, the pesticide application standards set forth in RCW Chapter 15.58 (The Washington Pesticide Control Act), RCW Chapter 17.21 (The Washington Pesticide Application Act), and WAC Chapter 16-228 (Pesticide Regulations), including amendments thereto, shall be the pesticide application standards under this title. It shall be unlawful for any person to use or dispose of pesticides except in a manner that is consistent with the pesticide application standards listed in this section. (R&R 83 §1(part), 10-2-92)

7.10.020 Restrictions on representation. No person may represent himself or herself to be engaged in the business of structural pest control operator, exterminator or fumigator without first obtaining and maintaining a structural pest control business registration from the director and without first applying for, receiving, and maintaining a master structural pesticide applicator license from the

director. (R&R 83 amdt. §11, 9-12-94: R&R 83 §1(part), 10-2-92)

7.10.030 Pesticide recordkeeping requirements. The pesticide recordkeeping requirements under this title for all structural pest control operators, exterminators and fumigators shall be the requirements described in WAC 16-228-185 and RCW 17.21.100. The pesticide records shall be readily accessible to the director for inspection. Copies of the records shall be immediately provided to the director upon request. (R&R 83 amdt. §12, 9-12-94: R&R 83 §1(part), 10-2-92)

7.10.040 Use of a registered structural pest control business required. It shall be unlawful for any person to knowingly enter a contract for the receipt of structural pesticide application services except with a business that is registered with the director under the provisions of this title. (R&R 83 amdt. §13, 9-12-94: R&R 83 §1(part), 10-2-92)

Chapter 7.20

REGISTRATION AND LICENSE REQUIREMENTS

Sections:

- 7.20.010 Structural pest control business registration required.
- 7.20.020 Joint enforcement with the Washington State Department of Agriculture.
- 7.20.030 Good practice merit system for structural pest control businesses.
- 7.20.040 Master structural pesticide applicator license required.
- 7.20.050 Requirements for master structural pesticide applicator licenses.

7.20.010 Structural pest control business registration required. A. It shall be unlawful for any person to engage in the business of structural pest control operator, exterminator, or fumigator in King County without a valid structural pest control business registration issued to such person by the director. Structural pest control business registrations shall not be transferable and shall be

valid only for the person and place for which issued. Each such registration shall be posted conspicuously in the business establishment for which issued. The director is authorized to inspect any facility subject to registration under this section in order to determine compliance with the requirements of this title.

B. Any person desiring to engage in the business of structural pest control operator, exterminator, or fumigator in King County shall submit a written application to the department, on a form to be provided by the director, for a registration for such operation. Such application shall include the following:

1. Applicant's full name;
2. Post office address of the business;
3. Location of the business;
4. Disclosure whether such applicant is an individual, firm or corporation, and if a partnership, the names and addresses of the partners;
5. The type of pest control operation;
6. The name of the master structural pesticide applicator and a copy of their current Washington State Department of Agriculture licenses;
7. A signed statement from the master structural pesticide applicator attesting that he or she shall be available for the direct supervision of all certified operators employed by the business;
8. A copy of the surety bond or liability insurance policy that conforms with RCW 17.21.160 and RCW 17.21.170;
9. The signature of the applicant;
10. The annual registration fee described in Section 2.12.040 of this code.

C. Applications for annual renewal of structural business registrations shall include the same information as the initial application for registration. Structural pest control business registrations shall expire annually on December 31st, but shall be renewed upon acceptable completion of an application and payment of the annual renewal fee.

D. Failure to comply with any provision of this section will result in a civil penalty according to Chapter 1.08 of this code. (R&R No. 05-05 § 133, 6-17-2005; R&R 83 amdt. §14, 9-12-94; R&R 83 §1(part), 10-2-92)

7.20.020 Joint enforcement with the Washington State Department of Agriculture. A. The director shall coordinate enforcement actions under this code for violations of

pesticide application standards with the enforcement activities of the Washington State Department of Agriculture and the United States Environmental Protection Agency. Except in cases where the director has reason to believe that a violation has caused a person's death or serious bodily injury, or where a knowing violation has placed a person in imminent danger of death or serious bodily injury, the director shall not investigate complaints about possible violations of pesticide application standards but shall forward such complaints to the Washington State Department of Agriculture for investigation. The director is authorized to assign penalties under this code upon a finding by the Washington State Department of Agriculture that a person has failed to comply with any of the pesticide application standards set forth in Section 7.10.010 of this title.

B. Notwithstanding any sanction described in this section, the director may deny, suspend or revoke any registration or license required under this title for knowing violations of this title that result in a person's death or serious bodily injury, or for knowing violations that place another person in imminent danger of death or serious bodily injury. The director may also deny, suspend or revoke any registration or license required under this title for knowing violations of this title that result in substantial harm to the property of another person, or for knowing violations of this title that result in imminent danger of substantial harm to the property of another person. (R&R 83 §1(part), 10-2-92)

7.20.030 Good practice merit system for structural pest control businesses. A. The director is authorized to develop a merit based incentive system to waive sanctions of structural pest control business registrations for registrants that act in good faith to prevent violations of pesticide application standards. The merit based incentive system shall be developed by the director in consultation with the King County structural pest control advisory council established in this title and shall be subject to approval by the King County board of health. The merit system shall be used by the director to offset sanctions under this title for violations of pesticide application standards set forth in Section 7.10.010 of this title that are confirmed by the Washington State Department of Agriculture.

B. The merit system may be used to reward structural pest control business registrants by providing positive in-

centives to follow good pest management practices. Incentives under the merit system may include but not be limited to: special designation on the structural pest control business registration; awards; the waiving of penalties for violations of this title; and a system of reduced fees for annual renewal of the structural pest control business registration.

C. The criteria for the merit system may include but not be limited to the following items:

1. Pesticide Information Sheets. The registrant provides pesticide information sheets upon request to all customers, and the pesticide information sheets meet the minimum criteria established by the director in consultation with the King County structural pest control advisory council;

2. Continuing Education Credits. The registrant demonstrates that all pest control employees are maintaining the required number of continuing education credits with the Washington State Department of Agriculture;

3. Acceptable Business Inspection Reports. The registrant maintains acceptable standards for pesticides storage, mixing and disposal at the structural pest control business location as demonstrated by the most recent inspection of the facility by the director;

4. Verifiable Training Program. The registrant maintains a verifiable training program for all employees that meets the minimum requirements of the National Pest Control Association;

5. Integrated Pest Management. The registrant operates in accordance with a written policy for integrated pest management that conforms with minimum criteria established by the director in consultation with the King County structural pest control advisory council;

6. Target Pest Identification. The registrant offers target pest identification services to all customers. The availability of such services shall be clearly communicated to customers through written notice on a job bid sheet, receipt or other written material;

7. Public Exposure Control Plan. The registrant develops and operates in accordance with a written public exposure control plan that conforms with minimum criteria established by the director in consultation with the King County structural pest control advisory council.

D. The director shall consult with the King County structural pest control advisory council in developing the

good practice merit system. (R&R 83 amdt. §15, 9-12-94:
R&R 83 §1(part), 10-2-92)

7.20.040 Master structural pesticide applicator license required. It is unlawful for any person to engage in the business of structural pest control operator, exterminator, or fumigator in King County without first obtaining a master structural pesticide applicator license from the director. An individual may not be designated as a master structural pesticide applicator for more than one (1) business at a time. All employee certified operators of the person engaged in the business of structural pest control in King County shall work under the direct supervision of a master structural pesticide applicator. Any individual issued a master exterminator or a master fumigator license pursuant to Seattle Municipal Code, Chapter 10.54, shall be deemed reciprocally licensed as a master structural pesticide applicator under the provisions of this title. (R&R 83 amdt. §16, 10-3-94: R&R 83 §1(part), 10-2-92)

7.20.050 Requirements for master structural pesticide applicator licenses. A. The following requirements must be met by the applicant before the director shall issue a master structural pesticide applicator license:

1. The applicant shall be no less than eighteen (18) years of age.

2. The applicant shall provide a copy of their current license with the Washington State Department of Agriculture.

3. The applicant shall pass by a minimum score of seventy (70) percent a written examination administered by the director, in which he/she shall be required to exhibit knowledge about:

- a. Worker right to know;
- b. Community right to know;
- c. Emergency response;
- d. Pesticide storage;
- e. Hazardous waste;
- f. Safety programs;
- g. The King County board of health structural pest control regulations;
- h. Integrated pest management;
- i. Pesticide applications in environmentally sensitive areas.

B. The director is authorized to administer, and update as necessary, an examination for the master structural

pesticide applicator license. The examination shall be reviewed and updated as necessary at least once every five (5) years. Master structural pesticide applicators shall be required to retake the examination for the master structural pesticide applicator license at least once every five (5) years except that licensees who maintain acceptable numbers of continuing education credits with the Washington State Department of Agriculture shall not be required to retake the exam. The director shall consult with the King County structural pest control advisory council established in this title when developing and updating the examination and study guides for the examination. (R&R 83 amdt. §17, 10-3-94: R&R 83 §1(part), 10-2-92)

Chapter 7.30

KING COUNTY PESTICIDE ADVISORY COUNCIL

Sections:

- 7.30.010 King County structural pest control advisory council--Generally.
- 7.30.020 King County structural pest control advisory council--Duties.

7.30.010 King County structural pest control advisory council--Generally.

There is created a King County structural pest control advisory council. The director shall reasonably maintain membership to the structural pest control advisory council according to the following categories and numbers of individuals:

- A. Master pesticide applicator (three (3) individuals, with one (1) individual each from the specialties: structural pest control, fumigator, and organic pest control);
- B. Nonprofit environmental organization (two (2) individuals);
- C. The Washington State Department of Agriculture (one (1) individual);
- D. Entomologist in public service (one (1) individual);
- E. Toxicologist in public service (one (1) individual);

F. Home and garden pesticide retailer. (R&R 83 amdt. §19, 10-3-94: R&R 83 §1(part), 10-2-92)

7.30.020 King County structural pest control advisory council--Duties. The structural pest control advisory council shall advise the director on any or all problems relating to the use or application of structural pesticides in King County. The director shall consult with the structural pest control advisory council when developing and updating examinations, and study guides for examinations, for the master structural pesticide applicator license. The director shall also consult with the structural pest control advisory council when developing the structural pest control business merit system and guidelines for pesticide fact sheets and integrated pest management. (R&R 83 amdt. §20, 10-3-94: R&R 83 §1(part), 10-2-92)