

Pesticide exam fees may go up and online in Washington

By DON JENKINS
Capital Press

The Washington State Department of Agriculture plans to scrap paper tests and adopt online testing for pesticide applicators. The computer tests will be more convenient and prevent cheating, but will cost more to take, according to the department.

The department administered more than 10,000 tests last year to applicators, exterminators and pesticide dealers. The tests cost an average of \$13 to take. The department would need to increase the per-test fee to \$55 to \$65 to pay for computer testing, according to department records. The department collected about \$135,000 in fees in 2017 and estimates needing approximately \$540,000 annually to pay a company to develop, administer and score electronic tests.

Tests would be offered at more places and more often, and results will be available sooner. The department has fined test-takers for cheating on paper tests, another factor in the department's determination to move testing online.

The department recently filed a notice alerting the public that it plans to release a detailed proposal soon.

The department administers 33 different tests on pesticides. More than 28,000 people hold some



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type of department-issued pesticide license.

The department currently offers weekly testing sessions in Olympia and Yakima, as well as monthly sessions in Everett, Spokane, East Wenatchee and Moses Lake. Sessions are occasionally held in Longview. Test-takers must wait up to 10 days for results, according to the department.

With online testing, the results will be available immediately. The department would hope to add testing sites in at least the Tri-Cities, Pierce and King counties, as well as Skagit or Whatcom counties and Clark or Cowlitz counties, according to a department

spokesman.

A testing session currently costs \$25, though applicants can take as many as four tests per session.

The department revoked pesticide licenses from four men in May for cheating on tests. The four men admitted to copying answers. They were given the chance to re-take the test, but none passed, according to department records.

In March, the department revoked the licenses of three men who removed exams from the Yakima testing center.

Cheating is not the prime reason for switching to online tests, but it is a consideration, the department spokesman said.

Washington court: Fish and Wildlife can regulate land to protect fish

By DON JENKINS
Capital Press

Washington's Department of Fish and Wildlife can regulate construction on dry land if the agency decides fish may be affected, the state Supreme Court ruled unanimously Thursday.

The court rejected a lawsuit by five counties that alleged Fish and Wildlife was overstepping its authority by requiring local governments to get permits from the agency to build and maintain bridges that span but do not touch water.

More broadly, the decision affirms Fish and Wildlife's jurisdiction over a host of activities on public and private land, such as clearing brush, maintaining dikes and stabilizing river banks. Critics, including some farm and landowner groups, say the department's reach threatens the use of private property.

"The jurisdiction has become unlimited," Citizens Alliance for Property Rights lobbyist Cindy Alia said. "Fish and Wildlife's jurisdiction can go clear to the mountaintop."

The lawsuit stemmed from rules the Fish and Wildlife Commission adopted in 2015 to enforce the state's Hydraulic Code, a 75-year-old law that directs the agency to police construction to protect salmon and fish habitat.

Counties argued the rules unlawfully extended

Fish and Wildlife's authority beyond the water's edge. The counties warned, in court documents, that the rules could justify stopping projects based on considerations such as climate change. More prosaically, the counties said they didn't want to have to obtain a permit from Fish and Wildlife every time they repaved a bridge, repaired a guardrail or repainted white lines.

Fish and Wildlife argued that lawmakers directed them to protect fish and that projects on land could remove stream-protecting vegetation, and put chemicals and sediment in water. The department said the law and other regulations limit its authority to block construction.

The court agreed with Fish and Wildlife's more expansive application of the law. Writing for the court, Justice Susan Owens said Fish and Wildlife can require permits for upland projects and doesn't have to be absolutely certain the project will affect fish, only reasonably certain.

"And we defer to the department's expertise in determining which projects meet that standard," she wrote.

The law says Fish and Wildlife must approve projects that "will" alter waterways. Owens said the word means the same as "may."

Justices Sheryl Gordon McCLOUD and Steven Gonzalez agreed that Fish and Wildlife should regulate

projects on land. But they wrote a separate opinion stating they couldn't agree that "will" is synonymous with "may."

Several Indian tribes supported Fish and Wildlife's position by submitting written arguments to the Supreme Court. The tribes argued that overturning Fish and Wildlife's rules would end the state's longstanding regulation of construction projects to protect fish.

In recent years, the Legislature has considered but never passed bills to limit Fish and Wildlife's authority over projects that touch water. In 2017, the Republican-controlled Senate passed a bill to create a task force to study the issue. The bill did not move in the Democratic-controlled House. Democrats will control both chambers during the 2019 session.

"There's no realistic chance they will make a change we could support," Washington Farm Bureau director of government relations Tom Davis said.

Fish and Wildlife biologists have generally done a good job of applying the hydraulic code, but the Supreme Court ruling may encourage more restrictions, particularly with the push to increase fish runs to feed orcas, Davis said. "To what degree will they go for orca recovery?"

Douglas, Kitsap, Lewis, Pierce and Spokane counties brought the challenge to the Supreme Court.

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Washington FFA at the 2018 National FFA Convention

Indianapolis, Ind. — October 24th-27th, the Washington FFA state officers, along with more than 350 other Washington FFA members, advisors and parents, traveled to Indianapolis for the 91st National FFA Convention and Expo.

The Washington leadership delegates conducted the official business of the organization, weighing in on committees that provided recommendations to the National Board of Directors, as well as voting on constitutional changes. They also participated in the National FFA Day of Service and helped rebuild and make improvements to the Morning Dove Therapeutic Riding Center.

The National Winner in the Beef Production-Placement proficiency area is Nicole Harder (LaCrosse FFA). Nicole works for both her mother's farm and another female-owned regional livestock auction facility. At her mother's farm, they manage approximately 1,300 head of purebred Hereford cow-calf pairs and bulls. She started working in the eighth grade, gathering cattle and giving shots. Presently, she's taken on more management decisions, including the vaccination, branding, sorting and penning of cattle. Harder is supported by her FFA advisor, Lisa Baser.

Kalista Wales & Adeline Rang of Sumner FFA were the National Champions in the Agriscience Environmental & Natural Resources Division 4. Other Agriscience participants placing in the top 10 in the nation in their respective divisions were: Layne Barton (Sumner FFA), Leighton Dorman (Walla Walla FFA), Nickolas Bowdish (Goldendale FFA), Chloe Koehler & Griffin Hood (Sumner FFA), Seniah Flesher (Sumner FFA), Nazaaha Penick & Sierra Blair (Sumner FFA), and Briana Affonso & Alyssa Oman (Sumner FFA).

For further information about Washington FFA events, contact: Abbie DeMeerleer, Executive Director, Washington FFA Association, (509) 592-3444 email: abbie@washingtonffa.org

U.S. Agriculture Secretary Sonny Perdue with FFA members at the national convention.

The national winner in the Beef Production-Placement proficiency area was Nicole Harder of the LaCrosse FFA.

During National Convention Washington FFA was also well represented in Career and Leadership Development events. A number of Washington FFA chapters placed in the top 10 nationally:

- 4th in Forestry: Mt. Baker FFA
- 5th in Milk Quality & Products: Cashmere FFA
- 6th in Dairy Cattle Evaluation: Lynden Christian FFA
- 6th in Food Science: Cashmere FFA
- 7th in Environmental & Natural Resource Sciences: Stanwood FFA
- 8th in Floriculture: Woodland FFA

Robert Brown, Randy Wiggins, both retired agricultural educators in Washington, along with Sen. Jim Honeyford, received the Honorary American FFA Degree for their work and service to FFA.

Another highlight for Washington FFA during the National FFA Convention was the opportunity for many of our members to attend the historic final session of convention during which both Secretary of Agriculture Sonny Perdue and President Donald Trump attended and spoke. The last sitting president to attend National FFA Convention was in 1991. The Washington FFA participants also gathered for the second annual state barbecue dinner Thursday night.

After National FFA Convention, the state officer team made their way back to Washington and jumped right back into chapter visits and shared their experiences with members as well as catch up with some members they saw in Indiana. Overall, it was fun-filled week meeting members from across the nation and sharing about our great state of Washington.

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