

1 August 1, 1994

INTRODUCED BY: Kent Pullen

2 PROPOSED NO.: 94-423

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4
5 ORDINANCE NO. **11479**

6 AN ORDINANCE relating to the Code of the King County Board of Health and Rules
7 and Regulations No. 83; amending Title 7, Sections 7.01.010-.050, 7.05.010, .030, .040,
8 .050, 7.10.020-.040, 7.20.010, .030, .040, .070, 7.30.010, .020; and adding a new section
9 to Title 7.01.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY, AS THE KING COUNTY
11 BOARD OF HEALTH PURSUANT TO RCW 70.05:

12 **SECTION 1.** Rules and Regulations No. 83 and Section 7.01.010 of the Code of the King
13 County Board of Health is amended to read as follows:

14 **Title.** This title may be cited and referred to, and shall be known as the "King County
15 ((Pesticides)) Structural Pest Control Regulation."

16 **SECTION 2.** Rules and Regulations No. 83 and Section 7.01.020 of the Code of the King
17 County Board of Health is amended to read as follows:

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

21 B. It is the express purpose of this title to provide for and to promote the health and welfare
22 of the general public and not to create or otherwise establish or designate any particular class or group
23 of persons who will or should be especially protected or benefitted by the terms of this title.

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

30 D. Nothing contained in this title is intended to be, nor shall be construed to create or to form
31 the basis for, a liability on the part of the Seattle-King County health department or its officers,
32 employees or agents, for any injury or damage resulting from the failure of any person engaged in the
33 business of ((applying pesticides)) structural pest control or any other person falling within its scope to
34 comply with this title.

35 **SECTION 3.** Rules and Regulations No. 83 and Section 7.01.030 of the Code of the King

1 County Board of Health is amended to read as follows:

2 **Scope.** The provisions of this title provide for the regulation of the use of pesticides, the
3 registration and regulation of persons engaged in the business of ((applying pesticides)) structural pest
4 control operator, exterminator, and fumigator, and the licensing and regulation of master structural
5 pesticide applicators.

6 **NEW SECTION. SECTION 4.** There is added to Title 7 of the Code of the King County
7 Board of Health a new section to read as follows:

8 **Authority.** This title is adopted pursuant to RCW 17.21.305 or its successor.

9 **SECTION 5.** Rules and Regulations No. 83 and Section 7.01.040 of the Code of the King
10 County Board of Health is amended to read as follows:

11 **Applicability.** This title shall apply ((to all persons engaged in the business of applying
12 pesticides)) to structural pest control operators, exterminators, and fumigators in King County, and any
13 person using pesticides or contracting the services of a structural pest control business in King County,
14 except for persons specifically exempted by this chapter.

15 **SECTION 6.** Rules and Regulations No. 83 and Section 7.01.050 of the Code of the King
16 County Board of Health is amended to read as follows:

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

19 A. Any person engaged in the business of applying pesticides that is exempt from the
20 licensing requirements of Chapter 17.21 RCW: The Washington Pesticide Application Act, or Chapter
21 16-228 WAC: Pesticide Regulations;

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

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

24 D. Licensed veterinarians, while performing veterinary services;

25 E. Any person performing landscape applications of pesticides.

26 **SECTION 7.** Rules and Regulations No. 83 and Section 7.05.010 of the Code of the King
27 County Board of Health is amended to read as follows:

28 **Applicant.** "Applicant" means an individual or entity formally requesting a structural pest control
29 business registration, or master structural pesticide applicator license from the Seattle-King County
30 department of public health.

31 **SECTION 8.** Rules and Regulations No. 83 and Section 7.05.030 of the Code of the King
32 County Board of Health is amended to read as follows:

33 **Direct supervision.** Direct supervision by a master structural pesticide applicator means

1 application, distribution, or sales of pesticides by a person acting under the instruction and control of a
2 master structural pesticide applicator who is available if and when needed, even though such master
3 structural pesticide applicator is not physically present at the time the pesticide is applied, distributed, or
4 sold. A sixty (60) day grace period shall be granted from the requirement of providing direct supervision
5 for circumstances of temporary leave, hospitalization, disability, death, or termination of employment.

6 **SECTION 9.** Rules and Regulations No. 83 and Section 7.05.040 of the Code of the King
7 County Board of Health is amended to read as follows:

8 **Master structural pesticide applicator.** "Master structural pesticide applicator" means a person
9 who has passed the Seattle-King County department of public health's master structural pesticide
10 applicator exam and maintains a current Seattle-King County department of public health master
11 structural pesticide applicator license.

12 **SECTION 10.** Rules and Regulations No. 83 and Section 7.05.050 of the Code of the King
13 County Board of Health is amended to read as follows:

14 **Structural pest control business registrant.** "Structural pest control business registrant" means
15 a person engaged in the business of applying pesticides who has applied for, received, and maintains a
16 current structural pest control business registration from the director.

17 **SECTION 11.** Rules and Regulations No. 83 and Section 7.10.020 of the Code of the King
18 County Board of Health is amended to read as follows:

19 **Restrictions on representation.** No person may represent himself or herself to be engaged in
20 the business of (~~applying pesticides or fumigants~~) structural pest control operator, exterminator or
21 fumigator without first obtaining and maintaining a structural pest control business registration from the
22 director, and without first applying for, receiving, and maintaining a master structural pesticide applicator
23 license from the director.

24 **SECTION 12.** Rules and Regulations No. 83 and Section 7.10.030 of the Code of the King
25 County Board of Health is amended to read as follows:

26 **Pesticide recordkeeping requirements.** The pesticide record keeping requirements under this
27 title for all (~~certified applicators~~) structural pest control operators, exterminators and fumigators shall
28 be the requirements described in WAC 16-228-185 and RCW 17.21.100. The pesticide records shall be
29 readily accessible to the director for inspection. Copies of the records shall be immediately provided to
30 the director upon request.

31 **SECTION 13.** Rules and Regulations No. 83 and Section 7.10.040 of the Code of the King
32 County Board of Health is amended to read as follows:

33 **Use of a registered structural pest control business required.** It shall be unlawful for any

1 person to knowingly enter a contract for the receipt of structural pesticide application services except
 2 with a business that is registered with the director under the provisions of this title.

3 **SECTION 14.** Rules and Regulations No. 83 and Section 7.20.010 of the Code of the King
 4 County Board of Health is amended to read as follows:

5 **Structural pest control business registration required.** A. It shall be unlawful for any person
 6 to engage in the business of ((~~applying pesticides or fumigants~~)) structural pest control operator,
 7 exterminator, or fumigator in King County without a valid structural pest control business registration
 8 issued to such person by the director. Structural ((P))pest control business registrations shall not be
 9 transferable and shall be valid only for the person and place for which issued. Each such registration shall
 10 be posted conspicuously in the business establishment for which issued. The director is authorized to
 11 inspect any facility subject to registration under this section in order to determine compliance with the
 12 requirements of this title.

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

- 17 1. Applicant's full name;
- 18 2. Post office address of the business;
- 19 3. Location of the business;
- 20 4. Disclosure whether such applicant is an individual, firm, or corporation, and if a
 21 partnership, the names and addresses of the partners;
- 22 5. The type of pest control operation;
- 23 6. The name of the master structural pesticide applicator and a copy of their current
 24 Washington State Department of Agriculture licenses;
- 25 7. A signed statement from the master structural pesticide applicator attesting that
 26 he or she shall be available for the direct supervision of all certified operators employed by the business;
- 27 8. A copy of the surety bond or liability insurance policy that conforms with RCW
 28 17.21.160 and RCW 17.21.170;
- 29 9. The signature of the applicant;
- 30 10. The annual registration fee described in Section ((~~17.20.080~~)) 7.20.020.

31 C. Applications for annual renewal of structural business registrations shall include the same
 32 information as the initial application for registration. Structural ((P))pest control business registrations
 33 shall expire annually on December 31, but shall be renewed upon acceptable completion of an Application

1 and payment of the annual renewal fee.

2 D. Failure to comply with any provision of this section will result in a civil penalty according
3 to Chapter 1.08 of this Code.

4 **SECTION 15.** Rules and Regulations No. 83 and Section 7.20.030 of the Code of the King
5 County Board of Health is amended to read as follows:

6 **Good practice merit system for structural pest control businesses.**

7 A. The director is authorized to develop a merit based incentive system to waive sanctions
8 of structural pest control business registrations for registrants that act in good faith to prevent violations
9 of pesticide application standards. The merit based incentive system shall be developed by the director
10 in consultation with the King County ((Pesticide)) structural pest control advisory council established in
11 this title and shall be subject to approval by the King County Board of Health.

12 B. The merit system shall be used by the director to offset sanctions under this title for
13 violations of pesticide application standards set forth in Section 7.10.010 of this title that are confirmed
14 by the Washington State Department of Agriculture. The merit system may be used to reward structural
15 pest control business registrants by providing positive incentives to follow good pest management
16 practices. Incentives under the merit system may include but not be limited to: special designation on
17 the structural pest control business registration, awards, the waiving of penalties for violations of this
18 title, and a system of reduced fees for annual renewal of the structural pest control business registration.

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

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

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

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

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

32 5. Integrated Pest Management: The registrant operates in accordance with a written
33 policy for integrated pest management that conforms with minimum criteria established by the director

1 in consultation with the King County ((Pesticide)) structural pest control advisory council.

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

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

8 D. The director shall consult with the King County ((Pesticide)) structural pest control
9 advisory council in developing the good practice merit system.

10 **SECTION 16.** Rules and Regulations No. 83 and Section 7.20.040 of the Code of the King
11 County Board of Health is amended to read as follows:

12 **Master structural pesticide applicator license required.** It is unlawful for any person to
13 engage in the business of ((~~applying pesticides or fumigants~~)) structural pest control operator,
14 exterminator, or fumigator in King County without first obtaining a master structural pesticide applicator
15 license from the director. An individual may not be designated as a master structural pesticide applicator
16 for more than one business at a time. All employee certified operators of the person engaged in the
17 business of ((~~applying pesticides or fumigants~~)) structural pest control in King County shall work under
18 the direct supervision of a master structural pesticide applicator. Any individual issued a master
19 exterminator or a master fumigator license pursuant to Seattle Municipal Code, Chapter 10.54, shall be
20 deemed reciprocally licensed as a master structural pesticide applicator under the provisions of this title.

21 **SECTION 17.** Rules and Regulations No. 83 and Section 7.20.050 of the Code of the King
22 County Board of Health is amended to read as follows:

23 **Requirements for master structural pesticide applicator licenses.**

24 A. The following requirements must be met by the applicant before the director shall issue
25 a master structural pesticide applicator license:

- 26 1. The applicant shall be no less than eighteen (18) years age.
- 27 2. The applicant shall provide a copy of their current license with the Washington
28 State Department of Agriculture.
- 29 3. The applicant shall pass by a minimum score of seventy (70) percent a written
30 examination administered by the director, in which he/she shall be required to exhibit knowledge about:

- 31 a. Worker right to know;
- 32 b. Community right to know;
- 33 c. Emergency response;

- 1 d. Pesticide storage;
- 2 e. Hazardous waste;
- 3 f. Safety programs;
- 4 g. The King County board of health ((pesticides)) structural pest control
- 5 regulations;
- 6 h. Integrated pest management;
- 7 i. Pesticide applications in environmentally sensitive areas.

8 B. The director is authorized to administer, and update as necessary, an examination for the
 9 master structural pesticide applicator license. The examination shall be reviewed and updated as
 10 necessary at least once every five (5) years. Master structural pesticide applicators shall be required to
 11 retake the examination for the master structural pesticide applicator license at least once every five (5)
 12 years except that licensees who maintain acceptable numbers of continuing education credits with the
 13 Washington State Department of Agriculture shall not be required to retake the exam. The director shall
 14 consult with the King County ((pesticides)) structural pest control advisory council established in this title
 15 when developing and updating the examination and study guides for the examination.

16 **SECTION 18.** Rules and Regulations No. 83 and Section 7.20.070 of the Code of the King
 17 County Board of Health is amended to read as follows:

18 **Examination and annual business registration fees**

- 19 A. Master structural pesticide applicator exam \$20.00
- 20 B. Annual structural pest control business registration fee \$25.00

21 **SECTION 19.** Rules and Regulations No. 83 and Section 7.30.010 of the Code of the King
 22 County Board of Health is amended to read as follows:

23 **King County ((pesticide)) structural pest control advisory council - Generally.** There is
 24 hereby created a King County ((Pesticide)) structural pest control advisory council. The director shall
 25 reasonably maintain membership to the ((Pesticide)) structural pest control advisory council according
 26 to the following categories and numbers of individuals:

- 27 A. Master pesticide applicator ((four (4))) three 3 individuals, with one (1) individual each
 28 from the specialties: structural pest control, fumigator, ((residential landscape applicator;)) and organic
 29 pest control);
- 30 B. Non-profit environmental organization (two (2) individuals);
- 31 C. The Washington State Department of Agriculture (one (1) individual);
- 32 D. Entomologist in public service (one (1) individual);
- 33 E. Toxicologist in public service (one (1) individual);

1 F. Home and garden pesticide retailer.

2 **SECTION 20.** Rules and Regulations No. 83 and Section 7.30.020 of the Code of the King
3 County Board of Health is amended to read as follows:

4 **King County ((Pesticides)) structural pest control advisory council - Duties.** The
5 ((pesticides)) structural pest control advisory council shall advise the director on any or all problems
6 relating to the use or application of structural pesticides in King County. The director shall consult with
7 the ((pesticides)) structural pest control advisory council when developing and updating examinations,
8 and study guides for examinations, for the master structural pesticide applicator license. The director
9 shall also consult with the ((pesticides)) structural pest control advisory council when developing the
10 structural pest control business merit system, and guidelines for pesticide fact sheets and integrated pest
11 management.

12 INTRODUCED AND READ for the first time this 11th day of July, 1994
13 PASSED by a vote of 12 to 0 this 12th day of September, 1994

14 KING COUNTY COUNCIL
15 AS THE KING COUNTY BOARD OF HEALTH
16 KING COUNTY, WASHINGTON

17 Kent Puller
18 Chair

19 ATTEST:

20 Gerald A. Peterson
21 Clerk of the Council

22 APPROVED this 21st day of September, 1994

23 Ray Loh
24 King County Executive

25 Attachments:
26 None

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