

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1553

(1) I, Bob J. Mickelson, director of the Department of Agriculture do promulgate and adopt at Olympia, Washington (place) the annexed rules relating to:

Order #1508 (Uncodified) of chapter 16-230, Regulation 1. Deleting the requirement for pesticide user permits.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect: pursuant to RCW 34.04.040(2). at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

The issuing of these user permits required by Regulation 1 of Order 1508 works a hardship on both pesticide dealers and the Department of Agriculture. The sale of these restricted use herbicides is now restricted to certified applicators by Order No. 1538, WAC 16-228-165 and the user permit requirement is no longer needed.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 15.58 and 17.21 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 10 19 78

By Bob J. Mickelson

Director

Title

[Form CR-7: Effective 12/1/77]

STATE OF WASHINGTON FILED

CODE REVISER'S OFFICE

DOCKET # FILE # 30 - WSR 78-03-019

AMENDATORY SECTION (Order No. 1508 (Uncodified) Filed 3/31/77)

REGULATION 1. AREA UNDER ORDER, SPECIFIC COUNTY ORDERS, RESTRICTED USE HERBICIDES AND DEFINITIONS.

AREA UNDER ORDER: All counties located east of the crest of the Cascade Mountains.

SPECIFIC COUNTY ORDERS: The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

~~((USER-PERMITS:--User-Permits-are-required-for-all-liquid-formulations of-restricted-use-herbicides-distributed-in-packages-of-one-gallon-and larger-in-counties-located-east-of-the-crest-of-the-Cascade-Mountains--))~~

LOW VOLATILE: The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

DEFINITION: COMMERCIAL VINEYARD. A commercial vineyard is a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

DEFINITION: HIGH AND LOW VOLATILE ESTERS. High and low volatile esters are those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms; such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Emergency amendment to delete the requirement for issuing user permits for the sale of restricted use herbicides. (15.58 RCW & 17.21 RCW)
2. The sale of these herbicides is now restricted to certified applicators by Order No. 1358, WAC 16-228-165 and the user permit requirement is no longer needed.
3. Art Losey
406 General Administration Building
Olympia, Washington 98504
753-5064
4. Emergency regulation. Hearing on permanent rules will be held at a later date.
5. No further agency comments.